

Model Indictment for the Crime of Aggression Committed against Ukraine

May 2022

AGAINST

**VLADIMIR VLADIMIROVICH PUTIN (“VLADIMIR PUTIN”)
NIKOLAI PLATONOVICH PATRUSHEV (“NIKOLAI PATRUSHEV”)
SERGEI KUZHUGETOVICH SHOIGU (“SERGEI SHOIGU”)
SERGEI EVGENIEVICH NARYSHKIN (“SERGEI NARYSHKIN”)
VALENTINA IVANOVNA MATVIYENKO (“VALENTINA MATVIYENKO”)
SERGEI ORESTOVICH BESEDA (“SERGEI BESEDA”)
SERGEI VIKTOROVICH LAVROV (“SERGEI LAVROV”)
and VALERY VASILIEVICH GERASIMOV (“VALERY GERASIMOV”)**

INDICTMENT

The Office of the Prosecutor, pursuant to their authority, charges:

**VLADIMIR PUTIN, NIKOLAI PATRUSHEV,
SERGEI SHOIGU, SERGEI NARYSHKIN,
VALENTINA MATVIYENKO, SERGEI BESEDA,
SERGEI LAVROV and VALERY GERASIMOV**

with the Crime of Aggression, as follows:

THE ACCUSED

1. By actions taken between 7 April 2021 and 5 April 2022, VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO, SERGEI BESEDA, SERGEI LAVROV and VALERY GERASIMOV planned, prepared, initiated and/or executed the Russian Federation’s acts of aggression in Ukraine.

Vladimir Putin

2. VLADIMIR PUTIN was born on 7 October 1952 in Leningrad. He is serving his fourth term as the President of the Russian Federation (hereinafter, “Russia”). He was previously President from 1999 to 2008, and has served as President again since 2012.¹ As President, VLADIMIR PUTIN is the constitutionally designated Head of State,² with the authority as guarantor of the Constitution to take measures to protect the sovereignty of Russia, its independence and state integrity; maintain civil peace and harmony in the country; and ensure the coordinated functioning and interaction of public authorities.³ As President, VLADIMIR PUTIN is also constitutionally tasked with determining the main direction of Russia’s domestic and foreign policy,⁴

¹ Security Council of the Russian Federation, “Members of the Security Council of the Russian Federation since its inception”, http://www.scrf.gov.ru/about/all_time/.

² Constitution of the Russian Federation (1993, as amended 2020), Article 80(1).

³ Constitution of the Russian Federation, Article 80(2).

⁴ Constitution of the Russian Federation, Article 80(3).

and with representing Russia within the country and in its international relations.⁵ Furthermore, as President of Russia, VLADIMIR PUTIN is the Supreme Commander-in-Chief of the Armed Forces of Russia.⁶ The Federal Law on Security stipulates that state security policy forms part of Russia's domestic and foreign policy,⁷ which VLADIMIR PUTIN is required to direct. Under this Law, as President, VLADIMIR PUTIN is also granted the power to determine the main direction of state security⁸ and to approve the national security strategy.⁹

3. As the President of Russia, VLADIMIR PUTIN is constitutionally mandated to form the Security Council to assist him as Head of State in exercising his powers on issues of ensuring the national interests and security of the individual, society and the state; maintaining civil peace and harmony in the country; protecting Russia's sovereignty, independence and state integrity; and preventing internal and external threats.¹⁰ The Federal Law on Security assigns the Security Council several main functions, including: (1) considering issues of security, organization of defense and other issues related to protecting Russia's constitutional order, sovereignty, independence and territorial integrity; (2) developing and refining the national security strategy; (3) implementing strategic planning on security; and (4) preparing the President's draft regulatory legal acts on issues of ensuring security.¹¹ The Security Council's main tasks, as stipulated by the Federal Law on Security, include: (1) providing conditions for the President's exercise of powers relating to security; (2) forming state security policy and controlling its implementation; (3) developing measures to neutralize security or military threats; (4) preparing proposals for the President on measures to prevent and eliminate emergency situations and overcome their consequences.¹² The Federal Law on Security further provides that the Security Council is chaired by the President, VLADIMIR PUTIN, and required to coordinate security activities with him.¹³ Regulations of the Security Council are to be approved by the President, VLADIMIR PUTIN.¹⁴
4. By virtue of his role, VLADIMIR PUTIN is in a position effectively to exercise control over Russia's political and military action. He exercises power over Russian political and military action in concert with a close circle of trusted advisors, who also have influence over such decisions.¹⁵ These advisors include

⁵ Constitution of the Russian Federation, Article 80(4).

⁶ Constitution of the Russian Federation, Article 87.

⁷ Federal Law No. 390-FZ "On Security", 28 December 2010, Article 4(1), https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=87862&p_country=RUS&p_count=802.

⁸ Federal Law No. 390-FZ "On Security", Article 8(1).

⁹ Federal Law No. 390-FZ "On Security", Article 8(2).

¹⁰ Constitution of the Russian Federation (1993, as amended 2020), Article 83(g).

¹¹ Federal Law No. 390-FZ "On Security", Articles 4(3), 13(1), 14(2).

¹² Federal Law No. 390-FZ "On Security", Article 14(1).

¹³ Federal Law No. 390-FZ "On Security", Article 6.

¹⁴ Federal Law No. 390-FZ "On Security", Article 13(2).

¹⁵ Andrei Soldatov and Irina Borogan, "Putin Conscripts History", Center for European Policy Analysis, 18 February 2022, <https://cepa.org/putin-conscripts-history/>; Anton Troianovski, "The Hard-Line Russian Advisors Who have Putin's Ear", The New York Times, 30 January 2022, <https://www.nytimes.com/2022/01/30/world/europe/putin-top-advisers->

the other accused persons, several of whom are Members of the Security Council and/or trusted high-level Russian officials with security service backgrounds, known as “*siloviki*”.

5. VLADIMIR PUTIN announced the beginning of a “special military operation” in Ukraine in a speech on 24 February 2022.¹⁶ Kremlin spokesperson Dmitry Peskov stated on 24 February 2022 during a call with media that VLADIMIR PUTIN as the Supreme Commander-in-Chief of the Armed Forces would decide the duration of the military operation in Ukraine: “Deadline are determined by effectiveness and expediency. Will, of course, be determined by the Supreme Commander.”¹⁷ On 4 March 2022, Dmitry Peskov stated that VLADIMIR PUTIN as the Supreme Commander-in-Chief “receives information” and “makes decisions about how, and by what means to carry out the assigned tasks during that operation.”¹⁸

Nikolai Patrushev

6. NIKOLAI PATRUSHEV was born on 11 July 1921 in Leningrad. He has served as Secretary of the Russian Security Council since 2008.¹⁹ Members of the Security Council are personally appointed by VLADIMIR PUTIN,²⁰ such that membership of the Security Council may be indicative of the level of trust VLADIMIR PUTIN has in a particular individual such as NIKOLAI PATRUSHEV. Members of the Security Council are required to participate in meetings, at which they have the right to an advisory vote.²¹ Decisions of the Security Council are taken at its sessions and meetings by Permanent Members of the Security Council, who have equal decision-making rights.²² Decisions of the Security Council enter into force on approval by the President, and are thereafter binding on government agencies and officials.²³ Thus, each Member of the Security Council, and especially each Permanent Member, has the ability to influence the conduct of its main tasks and functions. An expert on Russian politics explains that, while the exact extent of power actually afforded to the Security Council is unclear, the Security Council remains a “locus of power,”

[ukraine.html](#); Alexander Gabuev, “Alexander Gabuev Writes from Moscow on Why Vladimir Putin and his Entourage want War”, *The Economist*, 19 February 2022, <https://www.economist.com/by-invitation/2022/02/19/alexander-gabuev-writes-from-moscow-on-why-vladimir-putin-and-his-entourage-want-war>.

¹⁶ Kremlin, “Address by the President of the Russian Federation”, 24 February 2022, <http://en.kremlin.ru/events/president/news/67843>.

¹⁷ “В Кремле рассказали о целях специальной операции по защите Донбасса”, *Vmeste*, 24 February 2022, <https://vmeste-rf.tv/news/v-kremle-rasskazali-o-tselyakh-spetsialnoy-operatsii-po-zashchite-donbassa/>.

¹⁸ “Кремль прокомментировал просьбу Кадырова дать приказ на взятие Киева и Харькова”, *Lenta*, 4 March 2022, https://lenta.ru/news/2022/03/04/donbss_putin/.

¹⁹ Security Council of the Russian Federation, “Patrushev Nikolai Platonovich”, <http://www.scrf.gov.ru/about/leadership/person8/>.

²⁰ Federal Law No. 390-FZ “On Security”, Articles 15(2)-(3).

²¹ Federal Law No. 390-FZ “On Security”, Article 15(4).

²² Federal Law No. 390-FZ “On Security”, Article 18(1).

²³ Federal Law No. 390-FZ “On Security”, Articles 18(2)-(3).

and the Members of the Security Council are “key players within the Russian political system.”²⁴

7. As Secretary of the Security Council, NIKOLAI PATRUSHEV has the additional responsibility of being responsible for implementing the tasks and functions of the Security Council.²⁵ Unlike other Members, Patrushev reports directly to VLADIMIR PUTIN, as President,²⁶ and his powers are determined by the President.²⁷
8. Besides his official role as Secretary of the Security Council, NIKOLAI PATRUSHEV also holds decision-making power by virtue of his relationship with VLADIMIR PUTIN. NIKOLAI PATRUSHEV has had a long career in the security services, dating back to 1974.²⁸ Prior to his role as Secretary of the Security Council, NIKOLAI PATRUSHEV served as the Director of the Russian Federal Security Service (“FSB”) from 1999 to 2008.²⁹ He was appointed to that position by the former President of Russia, Boris Yeltsin, to replace VLADIMIR PUTIN.³⁰ NIKOLAI PATRUSHEV is hence one of the high-level Russian officials with security service backgrounds, referred to as “*siloviki*”.³¹ The *siloviki* are regarded as among VLADIMIR PUTIN’s most trusted advisors,³² potentially because many of them share VLADIMIR PUTIN’s KGB background.³³ The *siloviki* are also thought to have gained

²⁴ Mark Galeotti, “Russia’s Security Council: Where Policy, Personality, and Process Meet”, Marshall Center, October 2019, Number 041, <https://www.marshallcenter.org/en/publications/security-insights/russias-security-council-where-policy-personality-and-process-meet-0>.

²⁵ Federal Law No. 390-FZ “On Security”, Article 16(1).

²⁶ Federal Law No. 390-FZ “On Security”, Article 16(2).

²⁷ Federal Law No. 390-FZ “On Security”, Article 16(3).

²⁸ Security Council of the Russian Federation, “Patrushev Nikolai Platonovich”, <http://www.scrf.gov.ru/about/leadership/person8/>.

²⁹ Database of Free Russia Forum, “Putin’s List – Patrushev Nikolai”, <https://www.spisok-putina.org/en/personas/patrushev-2/>.

³⁰ Database of Free Russia Forum, “Putin’s List – Patrushev Nikolai”, <https://www.spisok-putina.org/en/personas/patrushev-2/>.

³¹ Anton Troianovski, “The Hard-Line Russian Advisers Who have Putin’s Ear”, The New York Times, 30 January 2022, <https://www.nytimes.com/2022/01/30/world/europe/putin-top-advisers-ukraine.html>; James Langton, “Meet Russia’s siloviki – Putin’s inner circle”, The National News, 15 March 2022, <https://www.thenationalnews.com/world/europe/2022/03/15/meet-russias-siloviki-putins-inner-circle/>.

³² Andrei Soldatov and Irina Borogan, “Putin Conscripts History”, Center for European Policy Analysis, 18 February 2022, <https://cepa.org/putin-conscripts-history/>; Anton Troianovski, “The Hard-Line Russian Advisers Who have Putin’s Ear”, The New York Times, 30 January 2022, <https://www.nytimes.com/2022/01/30/world/europe/putin-top-advisers-ukraine.html>; Andrew Roch, “Putin’s security men: the elite group who ‘fuel his anxieties’”, The Guardian, 4 February 2022, <https://www.theguardian.com/world/2022/feb/04/putin-security-elite-siloviki-russia>.

³³ Anton Troianovski, “The Hard-Line Russian Advisers Who have Putin’s Ear”, The New York Times, 30 January 2022, <https://www.nytimes.com/2022/01/30/world/europe/putin-top-advisers-ukraine.html>.

- increasing influence in recent years.³⁴ VLADIMIR PUTIN even names NIKOLAI PATRUSHEV as one of his trusted allies in his autobiography.³⁵
9. Russia experts and commentators also consider NIKOLAI PATRUSHEV to be one of VLADIMIR PUTIN's most trusted advisors: In January 2022, the New York Times' Moscow Bureau Chief identified NIKOLAI PATRUSHEV as one of the individuals who would figure most prominently in making the decision on Russia's invasion of Ukraine.³⁶ Another expert on Russian policy deemed NIKOLAI PATRUSHEV a member of VLADIMIR PUTIN's "war cabinet,"³⁷ while yet another observes that NIKOLAI PATRUSHEV enjoys the particular trust of VLADIMIR PUTIN, is a vocal and high-profile figure within Russian security and foreign policy, and that the actual power of the Security Council largely vests in NIKOLAI PATRUSHEV himself.³⁸ It has also been observed that NIKOLAI PATRUSHEV is VLADIMIR PUTIN's unofficial national security advisor.³⁹
 10. In relation to Russian decision-making around Ukraine in particular, NIKOLAI PATRUSHEV was placed on the EU sanctions lists in 2014,⁴⁰ and on the US Department of the Treasury's Office of Foreign Assets Control ("OFAC") sanctions list in 2018,⁴¹ for contributing to undermining Ukraine's sovereignty. The UK Treasury also placed NIKOLAI PATRUSHEV on its sanctions list in 2020 for his involvement, as part of the Security Council, in "shaping the policy of the Russian Government threatening the territorial integrity, sovereignty or

³⁴ Emily Sherwin, "Putin's inner circle: Who has the Russian president's ear on the war in Ukraine?", Deutsche Welle, 11 March 2022, <https://www.dw.com/en/putins-inner-circle-who-has-the-russian-presidents-ear-on-the-war-in-ukraine/a-61102576>.

³⁵ Vladimir Putin, *First Person* (Hachette Publishing, 2000), 201.

³⁶ Anton Troianovski, "The Hard-Line Russian Advisers Who have Putin's Ear", The New York Times, 30 January 2022, <https://www.nytimes.com/2022/01/30/world/europe/putin-top-advisers-ukraine.html>.

³⁷ Alexander Gabuev, "Alexander Gabuev Writes from Moscow on Why Vladimir Putin and his Entourage want War", The Economist, 19 February 2022, <https://www.economist.com/by-invitation/2022/02/19/alexander-gabuev-writes-from-moscow-on-why-vladimir-putin-and-his-entourage-want-war>.

³⁸ Mark Galeotti, "Russia's Security Council: Where Policy, Personality, and Process Meet", Marshall Center, October 2019, Number 041, <https://www.marshallcenter.org/en/publications/security-insights/russias-security-council-where-policy-personality-and-process-meet-0>. See also Mark Galeotti, "Putin's Hydra: Inside Russia's Intelligence Services," European Council on Foreign Relations, May 2016, https://ecfr.eu/wp-content/uploads/ECFR_169_-_PUTINS_HYDRA_INSIDE_THE_RUSSIAN_INTELLIGENCE_SERVICES_1513.pdf.

³⁹ Andrew Roch, "Putin's security men: the elite group who 'fuel his anxieties'", The Guardian, 4 February 2022, <https://www.theguardian.com/world/2022/feb/04/putin-security-elite-siloviki-russia>.

⁴⁰ Council of the European Union, Council Implementing Regulation (EU) No. 810/2014 implementing Regulation (EU) No. 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, 25 July 2014, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0810>.

⁴¹ U.S. Department of the Treasury, "Treasury Designates Russian Oligarchs, Officials, and Entities in Response to Worldwide Malign Activity", 6 April 2018, <https://home.treasury.gov/news/press-releases/sm0338>.

independence of Ukraine.”⁴² In relation to the 2022 Russian invasion of Ukraine, the US Department of the Treasury considers NIKOLAI PATRUSHEV part of Russia’s “ruling elite.”⁴³

Sergei Shoigu

11. SERGEI SHOIGU was born on 21 May 1955 in Chadan, Tuva. He has served as Defense Minister of Russia since 2012.⁴⁴ The Defense Minister is responsible for the Russian Armed Forces, encompassing land forces, air and space forces, and the navy. He is directly subordinate to the President of Russia—the Supreme Commander-in-Chief of the Armed Forces—thus second in the chain of command.⁴⁵ As Defense Minister, SERGEI SHOIGU reportedly oversees the Russian Military Intelligence Agency (“GRU”).⁴⁶ Russian independent investigative outlets *Istoriya* and *Agency* published a detailed profile of SERGEI SHOIGU, stating that, since he took over the Ministry of Defense in 2012, his priority has been public relations.⁴⁷ He has established a sizable communications department within the Ministry and secured media attention over his activities. SERGEI SHOIGU is also a Permanent Member of the Security Council,⁴⁸ and is therefore one of the select individuals with a vote on state security decisions.
12. Besides his official role as Defense Minister, SERGEI SHOIGU also holds decision-making power by virtue of his relationship with VLADIMIR PUTIN. SERGEI SHOIGU is one of the *siloviki*,⁴⁹ regarded as having VLADIMIR PUTIN’s trust. SERGEI SHOIGU was one of the founders of United Russia political party in 2001 and is to this day considered one of its most prominent members and among VLADIMIR PUTIN’s strongest supporters.⁵⁰ One media

⁴² Her Majesty’s Treasury – Office of Financial Sanctions Implementation, Consolidated List of Financial Sanctions Targets in the UK, updated 15 March 2022, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061009/Russia.pdf.

⁴³ U.S. Department of the Treasury, “U.S. Treasury Imposes Sanctions on Russian Federation President Vladimir Putin and Minister of Foreign Affairs Sergei Lavrov”, 25 February 2022, <https://home.treasury.gov/news/press-releases/jy0610>.

⁴⁴ <https://structure.mil.ru/management/minister.htm>.

⁴⁵ Ministry of Defense of the Russian Federation, https://eng.mil.ru/en/management/leader.htm?id=10330475@SD_Employee.

⁴⁶ The GRU now uses the name “Main Directorate of the General Staff”: see Ministry of Defense of the Russian Federation, “Main Directorate of the General Staff of the Armed Forces of the Russian Federation”, https://structure.mil.ru/structure/ministry_of_defence/details.htm?id=9711@egOrganization; Andrew Roch, “Putin’s security men: the elite group who ‘fuel his anxieties’”, *The Guardian*, 4 February 2022, <https://www.theguardian.com/world/2022/feb/04/putin-security-elite-siloviki-russia>.

⁴⁷ *iStories* and *Agency*, “Minister with a small cult of personality”, 6 September 2021, <https://istories.media/investigations/2021/09/06/ministr-s-malenkim-kultom-lichnosti/>.

⁴⁸ Kremlin, “Security Council Structure – Members”, <http://www.en.kremlin.ru/structure/security-council/members>.

⁴⁹ James Langton, “Meet Russia’s siloviki – Putin’s inner circle”, *The National News*, 15 March 2022, <https://www.thenationalnews.com/world/europe/2022/03/15/meet-russias-siloviki-putins-inner-circle/>.

⁵⁰ United Russia, “Shoigu Sergey Kuzhugetovich”, <https://er.ru/person/62a3fd77-d8e1-4663-8f45-36cf0679c905>.

outlet quotes a former employee of the presidential administration saying that SERGEI SHOIGU can be considered one of the leaders of a powerful political clan, which unites the Governor of the Moscow region Andrei Vorobyov, the Chairwoman of the Federation Council VALENTINA MATVIYENKO, and a friend of VLADIMIR PUTIN Gennady Timchenko.⁵¹ The clan is connected by related businesses and is in good standing with VLADIMIR PUTIN.

13. SERGEI SHOIGU's personal relationship with VLADIMIR PUTIN is documented as well. VLADIMIR PUTIN visited SERGEI SHOIGU several times at his home region in the Siberian taiga, where they spent quality time together.⁵² Media reports speculate that VLADIMIR PUTIN's visit to SERGEI SHOIGU in late September 2021 may have been an occasion for planning Russia's acts of aggression in Ukraine in 2022.⁵³
14. SERGEI SHOIGU is hence considered to be heavily involved in Russia's military decision-making not only by virtue of his official role, but also in practice.
15. In relation to Russian decision-making around Ukraine in particular, SERGEI SHOIGU has been identified as one of the two architects of the 2014 annexation of Crimea, support for pro-Russian non-state armed groups in Donbas, and the formulation of Russia's military strategy in Syria.⁵⁴
16. Russia experts and commentators also consider SERGEI SHOIGU to be one of the key architects of the 2022 Russian invasion of Ukraine: Some analysts with expertise on the Russian security services identify SERGEI SHOIGU as one of two individuals most strongly entrenched in VLADIMIR PUTIN's circle of trusted advisors.⁵⁵ These experts also credit the Russian military with driving Russia's 2022 aggression against Ukraine.⁵⁶ SERGEI SHOIGU was also identified by the New York Times as one of the individuals who would figure most prominently in making the decision on Russia's 2022 invasion of

⁵¹ Roman Shleyunov, "Global, financial, family", Novaya Gazeta, 20 November 2008.

<https://novayagazeta.ru/articles/2008/11/20/35800-mirovoy-finansovyy-semeynyy>.

⁵² Alexey Korostelev, "The president's lair: in which taiga estate does Putin celebrate birthdays and make key decisions?", TVRain, 20 May 2017,

https://tvrain.ru/teleshov/reportazh/logovo_presidenta_v_taige-435153/ ; Kremlin,

"Vladimir Putin spent the weekend in Tuva and the Krasnoyarsk Territory", 26 July 2013,

<http://kremlin.ru/events/president/news/18957>; Kremlin, "Trip to Tuva, August 1-3", 7

August 2017, <http://kremlin.ru/events/president/news/55308>; Kremlin, "Vladimir Putin spent

a holiday in Siberia", 7 October, 2019, <http://www.kremlin.ru/events/president/news/61732>.

⁵³ Emily Sherwin, "Putin's inner circle: Who has the Russian president's ear on the war in

Ukraine?", Deutsche Welle, 11 March 2022, [https://www.dw.com/en/putins-inner-circle-](https://www.dw.com/en/putins-inner-circle-who-has-the-russian-presidents-ear-on-the-war-in-ukraine/a-61102576)

[who-has-the-russian-presidents-ear-on-the-war-in-ukraine/a-61102576](https://www.dw.com/en/putins-inner-circle-who-has-the-russian-presidents-ear-on-the-war-in-ukraine/a-61102576).

⁵⁴ Sebastian Seibt, "Shoigu and Gerasimov: Masters of Putin's Wars", France 24, 4 March

2022, [https://www.france24.com/en/europe/20220304-shoigu-and-gerasimov-masters-of-](https://www.france24.com/en/europe/20220304-shoigu-and-gerasimov-masters-of-putin-s-wars)

[putin-s-wars](https://www.france24.com/en/europe/20220304-shoigu-and-gerasimov-masters-of-putin-s-wars).

⁵⁵ Andrei Soldatov and Irina Borogan, "Putin Conscripts History", Center for European Policy

Analysis, 18 February 2022, <https://cepa.org/putin-conscripts-history/>.

⁵⁶ Andrei Soldatov and Irina Borogan, "The Man Behind Putin's Military – How Sergey Shoigu

Paved the Way for Russia's Ukraine Assault", Foreign Affairs, 26 February 2022,

[https://www.foreignaffairs.com/articles/2022-02-26/man-behind-putins-](https://www.foreignaffairs.com/articles/2022-02-26/man-behind-putins-military?utm_campaign=tw_daily_soc&utm_medium=social&utm_source=twitter_posts)
[military?utm_campaign=tw_daily_soc&utm_medium=social&utm_source=twitter_posts](https://www.foreignaffairs.com/articles/2022-02-26/man-behind-putins-military?utm_campaign=tw_daily_soc&utm_medium=social&utm_source=twitter_posts).

Ukraine,⁵⁷ and by another expert on Russian policy as a member of VLADIMIR PUTIN's "war cabinet."⁵⁸ One source also reports that SERGEI SHOIGU ordered the build-up of Russian troops at the border with Ukraine in March to April 2021 and oversaw war games in Belarus in February 2022, in advance of the 2022 invasion.⁵⁹

17. SERGEI SHOIGU has also been sanctioned for his involvement in the 2022 Russian invasion of Ukraine. The EU placed SERGEI SHOIGU on its sanctions list in February 2022 because of his role as Defense Minister, his public comments about Crimea being and remaining Russian, his command and order of Russian troops in the illegally annexed Crimea, and his command and order of Russian troops' positioning at the border with Ukraine.⁶⁰ In particular, the EU found that SERGEI SHOIGU is "ultimately responsible for any military action against Ukraine," and is "therefore responsible for actively supporting and implementing actions and policies that undermine and threaten the territorial integrity, sovereignty and independence of Ukraine as well as the stability or security in Ukraine." The US Department of the Treasury also placed SERGEI SHOIGU on its OFAC sanctions list in February 2022, finding that he is one of the individuals "directly responsible for the further invasion of Ukraine."⁶¹ Thereafter, the UK Treasury placed SERGEI SHOIGU on its sanctions list in March 2022 in relation to the 2022 Russian invasion of Ukraine.⁶²

Sergei Naryshkin

18. SERGEI NARYSHKIN was born on 27 October 1954 in St. Petersburg. He has served as Director of the Russian Foreign Intelligence Service ("SVR") since 2016, when he was appointed to the position by VLADIMIR PUTIN.⁶³ The Federal Law on Foreign Intelligence tasks the SVR with conducting Russia's intelligence activities in the political, economic, military-strategic, scientific,

⁵⁷ Anton Troianovski, "The Hard-Line Russian Advisers Who have Putin's Ear", The New York Times, 30 January 2022, <https://www.nytimes.com/2022/01/30/world/europe/putin-top-advisers-ukraine.html>.

⁵⁸ Alexander Gabuev, "Alexander Gabuev Writes from Moscow on Why Vladimir Putin and his Entourage want War", The Economist, 19 February 2022, <https://www.economist.com/by-invitation/2022/02/19/alexander-gabuev-writes-from-moscow-on-why-vladimir-putin-and-his-entourage-want-war>.

⁵⁹ Andrew Roch, "Putin's security men: the elite group who 'fuel his anxieties'", The Guardian, 4 February 2022, <https://www.theguardian.com/world/2022/feb/04/putin-security-elite-siloviki-russia>.

⁶⁰ Council of the European Union, Council Implementing Regulation (EU) No. 2022/260 implementing Regulation (EU) No. 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, 23 February 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2022:042I:FULL&from=EN>.

⁶¹ U.S. Department of the Treasury, "U.S. Treasury Imposes Sanctions on Russian Federation President Vladimir Putin and Minister of Foreign Affairs Sergei Lavrov", 25 February 2022, <https://home.treasury.gov/news/press-releases/jy0610>.

⁶² Her Majesty's Treasury – Office of Financial Sanctions Implementation, Consolidated List of Financial Sanctions Targets in the UK, updated 15 March 2022, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061009/Russia.pdf.

⁶³ Foreign Intelligence Service of the Russian Federation, "Director of the Foreign Intelligence Service of the Russian Federation", http://www.svr.gov.ru/svr_today/director.htm.

technical and environmental spheres, and providing intelligence information to Russia's highest legislative and executive bodies.⁶⁴ The SVR hence provides intelligence information to VLADIMIR PUTIN, the Federation Council, and the State Duma, among others.⁶⁵ One source reports that the SVR provides VLADIMIR PUTIN with a daily report of foreign intelligence issues.⁶⁶ The goals and objectives of the SVR are to ensure Russian national security and interests.⁶⁷ In order to accomplish its mandate, the SVR is empowered to use overt and covert methods and means of intelligence activities.⁶⁸ As Director of the SVR, SERGEI NARYSHKIN oversees its activities. SERGEI NARYSHKIN is also a Permanent Member of the Security Council,⁶⁹ and is therefore one of the select individuals with a vote on state security decisions.

19. Besides his official role as Director of the SVR, SERGEI NARYSHKIN also holds decision-making power by virtue of his relationship with VLADIMIR PUTIN. Prior to this role, SERGEI NARYSHKIN served as Chairman of the State Duma from 2011 to 2016, and as Head of the Presidential Administration from 2008 to 2011.⁷⁰ He also reportedly attended the Higher School of the KGB for two years, starting in 1978.⁷¹ SERGEI NARYSHKIN is hence one of the *siloviki*,⁷² regarded as having VLADIMIR PUTIN's particular trust.
20. Russia experts and commentators consider SERGEI NARYSHKIN to hold significant sway over security decisions, including the 2022 Russian invasion of Ukraine: Some analysts with expertise on the Russian security services identify SERGEI NARYSHKIN as one of two individuals most strongly entrenched in President Putin's circle of trusted advisors.⁷³ SERGEI NARYSHKIN was also identified by the New York Times' Moscow Bureau Chief as one of the individuals who would figure most prominently in making the decision on

⁶⁴ Federal Law No. 5-FZ "On Foreign Intelligence", Article 11, 10 January 1996, http://www.svr.gov.ru/svr_today/doc02.htm.

⁶⁵ Foreign Intelligence Service of the Russian Federation, "FAQ", <http://www.svr.gov.ru/pressbufo/faq.htm>.

⁶⁶ Adam Campbell, "A Bad Crime Novel? Russia's Foreign Intelligence Service (SVR)", The Security Distillery, 15 September 2021, <https://thesecuritydistillery.org/all-articles/-a-bad-crime-novel-russias-foreign-intelligence-service-svr>.

⁶⁷ Foreign Intelligence Service of the Russian Federation, "FAQ", <http://www.svr.gov.ru/pressbufo/faq.htm>.

⁶⁸ Federal Law No. 5-FZ "On Foreign Intelligence", Article 13.

⁶⁹ Kremlin, "Security Council Structure – Members", <http://www.en.kremlin.ru/structure/security-council/members>.

⁷⁰ Security Council of the Russian Federation, "Members of the Security Council of the Russian Federation since its inception", http://www.scrf.gov.ru/about/all_time/.

⁷¹ Roman Shleynov, "Nikolai Tokarev: the path from the KGB to Transneft", Vedomosti, 11 February 2013, https://web.archive.org/web/20150823051758/https://www.vedomosti.ru/library/articles/2013/02/11/revizor_iz_razvedochnoj_partii.

⁷² James Langton, "Meet Russia's siloviki – Putin's inner circle", The National News, 15 March 2022, <https://www.thenationalnews.com/world/europe/2022/03/15/meet-russias-siloviki-putins-inner-circle/>.

⁷³ Andrei Soldatov and Irina Borogan, "Putin Conscripts History", Center for European Policy Analysis, 18 February 2022, <https://cepa.org/putin-conscripts-history/>.

Russia's 2022 invasion of Ukraine,⁷⁴ and by another expert on Russian policy as a member of President Putin's "war cabinet."⁷⁵ It has also been commented that SERGEI NARYSHKIN could be a potential successor to President Putin.⁷⁶

21. SERGEI NARYSHKIN was placed on EU and US OFAC sanctions lists in 2014 for contributing to undermining Ukraine's sovereignty.⁷⁷ The UK Treasury also placed SERGEI NARYSHKIN on its sanctions list in 2020 for supporting the deployment of Russian forces in Ukraine, publicly supporting the Russia-Crimea unification treaty and the related federal constitutional law, and his positions as Director of the SVR and Permanent Member of the Security Council.⁷⁸ In relation to the 2022 Russian invasion of Ukraine, the US Department of the Treasury considers SERGEI NARYSHKIN part of Russia's "ruling elite."⁷⁹

Valentina Matviyenko

22. VALENTINA MATVIYENKO was born on 7 April 1949. She has served as Chairwoman or Speaker of the Federation Council since 2011.⁸⁰ The Russian Parliament, known as the Federal Assembly, comprises two chambers—the Federation Council and the State Duma.⁸¹ The Federation Council currently includes 200 members, who are appointed by representative and executive organs of federation entities.⁸² The Chairperson of the Federation Council is elected from among its members, and is tasked with chairing its sessions and overseeing its internal routine.⁸³ The Federation Council is constitutionally

⁷⁴ Anton Troianovski, "The Hard-Line Russian Advisers Who have Putin's Ear", The New York Times, 30 January 2022, <https://www.nytimes.com/2022/01/30/world/europe/putin-top-advisers-ukraine.html>.

⁷⁵ Alexander Gabuev, "Alexander Gabuev Writes from Moscow on Why Vladimir Putin and his Entourage want War", The Economist, 19 February 2022, <https://www.economist.com/by-invitation/2022/02/19/alexander-gabuev-writes-from-moscow-on-why-vladimir-putin-and-his-entourage-want-war>.

⁷⁶ Andrew Roch, "Putin's security men: the elite group who 'fuel his anxieties'", The Guardian, 4 February 2022, <https://www.theguardian.com/world/2022/feb/04/putin-security-elite-siloviki-russia>.

⁷⁷ Council of the European Union, Council Implementing Regulation (EU) No. 284/2014 implementing Regulation (EU) No. 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, 21 March 2014, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0284&from=PL>; U.S. Department of the Treasury, "Treasury Sanctions Russian Officials, Members Of The Russian Leadership's Inner Circle, And An Entity For Involvement In The Situation In Ukraine", 20 March 2014, <https://www.treasury.gov/press-center/press-releases/pages/jl23331.aspx>.

⁷⁸ Her Majesty's Treasury – Office of Financial Sanctions Implementation, Consolidated List of Financial Sanctions Targets in the UK, updated 15 March 2022, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061009/Russia.pdf.

⁷⁹ U.S. Department of the Treasury, "U.S. Treasury Imposes Sanctions on Russian Federation President Vladimir Putin and Minister of Foreign Affairs Sergei Lavrov", 25 February 2022, <https://home.treasury.gov/news/press-releases/jy0610>.

⁸⁰ Federation Council, "Speaker of the Federation Council of the Federal Assembly of the Russian Federation", <http://council.gov.ru/en/structure/persons/257/>.

⁸¹ Constitution of the Russian Federation (1993, as amended 2020), Article 95.

⁸² <http://council.gov.ru/en/structure/council/>

⁸³ Constitution of the Russian Federation (1993, as amended 2020), Article 101.

entrusted with jurisdiction over several matters, including approving the President's edicts introducing martial law, approving the President's edicts introducing a state of emergency, and deciding on the possibility of using Russian Armed Forces outside Russian territory.⁸⁴ One of the Federation Council's main tasks is to consider draft federal laws adopted by the State Duma, and ultimately to make the decision on enactment of federal laws for the President's signing and promulgation.⁸⁵ Relatedly, the Federal Law on Security provides that the Federation Council is responsible for considering federal laws on security that are adopted by the State Duma.⁸⁶ Thus, by virtue of her position as Chairwoman or Speaker of the Federation Council, VALENTINA MATVIYENKO is heavily involved in the enactment of legislation in Russia.

23. VALENTINA MATVIYENKO is also a Permanent Member of the Security Council,⁸⁷ and is therefore one of the select individuals with a vote on state security decisions.
24. In relation to Russian decision-making around Ukraine in particular, VALENTINA MATVIYENKO was placed on EU and US OFAC sanctions lists in 2014 for contributing to undermining Ukraine's sovereignty.⁸⁸ The UK Treasury also placed VALENTINA MATVIYENKO on its sanctions list in 2020 for her role as Speaker of the Federation Council and her public support in the Federation Council of the deployment of Russian forces in Ukraine in March 2014.⁸⁹ In relation to the 2022 Russian invasion of Ukraine, the US Department of the Treasury considers VALENTINA MATVIYENKO part of Russia's "ruling elite."⁹⁰

⁸⁴ Constitution of the Russian Federation (1993, as amended 2020), Article 102.

⁸⁵ Constitution of the Russian Federation (1993, as amended 2020), Articles 105-107.

⁸⁶ Federal Law No. 390-FZ "On Security", 28 December 2010, Article 9(1), https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=87862&p_country=RUS&p_count=802.

⁸⁷ Kremlin, "Security Council Structure – Members", <http://www.en.kremlin.ru/structure/security-council/members>.

⁸⁸ Council of the European Union, Council Implementing Regulation (EU) No. 284/2014 implementing Regulation (EU) No. 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, 21 March 2014, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0284&from=PL>; U.S. Department of the Treasury, "Issuance of a new Ukraine-related Executive Order; Ukraine-related Designations", 17 March 2014, <https://home.treasury.gov/policy-issues/financial-sanctions/recent-actions/20140317>.

⁸⁹ Her Majesty's Treasury – Office of Financial Sanctions Implementation, Consolidated List of Financial Sanctions Targets in the UK, updated 15 March 2022, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061009/Russia.pdf.

⁹⁰ U.S. Department of the Treasury, "U.S. Treasury Imposes Sanctions on Russian Federation President Vladimir Putin and Minister of Foreign Affairs Sergei Lavrov", 25 February 2022, <https://home.treasury.gov/news/press-releases/jy0610>.

Sergei Beseda

25. SERGEI BESEDA was born on 1 January 1954. He heads the 5th Service of the FSB, the Service of Operational Information and International Relations,⁹¹ otherwise known as the FSB's foreign intelligence and espionage branch.⁹² The FSB's operations are governed by the Federal Law on the Federal Security Service.⁹³ The law provides that the FSB is the unified central system of Russia's federal security service organs, tasked with safeguarding Russian security.⁹⁴ The FSB's main areas of activity are counter-intelligence, combating terrorism, combating crime, intelligence, border activity and safeguarding information security.⁹⁵ The FSB is obliged to perform a number of tasks, including informing the President and others of security threats, combating foreign intelligence activity that seeks to harm Russia, safeguarding the security of Russian authorities and state communications, and undertaking foreign intelligence measures to safeguard Russian security.⁹⁶ The FSB also has wide-ranging powers, including the use of special methods and means for intelligence and counter-intelligence activities, infiltration of foreign states' special services and organizations, extraterritorial conduct of foreign intelligence activity, and the authority to arm its staff.⁹⁷
26. In relation to Russian decision-making around Ukraine in particular, SERGEI BESEDA is believed to oversee the FSB's foreign intelligence work in relation to Ukraine.⁹⁸ For instance, his signature reportedly appears on various sensitive documents on intelligence operations conducted in Ukraine.⁹⁹ Additionally, following the opening of a Ukrainian investigation into SERGEI BESEDA's involvement in crimes committed in Kyiv in February 2014, the FSB publicly confirmed that SERGEI BESEDA was in Kyiv at the time, reportedly checking on the protection of the Russian embassy.¹⁰⁰
27. SERGEI BESEDA was placed on EU and US OFAC sanctions lists since 2014 for contributing to undermining Ukraine's sovereignty.¹⁰¹ The US Department

⁹¹ Thomas Harding, "Russian general killed and clutch of spy chiefs arrested", The National News, 11 March 2022, <https://www.thenationalnews.com/world/uk-news/2022/03/11/russian-general-killed-and-clutch-of-spy-chiefs-arrested/>.

⁹² See FSB website, <http://www.fsb.ru/fsb/structure.htm>; Andrei Soldatov, "Inside Vladimir Putin's Shadowy Army of Global Spies", The Daily Beast, 30 August 2021, <https://www.thedailybeast.com/inside-vladimir-putins-shadowy-army-of-global-spies>.

⁹³ Federal Law No. 40-FZ "On the Federal Security Service", 22 February 1995, unofficial English translation by the Council of Europe available here: <https://policehumanrightsresources.org/content/uploads/2016/08/Federal-Law-on-Federal-Security-Service-Russia-1995.pdf?x96812>.

⁹⁴ Federal Law No. 40-FZ "On the Federal Security Service", Article 1.

⁹⁵ Federal Law No. 40-FZ "On the Federal Security Service", Article 8.

⁹⁶ Federal Law No. 40-FZ "On the Federal Security Service", Article 12.

⁹⁷ Federal Law No. 40-FZ "On the Federal Security Service", Article 13.

⁹⁸ R.Politik, Bulletin No. 5 (91) – Analytical Report, 8 March 2022, on file.

⁹⁹ Andrei Soldatov, "Inside Vladimir Putin's Shadowy Army of Global Spies", The Daily Beast, 30 August 2021, <https://www.thedailybeast.com/inside-vladimir-putins-shadowy-army-of-global-spies>.

¹⁰⁰ "FSB of the Russian Federation: the responsible officer of the department was in Kyiv on February 20-21", Interfax, 5 April 2014, <https://www.interfax.ru/russia/369704>.

¹⁰¹ Council of the European Union, Council Implementing Regulation (EU) No. 810/2014 implementing Regulation (EU) No. 269/2014 concerning restrictive measures in respect of

of the Treasury also identified the FSB as being involved in the funding and supporting of separatist activities in Crimea and eastern Ukraine in 2014,¹⁰² indicating the role that the FSB has historically played in undermining the sovereignty of Ukraine. The UK Treasury also placed SERGEI BESEDA on its sanctions list in 2020 for his role in heading the FSB service responsible for overseas intelligence operations and international activity.¹⁰³

28. A Russian political analysis firm identifies SERGEI BESEDA's Service of the FSB as having participated in preparations for the 2022 Russian invasion of Ukraine.¹⁰⁴ This is supported by the findings of an expert on Russian security services, who notes that the FSB's 5th Service was responsible for providing VLADIMIR PUTIN with information on political developments in Ukraine in the lead-up to the 2022 invasion.¹⁰⁵

Sergei Lavrov

29. SERGEI LAVROV was born on 21 March 1950 in Moscow. He has served as the Foreign Minister of Russia since 2004.¹⁰⁶ In this position, he is responsible for the conduct of Russia's international relations and oral statements made by him may be legally binding on Russia.¹⁰⁷ SERGEI LAVROV has hence been instrumental in justifying Russia's acts of aggression against Ukraine, including before international fora. SERGEI LAVROV is also a Permanent Member of the Security Council,¹⁰⁸ and therefore one of the select individuals with a vote on state security decisions.
30. In relation to the 2022 Russian invasion of Ukraine, the UK Treasury placed SERGEI LAVROV on its sanctions list in February 2022 for his role as a "senior member of the Government of Russia, and a key decision-maker," and therefore his involvement in "attempts to destabilise Ukraine and undermining

actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, 25 July 2014, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0810>; U.S. Department of the Treasury, "Announcement of Treasury Sanctions on Entities Within the Financial Services and Energy Sectors of Russia, Against Arms or Related Materiel Entities, and those Undermining Ukraine's Sovereignty", 16 July 2014, <https://www.treasury.gov/press-center/press-releases/pages/jl2572.aspx>.

¹⁰² Andrei Soldatov, "Inside Vladimir Putin's Shadowy Army of Global Spies", The Daily Beast, 30 August 2021, <https://www.thedailybeast.com/inside-vladimir-putins-shadowy-army-of-global-spies>.

¹⁰³ Her Majesty's Treasury – Office of Financial Sanctions Implementation, Consolidated List of Financial Sanctions Targets in the UK, updated 15 March 2022, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061009/Russia.pdf.

¹⁰⁴ R.Politik, Bulletin No. 5 (91) – Analytical Report, 8 March 2022, on file.

¹⁰⁵ Andrei Soldatov and Irina Borogan, "From bad intel to worse – Putin reportedly turns on FSB agency that botched Russia's Ukraine prep", Meduza, 11 March 2022, <https://meduza.io/en/feature/2022/03/11/from-bad-intel-to-worse>.

¹⁰⁶ Security Council of the Russian Federation, "Members of the Security Council of the Russian Federation since its inception", http://www.scrf.gov.ru/about/all_time/.

¹⁰⁷ Joanne Foakes, *The Position of Heads of State and Senior Officials in International Law* (Oxford University Press, 2014), p. 113, see *Legal Status of Eastern Greenland*, Permanent Court of International Justice, Ser A/B, No 53 (1933).

¹⁰⁸ Kremlin, "Security Council Structure – Members", <http://www.en.kremlin.ru/structure/security-council/members>.

and threaten the territorial integrity, sovereignty or independence of Ukraine.”¹⁰⁹ The US Department of the Treasury also placed Lavrov on its OFAC sanctions list in February 2022 for his role, as Foreign Minister, in advancing the false narrative that Ukraine is the aggressor; for his having “aggressively sought to justify Russia’s actions globally;” and for his role, as the top diplomat representing Russia globally, in helping to “facilitate Russia’s aggressive actions against sovereign states.”¹¹⁰

Valery Gerasimov

31. VALERY GERASIMOV was born on 8 September 1955 in Kazan. He has served as the Chief of the General Staff of the Russian Armed Forces and First Deputy Minister of Defense since 2012.¹¹¹ As Chief of General Staff, the central organ of the military command of the Armed Forces, he oversees operational command of the armed forces under the Russian Ministry of Defense. VALERY GERASIMOV is third in the chain of command after VLADIMIR PUTIN and SERGEI SHOIGU.¹¹²
32. VALERY GERASIMOV is a Member of the Security Council,¹¹³ and is therefore one of the select individuals with the right to provide an advisory vote on state security decisions.
33. VALERY GERASIMOV is considered to be heavily involved in Russia’s military decision-making not only by virtue of his official role, but also in practice. For instance, a journalist identified VALERY GERASIMOV as one of the two architects of the 2014 annexation of Crimea, support for pro-Russian non-state armed groups in Donbas, and the formulation of Russia’s military strategy in Syria.¹¹⁴
34. In relation to Russian decision-making around Ukraine in particular, the UK Treasury placed VALERY GERASIMOV on its sanctions list in 2020 for his role as Chief of the General Staff of the Armed Forces and as Deputy Minister of Defence.¹¹⁵ In sanctioning VALERY GERASIMOV, the UK Treasury held him responsible for the mass deployment of Russian troops along the border

¹⁰⁹ Her Majesty’s Treasury – Office of Financial Sanctions Implementation, Consolidated List of Financial Sanctions Targets in the UK, updated 15 March 2022, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061009/Russia.pdf.

¹¹⁰ U.S. Department of the Treasury, “U.S. Treasury Imposes Sanctions on Russian Federation President Vladimir Putin and Minister of Foreign Affairs Sergei Lavrov”, 25 February 2022, <https://home.treasury.gov/news/press-releases/jy0610>.

¹¹¹ Ministry of Defense of the Russian Federation, https://eng.mil.ru/en/management/leader.htm?id=10330475@SD_Employee.

¹¹² <https://structure.mil.ru/management/deputy.htm>

¹¹³ Kremlin, “Security Council Structure – Members”, <http://www.en.kremlin.ru/structure/security-council/members>.

¹¹⁴ Sebastian Seibt, “Shoigu and Gerasimov: Masters of Putin’s Wars”, France 24, 4 March 2022, <https://www.france24.com/en/europe/20220304-shoigu-and-gerasimov-masters-of-putin-s-wars>.

¹¹⁵ Her Majesty’s Treasury – Office of Financial Sanctions Implementation, Consolidated List of Financial Sanctions Targets in the UK, updated 15 March 2022, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061009/Russia.pdf.

with Ukraine and failure to de-escalate the situation. In relation to the 2022 Russian invasion of Ukraine, the US Department of the Treasury placed VALERY GERASIMOV on its OFAC sanctions list in February 2022.¹¹⁶

RUSSIA'S ACTS OF AGGRESSION

35. Russia has committed acts of aggression by using armed force against the sovereignty, territorial integrity and political independence of Ukraine. These acts of aggression constitute manifest violations of the UN Charter.

Russia used armed force against the sovereignty, territorial integrity and political independence of Ukraine

36. Russia used armed force against the sovereignty, territorial integrity and political independence of Ukraine. Article 8 *bis* (2) of the Statute of the International Criminal Court states that any of the following acts, regardless of a declaration of war, qualifies as an act of aggression in accordance with United Nations ("UN") General Assembly Resolution 3314 (XXIX) of 14 December 1974:
- a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
 - b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
 - c) The blockade of the ports or coasts of a State by the armed forces of another State;
 - d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
 - e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
 - f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
 - g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.
37. This section demonstrates that various acts of aggression were committed, or continue to be committed, in Ukraine.

¹¹⁶ U.S. Department of the Treasury, "U.S. Treasury Imposes Sanctions on Russian Federation President Vladimir Putin and Minister of Foreign Affairs Sergei Lavrov", 25 February 2022, <https://home.treasury.gov/news/press-releases/jy0610>.

Russia invaded, attacked and occupied the territory of Ukraine

38. First, the Russian Armed Forces invaded and attacked the territory of Ukraine and such invasion and attacks have resulted in military occupation of parts of the territory of Ukraine, according to the meaning of Article 8 *bis* (2)(a).
39. Russian Armed Forces initiated a major military invasion and attack on Ukraine on 24 February 2022.¹¹⁷ At approximately 5:00am Ukrainian time, shortly after President Putin declared in a televised speech the start of a “special military operation” seeking the “demilitarization and denazification” of Ukraine,¹¹⁸ Russian troops crossed the border from multiple directions. Russian strikes and assaults were documented in various cities, including the capital Kyiv, Kharkiv, Ukraine’s second-largest city, and cities ranging from Ivano-Frankivsk in the west to Odesa and Mariupol in the south on 24 February 2022.¹¹⁹ The Ukrainian government asserted that at least eight had been killed and nine injured by the Russian shelling on the first day of the invasion.¹²⁰
40. The assault has continued since. By the close of 1 March 2022, the Office of the UN High Commissioner for Human Rights (“OHCHR”) had recorded and confirmed that Russia’s military attack on Ukraine had resulted in at least 752 civilian casualties, including 227 killed, 15 of them children.¹²¹ By the close of 13 March 2022, the OHCHR had recorded 1,761 civilian casualties in the country: 636 killed and 1,125 injured.¹²²
41. The Russian invasion and attacks on the territory of Ukraine has resulted in the occupation by Russian troops of parts of the territory of Ukraine. For instance, the mayor of Melitopol, a city in Southeastern Ukraine, announced on 1 March

¹¹⁷ New York Times, “Putin’s Forces Attack Ukraine”, published on 23 February 2022, updated 14 March 2022, <https://www.nytimes.com/live/2022/02/24/world/russia-ukraine-putin>; UN OHCHR, “Human Rights Council Begins Urgent Debate on Situation of Human Rights in Ukraine Stemming from the Russian Aggression”, 3 March 2022, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28197&LangID=E>.

¹¹⁸ The transcript which was transmitted to the UN Secretary General appears in **Appendix 1** of this memorandum.

¹¹⁹ Michael Birnbaum, Mary Ilyushina, Paul Sonne and Isabelle Khurshudyan, “Russia unleashes military assault on Ukraine that Biden calls ‘premeditated war’”, New York Times, 24 February 2022, <https://www.washingtonpost.com/national-security/2022/02/23/russia-attack-ukraine/>.

¹²⁰ Al Jazeera, “Kyiv says 8 killed; Moscow says not targeting Ukraine cities”, 24 February 2022, <https://www.aljazeera.com/news/2022/2/24/russia-says-not-targeting-ukraine-cities-kyiv-claims-8-killed>.

¹²¹ UN OHCHR, “Human Rights Council Begins Urgent Debate on Situation of Human Rights in Ukraine Stemming from the Russian Aggression”, 3 March 2022, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28197&LangID=E>.

¹²² UN OHCHR, “Ukraine: civilian casualty update”, 14 March 2022, <https://ukraine.un.org/sites/default/files/2022-03/Ukraine%20-%20civilian%20casualty%20update%20as%20of%2024.00%2013%20March%202022%20ENG.pdf>.

2022 that Russian forces were occupying the city.¹²³ The maps below illustrate the wide areas of Ukraine occupied by Russian forces as of 13 March 2022.



Source: Institute of the Study of War & AEI’s Critical Threats Project 2022¹²⁴

Russia has bombarded and used weapons against the territory of Ukraine

42. Second, the Russian Armed Forces have bombarded and used weapons against the territory of Ukraine, according to the meaning of Article 8 *bis* (2)(b).
43. Russian Armed Forces launched an estimated 100 missiles, including a mix of short and medium-range ballistic missiles, cruise missiles, and sea-launched missiles, in the early hours of 24 February 2022.¹²⁵

¹²³ Korobova, Marina, "Мелітополь не сдался, Мелітополь – временно оккупирован" – городской голова о ситуации на 1 марта ["Melitopol did not surrender, Melitopol is temporarily occupied" – the mayor on the situation on March 1"], *Mestnyye Vesti*, 1 March 2022, https://en.wikipedia.org/wiki/2022_Russian_invasion_of_Ukraine#cite_note-243.

¹²⁴ Mason Clark, George Barros, and Kateryna Stepanenko, "Russian Offensive Campaign Assessment", Institute for the Study of War & AEI’s Critical Threats Project, 13 March 2022, <https://www.understandingwar.org/sites/default/files/Russian%20Operations%20Assessments%20Mar%202013.pdf>, p. 2.

¹²⁵ Mason Clark, George Barros, and Kateryna Stepanenko, "Russia-Ukraine Warning Update: Initial Russian Offensive Campaign Assessment", Institute for the Study of War, 24 February 2022, <https://www.understandingwar.org/sites/default/files/Initial%20Russian%20Offensive%20Campaign%20Assessment.pdf>, p. 1, based on reports from Brian Everstine, https://twitter.com/beverstine/status/1496869155420934153?s=20&t=IlXt0iyFgu5kUQz2eL_Vog.

44. The spokesperson of the UN High Commissioner for Human Rights, Liz Throssell, reiterated on 11 March 2022 grave concern for “the rising death toll and human suffering in Ukraine”.¹²⁶ The statement notes the effect of “what appear to be indiscriminate attacks, with Russian forces using explosive weapons with wide area effects in or near populated areas”. Such explosive weapons included “missiles, heavy artillery shells and rockets, as well as airstrikes.” On 14 March 2002, the UN OHCHR, stressed that most of the civilian casualties were caused “by the use of explosive weapons with a wide impact area, including shelling from heavy artillery and multi-launch rocket systems, and missile and air strikes.”¹²⁷
45. Russian naval forces continued to conduct missile strikes against targets throughout Ukraine, according to an intelligence update from the British Defense Ministry on 13 March 2022.¹²⁸ The following Ukrainian cities have notably come under heavy Russian bombardments: Kharkiv,¹²⁹ Kherson,¹³⁰ Mariupol,¹³¹ and Kyiv.¹³²

¹²⁶ Press briefing notes on Ukraine: Grave concerns, 11 March 2022, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28262&LangID=E>.

¹²⁷ UN OHCHR, “Ukraine: civilian casualty update”, 14 March 2022, <https://ukraine.un.org/sites/default/files/2022-03/Ukraine%20-%20civilian%20casualty%20update%20as%20of%2024.00%2013%20March%202022%20ENG.pdf>.

¹²⁸ British Ministry of Defense, Intelligence Update, Update on Ukraine, 13 March 2022, https://twitter.com/DefenceHQ/status/1503120744280170501?s=20&t=7YBIENR6xG7sACp_3cQG0Q.

¹²⁹ See e.g. “Russia-Ukraine war: Destruction in Kharkiv after bombardment”, Al Jazeera, 8 March 2022, <https://www.aljazeera.com/news/2022/3/8/its-barbaric-kharkiv-residents-devastated-by-russian-bombing>; Andrey Poznyakov, “The next night was hell: Life amid Russia’s bombardment of Kharkiv”, Euronews, 11 March 2022, <https://www.euronews.com/2022/03/10/ukraine-war-how-one-woman-survived-and-escaped-russia-s-bombardment-of-kharkiv>; Luke Harding, “‘Horrendous’ rocket attack kills civilians in Kharkiv as Moscow ‘adapts its tactics’”, The Guardian, 1 March 2022, <https://www.theguardian.com/world/2022/feb/28/ukraine-several-killed-by-russian-rocket-strikes-in-civilian-areas-of-kharkiv>.

¹³⁰ Michael Schwartz and Richard Pérez-Peña, “First Ukraine City Falls as Russia Strikes More Civilian Targets”, The New York Times, 2 March 2022, <https://www.nytimes.com/2022/03/02/world/europe/kherson-ukraine-russia.html>.

¹³¹ Mostafa Rachwani, “Mariupol bombing: before and after satellite images show destruction in Ukraine city”, The Guardian, 10 March 2022, <https://www.theguardian.com/world/2022/mar/10/mariupol-bombing-ukraine-before-and-after-satellite-images-map-russian-attack-residential-maternity-childrens-hospital>, which notes that targets have included “numerous residential houses, a children’s and maternity hospital, the main administration service building, and the city’s giant Avostal metallurgical factory”; Deutsche Welle, “Ukraine: Satellite images show infrastructure damage in Mariupol — as it happened”, 12 March 2022, <https://www.dw.com/en/ukraine-satellite-images-show-infrastructure-damage-in-mariupol-as-it-happened/a-61104419>.

¹³² “Ukrainian Officials Report Missile Attacks in Kyiv”, New York Times, 13 March 2022, <https://www.nytimes.com/live/2022/02/24/world/russia-attacks-ukraine>; Aleksandar Vasovic, “Russia bombards Ukraine urban areas as armed convoy stalls”, Reuters, 2 March 2022, <https://www.reuters.com/world/europe/russian-isolation-intensifies-ukraine-fighting-rages-2022-03-01/>.

46. According to a New York Times' tally of air-related attacks, at least 67 Ukrainian towns and cities have been hit by aerial bombardment since the start of the invasion.¹³³
- Russia has blockaded the ports and coasts of Ukraine
47. Third, the Russian Armed Forces have blockaded the ports and coasts of Ukraine, according to the meaning of Article 8 *bis* (2)(c).
48. Russian naval forces established a blockade of Ukraine's Black Sea coast which effectively isolated Ukraine from international maritime trade, according to an intelligence update from the British Defense Ministry on 13 March 2022.¹³⁴
- Russia attacked the land, sea or air forces, or marine and air fleets of Ukraine
49. Fourth, the Russian Armed Forces attacked the Ukrainian Armed Forces and military bases across Ukraine, according to the meaning of Article 8 *bis* (2)(d).
50. On 24 February 2022, the first day of the invasion, Russian Armed Forces targeted a Ukrainian garrison on the island of Zmiinyi also known as Snake Island situated in the Black Sea.¹³⁵
51. Russian Armed Forces have targeted Ukrainian military bases. For instance, on 14 March 2022, Russian Armed Forces hit Ukraine's military base in Yavoriv, in western Ukraine, less than 15 miles from the border with Poland, killing 35 people and wounding 134.¹³⁶
- Russia reportedly sent armed bands, groups, irregulars or mercenaries, to carry out acts of armed force against Ukraine
52. Fifth, there are indications that Russia sent armed bands, groups, irregulars or mercenaries to carry out acts of armed force against Ukraine. In particular, the Wagner Group, a private military contractor firms which has been linked to Yevgeny Prigozhin has reportedly been active in Ukraine.¹³⁷ A senior US

¹³³ "From small towns to large cities, the extent of Russia's aerial bombardment of Ukraine", New York Times, 12 March 2022,

<https://www.nytimes.com/interactive/2022/world/europe/ukraine-maps.html>.

¹³⁴ British Ministry of Defense, Intelligence Update, Update on Ukraine, 13 March 2022, https://twitter.com/DefenceHQ/status/1503120744280170501?s=20&t=7YBIENR6xG7sACp_3cQG0Q.

¹³⁵ Justin McCurry and Elias Visontay, "Ukraine island defenders who told Russian navy 'go fuck yourself' may still be alive", The Guardian 27 February 2022, <https://www.theguardian.com/world/2022/feb/27/ukraine-island-defenders-who-told-russian-officer-go-fuck-yourself-may-still-be-alive>; Ben Farmer and Tanya Kzyreva, "Ukrainians anxiously await news of the defenders of Snake Island, taken by Russia at the start of the conflict", The Telegraph, 14 March 2022, <https://www.telegraph.co.uk/global-health/terror-and-security/ukrainians-anxiously-await-news-defenders-snake-island-taken/>.

¹³⁶ Dan Sabbagh, "Russia sends message with Yavoriv strike but attack on Poland unlikely", The Guardian, 13 March 2022, <https://www.theguardian.com/world/2022/mar/13/russia-sends-message-with-yavoriv-strike-but-attack-on-poland-unlikely>; Pavel Polityuk and Natalia Zinets, "Russian strike on base brings Ukraine war close to NATO's border", Reuters, 13 March 2022, <https://www.reuters.com/world/europe/ukraines-zelenskiy-warns-desolation-if-russia-tries-take-kyiv-2022-03-13/>.

¹³⁷ Nprwpi Daragjo, "Guns for hire: How shadowy Wagner Group mercenaries support Russian soldiers in Ukraine conflict", The Independent, 4 March 2022, <https://www.independent.co.uk/news/world/europe/ukraine-russia-war-wagner-group->

defense official told reporters on 28 February 2022 that there were “some indications” of the presence of the Wagner Group in Ukraine, including in attempts to seize the Ukrainian capital.¹³⁸ The Ukrainian President allegedly survived multiple assassination attempts by the Wagner Group in later February.¹³⁹

53. Additional investigation is necessary to determine the involvement of private military contractors in the Russian invasion of Ukraine, including to determine the extent to which such groups participated in acts of aggression against Ukraine.

Russia’s acts of aggression constitute manifest violations of the UN Charter

54. Russia’s acts of aggression constitute a “manifest violation” of the UN Charter because of their “character, gravity and scale”, according to the meaning of Article 8 *bis* (1).

Russia’s acts of aggression are manifest violations by their illegal character

55. The acts of aggression, by their character, must constitute an evident violation of the UN Charter. The criterion of “manifest violation” applies to uses of force which indisputably violate the prohibition on the threat or use of force in international law enshrined in Article 2(4) of the UN Charter.¹⁴⁰
56. Russia has sought to justify its use of armed force in Ukraine as an act of self-defense. On 24 February 2022, the President of Russia, Vladimir Putin, announced Russia’s military action in Ukraine in a speech.¹⁴¹ On the same day, the Russian Permanent Representative to the UN, Vassily Nebenzia, notified the UN Secretary-General that the military action was “taken in accordance with Article 51 of the UN Charter in the exercise of the right of self-defence.”¹⁴² The transcript of President Putin’s speech was appended to the Article 51 letter as sole legal justification for Russia’s use of force. The transcript of President

[mercenaries-soldiers-b2028799.html](https://www.economist.com/the-economist-explains/2022/03/07/what-is-the-wagner-group-russias-mercenary-organisation); The Economist, “What is the Wagner Group, Russia’s mercenary organisation?”, 7 March 2022, <https://www.economist.com/the-economist-explains/2022/03/07/what-is-the-wagner-group-russias-mercenary-organisation>.

¹³⁸ Joyce Karam, “Russia seeking to encircle Ukraine’s capital in ‘coming days’: Pentagon”, The Matopma; Mews, 28 February 2022, <https://www.thenationalnews.com/world/us-news/2022/02/28/russia-seeking-to-encircle-ukraines-capital-in-coming-days-pentagon/>.

¹³⁹ Manveen Rana, “Volodymyr Zelensky survives three assassination attempts in days”, 3 March 2022, The Times, <https://www.thetimes.co.uk/article/zelensky-survives-three-assassination-attempts-in-days-xnstdfdfc>.

¹⁴⁰ Claus Kreß, “The Crime of Aggression before the First Review of the ICC Statute” (2007) 20 *Leiden Journal of International Law* 851, p. 859; Claus Kreß, “The State Conduct Element” in Claus Kreß and Stefan Barriga (eds) *The Crime of Aggression: A Commentary* (Cambridge University Press, 2017), p. 508-510.

¹⁴¹ The original transcript is available on the official website of the President of the Russian federation: <http://kremlin.ru/events/president/news/67843>. A translation of the speech in English is available on the official website at <http://en.kremlin.ru/events/president/transcripts/67843> and in the ‘Letter dated 24 February 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General’, S/2022/154, <https://undocs.org/en/S/2022/154>.

¹⁴² ‘Letter dated 24 February 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General’, S/2022/154, <https://undocs.org/en/S/2022/154>.

Putin’s speech was also appended to Russia’s written submissions dated 7 March 2022 in the case before the ICJ on *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*.¹⁴³ The written submissions quoted extensively from President Putin’s speech and asserted that Russia’s only justification for the use of force against Ukraine was self-defense under Article 51 of the UN Charter:

“The special military operation conducted by Russia in the territory of Ukraine is based on the United Nations Charter, its Article 51 and customary international law. The legal basis for the military operation was communicated on 24 February 2022 to the Secretary-General of the United Nations and the United Nations Security Council by the Permanent Representative of the Russian Federation to the United Nations in the form of a notification under Article 51 of the United Nations Charter. The relevant letter addressed to the UN Secretary-General with the request to circulate it as a document of the UN Security Council forwarded “the address of the President of the Russian Federation H.E. Mr. Vladimir Putin to the citizens of Russia *informing them of the measures taken in accordance with Article 51 of the UN Charter in exercise of the right of self-defense*” (emphasis in original)¹⁴⁴

President Putin appears to make two legal arguments for Russia’s purported use of force in self-defense in his speech from 24 February 2022: an individual self-defense argument according to which Russia is using force in individual self-defense to protect itself and/or Russian nationals and a collective self-defense argument according to which Russia is using force in collective self-defense to protect the ‘Donetsk People’s Republic’ and the ‘Luhansk People’s Republic’. The factual circumstances do not support either self-defense argument.

57. According to the individual self-defense argument, Russia would be using force in individual self-defense to protect itself. President Putin’s speech refers to “the expansion of the North Atlantic Treaty Organization (NATO) bloc to the east and the advance of its military infrastructure ever closer to Russia’s borders” as “fundamental threats against our country.”¹⁴⁵ President Putin specifically uses the language of individual self-defense. He stated that “Russia cannot feel safe, develop and exist with a constant threat emanating from the territory of present-

¹⁴³ *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, “Document (with annexes) from the Russian Federation setting out its position regarding the alleged “lack of jurisdiction” of the Court in the case”, 7 March 2022, <https://www.icj-cij.org/public/files/case-related/182/182-20220307-OTH-01-00-EN.pdf>.

¹⁴⁴ *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, “Document (with annexes) from the Russian Federation setting out its position regarding the alleged “lack of jurisdiction” of the Court in the case”, 7 March 2022, <https://www.icj-cij.org/public/files/case-related/182/182-20220307-OTH-01-00-EN.pdf>, para. 15.

¹⁴⁵ Appendix, para. 3. President Putin presents the expansion of NATO in Ukraine as a threat to Russia itself in several parts of his speech, see Appendix, paras. 24, 25, 26, 27 and 28.

day Ukraine”¹⁴⁶ and that “We simply have been left with no other way to defend Russia and our people than the one we are forced to use today”.¹⁴⁷

58. Russia could not legally resort to individual self-defense as Ukraine had not committed an armed attack against Russia and did not pose an imminent threat to Russia, and Russia’s military action was neither necessary nor proportionate.
- a) First, Article 51 of the UN Charter provides that a State may exercise its right of individual or collection self-defense “if an armed attack occurs”. The ICJ distinguished in the *Nicaragua* case “the most grave forms of the use of force (those constituting an armed attack) from other less grave forms”.¹⁴⁸ That not all use of force amount to an armed attack giving rise to the right to self-defense was reaffirmed by the ICJ in the *Oil Platforms* case.¹⁴⁹ Russia has not demonstrated that it has been the victim of an armed attack by Ukraine. In fact, there is no evidence that Ukraine used any force against Russia prior to Russia using force against Ukraine on 24 February 2022.
 - b) Second, right of self-defense arises in situations of both an actual and imminent armed attack.¹⁵⁰ The criteria for imminence laid down in the *Caroline* case are frequently invoked: there must be “a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation”.¹⁵¹ International law does not support the right of preemptive self-defense according to which self-defense could be used to defend against or prevent possible non-imminent attacks emanating from another state.¹⁵² Thus, a State which seeks to resort to the right to self-

¹⁴⁶ Appendix, para. 34. President Putin specifically uses the language of individual self-defense in several parts of his speech, see Appendix, paras. 35, 36, 37, 45, 46, and 51.

¹⁴⁷ Appendix, para. 37.

¹⁴⁸ *Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America)*, ICJ Reports, 1986, pp. 14, 101.

¹⁴⁹ *The Oil Platforms (Iran v. US)* case, ICJ Reports, 2003, pp. 161, 187.

¹⁵⁰ The Institut de Droit International resolution on Self-Defence 2007, https://www.idi-iiil.org/app/uploads/2017/06/2007_san_02_en.pdf, para. 3, provides that ‘The right of self-defence arises for the target state in case of an actual or manifestly imminent armed attack’, and that it may be exercised ‘only when there is no lawful alternative in practice in order to forestall, stop or repel the armed attack’; Report of the UN High Level Panel on Threats, Challenges and Change, A/59/565, 2004, para. 188, provides that “a threatened state, according to long established international law, can take military action as long as the threatened attack is *imminent*, no other means would deflect it and the action is proportionate” (emphasis in original). The response of the UN Secretary-General, *In Larger Freedom*, A/59/2005, para. 124, stated that the right to self-defense extended to imminent threats. See also the Chatham House Principles on International Law on the Use of Force in Self-Defence, 55 ICLQ, 2006, pp. 963, 964–5.

¹⁵¹ *SS Caroline* (1837), 29 BFSP, p. 1137.

¹⁵² Report of the UN High Level Panel on Threats, Challenges and Change, A/59/565, 2004, at paras. 189 and the UN Secretary-General’s Report, *In Larger Freedom*, A/59/2005, para. 125, both state that resort should be had to the Security Council where the threat is not imminent; The Institut de Droit International resolution on Self-Defence 2007, https://www.idi-iiil.org/app/uploads/2017/06/2007_san_02_en.pdf, para. 6, notes that “There is no basis in international law for the doctrine of ‘preventive’ self-defence in the absence of an actual or manifestly imminent armed attack”; see also the Chatham House Principles on International Law on the Use of Force in Self-Defence, 55 ICLQ, 2006, pp. 963, 968.

defense must show that the armed attack has occurred or is imminent. Russia has not shown that the alleged threat posed by Ukraine was imminent.

- c) Third, any use of force in self-defense must be necessary and proportional. The ICJ stated in *Nicaragua* that the “specific rule whereby self-defense would warrant only measures which are proportional to the armed attack and necessary to respond to it, [is] a rule well established in customary international law.”¹⁵³ On necessity, it must be shown that the response by the State claiming to exercise force in self-defense is required by the armed attack, whether actual or imminent, and that no alternative responses to the use of force are available.¹⁵⁴ Proportionality relates to the magnitude, duration and target of the response. The criteria of necessity and proportionality are not met in the Russia’s purported use of force in self-defense. Ukraine posed no imminent threat to Russia. Consequently, Russia’s use of force against the territory of Ukraine was not necessary. Further, the scale of Russia’s use of force illustrates that Russia’s response is grossly disproportionate.
59. According to the collective self-defense argument, Russia would be using force in collective self-defense to protect the ‘Donetsk People’s Republic’ and the ‘Luhansk People’s Republic’. President Putin claimed in his speech that the decision “to conduct a special military operation” was done to protect the two purported ‘Republics’, pursuant to “the treaties on friendship and mutual assistance with the Donetsk People’s Republic and the Lugansk People’s Republic, as ratified by the Federal Assembly on 22 February this year.”¹⁵⁵ President Putin noted that Russia had received a request for help from “The People’s Republics of Donbas.”¹⁵⁶
60. Russia could not legally resort to collective self-defense to protect the ‘Donetsk People’s Republic’ and the ‘Luhansk People’s Republic’ as these entities are not States under international law which can give rise to collective self-defense or request forcible assistance from Russia, and Russia’s military action was in any case neither necessary nor proportionate.¹⁵⁷
- a) First, the ‘Donetsk People’s Republic’ and the ‘Luhansk People’s Republic’ are not States under international law capable of exercising the right to self-defense or to request assistance. Russia recognized the Donetsk People’s Republic and the Luhansk People’s Republic on 21 February 2022 as

¹⁵³ *Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America)*, ICJ Reports, 1986, pp. 94, 103. The ICJ also stated in its Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*, ICJ Reports, 1996, pp. 226, 245, that “The submission of the exercise of the right of self-defence to the conditions of necessity and proportionality is a rule of customary international law” and the same conditions applied to the right to self-defense under Article 51.

¹⁵⁴ For instance, the ICJ held in the Oil Platforms cases held that the US attacks on the oil platforms, allegedly in self-defense were not necessary on the facts of the case, *The Oil Platforms (Iran v. US)* case, ICJ Reports, 2003, pp. 161, 198.

¹⁵⁵ Appendix, para. 38.

¹⁵⁶ Appendix, para. 37.

¹⁵⁷ The actions of Donetsk and Luhansk amount to illegal secession under international law. See *Aaland Islands* case, Permanent Court of International Justice, League of Nations O.J. Spec. Suppl. No. 3 (October 1920).

independent States.¹⁵⁸ However, the mere fact of Russia recognizing these two allegedly independent States does not make these two entities into States. Article 1 of the Montevideo Convention on Rights and Duties of States lays down the criteria of statehood in international law: a) a permanent population, b) a defined territory, c) government, and d) capacity to enter into relations with other States. The ‘Donetsk People’s Republic’ and the ‘Luhansk People’s Republic’ do not fulfil these four criteria. According to the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, “There can be no doubt that the ‘DPR’ and ‘LPR’ are wholly dependent on Russia”.¹⁵⁹ The two entities controlled only a portion of their alleged State territory when Russia recognized them. The entities only had established control of parts of their purported state territory. This is reflected in the language adopted in the General Assembly Resolution overwhelmingly condemning the aggression against Ukraine and the purported change in status only “of certain areas of the Donetsk and Luhansk regions of Ukraine.”¹⁶⁰ The right to self-defense and the right to request forcible assistance by another State in self-defense are limited to States. President Putin claims that the People’s Republics of Donbas requested Russia’s assistance. However, as these two entities are not States, any request for assistance made by no-state actors in two territories of Ukraine does not trigger Russia’s right to exercise collective self-defense to protect these two entities.

- b) Second, as the ‘Donetsk People’s Republic’ and the ‘Luhansk People’s Republic’ are not States, they cannot be the victims of an armed attack triggering the right to self-defense. Any forcible operations conducted by Ukrainian forces in the east of Ukraine would amount either to law enforcement operations or a non-international armed conflict, as opposed to an armed attack triggering the right to individual or collective self-defense.
- c) Third, as the ‘Donetsk People’s Republic’ and the ‘Luhansk People’s Republic’ are not States under international law, Russia was prevented from intervening in Ukraine upon a request from these non-state actors. The ICJ stated in *Nicaragua* that the principle of non-intervention would “lose its effectiveness as a principle of law if intervention were to be justified by a mere request for assistance made by an opposition group in another State.”¹⁶¹ Consequently, a State has no right to intervene, militarily or otherwise, in the internal affairs of another State upon a request for assistance of non-state actors in the territory of this other State. Russia’s intervention in Ukraine in response to a request for assistance by non-state actors in these territories would violate the principle of non-intervention.

¹⁵⁸ A translation of the transcript in English is available on the official website of the President of the Russian federation: <http://en.kremlin.ru/events/president/transcripts/67828>.

¹⁵⁹ Report from Committee on Legal Affairs and Human Rights, “Legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities”, 26 September 2016, <https://pace.coe.int/en/files/23007#trace-2>, para. 56.

¹⁶⁰ United Nations General Assembly Resolution ES-11/1, para. 5.

¹⁶¹ *Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America)*, ICJ Reports, 1986, p. 126.

- d) Fourth, regardless of the status of the “Donetsk People’s Republic” and the “Luhansk People’s Republic” under international law, Russia would be required to abide by the preconditions for the use of self-defense. As seen above at Paragraph 58, Russia’s use of force in Ukraine was not preceded by an armed attack and it has been neither necessary nor proportionate.
61. Thus, Russia’s use of armed force in individual or collective self-defense was neither legally nor factually supported.
62. Russia did not make any other legal arguments to justify its use of force in Ukraine. The legality of other potential arguments to justify the use of force, relating to the protection of Russian nationals abroad and humanitarian intervention, is debatable under international law. Notwithstanding their legality, these exceptions would, in any case, be inapplicable on the facts here. There is no evidence that Russian nationals were under attack in Ukraine at the material time to justify force under the principle of the defense of nationals abroad. Nor is there evidence of overwhelming humanitarian necessity to justify force under the principle of humanitarian intervention.
63. Therefore, Russia lacks any legal justification for its use of force against the sovereignty, territorial integrity or political independence of Ukraine. This constitutes a manifest violation of Article 2(4) of the UN Charter. The UN General Assembly overwhelmingly adopted on 2 March 2022 a resolution which notably “[d]eplures in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter”.¹⁶² That the resolution was adopted by a vote of 141 in favor to 5 against illustrates the international consensus that Russia’s acts of aggression were manifestly unlawful.

Russia’s acts of aggression are manifest violations by their gravity and scale

64. The acts of aggression must also be a manifest violation by their gravity and scale. Thus, the use of force must not only be obviously illegal, but also be of a certain intensity.¹⁶³ Russia’s acts of aggression in Ukraine display the required gravity and scale.
65. The “gravity” component relates to the effects of the use of force, which could include number of human casualties on all sides, the scope of the disturbance of common life within the victim state, and the level of property destruction on all sides.¹⁶⁴ The use of force by Russia has had particularly grave effects.
- a) First, there has been a high number of human casualties on all sides. The OHCHR recorded 1,761 civilian casualties by the close of 13 March 2022 (see Paragraph 40 above). The US military estimates that between 2,000 and 4,000 Ukrainian armed forces, national guard and volunteer forces between 5,000 and 6,000 Russian soldiers were killed in the two weeks spanning the

¹⁶² GA/12407, <https://www.un.org/press/en/2022/ga12407.doc.htm>.

¹⁶³ Claus Kreß, “The State Conduct Element” in Claus Kreß and Stefan Barriga (eds) *The Crime of Aggression: A Commentary* (Cambridge University Press, 2017), p. 510-511.

¹⁶⁴ Claus Kreß, “The State Conduct Element” in Claus Kreß and Stefan Barriga (eds) *The Crime of Aggression: A Commentary* (Cambridge University Press, 2017), p. 520, based on the Separate Opinion of Judge Simma in the *Armed Activities* case, at para. 2.

- start of the invasion on 24 February 2022 and 9 March 2022.¹⁶⁵ The Ukrainian Armed Forces claimed that over 12,000 Russian had been killed by 9 March 2022.¹⁶⁶
- b) Second, common life in Ukraine has been severely disturbed. The UNHCR estimated that over 3 million refugees had fled Ukraine between 24 February 2022 and 15 March 2022.¹⁶⁷
 - c) Third, property destruction has been particularly severe in Ukraine. Several Ukrainian cities have come under heavy Russian bombardments (see Paragraph 45 above). Residential houses, hospitals, and schools have been hit.¹⁶⁸ Small Ukrainian towns, such as Schastia and Volnovakha, have been reportedly devastated with thousands trapped in basement and over 80% of the infrastructure of the towns being damaged.¹⁶⁹
66. The “scale” component relates to the means used, including the intensity of the people- and firepower used.¹⁷⁰ The means used by Russia in Ukraine illustrate the scale of the use of force. As noted at Paragraph 44 above, Russian forces have used explosive weapons ranging from missiles, heavy artillery shells and rockets, and airstrikes.
67. Thus, Russia’s acts of aggression in Ukraine constitute a manifest violation of the UN Charter because of their evident illegality and because of their scale and gravity.

STATEMENT OF THE CASE

68. Each of the accused persons—VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO, SERGEI BESEDA, SERGEI LAVROV and VALERY GERASIMOV—planned, prepared, initiated and/or executed Russia’s acts of aggression. The accused persons perpetrated these acts, either by taking steps personally or, by virtue of their privileged position in Russian political and/or military decision-making, directing the actions of the Russian state and its agents.
69. Further investigation will assist in defining the conduct of each of the accused persons in relation to Russia’s acts of aggression. Additional evidence may

¹⁶⁵ “Up to 6,000 Russians may have been killed in Ukraine so far, U.S. official estimates”, CBS News, 10 March 2022, <https://www.cbsnews.com/news/ukraine-russia-death-toll-invasion/>.

¹⁶⁶ “Ukraine’s military: Over 12,000 Russian troops have been killed since Feb. 24.”, The Kyiv Independent, 9 March 2022, <https://kyivindependent.com/uncategorized/ukraines-military-over-12000-russian-troops-have-been-killed-since-feb-24/>.

¹⁶⁷ UNHRC, Ukraine Refugee Situation (accessed on 15 March 2022), the data is updated daily, <https://data2.unhcr.org/en/situations/ukraine>.

¹⁶⁸ Russian attacks on civilian targets in Ukraine could be a war crime: UN rights office, 11 March 2022, <https://news.un.org/en/story/2022/03/1113782>.

¹⁶⁹ Emma Graham-Harrison and Isobel Koshiw, ‘90% of houses are damaged’: Russia’s Syria-honed tactics lay waste Ukraine towns”, The Guardian, 4 March 2022, <https://www.theguardian.com/world/2022/mar/04/ninety-per-cent-of-houses-are-damaged-thousands-trapped-in-ukraines-small-towns>.

¹⁷⁰ Claus Kreß, “The State Conduct Element” in Claus Kreß and Stefan Barriga (eds) *The Crime of Aggression: A Commentary* (Cambridge University Press, 2017), p. 520.

illustrate that some of the accused persons committed additional acts of aggression beyond those identified in this indictment.

Planning

70. Planning includes participating in high-level meetings during which plans for the acts of aggression are formulated,¹⁷¹ and enacting legislation, decrees and ordinances concerning the aggressive plans.¹⁷²

VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO and SERGEI LAVROV attended high-level meetings to plan Russia's acts of aggression

71. The following accused persons convened high-level meetings to plan Russia's acts of aggression:
- a) On 18 February 2022, the Russian Security Council held a meeting to discuss the situation in Ukraine and "growing tensions that are provoked by external forces."¹⁷³ The meeting was attended by VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO and SERGEI LAVROV.¹⁷⁴
 - b) On or about 21 February 2022,¹⁷⁵ the Russian Security Council held an extraordinary meeting to discuss the situation in Donbas.¹⁷⁶ At this meeting, members of the Security Council agreed on the recognition of the DPR and the LPR as independent states. The meeting was attended by VLADIMIR

¹⁷¹ The tribunals which tried individuals for crimes against peace after World War II found attendance in high-level meetings constituted planning, Preparatory Commission for the International Criminal Court, Historical review of developments relating to aggression, Addendum, PCNICC/2002/WGCA/L.1/Add.1, p. 64 (judgment against Göring para. 64 (g), p. 66 (judgment against Keitel, para. 72 (d), (f), (g), (h)). p. 67 (judgment against Raeder, para. 74 (d)), p. 67 (judgment against Jodl, para. 76(g)). See also Carrie McDougall, *The Crime of Aggression under the Rome Statute of the International Criminal Court* (Cambridge University Press, 2021, 2nd ed), p. 237.

¹⁷² Preparatory Commission for the International Criminal Court, Historical review of developments relating to aggression, Addendum, PCNICC/2002/WGCA/L.1/Add.1, p. 79 (judgment against Koki Hirota, para. 335 (b)).

¹⁷³ Kremlin, "Meeting with Permanent Members of the Security Council", 18 February 2022, <http://en.kremlin.ru/events/president/news/67803>.

¹⁷⁴ Kremlin, "Meeting with Permanent Members of the Security Council", 18 February 2022, <http://en.kremlin.ru/events/president/news/67803>.

¹⁷⁵ There is reason to believe that this meeting was staged, with Russian independent network TV Rain observing that Russian Defense Minister Sergei Shoigu's watch displayed a time five hours earlier than the purported "live" meeting that was aired. See Shaun Walker, "Putin's absurd, angry spectacle will be a turning point in his long reign", *The Guardian*, 21 February 2022, <https://www.theguardian.com/world/2022/feb/21/putin-angry-spectacle-amounts-to-declaration-war-ukraine>; Dave Lawler, "Putin orders Russian 'peacekeeping operations' in eastern Ukraine", *Axios*, <https://www.axios.com/putin-recognize-donetsk-luhansk-republics-ukraine-166bbe54-2d6a-446a-87bd-e9e63cf21ca9.html>.

¹⁷⁶ Kremlin, "Security Council Meeting", 21 February 2022, <http://en.kremlin.ru/events/president/news/67825> video available here: <http://kremlin.ru/events/president/news/67825>.

PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO and SERGEI LAVROV.¹⁷⁷

72. A statement from the Kremlin confirmed that Russia’s military operation in Ukraine followed a previously laid out plan to demilitarize Ukraine and ensure its neutrality. Following a call between VLADIMIR PUTIN and the President of France, Emmanuel Macron, on 3 March 2022, the statement read that Russia’s operation was going “according to plan.”¹⁷⁸ Further, it stated that

Vladimir Putin outlined in detail the fundamental approaches and conditions in the context of negotiations with representatives of Kyiv. It was confirmed that, first of all, we are talking about the demilitarisation and neutral status of Ukraine, so that a threat to the Russian Federation will never emanate from its territory

The statement also noted that, “It was emphasised [by VLADIMIR PUTIN] that the tasks of the special military operation will be fulfilled in any event.”

73. SERGEI LAVROV has stated that Russia had decided to launch its “special military operation” in Ukraine to achieve the same planned objective: to protect the rights of Russian speakers and citizens of Ukraine and to demilitarize and de-nazify Ukraine.¹⁷⁹

VLADIMIR PUTIN and VALENTINA MATVIYENKO enacted legislation and decrees concerning Russia’s aggressive plans

74. Legislation and Presidential decrees/orders were enacted to plan Russia’s acts of aggression:
- a) On 24 April 2019, VLADIMIR PUTIN enacted a decree “On determining for humanitarian purposes categories of individuals who may apply for the citizenship of the Russian Federation via a simplified procedure.”¹⁸⁰ The decree extends Russian citizenship to residents of the DPR and the LPR.
 - b) On 2 July 2021, VLADIMIR PUTIN signed into law Russia’s updated National Security Strategy, which states that Russia considers it lawful to respond to unfriendly actions that pose a threat to Russia’s sovereignty and territorial integrity by taking symmetrical and asymmetrical measures to suppress these actions and prevent their recurrence.¹⁸¹

¹⁷⁷ Kremlin, “Security Council Meeting”, 21 February 2022, <http://en.kremlin.ru/events/president/news/67825> video available here: <http://kremlin.ru/events/president/news/67825>.

¹⁷⁸ Kremlin, “Telephone conversation with French President Emmanuel Macron”, 3 March 2022, <http://kremlin.ru/events/president/news/67898>.

¹⁷⁹ UN OHCHR, “On the Second Day of the Human Rights Council’s High-level Segment, Russia’s attack on Ukraine Continues to Dominate the Discussion”, 1 March 2022, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28182&LangID=E>.

¹⁸⁰ Decree of the President of the Russian Federation, No. 183 “On determining for humanitarian purposes categories of individuals who may apply for the citizenship of the Russian Federation via a simplified procedure”, 24 April 2019, on file.

¹⁸¹ Decree of the President of the Russian Federation, No. 183 “On the National Security Strategy of the Russian Federation”, Article 99, 2 July 2021, <http://ips.pravo.gov.ru:8080/default.aspx?pn=0001202107030001>.

- c) On 13 September 2021, the Russian Ministry of Industry and Trade adopted a national technical standard for urgent burial of corpses in wartime and peacetime, to take effect from 1 February 2022.¹⁸² The standard allows for designation as burial sites of areas as large as 40 hectares.¹⁸³
- d) On 15 February 2022, the State Duma approved¹⁸⁴ a resolution to recognize the sovereignty of the DPR and the LPR,¹⁸⁵ submitted by the CPRF faction.¹⁸⁶ On the same day, the State Duma sent the resolution to VLADIMIR PUTIN for his signature.¹⁸⁷
- e) On 21 February 2022, VLADIMIR PUTIN issued an instruction to the Defense Ministry to deploy “peacekeeping” troops to Donbas.¹⁸⁸
- f) On 22 February 2022, VLADIMIR PUTIN signed the resolution to recognize the sovereignty of the DPR with the Head of the DPR, Denis Pushilin.¹⁸⁹ The resolution passed into law on the same day and allowed for the deployment of Russian peacekeeping troops to the DPR.
- g) On 22 February 2022, VLADIMIR PUTIN signed the resolution to recognize the sovereignty of the LPR with the Head of the LPR, Leonid Pasechnik.¹⁹⁰ The resolution passed into law on the same day, and allowed for the deployment of Russian peacekeeping troops to the LPR.

¹⁸² Order of the Ministry of Industry and Trade of the Russian Federation, N 950-st “On approval of the national standard of the Russian Federation”, 13 September 2021, <https://docs.cntd.ru/document/727930017?marker=64S0IJ>.

¹⁸³ National Standard of the Russian Federation, OKS 13.200 “Urgent Burying of Bodies in War and Peace Time – Emergency Disposal of the Dead in Wartime and Peace Time”, 1 February 2022, <https://docs.cntd.ru/document/1200180859#7D20K3>.

¹⁸⁴ State Duma, “Members of the State Duma voted for the draft appeal to the Russian President for LPR and DPR recognition”, 15 February 2022, <http://duma.gov.ru/en/news/53431/>.

¹⁸⁵ On file.

¹⁸⁶ State Duma, “Vyacheslav Volodin: the Council of the State Duma to consider draft on recognition of LPR and DPR next week”, 21 January 2022, <http://duma.gov.ru/en/news/53264/>.

¹⁸⁷ State Duma, “Vyacheslav Volodin: the Council of the State Duma to consider draft on recognition of LPR and DPR next week”, 21 January 2022, <http://duma.gov.ru/en/news/53264/>.

¹⁸⁸ Decree of the President of the Russian Federation, No. 71 “On the recognition of the Donetsk People’s Republic”, 21 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220002#print>.

¹⁸⁹ Federal Law No. 15-FZ “On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Donetsk People’s Republic”, 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220032>; Federal Law No. 16-FZ “On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Lugansk People’s Republic”, 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220033>.

¹⁹⁰ Federal Law No. 15-FZ “On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Donetsk People’s Republic”, 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220032>; Federal Law No. 16-FZ “On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Lugansk People’s Republic”, 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220033>.

- h) On 22 February 2022, the Federation Council unanimously ratified the resolutions to recognize the sovereignty of the DPR and the LPR.¹⁹¹ The Federation Council is chaired by VALENTINA MATVIYENKO.
 - i) On 22 February 2022, the Federation Council passed a resolution granting VLADIMIR PUTIN's request to authorize deployment of Russian armed forces abroad.¹⁹² The Federation Council is chaired by VALENTINA MATVIYENKO.
 - j) On 27 February 2022, VLADIMIR PUTIN ordered the Minister of Defense, SERGEI SHOIGU, and the Chief of the General Staff, VALERY GERASIMOV, to transfer the "deterrence forces" of the Russian army to a special mode of combat duty.¹⁹³
75. By the foregoing acts, conduct and practices, VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO, SERGEI LAVROV and VALERY GERASIMOV are responsible for the crime of aggression by planning Russia's acts of aggression, as charged in Count 1.

Preparation

76. Preparation refers to concrete steps taken to realize the plan and can include acts to create the necessary military or economic capacities to commit acts of aggression and political and diplomatic maneuvers.¹⁹⁴ Preparation includes preparing official justification for acts of aggression; making false assurances of peaceful intentions;¹⁹⁵ pressuring the other State by amassing troops;¹⁹⁶

¹⁹¹ Federal Law No. 15-FZ "On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Donetsk People's Republic", 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220032>; Federal Law No. 16-FZ "On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Lugansk People's Republic", 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220033>.

¹⁹² Decree of the Federation Council of the Federal Assembly of the Russian Federation, No. 35-SF "On the use of the Armed Forces of the Russian Federation outside the territory of the Russian Federation", 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202240001#print>.

¹⁹³ Kremlin, "Meeting with Sergei Shoigu and Valery Gerasimov", 27 February 2022, <http://www.kremlin.ru/events/president/news/67876>.

¹⁹⁴ Florian Jeßberger, "Implementing Kampala: The New Crime of Aggression under the German Code of Crimes against International Law" in Martin Böse et al (eds), *Justice Without Borders* (Brill, 2018), p. 190; Carrie McDougall, "The Crime of Aggression under the Rome Statute of the International Criminal Court," (Cambridge University Press, 2021, 2nd ed), p. 237.

¹⁹⁵ On the jurisprudence of the tribunals after World War II, Preparatory Commission for the International Criminal Court, Historical review of developments relating to aggression, Addendum, PCNICC/2002/WGCA/L.1/Add.1, p. 66 (judgment against von Ribbentrop, para. 71 (g)).

¹⁹⁶ On the jurisprudence of the tribunals after World War II, Preparatory Commission for the International Criminal Court, Historical review of developments relating to aggression, Addendum, PCNICC/2002/WGCA/L.1/Add.1, p. 66 (judgment against von Ribbentrop, para. 71 (g)).

intervening in the internal affairs of the other State;¹⁹⁷ engaging in diplomatic maneuvers to prevent third States from aiding the other State,¹⁹⁸ and engineering incidents as pretexts for military action.¹⁹⁹

VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO, SERGEI LAVROV and VALERY GERASIMOV prepared official justifications for Russia's acts of aggression

77. VLADIMIR PUTIN's speech of 24 February 2022 seeks to justify Russia's acts of aggression as being conducted in self-defense to protect its own territory or Russian nationals (individual self-defense), and to protect the DPR and the LPR (collective self-defense).²⁰⁰ In advance of Russia's acts of aggression, preparations were made to establish these official justifications.
78. In preparation for the individual self-defense justification, a number of statements were made before and after the initiation of the invasion of Ukraine to establish a record of Russia's alleged perception of a threat from Ukraine, or to otherwise insinuate that Russia believes that such a threat exists. These statements and insinuations refer to the alleged threat posed to Russia by the Ukrainian armed forces and by the NATO presence in Ukraine:
 - a) On 12 April 2021, in a media interview, SERGEI LAVROV claimed that the US is engaging "especially assertively" in military activity in Ukraine, and that this action is accompanied by aggressive rhetoric from the US. He continued that it is unclear what the US is doing in Ukraine, with its ships and military personnel frequently in the country.²⁰¹
 - b) On 14 April 2021, in a meeting in Sevastopol on ensuring Russia's "national security" in Crimea, NIKOLAI PATRUSHEV stated that, with the support of the US, Ukraine is increasingly planning to establish control over Crimea by force, and that Ukraine's new military security strategy specifically identifies Russia as a military enemy.²⁰²
 - c) On 12 July 2021, VLADIMIR PUTIN published an article titled "On the Historical Unity of Russians and Ukrainians," claiming that Ukraine is "aggressive towards Russia," as evinced by supposed discrimination against

¹⁹⁷ On the jurisprudence of the tribunals after World War II, Preparatory Commission for the International Criminal Court, Historical review of developments relating to aggression, Addendum, PCNICC/2002/WGCA/L.1/Add.1, p. 66 (judgment against Keitel, para. 72 (b)).

¹⁹⁸ On the jurisprudence of the tribunals after World War II, Preparatory Commission for the International Criminal Court, Historical review of developments relating to aggression, Addendum, PCNICC/2002/WGCA/L.1/Add.1, p. 65 (judgment against Hess, para. 67 (h) (i)), p. 65 (judgment against von Ribbentrop, para. 71 (e)).

¹⁹⁹ Preparatory Commission for the International Criminal Court, Historical review of developments relating to aggression, Addendum, PCNICC/2002/WGCA/L.1/Add.1, p. 86 (judgment against Seishiro Itagaki, para. 341 (a) (g)).

²⁰⁰ Appendix, para. 3.

²⁰¹ TASS, "Lavrov: Russia warns all countries against fueling militaristic sentiments in Kyiv", 12 April 2021, <https://tass.ru/politika/11123257>.

²⁰² TASS, "Patrushev: Kyiv can organize provocations to start military operations against Crimea", 14 April 2021, <https://tass.ru/politika/11146349>.

Russian speakers in Ukraine, termed “Russophobia”.²⁰³ In this article, VLADIMIR PUTIN also purports that Ukraine is indulging in aggressive rhetoric and militarizing, and that Ukraine’s authorities, security services and armed forces are under direct external control.

- d) On 19 August 2021, in a media interview, NIKOLAI PATRUSHEV remarked that the US is pumping Ukraine with weapons, and that Ukraine serves foreign interests as it seeks to enter NATO.²⁰⁴
- e) On 18 November 2021, in a speech at an expanded meeting of Russia’s Foreign Ministry Board, VLADIMIR PUTIN identified “Ukraine’s internal crisis” as a pressing issue for Russia, with Ukraine’s failure to fulfil its obligations under the Minsk Agreements preventing resolution of the issue. He continued that the West is exacerbating the situation by “supplying Kiev with modern lethal weapons, conducting provocative military exercises in the Black Sea and other regions close to our borders,” and that NATO’s expansion to Russia’s borders could be used offensively against Russia.²⁰⁵
- f) On 23 November 2021, in a media interview, NIKOLAI PATRUSHEV asserted that Ukraine is a protectorate of the “West”, and that the situation in Ukraine could flare up at any minute.²⁰⁶
- g) On 30 November 2021, in a media interview, SERGEI LAVROV asserted that Western countries have been provoking Ukraine into taking anti-Russian actions for many years, and that the West is currently inciting Ukraine to use force in Donbas, thereby posing a direct threat to Russian security.²⁰⁷
- h) On 7 December 2021, in a meeting with the President of the United States of America, Joseph Biden, VLADIMIR PUTIN expressed concern that NATO was “undertaking dangerous attempts to gain a foothold on Ukrainian territory, and building up its military capabilities along the Russian border.”²⁰⁸

²⁰³ Kremlin, “Article by Vladimir Putin ‘On the Historical Unity of Russians and Ukrainians’”, 12 July 2021, <http://en.kremlin.ru/events/president/news/66181>.

²⁰⁴ Alexey Zabrodin, “Secretary of the Security Council of the Russian Federation Nikolai Patrushev – on the results of US interference in the internal affairs of other countries and the affected Afghans”, Izvestiya, 19 August 2021, <https://iz.ru/1209165/aleksei-zabrodin/pokhozhaia-situatciia-ozhidaet-i-storonnikov-amerikanskogo-vybora-na-ukraine>.

²⁰⁵ Kremlin, “Expanded meeting of the Foreign Ministry Board”, 18 November 2021, <http://en.kremlin.ru/events/president/news/67123>.

²⁰⁶ Vitaly Tseplyaev, “The West and its hostages: Nikolai Patrushev on the causes of the crisis with migrants”, AiF, 23 November 2021, https://aif.ru/politics/world/zapad_i_ego_zalozhniki_nikolay_patrushev_o_prichinah_krizisa_s_migrantami.

²⁰⁷ TASS, “Lavrov said that the West has been provoking Ukraine for anti-Russian actions for several years”, 30 November 2021, <https://tass.ru/politika/13066903>.

²⁰⁸ Kremlin, “Meeting with US President Joseph Biden”, 7 December 2021, <http://en.kremlin.ru/events/president/news/67315>.

- i) On 9 December 2021, VLADIMIR PUTIN declared, at a meeting of the Council for Civil Society and Human Rights, that “Russophobia” is the first step towards genocide.²⁰⁹
- j) On 9 December 2021, the spokesperson for the Russian Ministry of Foreign Affairs, Maria Zakharova, reportedly accused Ukraine of moving heavy artillery towards the line of contact in Donbas, and of failing to engage in a peace process.²¹⁰
- k) On 21 December 2021, in an expanded meeting of the Russian Defense Ministry Board, SERGEI SHOIGU made a number of claims regarding alleged US and NATO military presence in Ukraine, particularly in Donetsk, and military drills targeting Russia.²¹¹ Among these claims, SERGEI SHOIGU stated that US private military companies were preparing a provocation with chemical components in eastern Ukraine and that about 120 representatives of US private military companies were already in Ukraine. At this meeting, VLADIMIR PUTIN also reportedly stated that what the US is doing in Ukraine is at Russia’s border, and that Russia simply has nowhere to retreat. He continued that the US would put “hypersonic” weapons in Ukraine and thereby arm and push extremists from Ukraine into Russia, perhaps by attacking Crimea.²¹² The meeting was attended by VLADIMIR PUTIN, SERGEI SHOIGU, VALERY GERASIMOV,²¹³ VALENTINA MATVIYENKO²¹⁴ and unnamed “representatives of bodies of state power and public organizations” and “command officials from military districts.”²¹⁵
- l) On 27 December 2021, in a media interview, SERGEI LAVROV opined that the West may be seeking to fuel militaristic sentiments and begin a war in Ukraine, planning to blame the war on Russia and thus impose sanctions.²¹⁶
- m) On 30 December 2021, in a media interview, VALENTINA MATVIYENKO assured Russian citizens, in relation to the situation in Ukraine, that VLADIMIR PUTIN, the Russian government and the Federal

²⁰⁹ Kremlin, “Meeting of Council for Civil Society and Human Rights”, 9 December 2021, <http://en.kremlin.ru/events/president/news/67331>.

²¹⁰ TASS, “Kiev sending more troops to Donbass conflict area – MFA”, 9 December 2021, <https://tass.com/world/1373263>.

²¹¹ Kremlin, “Expanded Meeting of the Defence Ministry Board”, 21 December 2021, <http://en.kremlin.ru/events/president/news/67402>.

²¹² TASS, “Russia simply has ‘nowhere to retreat’ if US weapons appear in Ukraine – Putin”, 21 December 2021, <https://tass.com/politics/1378741>.

²¹³ Kremlin, “Expanded Meeting of the Defence Ministry Board – Photos”, 21 December 2021, <http://en.kremlin.ru/events/president/transcripts/67402/photos>.

²¹⁴ Federation Council, “V. Matvienko took part in the expanded meeting of the Board of the Ministry of Defense of Russia”, 21 December 2021, <http://council.gov.ru/events/chairman/132083/>.

²¹⁵ Kremlin, “Expanded Meeting of the Defence Ministry Board”, 21 December 2021, <http://en.kremlin.ru/events/president/news/67402>.

²¹⁶ Sakina Nurieva, “Lavrov assessed the likelihood of war in Ukraine”, Gazeta, 27 December 2021, <https://www.gazeta.ru/politics/news/2021/12/27/17069797.shtml>.

Assembly are taking exhaustive measures to ensure Russia's national security and preserve its sovereignty.²¹⁷

- n) On 9 January 2022, SERGEI SHOIGU gave an interview stating that there is a big war on information that Russia has no right to lose.²¹⁸
- o) On 20 January 2022, in a tweet, the Russian Ministry of Foreign Affairs called on the West to "stop [its] aggressive anti-Russian info campaign, stop contributing to Ukraine's militarization, encourage Kiev to implement the #MinskAgreements."²¹⁹
- p) On 22 January 2022, in a tweet, the Russian Ministry of Foreign Affairs accused the US of encouraging Ukraine's aggressive actions in Donbas by sending weapons.²²⁰
- q) On 4 February 2022, in a tweet, the Russian Ministry of Foreign Affairs accused the US and NATO of hampering the search for a peaceful solution to the conflict in Donbas by continuing to deliver military aid to Ukraine.²²¹
- r) In early February 2022, SERGEI SHOIGU met with the President of Belarus, Alexander Lukashenko, and promised to hold military drills and set modern weapons on Belarus's western borders to ensure protection and resist the "destructive line of the West."²²²
- s) On 15 February 2022, at a press conference, VLADIMIR PUTIN stated that the US and NATO responses to Russian proposals on security guarantees did not meet Russian requirements.²²³
- t) On 16 February 2022, in an interview published on the Federation Council's website, VALENTINA MATVIYENKO claimed that NATO had begun the military development of Ukrainian territory, pumping its armed forces with military equipment, ammunition and weapons, thereby creating "hotbeds of instability around Russian borders." She continued that the goal of the West is to restrain Russia and stop its development, and therefore the West has

²¹⁷ RIA, "Matvienko commented on the situation around Ukraine", 30 December 2021, <https://ria.ru/20211230/matvienko-1766175446.html>.

²¹⁸ TVVezda, "'This is a big war': Shoigu announced the importance of victory in the 'battle for information'", 9 January 2022, <https://tvvezda.ru/news/202219846-htwov.html>.

²¹⁹ MFA Russia, Tweet, 20 January 2022, https://twitter.com/mfa_russia/status/1484078942201991170.

²²⁰ MFA Russia, Tweet, 22 January 2022, https://twitter.com/mfa_russia/status/1484965492074987524.

²²¹ MFA Russia, Tweet, 4 February 2022, https://twitter.com/mfa_russia/status/1489537795437830144.

²²² RT News, "Russia will supply Belarus with modern weapons to strengthen the borders", 9 February 2022, <https://russian.rt.com/ussr/news/959727-rossiya-dast-belorussiya-oruzhie>; RT News, "Shoigu: Moscow highly appreciates the determination of Minsk in confronting the 'destructive line of the West'", 3 February 2022, <https://russian.rt.com/ussr/news/956815-shoigu-podderzhka-rossiya-belorussiya>.

²²³ Kremlin, "News Conference following Russian-German Talks", 15 February 2022, <http://en.kremlin.ru/events/president/news/67774>.

entrusted Ukraine with the mission of provoking an armed conflict with Russia.²²⁴

- u) On 16 February 2022, in a tweet, the Russian Ministry of Foreign Affairs called on everyone to “stop whipping up hysteria,” remarking that peace in the region is threatened by Western steps to build NATO forces on the Russian border and to supply weapons to Ukraine.²²⁵
- v) On 18 February 2022, the Russian Security Council held a meeting focusing on the “growing tensions that are provoked by external forces” in relation to Ukraine.²²⁶ The meeting was attended by VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO and SERGEI LAVROV.²²⁷
- w) On 18 February 2022, the President of Belarus, Alexander Lukashenko, explained in a joint press conference with VLADIMIR PUTIN that the “growing military threat” on Russian and Belarussian borders with Ukraine and the “pumping of Ukraine with weapons” had compelled Belarus and Russia to look for adequate means of repelling a potential attack on their borders.²²⁸
- x) On 24 February 2022, in a media interview, VALENTINA MATVIYENKO opined that Russians who oppose the “special operation” in Ukraine ought to worry about Russia’s security rather than momentary difficulties they face.²²⁹
- y) On 24 February 2022, as reported on the Federation Council’s website, VALENTINA MATVIYENKO claimed that Ukraine’s supposed provocations are “not only a security issue for Lugansk and Donetsk,” but also for Russia itself, and that “a state hostile to Russia has been formed.”²³⁰
- z) On 25 February 2022, in a media interview, SERGEI NARYSHKIN stated that Russia is forced to defend itself and its allies through the special operation in Ukraine.²³¹

²²⁴ Federation Council, “Russian society does not want war either with Ukraine or with anyone else”, 16 February 2022, <http://council.gov.ru/events/news/133299/>.

²²⁵ MFA Russia, Tweet, 16 February 2022, https://twitter.com/mfa_russia/status/1493958728617451523.

²²⁶ Kremlin, “Meeting with Permanent Members of the Security Council”, 18 February 2022, <http://en.kremlin.ru/events/president/news/67803>.

²²⁷ Kremlin, “Meeting with Permanent Members of the Security Council”, 18 February 2022, <http://en.kremlin.ru/events/president/news/67803>.

²²⁸ Kremlin, “News Conference following Russian-Belarussian Talks”, 18 February 2022, <http://en.kremlin.ru/events/president/news/67809>.

²²⁹ RIA, “Matvienko criticized the opponents of the military operation in Ukraine”, 24 February 2022, <https://ria.ru/20220224/matvienko-1774824293.html>.

²³⁰ Federation Council, “V. Matvienko: We could not leave people for extermination”, 24 February 2022, <http://council.gov.ru/events/chairman/133529/>.

²³¹ Julie Coleman, “Spy chief humiliated by Putin on Russian TV for stammering releases new video echoing Putin’s war rhetoric”, 25 February 2022, <https://www.businessinsider.com/spy-chief-putin-humiliated-releases-video-echoing-putins-war-rhetoric-2022-2>.

- aa) On 25 February 2022, in a speech at the Seventh Inter-Parliamentary Forum in Tajikistan, VALENTINA MATVIYENKO claimed that Russia has persistently called for a diplomatic solution to the “intra-Ukrainian conflict,” and that it is the Ukrainian authorities, with Western support, who chose otherwise by intensifying military operations, shelling and terrorist attacks. She continued that these conditions left Russia with no choice but to recognize the independence of the DPR and the LPR, and conduct the “special military operation” to enforce peace and demilitarize Ukraine.²³²
- bb) On 27 February 2022, VLADIMIR PUTIN claimed that the West is taking unfriendly actions against Russia, not only economically through sanctions, but also in the form of top officials of NATO Member States making “aggressive statements” against Russia. In response to this alleged aggression, he ordered the Minister of Defense, SERGEI SHOIGU, and the Chief of the General Staff, VALERY GERASIMOV, to transfer the “deterrence forces” of the Russian army to a special mode of combat duty.²³³
- cc) On 1 March 2022, SERGEI LAVROV appeared before the UN Human Rights Council on 1 March 2022, where he claimed that Ukraine had “made territorial claims against the Russian Federation, threatened to use force and acquire a military nuclear capability.”²³⁴ Further, he stated that Russia had decided to launch its “special military operation” to protect the rights of Russian speakers and citizens of Ukraine and demilitarize and de-nazify Ukraine.²³⁵
- dd) On 3 March 2022, the SVR published a press statement by its Director, SERGEI NARYSHKIN, asserting that the US and its allies are seeking to lower the iron curtain on Russia under the pretense of protecting EU security and Ukrainian sovereignty. He further stated that Ukraine has regained technical capability to build nuclear weapons much larger than those of North Korea or Iran, and that the SVR’s intelligence indicates that Ukraine is working towards further development of nuclear weapons with the US’s knowledge.²³⁶
- ee) On 4 March 2022, the SVR, headed by SERGEI NARYSHKIN, published a press statement disclosing information on alleged training of ISIS prisoners at a US military base in Syria for combat in Donbas, and the use of Poland

²³² Together-RF, “We were simply left with no other choice: Matvienko on the military operation in Ukraine”, 25 February 2022, <https://www.youtube.com/watch?v=2zZ73wc4Dq0>.

²³³ Kremlin, “Meeting with Sergei Shoigu and Valery Gerasimov”, 27 February 2022, <http://www.kremlin.ru/events/president/news/67876>.

²³⁴ “Diplomats walk out of Lavrov’s speech at the U.N. in Geneva”, The New York Times, 1 March 2022, <https://www.nytimes.com/2022/03/01/world/europe/lavrov-speech-un.html>.

²³⁵ UN OHCHR, “On the Second Day of the Human Rights Council’s High-level Segment, Russia’s attack on Ukraine Continues to Dominate the Discussion”, 1 March 2022, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28182&LangID=E>.

²³⁶ Foreign Intelligence Service of the Russian Federation, “Director of the SVR of Russia Sergey Naryshkin on the Special Military Operation in Ukraine”, 3 March 2022, <http://www.svr.gov.ru/smi/2022/03/direktor-svr-rossii-sergey-naryshkin-o-spetsialnoy-voennoy-operatsii-na-ukraine-.htm>.

- as a “logistics hub” by NATO Members. The statement further asserted that the “Westerners expect to ‘absorb’ the remnants of the Ukrainian special services and directly direct their hostile activities against Russia.”²³⁷
- ff) On 4 March 2022, in her speech opening the 520th Session of the Federation Council, VALENTINA MATVIYENKO claimed that Russia’s “special targeted military operation” in Ukraine aimed to demilitarize and de-Nazify Ukraine, to ensure that there is no military threat to Russia from Ukrainian territory. She continued that the Russian armed forces are fighting for Russia, its security, and its citizens.²³⁸
- gg) On 6 March 2022, in a tweet, the Russian Ministry of Foreign Affairs claimed that, in the course of Russia’s “special military operation” in Ukraine, they had discovered evidence of an emergency clean-up of Ukraine’s military-biological program, financed by the US Department of Defense.²³⁹
- hh) On 9 March 2022, in a tweet, the Russian Ministry of Foreign Affairs sought to confirm its claim that, in the course of Russia’s “special military operation” in Ukraine, they had discovered evidence of a military-biological program, implemented by Ukraine and financed by the US Department of Defense.²⁴⁰
- ii) On 10 March 2022, in a press conference, SERGEI LAVROV opined that Russia had not attacked Ukraine, but was merely acting in response to a direct threat to Russian security.²⁴¹
- jj) On 15 March 2022, at a meeting on national security in the North Caucasus, NIKOLAI PATRUSHEV claimed that Ukraine fell under the external control of the US following the “coup” in 2014, that the US aims to turn Ukraine into a state hostile to Russia, and that the US is encouraging and helping Ukraine to create biological and nuclear weapons.²⁴²
- kk) On 16 March 2022, in a meeting on socio-economic support for the constituent entities of Russia, VLADIMIR PUTIN claimed that Russia had “no alternative for self-defence” and to ensure its security, and therefore was

²³⁷ Foreign Intelligence Service of the Russian Federation, “Intelligence Agencies of NATO Countries are Transferring Foreign Terrorist Fighters to Ukraine”, 4 March 2022, <http://www.svr.gov.ru/smi/2022/03/spetssluzhby-stran-nato-perebrasyvayut-inostrannykh-terroristov-boevikov-na-ukrainu.htm>.

²³⁸ Federation Council, “520th meeting of the Federation Council – Transcript”, 4 March 2022, <http://council.gov.ru/activity/meetings/133659/transcript/>.

²³⁹ MFA Russia, Tweet, 6 March 2022, https://twitter.com/mfa_russia/status/1500539810418671626.

²⁴⁰²⁴⁰ MFA Russia, Tweet, 9 March 2022, https://twitter.com/mfa_russia/status/1501513801614729224.

²⁴¹ Euronews, “Lavrov: Russia doesn’t plan to attack other countries”, 10 March 2022, <https://www.euronews.com/2022/03/10/lavrov-russia-doesn-t-plan-to-attack-other-countries-and-did-not-attack-ukraine>.

²⁴² Sputnik Azerbaijan, “Abundance of foreign consultants in Kyiv provokes new threats – Patrushev”, 15 March 2022, <https://web.archive.org/web/20220316062514/https://az.sputniknews.ru/20220315/obilie-inostrannykh-konsultantov-kieva-provotsiruet-novye-ugrozy---patrushev-440175674.html>.

forced to begin the “special military operation” in Ukraine. He continued that Russia would “never allow Ukraine to be a bridgehead for aggressive actions against our country.”²⁴³

- ll) On 16 March 2022, at an expert council for historical education at the Russian Ministry of Education and Science, SERGEI NARYSHKIN stated that this is a “truly historic moment” for Russia, which is facing attempts at its destruction, disguised by the US and its allies as attempts to protect the sovereignty of Ukraine and European security.²⁴⁴
 - mm) On 16 March 2022, in a media interview, SERGEI NARYSHKIN claimed that the decision to conduct a special military operation was aimed at protecting the population of Donbas and protecting Russian security, and that any delay in doing so would have turned into a great tragedy.²⁴⁵
 - nn) On 5 April 2022, as reported on the Federation Council’s website, VALENTINA MATVIYENKO claimed that the West is trying to hide the truth about provocations against Russia, thereby fostering “Russophobia” and hatred of Russia. She continued that the West has been saturating Ukraine with weapons.²⁴⁶
79. In preparation for the individual self-defense justification, steps were also taken to establish a record of Russia’s alleged perception of a threat to Russian citizens in Ukraine from Ukrainian authorities or armed forces:
- a) On 24 April 2019, VLADIMIR PUTIN enacted a decree “On determining for humanitarian purposes categories of individuals who may apply for the citizenship of the Russian Federation via a simplified procedure.”²⁴⁷ The decree enabled residents of Donetsk and Luhansk to apply for Russian citizenship, thereby laying the foundation for claims that the situation in Donbas threatens “Russian citizens,” and therefore threatens Russia itself.
 - b) On 16 February 2022, in an interview published on the Federation Council’s website, VALENTINA MATVIYENKO stated that thousands of Russian citizens live in Donbas, and in the event of an invasion by the Ukrainian armed forces, Russia will do everything necessary to protect those citizens.²⁴⁸

²⁴³ Kremlin, “Meeting on Socioeconomic Support for Regions”, 16 March 2022, <http://en.kremlin.ru/events/president/news/67996>.

²⁴⁴ Kristina Stashchenko, “Naryshkin: Now the fate of Russia and its future place in the world are being decided”, *Parliamentskaya Gazeta*, 16 March 2022, <https://www.pnp.ru/social/naryshkin-seychas-reshaetsya-sudba-rossii-i-ee-budushhee-mesto-v-mire.html>.

²⁴⁵ RIA, “Naryshkin: the decision to conduct a special operation in Ukraine was based on an assessment of the situation”, 16 March 2022, <https://ria.ru/20220316/spetsoperatsiya-1778390555.html>.

²⁴⁶ Federation Council, “V. Matvienko: Our servicemen accurately and precisely carry out the order to demilitarize and denazify Ukraine, treating the civilian population with care”, 5 April 2022, <http://council.gov.ru/events/chairman/134760/>.

²⁴⁷ On file.

²⁴⁸ Federation Council, “Russian society does not want war either with Ukraine or with anyone else”, 16 February 2022, <http://council.gov.ru/events/news/133299/>.

- c) On 22 February 2022, on the Federation Council’s adoption of a resolution permitting the deployment of Russian armed forces abroad, VALENTINA MATVIYENKO declared the decision as being aimed at establishing peace, and preventing the continuation of bloodshed and shelling of citizens.²⁴⁹
 - d) On 23 February 2022, an agent of the Russian state, Permanent Representative of Russia to the UN Vassily Nebenzia, stated at a UN Security Council meeting that “[t]he goal of this special operation is protection of people who have been victimized and exposed to genocide by the Kiev regime. To ensure this, we will seek... criminal prosecution for those who committed numerous heinous crimes against civilians, including citizens of the Russian Federation.”²⁵⁰
80. In preparation for the collective self-defense justification, VLADIMIR PUTIN enacted a decree on 24 April 2019 allowing residents of the DPR and the LPR to apply for Russian citizenship, as described in Paragraphs 74.a) and 79.a). Thereafter, a number of statements were made as to the alleged genocide and “Russophobia” in Donbas:
- a) On 21 September 2021, in a media interview, NIKOLAI PATRUSHEV claimed that Ukrainian authorities pass laws that discriminate against the Russian language and indigenous peoples.²⁵¹
 - b) On 9 December 2021, at a meeting of the Council for Civil Society and Human Rights, VLADIMIR PUTIN declared that the “current developments in Donbas... are very reminiscent of genocide.”²⁵²
 - c) On 18 January 2022, in a media interview at an exhibition titled ‘Violations of Human Rights in Ukraine (2017-2020)’, SERGEI NARYSHKIN claimed that a “real civil war was unleashed by the Ukrainian elite,” resulting in the deaths of civilians in Donbas for the past seven years. He continued that the killings were conducted by persons “inspired by the image of Ukraine as anti-Russia”.²⁵³
 - d) On 15 February 2022, at a press conference, VLADIMIR PUTIN asserted that there was an ongoing genocide in Donbas, and that Ukraine is

²⁴⁹ Federation Council, “The Federation Council agreed to the use of the Armed Forces of the Russian Federation outside the territory of the Russian Federation”, 22 February 2022, <http://council.gov.ru/events/chairman/133443/>.

²⁵⁰ Permanent Representative of Russia to the UN, Statement and Reply at UNSC briefing on Ukraine, 23 February 2022, <https://russiaun.ru/en/news/230222un>.

²⁵¹ Vitaly Tseplyaev, “Chaos chain reaction: Nikolai Patrushev on alliances and values alien to Russia”, AiF, 21 September 2021, https://aif.ru/politics/russia/cepnaya_reakciya_haosa_nikolay_patrushev_o_chuzhdyh_rossii_soyuzah_i_cennostyah.

²⁵² Kremlin, “Meeting of Council for Civil Society and Human Rights”, 9 December 2021, <http://en.kremlin.ru/events/president/news/67331>.

²⁵³ 1tv, “Head of the Foreign Intelligence Service and the Russian Historical Society Sergey Naryshkin spoke at the opening of the exhibition ‘Violation of Human Rights in Ukraine’”, 18 January 2022, https://www.1tv.ru/news/2022-01-18/419647-glava_svr_i_rossiyskogo_istoricheskogo_obschestva_sergey_naryshkin_vystupil_na_otkrytii_vystavki_narushenie_prav_cheloveka_na_ukraine.

- systematically violating human rights in Donbas and endorsing discrimination against Russian speakers at the legislative level.²⁵⁴
- e) On 18 February 2022, Chairman of the State Duma Vyacheslav Volodin, stated that the West is ignoring the “genocide” in Donbas.²⁵⁵
 - f) On 23 February 2022, an agent of the Russian state, Permanent Representative of Russia to the UN Vassily Nebenzia, stated at a UN Security Council meeting that, Ukraine “has turned into ‘Anti-Russia’ and raised its fight against the Russian language and everything Russian to the level of state policy... All those who disagree with such policies were persecuted, subjected to repressions, legal prosecution and violence.”²⁵⁶ Nebenzia also referred to the situation in Donbas as a “flagrant genocide and violation of the main human right – the right to life.”²⁵⁷
81. In preparation for the collective self-defense justification, allegations were also raised as to Ukraine’s intention to violate the Minsk Agreements, and the actual or threatened use of force in Donbas by the armed forces of Ukraine and/or NATO Members:
- a) On 12 July 2021, VLADIMIR PUTIN published an article titled “On the Historical Unity of Russians and Ukrainians,” claiming that Ukraine regularly declares its “full adherence” to the Minsk Agreements, but does not intend to seriously implement the same, instead arranging “bloody provocations” in Donbas.²⁵⁸
 - b) On 27 November 2021, in a media interview, SERGEI NARYSHKIN claimed that the US is seeking to push Ukraine to attack Donbas, and that this motivation belies allegations that Russia is preparing to invade Ukraine.²⁵⁹
 - c) On 30 November 2021, in a media interview with the state news outlet Rossiyskaya Gazeta, NIKOLAI PATRUSHEV claimed that Ukraine has increased its military spending, provoked tension in its eastern region, and regularly bombards the DPR and the LPR in violation of the Minsk Accords.²⁶⁰

²⁵⁴ Kremlin, “News Conference following Russian-German Talks”, 15 February 2022, <http://en.kremlin.ru/events/president/news/67774>.

²⁵⁵ State Duma, “Vyacheslav Volodin blamed Western states for using double standards in situation with genocide in Ukraine”, 18 February 2022, <http://duma.gov.ru/en/news/53483/>.

²⁵⁶ Permanent Representative of Russia to the UN, Statement at UNGA under agenda item “The situation in the temporarily occupied territories of Ukraine”, 23 February 2022, <https://russiaun.ru/en/news/230222ga>.

²⁵⁷ Permanent Representative of Russia to the UN, Statement at UNGA under agenda item “The situation in the temporarily occupied territories of Ukraine”, 23 February 2022, <https://russiaun.ru/en/news/230222ga>.

²⁵⁸ Kremlin, “Article by Vladimir Putin ‘On the Historical Unity of Russians and Ukrainians’”, 12 July 2021, <http://en.kremlin.ru/events/president/news/66181>.

²⁵⁹ Interfax, “Naryshkin called the purpose of the rumors about the allegedly impending Russian invasion of Ukraine”, 27 November 2021, <https://www.interfax.ru/world/805305>.

²⁶⁰ TASS, “Russia’s security chief sees no unsubstantiated troop movements near border with Ukraine”, 30 November 2021,

- d) On 7 December 2021, in a meeting with the President of the United States of America, Joseph Biden, VLADIMIR PUTIN “shared specific examples to illustrate the destructive nature of Kyiv’s policy to dismantle” the Minsk Agreements and expressed serious concern about Kyiv’s “provocative actions against Donbas.”²⁶¹
- e) On 21 December 2021, at an expanded meeting of the Russian Defense Ministry Board, SERGEI SHOIGU claimed that the Ukrainian military was shelling civilian neighborhoods in Donbas.²⁶² At this meeting, SERGEI SHOIGU also made a number of claims regarding alleged US and NATO military presence in Ukraine, particularly in Donetsk, and military drills targeting Russia. The meeting was attended by VLADIMIR PUTIN, SERGEI SHOIGU, VALERY GERASIMOV,²⁶³ VALENTINA MATVIYENKO²⁶⁴ and unnamed “representatives of bodies of state power and public organizations” and “command officials from military districts.”²⁶⁵
- f) On 27 December 2021, in a media interview, VALENTINA MATVIYENKO claimed that Ukraine was preparing for the military seizure of Donbas.²⁶⁶
- g) On 18 January 2022, Chairman of the State Duma Vyacheslav Volodin, claimed that NATO is aiming to occupy Ukraine, constituting a matter of security for Russian citizens.²⁶⁷ In this statement, Volodin also asserted that the State Duma is tasked with preventing a “terrible tragedy” in Donbas and Russia is ready to react.²⁶⁸
- h) On 21 January 2022, in a tweet, the Russian Ministry of Foreign Affairs decried the alleged killing of thousands of civilians in eastern Ukraine by the Ukrainian authorities.²⁶⁹
- i) On 26 January 2022, in her speech opening the 516th Session of the Federation Council, VALENTINA MATVIYENKO claimed that the

https://tass.com/politics/1368809?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com.

²⁶¹ Kremlin, “Meeting with US President Joseph Biden”, 7 December 2021,

<http://en.kremlin.ru/events/president/news/67315>.

²⁶² Kremlin, “Expanded Meeting of the Defence Ministry Board”, 21 December 2021,

<http://en.kremlin.ru/events/president/news/67402>.

²⁶³ Kremlin, “Expanded Meeting of the Defence Ministry Board – Photos”, 21 December 2021,

<http://en.kremlin.ru/events/president/transcripts/67402/photos>.

²⁶⁴ Federation Council, “V. Matvienko took part in the expanded meeting of the Board of the Ministry of Defense of Russia”, 21 December 2021,

<http://council.gov.ru/events/chairman/132083/>.

²⁶⁵ Kremlin, “Expanded Meeting of the Defence Ministry Board”, 21 December 2021,

<http://en.kremlin.ru/events/president/news/67402>.

²⁶⁶ RIA, “Ukraine was preparing for the military seizure of Donbass, said Matviyenko”, 27 December 2021, <https://ria.ru/20211227/ukraina-1765629914.html>.

²⁶⁷ State Duma, “Chairman of the State Duma: NATO aims to occupy Ukraine”, 18 January 2022, <http://duma.gov.ru/en/news/53231/>.

²⁶⁸ State Duma, “Chairman of the State Duma: NATO aims to occupy Ukraine”, 18 January 2022, <http://duma.gov.ru/en/news/53231/>.

²⁶⁹ MFA Russia, Tweet, 21 January 2022,

https://twitter.com/mfa_russia/status/1484427420727971842.

Ukrainian government is planning various provocations and the use of force in Donetsk and Lugansk.²⁷⁰

- j) On 9 February 2022, in a tweet, the Russian Ministry of Foreign Affairs accused Ukrainian authorities of sabotaging their obligations under the Minsk Agreements, “under the passive eye of the West.”²⁷¹
- k) On 10 February 2022, in a media interview, SERGEI NARYSHKIN stated that the Ukrainian Security Service (SBU) and Ukrainian Armed Forces (UAF) are preparing provocations at the contact line in Donbas, with military equipment and ammunition being transported in large quantities from the US, Europe and Canada.²⁷²
- l) On 10 February 2022, in a media interview, SERGEI NARYSHKIN asserted that the main threat for Ukraine is the internal armed conflict with the DPR and the LPR.²⁷³
- m) On 15 February 2022, at a press conference, VLADIMIR PUTIN stated that Ukraine is refusing to abide by the Minsk Agreements and 2015 arrangements.²⁷⁴
- n) On 18 February 2022, the Head of the DPR, Denis Pushilin, posted a video online and on Telegram claiming that his forces have observed an increase in the number of Ukrainian military personnel and weapons along the line of contact, and that the President of Ukraine, Volodymyr Zelensky, would soon be ordering his military to invade Donbas, thereby necessitating “emergency” evacuations from the DPR.²⁷⁵ The Head of the LPR, Leonid Pasechnik, posted a similar video later on the same day.²⁷⁶
- o) On 18 February 2022, Chairman of the State Duma Vyacheslav Volodin, stated that Ukraine was attempting to escalate conflict in violation of the Minsk Agreements by starting mortar attacks in Donbas.²⁷⁷

²⁷⁰ Federation Council, “516th meeting of the Federation Council – Transcript”, 26 January 2022, <http://council.gov.ru/activity/meetings/132817/transcript/>.

²⁷¹ MFA Russia, Tweet, 9 February 2022, https://twitter.com/mfa_russia/status/1491421159854080002.

²⁷² TASS, “Ukrainian intelligence, military prepare provocations in Donbas – intelligence head”, 10 February 2022, https://tass.com/world/1401167?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com.

²⁷³ Ileana Ferrer Fonte, “Intelligence director denies Russia’s plans Against Ukraine”, Prensa Latina, 10 February 2022, <https://www.plenglish.com/news/2022/02/10/intelligence-director-denies-russias-plans-against-ukraine/>.

²⁷⁴ Kremlin, “News Conference following Russian-German Talks”, 15 February 2022, <http://en.kremlin.ru/events/president/news/67774>.

²⁷⁵ The Donetsk People’s Republic, “Emergency appeal of the Head of the DPR Denis Pushilin in connection with the sharp aggravation of the military situation”, 18 February 2022, <https://denis-pushilin.ru/news/ekstrennoe-obrashhenie-glavy-dnr-denisa-pushilina-v-svyazi-s-rezkim-obostreniem-voennoj-situatsii/>.

²⁷⁶ Telegram channel available here: <https://t.me/pushilindenis/1999>.

²⁷⁷ State Duma, “Vyacheslav Volodin blamed Western states for using double standards in situation with genocide in Ukraine”, 18 February 2022, <http://duma.gov.ru/en/news/53483/>.

- p) On 18 February 2022, in a joint press conference with the President of Belarus, Alexander Lukashenko, VLADIMIR PUTIN noted Ukraine's non-compliance with the Minsk Agreements, including in particular its strong opposition to direct dialogue with Donetsk and Luhansk, and the alleged worsening situation in Donbas.²⁷⁸
- q) On 19 February 2022, Chairman of the State Duma Vyacheslav Volodin, claimed that the President of Ukraine, Volodymyr Zelensky, is instigating the beginning of a big war, with Ukrainian threats of full-scale military operations prompting citizens in Donbas to evacuate.²⁷⁹
- r) On 20 February 2022, in a telephone conversation with the President of France, Emmanuel Macron, VLADIMIR PUTIN claimed that "provocations from Ukrainian militants were the reason for the escalation" along the contact line in Donbas, with the modern weapons and ammunition being sent to Ukraine by NATO Members allegedly "encouraging Kiev to pursue a military solution to the Donbas problem" and thereby forcing civilians in Donetsk and Luhansk to flee to Russia.²⁸⁰
- s) On or about 21 February 2022,²⁸¹ the Russian Security Council held an extraordinary meeting on the situation in Donbas, as described at Paragraph 71.b). At the meeting, the Head of the Russian Security Service (FSB), Alexander Bortnikov, alleged that a skirmish occurred earlier that day, with Ukrainian forces crossing the border into Russian territory.²⁸² At this meeting, SERGEI SHOIGU claimed that there had been over 107 heavy weapons attacks by Ukraine in Donetsk and Luhansk, that the city of Donetsk was out of water, that two-thirds of Luhansk was out of gas, that those who stayed in the region were under constant attack, and that 59,000 Ukrainian troops were at the borders of Luhansk and Donetsk.²⁸³ SERGEI SHOIGU also drew the Security Council's attention to the President of Ukraine, Volodymyr Zelensky's statement that he would like to make

²⁷⁸ Kremlin, "News Conference following Russian-Belarusian Talks", 18 February 2022, <http://en.kremlin.ru/events/president/news/67809>.

²⁷⁹ State Duma, "Vyacheslav Volodin: Zelensky is instigating the beginning of a big war", 19 February 2022, <http://duma.gov.ru/en/news/53493/>.

²⁸⁰ Kremlin, "Telephone Conversation with President of France Emmanuel Macron", 20 February 2022, <http://en.kremlin.ru/events/president/news/67818>.

²⁸¹ There is reason to believe that this meeting was staged, with Russian independent network TV Rain observing that Russian Defense Minister Sergei Shoigu's watch displayed a time five hours earlier than the purported "live" meeting that was aired. See Shaun Walker, "Putin's absurd, angry spectacle will be a turning point in his long reign", The Guardian, 21 February 2022, <https://www.theguardian.com/world/2022/feb/21/putin-angry-spectacle-amounts-to-declaration-war-ukraine>; Dave Lawler, "Putin orders Russian 'peacekeeping operations' in eastern Ukraine", Axios, <https://www.axios.com/putin-recognize-donetsk-luhansk-republics-ukraine-166bbe54-2d6a-446a-87bd-e9e63cf21ca9.html>.

²⁸² Kremlin, "Security Council Meeting", 21 February 2022, <http://en.kremlin.ru/events/president/news/67825> video available here: <http://kremlin.ru/events/president/news/67825>.

²⁸³ Kremlin, "Security Council Meeting", 21 February 2022, <http://en.kremlin.ru/events/president/news/67825> video available here: <http://kremlin.ru/events/president/news/67825>.

Ukraine a nuclear country again, warning that Ukraine’s capabilities could exceed those of Iran and North Korea. NIKOLAI PATRUSHEV further remarked that the US is responsible for the events in Donbas, and that Russia is obliged to support the DPR and the LPR. The meeting was attended by VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO and SERGEI LAVROV.²⁸⁴

- t) On 23 February 2022, an agent of the Russian state, Permanent Representative of Russia to the UN Vassily Nebenzia, made a statement at a UN Security Council meeting claiming that, instead of implementing the Minsk Agreements, Ukraine is “proceeding with bombardments of residential quarters and sabotage activities... Elderly people and children hide from shells in basements. Refugee count – I stress that people are seeking refuge in Russia, and not Ukraine – stands at dozens of thousands these past days, most specifically – 96 thousand people as of now.”²⁸⁵ Nebenzia also claimed that “[b]ombardments of residential quarters of the two republics [the DPR and the LPR] have not stopped.”
82. In preparation for the collective self-defense justification, steps were taken to recognize the sovereignty of the DPR and the LPR, purportedly in response to the threat from Ukraine:
- a) On 21 January 2022, Leader of the CPRF faction and Member of the State Duma Gennady Zyuganov, submitted to the State Duma a draft on recognition of the sovereignty of the DPR and the LPR, purportedly raised in order to protect the people living there from “external threats and the genocidal policy implementation.”²⁸⁶
- b) On 21 January 2022, Chairman of the State Duma Vyacheslav Volodin, announced that the State Duma would consider the draft on recognition of the DPR and the LPR in an attempt to find solutions to ensure the safety of Russian citizens there.²⁸⁷
- c) On 26 January 2022, Leader of the CPRF faction and Member of the State Duma Gennady Zyuganov, made a statement as to the importance of protecting the supposed interests of Russian citizens living in Donetsk and

²⁸⁴ Kremlin, “Security Council Meeting”, 21 February 2022, <http://en.kremlin.ru/events/president/news/67825> video available here: <http://kremlin.ru/events/president/news/67825>.

²⁸⁵ Permanent Representative of Russia to the UN, Statement at UNGA under agenda item “The situation in the temporarily occupied territories of Ukraine”, 23 February 2022, <https://russiaun.ru/en/news/230222ga>.

²⁸⁶ State Duma, “Vyacheslav Volodin: the Council of the State Duma to consider draft on recognition of LPR and DPR next week”, 21 January 2022, <http://duma.gov.ru/en/news/53264/>.

²⁸⁷ State Duma, “Vyacheslav Volodin: the Council of the State Duma to consider draft on recognition of LPR and DPR next week”, 21 January 2022, <http://duma.gov.ru/en/news/53264/>.

Luhansk, and claimed that Russia is “obliged to defend the Russian world.”²⁸⁸

- d) On 15 February 2022, the State Duma voted in favor of sending the resolution on recognition of the sovereignty of the DPR and the LPR to President Putin for approval.²⁸⁹
- e) On or about 21 February 2022,²⁹⁰ the Russian Security Council held an extraordinary meeting to discuss the situation in Donbas,²⁹¹ as described in Paragraphs 71.b) and 81.s). At this meeting, members of the Security Council agreed on the recognition of the DPR and the LPR as independent states.
- f) On 21 February 2022, the Head of the DPR, Denis Pushilin, made a request for VLADIMIR PUTIN to recognize the DPR. The request was aired on Russian television.²⁹² The Head of the LPR, Leonid Pasechnik, made a similar request for the LPR on the same day.²⁹³
- g) On 22 February 2022, VLADIMIR PUTIN and the Head of the DPR, Denis Pushilin, signed the resolution on recognition of the sovereignty of the DPR,²⁹⁴ as described in Paragraph 74.f). The resolution includes a provision on mutual military assistance, serving as an ostensible legal basis for the deployment of Russian armed forces in Donbas.
- h) On 22 February 2022, VLADIMIR PUTIN and the Head of the LPR, Leonid Pasechnik, signed the resolution on recognition of the sovereignty of the

²⁸⁸ State Duma, “Remarks by leaders and representatives of the State Duma factions on report of Foreign Minister Sergey Lavrov”, 26 January 2022, <http://duma.gov.ru/en/news/53309/>.

²⁸⁹ State Duma, “Members of the State Duma voted for the draft appeal to the Russian President for LPR and DPR recognition”, 15 February 2022, <http://duma.gov.ru/en/news/53431/>.

²⁹⁰ There is reason to believe that this meeting was staged, with Russian independent network TV Rain observing that Russian Defense Minister Sergei Shoigu’s watch displayed a time five hours earlier than the purported “live” meeting that was aired. See Shaun Walker, “Putin’s absurd, angry spectacle will be a turning point in his long reign”, The Guardian, 21 February 2022, <https://www.theguardian.com/world/2022/feb/21/putin-angry-spectacle-amounts-to-declaration-war-ukraine>; Dave Lawler, “Putin orders Russian ‘peacekeeping operations’ in eastern Ukraine”, Axios, <https://www.axios.com/putin-recognize-donetsk-luhansk-republics-ukraine-166bbe54-2d6a-446a-87bd-e9e63cf21ca9.html>.

²⁹¹ Kremlin, “Security Council Meeting”, 21 February 2022, <http://en.kremlin.ru/events/president/news/67825> video available here: <http://kremlin.ru/events/president/news/67825>.

²⁹² The Moscow Times, “Putin Says Considering Ukraine Separatists’ Independence Request”, 21 February 2022, <https://www.themoscowtimes.com/2022/02/21/putin-says-considering-ukraine-separatists-independence-request-a76496>. For an analysis on Russia’s effective control over the DPR and the LPR, and therefore of such “requests” for Russian assistance, see the forthcoming report by Global Rights Compliance.

²⁹³ Adomeit et al., “Russia Recognizes the Independent Statehood of the so-called ‘Donetsk People’s Republic’ and ‘Luhansk People’s Republic’: Implications”, Marshall Center, February 2022, <https://www.marshallcenter.org/de/node/2496>.

²⁹⁴ Federal Law No. 15-FZ “On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Donetsk People’s Republic”, 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220032>.

- LPR,²⁹⁵ as described in Paragraph 74.g). Like the resolution recognizing the DPR, this resolution also included a clause on mutual military assistance.
- i) On 22 February 2022, the Federation Council unanimously ratified the resolutions to recognize the sovereignty of the DPR and the LPR,²⁹⁶ as described at Paragraph 74.h). The Federation Council is chaired by VALENTINA MATVIYENKO.
 - j) On 22 February 2022, at a plenary meeting, Members of the State Duma unanimously supported ratification of the resolutions to recognize the DPR and the LPR.²⁹⁷
83. In preparation for the collective self-defense justification, the deployment of Russian armed forces abroad was authorized on the basis of the resolutions recognizing the DPR and the LPR:
- a) On 21 February 2022, VLADIMIR PUTIN issued an instruction to the Defense Ministry to deploy “peacekeeping” troops to Donbas,²⁹⁸ as described at Paragraph 74.e).
 - b) On 22 February 2022, on the basis of the agreements recognizing the sovereignty of the DPR and the LPR, VLADIMIR PUTIN requested authorization to deploy the use of Russian armed forces abroad.²⁹⁹
 - c) On 22 February 2022, the Federation Council passed a resolution granting VLADIMIR PUTIN’s request for authorization to deploy the use of Russian armed forces abroad,³⁰⁰ as described at Paragraph 74.i). The Federation Council is chaired by VALENTINA MATVIYENKO.
 - d) On 22 February 2022, Chairman of the Federation Council Andrey Klishas, explained that the agreements recognizing these territories “create a legal base for the deployment of Russian army units on these territories to maintain peace in the region,” and that VLADIMIR PUTIN’s appeal to

²⁹⁵ Federal Law No. 16-FZ “On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Lugansk People’s Republic”, 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220033>.

²⁹⁶ Federal Law No. 15-FZ “On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Donetsk People’s Republic”, 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220032>; Federal Law No. 16-FZ “On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Lugansk People’s Republic”, 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220033>.

²⁹⁷ State Duma, “The State Duma ratified Treaties of Friendship with the Donetsk and Lugansk People’s Republics”, 22 February 2022, <http://duma.gov.ru/en/news/53516/>.

²⁹⁸ Decree of the President of the Russian Federation, No. 71 “On the recognition of the Donetsk People’s Republic”, 21 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202220002#print>.

²⁹⁹ Kremlin, “Vladimir Putin Submits Proposal to Federation Council to Approve Resolution Authorising Use of Armed Forces Aboard”, 22 February 2022, <http://en.kremlin.ru/events/president/news/67836>.

³⁰⁰ Decree of the Federation Council of the Federal Assembly of the Russian Federation, No. 35-SF “On the use of the Armed Forces of the Russian Federation outside the territory of the Russian Federation”, 22 February 2022, <http://publication.pravo.gov.ru/Document/View/0001202202240001#print>.

- permit use of armed forces outside Russia was issued on the basis of these agreements.³⁰¹
- e) On 23 February 2022, the Head of the DPR, Denis Pushilin, and the Head of the LPR, Leonid Pasechnik, requested Russia's military assistance.³⁰²
84. In preparation for the collective self-defense justification, further statements were made before and after the initiation of the invasion of Ukraine to reflect Russia's alleged perception that any use of armed force against Ukraine would be justifiable in light of Ukraine's supposed acts of provocation in Donbas and non-compliance with international law:
- a) On 1 November 2021, in a media interview, SERGEI LAVROV claimed that Ukraine is trying to create a provocative situation in Donbas in order to draw Russia into hostilities, and that Ukraine has been bombing Donbas in direct violation of the Minsk Agreements.³⁰³
- b) On 9 December 2021, in a briefing of foreign military diplomats, VALERY GERASIMOV reportedly stated that any provocations by Ukrainian authorities to settle the conflict in Donbas with the use of force would be thwarted.³⁰⁴
- c) On 22 February 2022, as reported in a tweet by the Russian Ministry of Foreign Affairs, VLADIMIR PUTIN warned that those in power in Ukraine must immediately stop hostilities, otherwise "responsibility for the possible continuation of the bloodshed will lie entirely on the conscience of Ukraine's ruling regime."³⁰⁵
- d) On 23 February 2022, an agent of the Russian state, Permanent Representative of Russia to the UN Vassily Nebenzia, made a statement at a UN Security Council meeting that "Ukraine did not heed our signals that we sent to Kiev about the need to stop provocations against LPR and DPR... Over past 24 hours, OSCE SMM made records of almost 2,000 ceasefire violations, including almost 1,500 explosions... In a word, the nature of provocations of Ukraine's Armed Forces has not changed."³⁰⁶ Nebenzia also stated that "the principle of sovereignty and territorial integrity of states, of which violation we are being accused with regard to Ukraine... must be strictly observed with regard to states that are 'conducting themselves in

³⁰¹ TASS, "Russia's upper house sanctions use of army outside Russia over situation in Donbas", 22 February 2022, <https://tass.com/politics/1408551>.

³⁰² Deutsche Welle, "Russia says Donbas separatists ask Putin for military support", 23 February 2022, <https://www.dw.com/en/russia-says-donbas-separatists-ask-putin-for-military-support/a-60893224>.

³⁰³ Interfax, "Lavrov said that Kyiv is trying to draw the Russian Federation into hostilities in the Donbass", 1 November 2021, <https://www.interfax.ru/world/800736>.

³⁰⁴ TASS, "Moscow to thwart any provocations by Kiev in Donbass, Russian military chief warns", 9 December 2021, https://tass.com/world/1373123?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com.

³⁰⁵ MFA Russia, Tweet, 22 February 2022, https://twitter.com/mfa_russia/status/1496223630136643594.

³⁰⁶ Permanent Representative of Russia to the UN, Statement and Reply at UNSC briefing on Ukraine, 23 February 2022, <https://russiaun.ru/en/news/230222un>.

compliance with the principle of equal rights and self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.’ The current government of Ukraine is not like this.”³⁰⁷ Nebenzia further stated that “Ukraine’s provocations against Donbas not only failed to stop, but actually intensified, that is why the leadership of DPR and LPR turned to us with a request to grant military support under bilateral agreements on cooperation... This is a logical step that clearly follows from the acts of Ukrainian regime.”³⁰⁸

- e) On 23 February 2022, in a televised speech, VLADIMIR PUTIN announced that Russia would begin a “specialized military operation” in Donbas, with the aim of demilitarizing Ukraine.³⁰⁹
- f) On 23 February 2022, an agent of the Russian state, Permanent Representative of Russia to the UN Vassily Nebenzia, made a statement at the same UN Security Council meeting that “what clearly follows from his message [VLADIMIR PUTIN’s 23 February 2022 speech] is that occupation of Ukraine is not part of our plan. The goal of this special operation is protection of people who have been victimized and exposed to genocide by the Kiev regime. To ensure this, we will seek demilitarization and denazification of Ukraine, and criminal prosecution for those who committed numerous heinous crimes against civilians... This decision was made as per Article 51 of the UN Charter and authorized by the Federation Council of the Federal Assembly of Russia in pursuance of the Treaty of Friendship, Cooperation and Mutual Assistance with DPR and LPR.”³¹⁰
- g) On 24 February 2022, as reported on the Federation Council’s website, VALENTINA MATVIYENKO claimed that Russia’s “special military operation” was aimed at a ceasefire, and that Russia had insisted that the conflict in Donbas could only be resolved peacefully but Ukrainian authorities engaged in constant shelling and caused civilian deaths. She continued that Ukraine, through its declared intention to join NATO, intended to regain its nuclear status. Further, she claimed that Russia “could not leave people for extermination” in Donbass, and therefore supported the decision of the DPR and the LPR to be independent states.³¹¹
- h) On 25 February 2022, in a tweet, the Russian Ministry of Foreign Affairs stated that Russia encouraged Ukrainian authorities to “stop the punitive operation against its own people and settle the conflict in Donbass by

³⁰⁷ Permanent Representative of Russia to the UN, Statement and Reply at UNSC briefing on Ukraine, 23 February 2022, <https://russiaun.ru/en/news/230222un>.

³⁰⁸ Permanent Representative of Russia to the UN, Statement and Reply at UNSC briefing on Ukraine, 23 February 2022, <https://russiaun.ru/en/news/230222un>.

³⁰⁹ Referred to by the UN Security Council, see SC/14803. <https://www.un.org/press/en/2022/sc14803.doc.htm>.

³¹⁰ Permanent Representative of Russia to the UN, Statement and Reply at UNSC briefing on Ukraine, 23 February 2022, <https://russiaun.ru/en/news/230222un>.

³¹¹ Federation Council, “V. Matvienko: We could not leave people for extermination”, 24 February 2022, <http://council.gov.ru/events/chairman/133529/>.

peaceful, political and diplomatic means,” but Ukraine ignored these pleas.³¹²

- i) On 3 March 2022, in a tweet, the Russian Ministry of Foreign Affairs claimed that, in addition to attacks on the population in Donbas, Ukraine had introduced an economic and transportation blockade in the region which brought it to “the brink of a humanitarian catastrophe.”³¹³
- j) On 4 March 2022, in her speech opening the 520th Session of the Federation Council, VALENTINA MATVIYENKO claimed that the Russian armed forces are fighting for peace in Donbas.³¹⁴
- k) On 9 March 2022, in a tweet, the Russian Ministry of Foreign Affairs claimed that classified documents acquired by the Russian Ministry of Defense disclosed an order by the Ukrainian Commander of the National Guard which confirmed that Ukraine was covertly preparing an offensive operation against Donbas, scheduled for March 2022.³¹⁵
- l) On 15 March 2022, in a meeting on national security in the North Caucasus, NIKOLAI PATRUSHEV reportedly claimed that, in the course of its “special military operation,” Russia had uncovered evidence of Ukraine’s preparations to “invade” the DPR and the LPR, and on Crimea, in March 2022.³¹⁶
- m) On 16 March 2022, in a meeting on socio-economic support for the constituent entities of Russia, VLADIMIR PUTIN claimed that the main goal of Russia’s use of force in Ukraine was “to help our people in Donbass, who have been subjected to real genocide for nearly eight years,” and that, since Russia’s diplomatic efforts to resolve the matter were unsuccessful, it had been “left with no peaceful alternative to settle the problems that developed through no fault of [Russia’s]” but to begin the “special military operation.” He continued that the Russian “special military operation” is not connected with any desire to occupy Ukraine, and that Russia had “no alternative for self-defence.”³¹⁷
- n) On 16 March 2022, in a media interview, SERGEI NARYSHKIN claimed that the decision to conduct a special military operation was aimed at

³¹² MFA Russia, Tweet, 25 February 2022, https://twitter.com/mfa_russia/status/1497216022075555863.

³¹³ MFA Russia, Tweet, 3 March 2022, https://twitter.com/mfa_russia/status/1499396791946473479.

³¹⁴ Federation Council, “520th meeting of the Federation Council – Transcript”, 4 March 2022, <http://council.gov.ru/activity/meetings/133659/transcript/>.

³¹⁵ MFA Russia, Tweet, 9 March 2022, https://twitter.com/mfa_russia/status/1501461950735257602.

³¹⁶ Iz, “Patrushev announced evidence of Kyiv’s preparations for an attack on Crimea”, 15 March 2022, <https://iz.ru/1305402/2022-03-15/patrushev-soobshchil-o-dokazatelstvakh-podgotovki-kieva-k-napadeniiu-na-krym>.

³¹⁷ Kremlin, “Meeting on Socioeconomic Support for Regions”, 16 March 2022, <http://en.kremlin.ru/events/president/news/67996>.

protecting the population of Donbas and protecting Russian security, and that any delay in doing so would have turned into a great tragedy.³¹⁸

- o) On 24 March 2022, in a tweet, the Russian Ministry of Foreign Affairs stated it hoped Ukraine would recognize the necessity of a peaceful solution to ensure its demilitarization and de-Nazification, and transformation into a neutral state. The tweet continued that, the sooner Ukraine realizes this, the sooner Russia's "special military operation" would end.³¹⁹
- p) On 28 March 2022, in a meeting with the Director-General of the Directorate of Documentation and External Security of Alegria, NIKOLAI PATRUSHEV asserted that the goal of Russia's special operation in Ukraine is not regime change, but the protection of people from genocide, and the demilitarization and denazification of Ukraine.³²⁰
- q) On 28 March 2022, in a media interview, SERGEI LAVROV stated that the goal of Russian actions in Ukraine is to eliminate threats that caused thousands of deaths and targeted civilian facilities, in Donbas.³²¹
- r) On 5 April 2022, as reported on the Federation Council's website, VALENTINA MATVIYENKO claimed that Ukraine had been preparing for another attempt to seize territory in Donetsk and Lugansk, necessitating Russia's "special military operation." She also claimed that Ukraine had been conducting a blockade and daily shelling in Donbas, killing thousands of civilians.³²²

VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI NARYSHKIN, VALENTINA MATVIYENKO, SERGEI LAVROV and VALERY GERASIMOV gave false assurances of Russia's peaceful intentions in respect of Ukraine's sovereignty and territorial integrity

85. False assurances of Russia's peaceful intentions and respect for Ukraine's sovereignty and territorial integrity were made in preparation for Russia's acts of aggression:
- a) On 27 November 2021, in a media interview, SERGEI NARYSHKIN claimed that rumors of Russia's preparation to invade Ukraine were

³¹⁸ RIA, "Naryshkin: the decision to conduct a special operation in Ukraine was based on an assessment of the situation", 16 March 2022, <https://ria.ru/20220316/spetsoperatsiya-1778390555.html>.

³¹⁹ MFA Russia, Tweet, 24 March 2022, https://twitter.com/mfa_russia/status/1506992164068278273.

³²⁰ Abdulrahman Yusupov, "Patrushev: Russia does not seek to overthrow Zelensky", Anadolu Agency, 28 March 2022, <https://www.aa.com.tr/ru/мир/матрушев-россия-не-стремится-к-свержению-зеленского-/2548176>.

³²¹ Ministry of Foreign Affairs of Russia, "Interview with S. Lavrov to the Serbian media", 28 March 2022, <https://www.youtube.com/watch?v=y4q8pXRcfSo>.

³²² Federation Council, "V. Matvienko: Our servicemen accurately and precisely carry out the order to demilitarize and denazify Ukraine, treating the civilian population with care", 5 April 2022, <http://council.gov.ru/events/chairman/134760/>.

- “nonsense,” and merely propaganda conducted by the US State Department.³²³
- b) On 30 November 2021, in a media interview, NIKOLAI PATRUSHEV stated that there are no unsubstantiated Russian troop movements or unplanned military exercises near the border with Ukraine, and that the rhetoric from Western media and US officials that Russia nurtures aggressive plans is groundless.³²⁴
 - c) On 1 December 2021, in a media interview, VALENTINA MATVIYENKO claimed that accusations of an impending Russian attack on Ukraine are lies with no basis.³²⁵
 - d) On 9 December 2021, in a briefing of foreign military diplomats, VALERY GERASIMOV reportedly stated that “hype” in the media about preparation for a Russian invasion of Ukraine is a lie, and that troop movements in the course of combat training constitute routine practice.³²⁶
 - e) On 30 January 2022, in a media interview, NIKOLAI PATRUSHEV stated that it is a “complete absurdity” to suggest that Russia is threatening Ukraine, and that Russia does not want war.³²⁷
 - f) On 31 January 2022, an agent of the Russian state, Permanent Representative of Russia to the UN Vassily Nebenzia, made a statement to the UN decrying US claims of “the presence of Russian troops on Russian territory as a threat to international peace and security” as an interference in Russia’s internal affairs and an attempt to mislead the international community as to the reality of the situation in Donbas.³²⁸
 - g) On 9 February 2022, in a tweet, the Russian Ministry of Foreign Affairs called for de-escalation of tensions around Ukraine, and for settlement of the conflict in Donbas.³²⁹

³²³ Interfax, “Naryshkin called the purpose of the rumors about the allegedly impending Russian invasion of Ukraine”, 27 November 2021, <https://www.interfax.ru/world/805305>.

³²⁴ TASS, “Russia’s security chief sees no unsubstantiated troop movements near border with Ukraine”, 30 November 2021, https://tass.com/politics/1368809?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com.

³²⁵ RIA, “Moscow did not give Kiev a reason to talk about aggression, said Matvienko”, 1 December 2021, <https://ria.ru/20211201/ukraina-1761643113.html>.

³²⁶ TASS, “Moscow to thwart any provocations by Kiev in Donbass, Russian military chief warns”, 9 December 2021, https://tass.com/world/1373123?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com.

³²⁷ TASS, “Patrushev called the allegations that the Russian Federation threatens Ukraine ‘total absurdity’”, 30 January 2022, <https://tass.ru/politika/13566241>.

³²⁸ Permanent Representative of Russia to the UN, Statement requesting a procedural vote on the US proposal to convene a UNSC meeting on Ukraine, 31 January 2022, <https://russiaun.ru/en/news/310122>.

³²⁹ MFA Russia, Tweet, 9 February 2022, https://twitter.com/mfa_russia/status/1491421159854080002.

- h) On 10 February 2022, in a media interview, SERGEI NARYSHKIN asserted that Russia has no aggressive plans in relation to Ukraine, and that suggestions to the contrary are “dangerous lies” spread by the US.³³⁰
- i) On 10 February 2022, SERGEI LAVROV denied that Russia had any plans to invade Ukraine.³³¹ Following the invasion, SERGEI LAVROV has continued to falsely claim that Russia did not attack Ukraine, stating: “Russia has no plans to attack other countries, we have not even attacked Ukraine.”³³²
- j) On 15 February 2022, at a press conference, VLADIMIR PUTIN stated that opportunities to restore Ukraine’s territorial integrity via a direct dialogue with Donetsk and Luhansk continue to be ignored.³³³
- k) On 16 February 2022, in an interview published on the Federation Council’s website, VALENTINA MATVIYENKO claimed that Russia does not want war with Ukraine and will do everything to ensure that there is no war.³³⁴
- l) On 22 February 2022, Chairman of the State Duma, Vyacheslav Volodin, stated that the decision to recognize the sovereignty of the DPR and the LPR had stopped war, and was aimed at bringing peace.³³⁵
- m) On 23 February 2022, an agent of the Russian state, Permanent Representative of Russia to the UN Vassily Nebenzia, made a statement at a UN Security Council meeting claiming that “Russian military will be monitoring the ceasefire upon request of Donetsk and Lugansk.”³³⁶

VLADIMIR PUTIN, SERGEI SHOIGU and VALERY GERASIMOV amassed troops on the border with Ukraine

- 86. Russia used large scale military exercises as a pretense to reposition its armed forces near Ukraine, and to prepare for an invasion.
- 87. From 7 April 2021 to 17 May 2021, the Russian Armed Forces built up significant force elements in eastern Ukraine regions. A central focal point for this build-up was an air and amphibious assault exercise held on the southern

³³⁰ Ileana Ferrer Fonte, “Intelligence director denies Russia’s plans Against Ukraine”, Prensa Latina, 10 February 2022, <https://www.plenglish.com/news/2022/02/10/intelligence-director-denies-russias-plans-against-ukraine/>.

³³¹ Victoria Crow, “Russia’s Sergei Lavrov describes Liz Truss talks as ‘speaking to a deaf person’ as Ukraine tensions escalate”, INews, 10 February 2022, <https://inews.co.uk/news/world/russias-sergei-lavrov-describes-liz-truss-talks-as-speaking-to-a-deaf-person-amid-ukraine-tensions-1452975>.

³³² Patrick Wintour, “Sergei Lavrov prefers propaganda over reality in Ukraine talks”, The Guardian, 10 March 2022, <https://www.theguardian.com/world/2022/mar/10/sergei-lavrov-russia-foreign-minister-propaganda-in-ukraine-talks>.

³³³ Kremlin, “News Conference following Russian-German Talks”, 15 February 2022, <http://en.kremlin.ru/events/president/news/67774>.

³³⁴ Federation Council, “Russian society does not want war either with Ukraine or with anyone else”, 16 February 2022, <http://council.gov.ru/events/news/133299/>.

³³⁵ State Duma, “Chairman of the State Duma: the decision to recognize DPR and LPR has stopped war”, 22 February 2022, <http://duma.gov.ru/en/news/53521/>.

³³⁶ Permanent Representative of Russia to the UN, Statement at UNGA under agenda item “The situation in the temporarily occupied territories of Ukraine”, 23 February 2022, <https://russiaun.ru/en/news/230222qa>.

coast of the Crimean Peninsula. These exercises were assessed to have been intended as a public demonstration of Russian capability to launch an overwhelming offensive against south-eastern Ukraine. They also served as a basis for significant position forces close to Ukraine.

88. According to official statements, the Southern Military District (SMD) and Western Military District (WMD) combat readiness checks were completed on 22 April 2021, and the units involved should have returned to their permanent bases by 1 May 2021. However, the Russian Defense Minister, Sergei Shoigu stated that the equipment and weaponry attached to the WMD would not be redeployed to its permanent bases, but instead transported to Pogonovo temporary field camp in Voronezh, close to the Ukrainian boarder.
89. The Russian Ministry of Defense officials stated that since April 2021, the Pogonovo training ground in Voronezh Oblast was storing the Central Military District's 41st Combined Arms Army's (CAA) equipment ahead of a joint military exercise with Belarus, named Zapad-2021, that took place over a six-day period, between 10 – 16 September 2021, at nine training grounds located on Russian territory, in the Baltic Sea, as well as at five training grounds of the armed forces of the Republic of Belarus.³³⁷ Zapad-2021 was a large-scale exercise consisting of an integrated ground, air, and sea activity. Zapad-2021 included 200,000 personnel; approximately 80 aircraft and helicopters; up to 760 units of military equipment, including 290 tanks, 240 guns, multiple launch rocket systems and mortars; and up to 15 ships.³³⁸ VALERY GERASIMOV specifically briefed PRESIDENT PUTIN on the deployment of troops conducted as part of the Zapad-2021 exercises.³³⁹
90. Media reporting suggests that neither the Pogonovo training ground nor the 41st CAA, were significantly involved in the Zapad-2021 main exercise, likely indicating that the Ministry of Defense's statement in April 2021 about storing equipment in region for Zapad-2021 was rhetorical justification for the redeployment of a significant Central Military District (CMD) force near Ukraine's north-eastern border with Russia, possibly for pre-positioning for acts of aggression.
91. Due to the further lack of return to base by the battalion tactical groups of the Russian army post-Zapad 2021, this meant that significant forces were kept in proximity to Ukraine after the exercises. In addition, nineteen battalion tactical groups that had appeared primarily during Zapad-2021 in both Russia and Belarus, were also not returned to base after Zapad-2021 exercises.
92. On 18 January 2022, a joint Russian Ministry of Defense-Belarusian Ministry of Defense combat readiness exercise called 'Union Resolve' would be held

³³⁷ "На полигоне Мулино в Нижегородской области состоялась церемония открытия совместного стратегического учения «Запад-2021»", Ministry of Defense of Russia, 9 September 2021,

https://function.mil.ru/news_page/country/more.htm?id=12382979@egNews.

³³⁸ "Russian-Belarusian exercise Zapad-2021 begins in Nizhny Novgorod Region", TASS, 9 September 2021, <https://tass.com/defense/1335631>.

³³⁹ Kremlin, "Zapad 2021 military exercises", 13 September 2021, <http://en.kremlin.ru/events/president/news/66675/print>.

between 10th – 20th February 2022. Union Resolve would be conducted in two stages. According to Chief of the Belarusian Defense Ministry’s International Military Cooperation Department, “[i]n the first stage before February 9, the Belarusian and Russian militaries will practice redeploying troops and creating task forces in dangerous directions within a short period. At the second stage of the inspection that will run on February 10-20, the Union Resolve 2022 joint drills will be held.”³⁴⁰

93. On 10 February 2022, Russia and Belarus began 10 days of joint military drills. The military drills, called Allied Resolve-2022, began in Belarus and was reported to end on 20 February 2022, the Russian Ministry of Defense announced in a statement.³⁴¹ VLADIMIR PUTIN stated that Russian military drills were “purely defensive” and “not a threat to any other country.”³⁴² The statement from the Ministry of Defense stated that “[t]he purpose of the exercise is to work out the tasks of suppressing and repelling external aggression while conducting a defensive operation, countering terrorism and protecting the interests of the Union State.”³⁴³ Russia’s military exercises threatened Ukraine of an impending risk of invasion. Ukraine had decried the Zapad joint exercises as a form of psychological pressure. The President of Ukraine, Volodymyr Zelensky, said on 10 February 2022 that “the buildup of troops along the borders is psychological pressure from our neighbors.”³⁴⁴
94. Russia’s deployment into Belarus was believed to be its biggest there since the Cold War, with “an expected 30,000 combat troops, Spetsnaz special operation forces, fighter jets including SU-35, Iskander dual-capable missiles and S-400 air defense systems.”³⁴⁵ Satellite imagery on 7 February 2010 showed the Russian military had established camps close to the Belarusian border with Ukraine.³⁴⁶ Thus, Russia was preparing its invasion into Ukraine by amassing troops at its border.
95. On Thursday 10 February, the Russian Defense Ministry posted images of six large amphibious landing ships at the port of Sevastopol in Crimea, after they

³⁴⁰ “Russia, Belarus to hold Union Resolve 2022 drills on February 10-20 — top brass”, TASS, 18 January 2022, <https://tass.com/defense/1389595>.

³⁴¹ “Russia holds military drills in Belarus amid rising tensions with Ukraine”, The Hill, 10 February 2022, <https://thehill.com/policy/international/593674-russia-holds-military-drills-in-belarus-amid-tensions-with-ukraine/>.

³⁴² “Russia’s Putin says military exercises are ‘purely defensive and do not threaten anyone’”, 18 February 2022, CNN, https://edition.cnn.com/europe/live-news/ukraine-russia-news-02-18-22-intl/h_9fdb09e3aa1f8f6ed7820efe0eacefa.

³⁴³ “Russia holds military drills in Belarus amid rising tensions with Ukraine”, The Hill, 10 February 2022, <https://thehill.com/policy/international/593674-russia-holds-military-drills-in-belarus-amid-tensions-with-ukraine/>.

³⁴⁴ “Zelensky calls military buildup along Ukraine’s borders ‘psychological pressure’”, Interfax, 10 February 2022, <https://en.interfax.com.ua/news/general/797330.html>.

³⁴⁵ “Russia has sent some 30,000 combat troops, modern weapons to Belarus, NATO says”, Reuters, 3 February 2022, <https://www.reuters.com/world/europe/russia-has-sent-some-30000-combat-troops-modern-weapons-belarus-nato-says-2022-02-03/>.

³⁴⁶ “Russia and Belarus hold joint military exercises as diplomatic talks ramp back up”, CNN, 10 February 2022, <https://edition.cnn.com/2022/02/10/europe/ukraine-russia-news-thursday-military-exercises-intl/index.html>.

transited into the Black Sea earlier this week.³⁴⁷ Russia has declared a wide swath of the Sea of Azov and Black Sea unsafe as it performs missile and artillery fire exercises between 14 and 19 February, the Ukrainian Naval Forces Command said in a statement shared by the Defense Ministry on 10 February 2022.³⁴⁸

96. On 15 February 2022, SERGEI SHOIGU visited the President of Syria, Bashar al-Assad, and inspected a Russian navy exercise in the Mediterranean Sea. During this visit, SERGEI SHOIGU also heard a report from Russian Navy Commander Nikolai Yevmenov on joint combat training exercises involving Russian ships and air force planes dedicated to defeating a simulated enemy's naval groups and firing artillery and anti-submarine systems at sea-based and airborne targets.³⁴⁹
97. The amassing of Russian troops at the border with Ukraine would have been overseen by VLADIMIR PUTIN as Supreme Commander-in-Chief of the Russian Armed Forces, SERGEI SHOIGU as the second in command with responsibility for the Russian Armed Forces, and VALERY GERASIMOV as the third in command with operational command of the Russian Armed Forces. VLADIMIR PUTIN, VALENTINA MATVIYENKO and SERGEI LAVROV engaged in diplomatic maneuvers to prevent third States from aiding Ukraine
98. In preparing for Russia's acts of aggression, several steps were taken to prevent third States, particularly the US and other NATO Members, from aiding Ukraine:
 - a) On 9 February 2022, the Russian Ministry of Foreign Affairs set out conditions for the West to de-escalate the situation at the border with Ukraine. These conditions were for third States to "stop weapon deliveries to Ukraine, withdraw their military advisers and instructors, discontinue joint VSU-NATO exercises, and pull out all earlier supplied foreign armaments to locations beyond the Ukrainian territory."³⁵⁰
 - b) At the same 9 February 2022 meeting, the Russian Ministry of Foreign Affairs exerted diplomatic pressure on NATO to renounce its open-doors policy.³⁵¹

³⁴⁷ "Russia and Belarus hold joint military exercises as diplomatic talks ramp back up", CNN, 10 February 2022, <https://edition.cnn.com/2022/02/10/europe/ukraine-russia-news-thursday-military-exercises-intl/index.html>.

³⁴⁸ Ministry of Defence of Ukraine, Statement on 10 February 2022, <https://www.mil.gov.ua/en/news/2022/02/10/we-expect-a-strong-response-from-the-partners-when-the-russian-federations-vessels-will-be-not-able-to-entry-easily-civilized-ports-they-will-see-the-price-for-their-impudence-%E2%80%93-the-minister-of-defence-of-ukraine/>.

³⁴⁹ TASS, "Defense chief inspects Russian Navy's massive Mediterranean drills", 15 February 2022, https://tass.com/defense/1403933?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com.

³⁵⁰ Ministry of Foreign Affairs, "Briefing by Foreign Ministry Spokeswoman Maria Zakharova", 9 February 2022, https://www.mid.ru/en/press_service/spokesman/briefings/1797611/#9.

³⁵¹ Ministry of Foreign Affairs, "Briefing by Foreign Ministry Spokeswoman Maria Zakharova", 9 February 2022, https://www.mid.ru/en/press_service/spokesman/briefings/1797611/#9.

99. In addition, Russia engaged in diplomatic negotiations over the tension with Ukraine up to the invasion, maintaining the appearance that Russia intended to resolve any tensions through diplomatic negotiations while simultaneously conducting other preparations for aggression against Ukraine:
- a) On 14 February 2022, VLADIMIR PUTIN met with SERGEI LAVROV to discuss the US and NATO responses to Russia’s proposals regarding NATO’s expansion eastwards, projecting the appearance of an intention to resolve any tensions through diplomatic negotiations.³⁵²
 - b) On 15 February 2022, following talks with the Chancellor of Germany, Olaf Scholz, VLADIMIR PUTIN stated that the US and NATO responses to Russian proposals on security guarantees did not meet Russian requirements, and that Ukraine is refusing to abide by the Minsk Agreements and 2015 arrangements.³⁵³
 - c) On 16 February 2022, Kremlin Spokesman Dmitry Peskov, told the press that the State Duma’s request to recognize the DPR and the LPR, while indicative of prevailing public opinion in Russia, would not be in line with the Minsk Agreements which VLADIMIR PUTIN is focused on implementing.³⁵⁴
 - d) On 16 February 2022, in an interview published on the Federation Council’s website, VALENTINA MATVIYENKO claimed that, despite the West’s refusal to provide security guarantees, Russia continues to keep the door open for negotiations and is ready to discuss the “proposals of opponents, to look for mutually acceptable solutions.”³⁵⁵

VLADIMIR PUTIN, VALENTINA MATVIYENKO and SERGEI BESEDA
intervened in the internal affairs of Ukraine

100. Russia intervened in Ukraine’s internal affairs in several ways, specifically in relation to the Donbas region. Paragraphs 71.b) and 74 above set out Russia’s intervening actions on the Donbas region in detail. In summary:
- a) VLADIMIR PUTIN enacted a decree extending Russian citizenship to residents of Donetsk and Luhansk in Ukraine.
 - b) Russia deployed “peacekeeping troops” to Donbas, Ukraine.
 - c) Lawmakers in Russia, including at the State Duma, at the Federation Council, which is chaired by VALENTINA MATVIYENKO, and VLADIMIR PUTIN, passed a resolution recognizing the sovereignty of the “Donetsk People’s Republic” and “Lugansk People’s Republic,” both

³⁵² Kremlin, “Meeting with Foreign Minister Sergei Lavrov”, 14 February 2022, <http://en.kremlin.ru/events/president/news/67766>.

³⁵³ Kremlin, “News Conference following Russian-German Talks”, 15 February 2022, <http://en.kremlin.ru/events/president/news/67774>.

³⁵⁴ TASS, “Recognition of Donbas republics not in line with Minsk accords, says Kremlin”, 16 February 2022, https://tass.com/politics/1404329?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com

³⁵⁵ Federation Council, “Russian society does not want war either with Ukraine or with anyone else”, 16 February 2022, <http://council.gov.ru/events/news/133299/>.

regions of Ukraine. In doing so, VLADIMIR PUTIN signed agreements on mutual military assistance with the heads of these supposed republics. The UN General Assembly deemed this decision to recognize the DPR and the LPR as a violation of the territorial integrity and sovereignty of Ukraine, contrary to the principles of the UN Charter.³⁵⁶

- d) VLADIMIR PUTIN requested authorization to deploy Russian armed forces abroad, and the Federation Council, which is chaired by VALENTINA MATVIYENKO, passed a resolution granting this request.
101. As noted at Paragraph 27 SERGEI BESEDA has been sanctioned by the EU and the US OFAC since 2014 for contributing to undermining Ukraine’s sovereignty and by the US Department of the Treasury for funding and supporting separatist activities in Crimea and eastern Ukraine in 2014.
102. By the foregoing acts, conduct and practices, VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO, SERGEI BESEDA, SERGEI LAVROV and VALERY GERASIMOV are responsible for the crime of aggression by preparing Russia’s acts of aggression, as charged in Count 1.

Initiation

103. Initiation includes the decision taken immediately before the first use of force to commit the act of aggression, including by way of a declaration of hostilities,³⁵⁷ and the first actual use of force.³⁵⁸

VLADIMIR PUTIN made a declaration of hostilities

104. VLADIMIR PUTIN initiated Russia’s acts of aggression by making a declaration of hostilities in his speech of 24 February 2022. In that speech, he announced that he had decided to conduct a “special military operation,”³⁵⁹ which would involve unilateral military action by Russian armed forces on Ukrainian territory. Ukraine was clearly identified as the target State for the hostilities as the speech made 13 references to Ukraine; identified the operation’s objective as the “demilitarization and de-nazification of Ukraine”;³⁶⁰

³⁵⁶ GA Res. ES-11/1 of 2 March 2022.

³⁵⁷ Muhammad Aziz Shukri, “Individual Responsibility for the Crime of Aggression”, in Roberto Bellilli (ed), *International Criminal Justice: Law and Practice from the Rome Statute to its Review* (Ashgatem, 2010), p. 528; Carrie McDougall, *The Crime of Aggression under the Rome Statute of the International Criminal Court*, (Cambridge University Press, 2021, 2nd ed), p. 238.

³⁵⁸ The Nuremberg Tribunal described the “the initiation of war” as a “a unilateral operation. When war is formally declared or the first shot is fired the initiation of the war has ended and from then on there is a waging of war between the two adversaries”, Nuremberg Trial, High Command Case, The United Nations War Crimes Commission, Law Reports of Trials of War Criminals, vol. XII, 1949, https://tile.loc.gov/storage-services/service/l1/l1mlp/Law-Reports_Vol-12/Law-Reports_Vol-12.pdf, p. 67.

³⁵⁹ See Letter dated 24 February 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General, S/2022/154, <https://undocs.org/en/S/2022/154>, reproduced in Appendix at para. 38.

³⁶⁰ Appendix, para. 39.

exhorted members of the Ukrainian Armed Forces to lay down their weapons;³⁶¹ and referenced events in the Donbas region of Ukraine.³⁶²

VLADIMIR PUTIN initiated the first use of force in Ukraine

105. The first use of force by Russia in Ukraine on 24 February 2022 to execute VLADIMIR PUTIN's "special military operation" is described at paragraph 39 above.
106. By the foregoing acts, conduct and practices, VLADIMIR PUTIN is responsible for the crime of aggression by initiating Russia's acts of aggression, as charged in Count 1.

Execution

107. Execution refers to "all substantive strategic acts undertaken after the initiation of an act of aggression to secure the continuation and success of the aggressive act."³⁶³ Execution includes commanding armed forces conducting the acts of aggression,³⁶⁴ and governing territory occupied as a result of the acts of aggression.³⁶⁵

VLADIMIR PUTIN, SERGEI SHOIGU, VALENTINA MATVIYENKO and SERGEI LAVROV secured the continuation of Russia's acts of aggression

108. The beginning of Russia's acts of aggression in Ukraine on 24 February 2022 is described in detail at Paragraph 5039, demonstrating the execution of the act of aggression. Russia's acts of aggression in Ukraine in 2022, and the ensuing conflict, has resulted in hundreds of civilian casualties (see Paragraph 40); bombardments and indiscriminate attacks, including of populated areas (see Paragraphs 42-46); blockades of Ukrainian ports and coasts (see Paragraphs 47-48); and attacks against the Ukrainian Armed Forces (see Paragraphs 49-51).
109. The accused persons secured the continuation of Russia's acts of aggression by shoring up domestic support for, and suppressing dissent on, these acts:
 - a) On 4 March 2022, VLADIMIR PUTIN enacted a law ostensibly aimed at preventing the discrediting of the Russian armed forces in their operations to protect Russian interests and maintain international peace and security.³⁶⁶ This law was approved prior by the Federation Council, which is chaired by

³⁶¹ Appendix, para. 49.

³⁶² Appendix, paras 1, 38.

³⁶³ Carrie McDougall, *The Crime of Aggression under the Rome Statute of the International Criminal Court* (Cambridge University Press, 2021, 2nd ed), p. 239.

³⁶⁴ On the jurisprudence of the tribunals after World War II, see Preparatory Commission for the International Criminal Court, Historical review of developments relating to aggression, Addendum, PCNICC/2002/WGCA/L.1/Add.1, p. 64 (judgment against Göring, paras. 64 (k), (m) and para. 65), noting that as Commander-in-Chief of the Armed Forces Göring commanded armed forces during an aggressive war.

³⁶⁵ On the jurisprudence of the tribunals after World War II, see Preparatory Commission for the International Criminal Court, Historical review of developments relating to aggression, Addendum, PCNICC/2002/WGCA/L.1/Add.1, p. 78 (judgment against Keppeler, paras. 217(e), 219).

³⁶⁶ Federal Law No. 32-FZ "On Amendments to the Criminal Code of the Russian Federation and Articles 31 and 151 of the Code of Criminal Procedure of the Russian Federation", 4 March 2022, <http://ips.pravo.gov.ru:8080/default.aspx?pn=0001202203040007>.

- VALENTINA MATVIYENKO. This law criminalizes calls against the use of Russian troops to protect Russian interests, and calls for sanctions against Russia. Accordingly, individuals may face criminal penalties for referring to the “special military operation” as a “war” or “invasion.”³⁶⁷
- b) On 11 March 2022, concluding the 521st Session of the Federation Council, VALENTINA MATVIYENKO exhorted Members of the Federation Council to meet with Russians, including youth, and explain to them the goals of Russia’s “special military operation” in Ukraine, in accordance with guidelines provided to them. She also requested that Members of the Federation Council share the people’s concerns with the Federation Council so as to allow for a swift response.³⁶⁸
 - c) On 15 March 2022, SERGEI SHOIGU reportedly wrote a personal appeal to the Minister of Culture, Olga Lyubimova, requesting the exclusion of Zelensky and Rodnyansky from Russia’s “cultural agenda.” He continued that the Ministry of Defense, as part of the conduct of the “special military operation,” is taking steps to form a positive general opinion of Russian citizens and to foster support for the country’s leadership and for the activities of the armed forces.³⁶⁹
110. The accused persons also secured the continuation of Russia’s acts of aggression by expressing and/or supporting Russia’s conditions for ceasing the use of force in Ukraine:
- a) On 17 February 2022, in a media interview, SERGEI LAVROV stated that the security of Europe depends on improving its position on stopping NATO expansion to the East and non-deployment of strike weapons.³⁷⁰
 - b) On 11 March 2022, in a press conference, SERGEI LAVROV stated that Russia had made highly specific proposals, in the form of a legally binding draft document, to resolve the situation in Ukraine.³⁷¹
 - c) On 29 March 2022, in a media interview, VALENTINA MATVIYENKO stated that she is not optimistic about negotiations between Russia and

³⁶⁷ See, for e.g., Radio Free Europe – Radio Liberty, “Russian Lawmakers OK Bill On ‘False News’ About Military Operations, In Further Curb On Media”, 4 March 2022,

<https://www.rferl.org/a/russia-fake-news-military-invasion-independent-media/31735798.html>; Radio Free Europe – Radio Liberty, “Russian Nobel Laureate Muratov Doused With Red Paint By Unknown Attacker”, 7 April 2022,

<https://www.rferl.org/a/russia-new-novaya-gazeta-europe-muratov/31791421.html?s=09>.

³⁶⁸ Federation Council, “521st meeting of the Federation Council – Transcript”, 11 March 2022, <http://council.gov.ru/activity/meetings/133821/transcript/>.

³⁶⁹ SVTV News, Tweet, 17 March 2022, https://twitter.com/svtv_news/status/1504468417595682820?ref_src=twsrc%5Etfw%7Ctwc%5Eamp%5Etweetembed%7Ctwterm%5E1504468417595682820%7Ctwgr%5E%7Ctwcon%5Es1_%2F%2Fwww.svoboda.org%2Fa%2Fverjte-tem-kto-obeschaet-vas-ubitj-hroniki-repressiy-glazami-sotssetey%2F31759482.html.

³⁷⁰ Euronews, “Lavrov and Di Maio – about the situation in Ukraine”, 17 February 2022, <https://www.youtube.com/watch?v=eU8xYtPAztg>.

³⁷¹ Ministry of Foreign Affairs of the Russian Federation, “Foreign Minister Sergey Lavrov’s remarks and answers to media questions following talks with Foreign Minister of Turkey Mevlut Cavusoglu and Foreign Minister of Ukraine Dmitry Kuleba”, 10 March 2022, https://mid.ru/en/foreign_policy/news/1803752/.

Ukraine, continuing that Russia is clear as to the basis on which an agreement may be reached, but the Ukrainian position is unclear.³⁷²

VLADIMIR PUTIN, SERGEI SHOIGU and VALERY GERASIMOV secured the occupation of parts of Ukraine's territory

111. The occupation of Ukrainian territory by Russia in 2022, and therefore the execution of Russia's acts of aggression, is described at Paragraph 41. VLADIMIR PUTIN as Supreme Commander-in-Chief of the Russian Armed Forces, SERGEI SHOIGU as the second in command, and VALERY GERASIMOV as the third in command oversaw the occupation of Ukrainian territory.
112. By the foregoing acts, conduct and practices, VLADIMIR PUTIN, SERGEI SHOIGU, VALENTINA MATVIYENKO, SERGEI LAVROV and VALERY GERASIMOV are responsible for the crime of aggression by executing Russia's acts of aggression, as charged in Count 1.

CRIMINAL RESPONSIBILITY

113. Each of the accused persons, VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO, SERGEI BESEDA, SERGEI LAVROV and VALERY GERASIMOV are individually criminally responsible for the commission of the crime of aggression by planning, preparing, initiating and/or executing Russia's acts of aggression, as charged in Count 1.
114. At all relevant times, VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO, SERGEI BESEDA, SERGEI LAVROV and VALERY GERASIMOV were aware of the factual circumstances that established that Russia's use of armed force against the sovereignty territorial integrity or political independence of another State was inconsistent with the UN Charter and that such acts of aggression constituted a manifest violation of the UN Charter.
115. The accused persons made statements directly evincing their knowledge of the factual circumstances surrounding Russia's use of armed force in Ukraine beginning 24 February 2022, or projecting that they are in a position to have acquired such knowledge:
 - a) On 16 February 2022, in an interview published on the Federation Council's website, VALENTINA MATVIYENKO stated that any Russian military action in Ukraine will be commensurate with the "scale of the aggression" by Ukraine in Donbas and the military-political situation that has arisen.³⁷³
 - b) On 22 February 2022, in a media interview, SERGEI LAVROV opined that, under international law, the right to sovereignty need only be observed in

³⁷² Interfax, "Matvienko called the condition for stopping the military operation in Ukraine", 29 March 2022, <https://www.interfax.ru/russia/831901>.

³⁷³ Federation Council, "Russian society does not want war either with Ukraine or with anyone else", 16 February 2022, <http://council.gov.ru/events/news/133299/>.

relation to states that represent all the people living on their territory, and that Ukraine had ceased to do so since 2014.³⁷⁴

- c) On 5 March 2022, at a meeting with Russian airline crew, VLADIMIR PUTIN stated that the Russian Ministry of Defense “has taken the path of destroying the military infrastructure of Ukraine, this part of the operation is almost completed.”³⁷⁵
- d) On 10 March 2022, in a press conference following talks with Ukrainian Foreign Minister Dmitry Kuleba, SERGEI LAVROV made assertions as to Russia’s military conduct in Ukraine. In particular, he claimed that the Russian military is taking steps to alleviate the suffering of civilians used as human shields by Ukraine, and that Russia continues to open humanitarian corridors daily.³⁷⁶
- e) On 11 March 2022, at a meeting of the Security Council, SERGEI SHOIGU proposed that Russian forces in Donbas be given air defense equipment, including portable anti-aircraft missile systems, and anti-tank and anti-aircraft systems.³⁷⁷ He further suggested that the Western weapons seized in Ukrainian territory be delivered to them. SERGEI SHOIGU also suggested that VLADIMIR PUTIN allow volunteers from the Middle East to join Russian forces in Ukraine, with VLADIMIR PUTIN accepting this suggestion.³⁷⁸
- f) On 15 March 2022, at a meeting on national security in the North Caucasus, NIKOLAI PATRUSHEV remarked that the Russian operation in Ukraine is “proceeding in accordance with the plan.”³⁷⁹
- g) On 16 March 2022, in a meeting on socio-economic support for the constituent entities of Russia, VLADIMIR PUTIN stated that the combat tactics drafted by the Russian Ministry of Defense and the General Staff had “fully justified itself” in the Ukraine context, and that Russian soldiers and officers were doing all they could to avoid civilian losses in Ukrainian cities.³⁸⁰

³⁷⁴ Interfax, “Lavrov denied Ukraine the right to sovereignty”, 22 February 2022, <https://www.interfax.ru/russia/823676>.

³⁷⁵ Interfax, “Putin said that the destruction of the military infrastructure of Ukraine is almost complete”, 5 March 2022, <https://www.interfax.ru/russia/826578>.

³⁷⁶ , “Sergey Lavrov: Russia wants to see Ukraine demilitarized and friendly”, 10 March 2022, https://www.1tv.ru/news/2022-03-10/423115-sergey_lavrov_rossiya_hochet_videt_ukrainu_demilitarizovannoy_i_druzhestvennoy.

³⁷⁷ Kremlin, “Meeting with permanent members of the Security Council”, 11 March 2022, <http://en.kremlin.ru/events/president/news/67960>.

³⁷⁸ Vedomosti, “Peskov explained Shoigu’s proposal to involve volunteers in a special operation in Ukraine”, 11 March 2022, <https://www.vedomosti.ru/politics/news/2022/03/11/913089-peskov-dobrovoltsev>.

³⁷⁹ Sputnik Azerbaijan, “Abundance of foreign consultants in Kyiv provokes new threats – Patrushev”, 15 March 2022, <https://web.archive.org/web/20220316062514/https://az.sputniknews.ru/20220315/obilie-inostrannykh-konsultantov-kieva-provotsiruet-novye-ugrozy---patrushev-440175674.html>.

³⁸⁰ Kremlin, “Meeting on Socioeconomic Support for Regions”, 16 March 2022, <http://en.kremlin.ru/events/president/news/67996>.

- h) On 28 March 2022, in a media interview, VALENTINA MATVIYENKO stated that Russia's "special operation" in Ukraine is going "according to plan," and that its assigned tasks will be completed in full.³⁸¹
- i) On 28 March 2022, VALENTINA MATVIYENKO met with the Chairman of Kazakhstan's Parliament Senate and, as reported by the Federation Council, updated him in detail on the causes and course of the "special operation" in Ukraine.³⁸²
- j) On 29 March 2022, in a media interview, SERGEI SHOIGU observed that the main tasks of the first stage of the Russian military operation have been completed, and that the reduction in the combat potential of the Ukrainian armed forces will allow Russia to focus its attention and efforts on achieving the main goal of the operation, which is the "liberation" of Donbas.³⁸³
- k) On 5 April 2022, as reported on the Federation Council's website, VALENTINA MATVIYENKO stated that she is confident Russia will "successfully complete the special military operation in accordance with the plan," and that Russian servicemen "accurately and precisely carry out the order to demilitarize and denazify Ukraine, treating the civilian population with care."³⁸⁴
- l) On 7 April 2022, in a media interview, SERGEI NARYSHKIN opined that Russia is creating a multipolar world by directly challenging the system, to create a new world order.³⁸⁵
- m) On 11 April 2022, in a televised broadcast, SERGEI LAVROV reportedly announced an additional goal of the Russian "special operation" in Ukraine—to end US dominance worldwide. He continued that the operation is "designed to put an end to the reckless expansion and reckless course towards the complete dominance of the United States and under them the rest of the Western countries in the international arena."³⁸⁶

³⁸¹ MKRU, "Matvienko said that 'the special operation in Ukraine is going according to plan'", 28 March 2022, <https://www.mk.ru/politics/2022/03/28/matvienko-zayavila-chto-specoperaciya-na-ukraine-idet-po-planu.html>.

³⁸² Federation Council, "V. Matvienko held a meeting with the Chairman of the Senate of the Parliament of the Republic of Kazakhstan M. Ahsimbaev", 28 March 2022, <http://council.gov.ru/events/news/134294/?hl=%D1%83%D0%BA%D1%80%D0%B0%D0%B8%D0%BD%D0%B0%20%D0%BC%D0%B0%D1%82%D0%B2%D0%B8%D0%B5%D0%BD%D0%BA%D0%BE>.

³⁸³ Valentyna Romanenko, "Shoigu: Ukraine has 'suffered significant losses' and it is time to 'liberate Donbas' again", Ukrayinska Pravda, 29 March 2022, <https://www.pravda.com.ua/eng/news/2022/03/29/7335485/>.

³⁸⁴ Federation Council, "V. Matvienko: Our servicemen accurately and precisely carry out the order to demilitarize and denazify Ukraine, treating the civilian population with care", 5 April 2022, <http://council.gov.ru/events/chairman/134760/>.

³⁸⁵ TASS, "Russia creating genuine never-before-seen multipolar world, says foreign intel chief", 7 April 2022, <https://tass.com/politics/1434003>.

³⁸⁶ Bloknot, "Lavrov named another target of the special operation Z, and this is not Ukraine", 11 April 2022, <https://bloknot.ru/politika/lavrov-nazval-eshhe-odnu-tsel-spetsoperatsii-z-i-e-to-ne-ukraina-912608.html>.

116. Additionally, the accused persons participated in meetings regarding developments in Russia's use of armed force in Ukraine beginning 24 February 2022, indicating knowledge of the conduct of hostilities:
- a) On 27 February 2022, VLADIMIR PUTIN met with SERGEI SHOIGU and VALERY GERASIMOV at the Kremlin, where he ordered that the Russian Army's deterrence forces be put on high combat alert.³⁸⁷
 - b) On 11 March 2022,³⁸⁸ the Permanent Members of the Security Council convened. At this meeting, SERGEI SHOIGU reported that Russian military action in Ukraine was proceeding as planned, and made suggestions on accepting volunteer fighters, delivery of seized weapons to Donbas, and reinforcing Russia's western borders. VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN AND VALENTINA MATVIYENKO attended the meeting.³⁸⁹
 - c) On 18 March 2022, the Permanent Members of the Security Council convened to discuss progress in the "special military operation" in Ukraine. VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN AND SERGEI LAVROV attended the meeting.³⁹⁰
 - d) On 24 March 2022, the Permanent Members of the Security Council convened to discuss progress in the negotiations with Ukraine. SERGEI SHOIGU also reported on the ongoing "special military operation," and efforts by the Russian military to "provide humanitarian aid, ensure security and restore vital infrastructure in the liberated territories." VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO AND SERGEI LAVROV attended the meeting.³⁹¹
 - e) On 7 April 2022, the Permanent Members of the Security Council convened to discuss progress in the "special military operation" in Ukraine, including the need to strongly counteract any "information attacks" or sabotage. VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA MATVIYENKO AND SERGEI LAVROV attended the meeting.³⁹²

COUNT 1

117. By the foregoing acts, conduct and practices, VLADIMIR PUTIN, NIKOLAI PATRUSHEV, SERGEI SHOIGU, SERGEI NARYSHKIN, VALENTINA

³⁸⁷ Kremlin, "Meeting with Sergei Shoigu and Valery Gerasimov", 27 February 2022, <http://en.kremlin.ru/events/president/news/67876>.

³⁸⁸ Kremlin, "Meeting with permanent members of the Security Council", 11 March 2022, <http://en.kremlin.ru/events/president/news/67960>.

³⁸⁹ Kremlin, "Meeting with permanent members of the Security Council", 18 March 2022, <http://en.kremlin.ru/events/president/news/68011>.

³⁹⁰ Kremlin, "Meeting with permanent members of the Security Council", 18 March 2022, <http://en.kremlin.ru/events/president/news/68011>.

³⁹¹ Kremlin, "Meeting with permanent members of the Security Council", 24 March 2022, <http://en.kremlin.ru/events/president/news/68044>.

³⁹² Kremlin, "Meeting with permanent members of the Security Council", 7 April 2022, <http://en.kremlin.ru/events/president/news/68155>.

MATVIYENKO, SERGEI BESEDA, SERGEI LAVROV and VALERY GERASIMOV are responsible for the following crimes:

Count 1: crime of aggression, punishable under Article 8 *bis* of the Statute of the International Criminal Court

DATE

LOCATION