

## Ukraine: The Crime of War

Alejandro Teitelbaum

I.

**T**he ground and air attack on Ukraine is an international crime. The judgement of the Nuremberg Tribunal of 30 September 1946 reads: "Unleashing a war of aggression is not only an international crime: it is the supreme international crime and differs from other war crimes only in that it contains all of them". This is so because it involves loss of life, destruction, mass exodus, famine, and other hardships. Putin's claim to justify the aggression with the aim of "denazifying" Ukraine is unacceptable.

Putin's use of this argument does not erase the fact that this problem exists in Ukraine, as various publications and international organisations such as Amnesty International have denounced: The Ukrainian authorities have not taken effective measures to prevent and punish acts of violence committed by "extreme right-wing" groups, which have become increasingly frequent since 2015. Victims of such violence and threats, including women, LGBTI rights activists, left-wing activists, Roma families and other individuals and groups targeted by members of "far-right" groups, remain vulnerable to attacks, intimidation and harassment.<sup>1</sup>

The G7 countries sent a letter through their ambassadors to the Ukrainian executives to express their concern: "The G7 is concerned about extremist political movements in Ukraine, where violent actions are deeply disturbing". They asserted that these formations "attempt to usurp the role of the police", "intimidate citizens", and seek to "tarnish the reputation of the Ukrainian government".<sup>2</sup>



Foto de [Warren Wong](#) en [Unsplash](#)

<sup>1</sup> ↪ Amnesty International: [Ukraine: La passivité des autorités encourage l'intensification des violences de l'extrême droite](#), Mai 16, 2018

<sup>2</sup> ↪ France 24: [La sombra de la extrema derecha se cierne sobre las elecciones presidenciales en Ucrania](#), 31 marzo 2019.

OFPPA, a French public administrative body responsible for applying the Geneva Convention of 28 July 1951 relating to the status of refugees, has published a document on the extreme right in Ukraine.<sup>3</sup> So has the Office of the United Nations High Commissioner for Human Rights.<sup>4-5</sup> At the other end of the political chessboard, the Communist Party of Ukraine was outlawed in 2015.<sup>6</sup>

On the occasion of the US aggression against Nicaragua in the 1980s,<sup>7</sup> the International Court of Justice (Nicaragua v. United States (military and paramilitary activities in Nicaragua)— said in response to the US government's argument that human rights were being violated in Nicaragua: "...where human rights are protected by international conventions, such protection takes the form of provisions in the text of those conventions which are designed to verify or ensure respect for those rights". And he added: ... "if the United States can indeed make its own assessment of the human rights situation in Nicaragua, the use of force is not the appropriate method of verifying and ensuring respect for those rights..." (paragraphs 267 and 268). (paras. 267 and 268).

*The fact of Russia's aggression is a first observation, evident even to the least informed people. But in order to avoid Manichaeism, which means being with the people and against the war, neither with Putin nor with NATO, the evidence of aggression must be contextualised, put into perspective, i.e. to know the background and foresee the consequences, an activity that is much more difficult to put into practice for the common people in the West, permanently submerged by the disinformation propagated by politicians, political scientists and "intellectuals" servants of the prevailing system and directed by the media oligopolies.<sup>8</sup>*

II. Macron has been deeply involved since before the Russian aggression to prevent it. To stop Putin's bellicose designs, whose demand was that Ukraine should not join NATO,<sup>9</sup> meant negotiating with Putin, i.e. offering him something to reach a peaceful solution to the conflict. Did Macron do it? The French people do not know. He probably did not, bound by the decision of the group of countries led by the United States, that Ukraine's accession to NATO is non-negotiable. Macron has not considered it necessary to inform the French people of his talks with Putin and the content of the decisions taken in transnational bodies such as the G7 and NATO. Worse, he first limits the participation of the National Assembly and the Senate to hear a letter from him. There is no debate and no vote.<sup>10</sup> Said letter—which the deputies

<sup>3</sup> ↪ OFPPA: [L'extrême droite ukrainienne – Origines et trajectoires](#): 3 juin 2016.

<sup>4</sup> ↪ Office of the United Nations High Commissioner for Human Rights: [Report on the human rights situation in Ukraine](#), 16 February 2016.

<sup>5</sup> ↪ Ukraine: Far-right militiamen attack a gypsy camp (<https://www.youtube.com/watch?v=fp6uin3FAJQ>)

The pro-Nazi Azov Battalion (on its flag, the slightly stylized Nazi cross) is a unit of Ukrainian volunteers integrated into the National Guard of Ukraine. It is under the command of the Ministry of Internal Affairs of Ukraine and is integrated into the "defence forces" by the Ukrainian General Staff. [https://fr.wikipedia.org/wiki/Régiment\\_Azov](https://fr.wikipedia.org/wiki/Régiment_Azov)

<sup>6</sup> ↪ Amnesty International: [Ukraine. L'interdiction du Parti communiste est un coup porté à la liberté d'expression dans le pays](#), 17 décembre 2015.

<sup>7</sup> ↪ Perspective Monde: [Création des Contrats au Nicaragua](#), 1 enero de 1981.

<sup>8</sup> ↪ Attached to this note we include three documents that complement it: **Annex a)** [A statement of the Spanish Association for International Human Rights Law of 2/26/2022](#); **Annex b)** [Ukrainian crisis: from Russia's point of view, NATO's eastward expansion is seen as an existential threat](#), by Evguénia Madelaine, This document, important among other things because it is based mainly on declassified official documents, which was initially published in The Conversation and then on other sites, disappeared from all of them within days; **Annex c)** [NATO Curriculum](#).

<sup>9</sup> ↪ Accepting that Ukraine would remain outside NATO meant taking away Putin's pretext to carry out his paranoid psychosis, now revealed, of re-establishing the Czarist Empire in practice. Revealed not only by his actions but also by his statements against Lenin, accusing him of having jeopardized the stability of the State by giving the same legal status to all the Soviet republics. The Revolution gave the member states of the new USSR broad autonomy within the federation. And Lenin's position included granting each republic the right to secede from the USSR.

That position, Putin said recently, doomed the Soviet Union to disintegration, which finally materialized in 1991. Putin's criticism of Lenin provoked reactions from members of the Russian Communist Party. "This is not his first anti-Communist sentiment, and history will not forgive him for that," said, for example, Communist parliamentarian Sergey Obukhov.

<sup>10</sup> ↪ Ouest-France avec AFP: [Le message d'Emmanuel Macron au Parlement sur l'Ukraine, une procédure rare](#), 24/02/2022

listened to standing (!?)—says nothing that the parliamentarians could not know by reading any public means of information. Days later, the Assembly holds a debate without a vote.

Macron indicated that decisions would be taken within the G7 and NATO's summit framework. The G7 is not an international body but a discussion group consisting of Canada, France, Germany, Italy, the United Kingdom and the United States. Russia was excluded from the Group in March 2014. In NATO, the Member States merely approve the decisions taken in Washington with the intervention of the White House, the Pentagon and the CIA. Such decisions—which may affect the French people in different ways, including the acceleration of their already deteriorated living standard—will apparently not be submitted to debate and vote by Parliament.

Paraphrasing Aeschylus, who said 2500 years ago—and repeated the phrase in 1917 by US Congressman Hiram Johnson—"Truth is the first casualty of war", we can now add that the institutions of the Republic are also the first casualties of war.

**III. The competent international bodies are intervening:** a) the Security Council adopted by a large majority a resolution condemning the aggression which was blocked by Russia's veto; b) the OSCE<sup>11</sup> is engaged on the ground; and c) the United Nations General Assembly met on March 2, convened by the Security Council for a special session provided for in Articles 20 and 27.2 of the UN Charter. The SC can do so with the affirmative vote of any nine of its members, permanent or otherwise. In this case, the veto is not applicable. The text adopted by the GA on March 2 deplored the Russian aggression against Ukraine and "demanded" Moscow to end it and withdraw its troops from the neighbouring country immediately and unconditionally. The resolution had five votes against (Russia, Belarus, Syria, North Korea and Eritrea), 141 in favour and 35 abstentions.<sup>12</sup>

**IV.** There can be no doubt that this dramatic situation, which primarily affects all the peoples of Europe, has as its backdrop the geopolitical and trade war between the United States, China and Russia as its main protagonists. It would be preferable for the peoples of Western Europe if, in place of NATO, an instrument at the service of US strategy, the states of the European continent, from the Atlantic to the Urals, were to find a path of peaceful coexistence and global security in the context of which mutually beneficial technological and commercial exchanges could be intensified.

But this is a long road to travel, which requires that the peoples first disengage themselves from the European governments on their knees before the USA. This subjugation is partly explained by the subordination of these governments to the sector of transnational industrial and financial capital hegemonized by the United States. But to solve the current crisis in the immediate future, the solution would be for Russia to gather sufficient internal forces to remove Putin from office and commit him to a psychiatric institution for treatment.

<sup>11</sup> ↪ The **OSCE** (Organization for Security and Co-operation in Europe), with its 57 participating States in North America, Europe and Asia, is the world's largest regional security organization. The OSCE works to achieve and maintain stability, peace and democracy for more than one billion people through political dialogue and field projects. The OSCE helps bridge differences and build confidence between States through cooperation in conflict prevention, crisis management and post-conflict rehabilitation. ([https://www.osce.org/files/f/documents/8/f/35776\\_0.pdf](https://www.osce.org/files/f/documents/8/f/35776_0.pdf))

<sup>12</sup> ↪ Since the decisions of the General Assembly are not binding, it is far from certain that Russia will accept the General Assembly's recommendation. The same thing that the United States has been doing for the past twenty years with the successive recommendations of the GA to lift the embargo against Cuba, which has lasted for 60 years. The latest of these, dated 2021 (A/75/L.97), is in addition to the 28 adopted annually since 1992, when the GA began to vote -always by a vast majority- on the issue. In 2021, the resolution rejecting the embargo against Cuba obtained 184 votes in favour, two against (United States and Israel) and three abstentions (Colombia, Brazil and Ukraine). The USA continues to ignore these resolutions. Note that Ukraine abstained from condemning the longest economic aggression in history.

### ANNEXES

- Annexe A: SPANISH ASSOCIATION FOR INTERNATIONAL HUMAN RIGHTS LAW - In consultative status with the UN - Lúarca, 25 February 2022. - [UKRAINE: PEACE MUST BE URGENTLY RESTORED, INTERNATIONAL LEGALITY RESPECTED AND HUMAN RIGHTS PROTECTED.](#)
- Annexe B: [Ukrainian crisis: from Russia's point of view, NATO's eastward expansion is considered an existential threat](#) (Translation by Alejandro Teitelbaum) - 11:19 a.m., February 22, 2022, modified at 9:40 p.m., February 24, 2022 - By Yevgenia Madelaine
- Annexe C: [NATO CURRICULUM](#) - Alejandro Teitelbaum

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❖ **About the author:** Alejandro Teitelbaum is a Fellow Associate with Jus Semper since 2010. He worked for many years on the issue of human rights in the realm of global corporations and other business enterprises. As the former Permanent Representative, successively from 1985 to 2006, to the United Nations Office in Geneva, for the International Federation of Human Rights and the American Association of Jurists, he spent time toiling with the bureaucracies of the UN and member states in pursuit of an international legal framework that would harness the business activity so that it would stop violating a wide array of human rights in its sphere of influence, as is customarily the case today. As such, he witnessed how, time and time again, the bureaucracies succumbed to the will of the leading economic powers, that were adamant at maintaining the preeminence of corporate interests over their responsibility for their infringement on human rights. Alejandro Teitelbaum is a Lawyer, a graduate of the Universidad de Buenos Aires, and a Postgraduate in International Economic Relations at the Institute of Economic and Social Development Studies, Université Paris I.



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❖ **Tags:** capitalism, democracy, war, Europe, Russia, Soviet Union (USSR), Ukraine, United States, NATO, OSCE.

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