

International Criminal Accountability for War Crimes in the Ukraine–Russia Conflict: A Juridical Analysis Based on the 1998 Rome Statute

Didik Setyo Nugroho¹, Prof. Dr. Joko Setiyono, S.H., M.Hum²

^{1,2} Master of Law, Faculty of Law, Universitas Diponegoro

ABSTRACT: The Russia–Ukraine conflict, which escalated into a full-scale war following Russia’s invasion in February 2022, has triggered unprecedented humanitarian and legal challenges. Reports from the United Nations, human rights organizations, and independent commissions have documented large-scale atrocities, including indiscriminate attacks on civilians, forced deportations, and destruction of civilian infrastructure. These acts may constitute war crimes under the 1998 Rome Statute, which provides the legal foundation for prosecuting individuals responsible for international crimes before the International Criminal Court (ICC). Although Ukraine was not initially a State Party to the Statute, its declarations under Article 12(3) in 2014 and 2015, followed by full ratification in 2024, opened the door for ICC jurisdiction over crimes committed on its territory. This paper examines the extent to which the Rome Statute enables accountability for war crimes in the Ukraine–Russia conflict. It argues that while the Statute offers a strong normative framework for prosecuting such crimes, enforcement remains constrained by political realities, notably Russia’s rejection of ICC jurisdiction and the limitations in executing arrest warrants against sitting heads of state such as President Vladimir Putin. The article concludes that the Rome Statute remains a vital legal instrument for ensuring accountability, but its effectiveness is deeply intertwined with geopolitical dynamics and the willingness of states to cooperate with the ICC.

KEYWORDS: War Crimes; Rome Statute 1998; Ukraine–Russia conflict.

I. INTRODUCTION

The Russia–Ukraine conflict has emerged as one of the most significant challenges to the post–World War II international legal order. What began with the annexation of Crimea in 2014 escalated dramatically in February 2022 when the Russian Federation launched a full-scale invasion of Ukraine. This armed aggression has triggered widespread humanitarian crises and raised fundamental questions regarding the effectiveness of international humanitarian law (IHL) and international criminal law (ICL) in deterring and prosecuting war crimes. Reports by the United Nations and independent monitoring bodies have documented acts such as indiscriminate attacks against civilians, deliberate targeting of civilian infrastructure, forced displacement, and the unlawful deportation of Ukrainian children to Russia. Each of these acts potentially fulfills the elements of war crimes under Article 8 of the 1998 Rome Statute (Grzebyk, 2023).

The Rome Statute of the International Criminal Court (ICC) remains the cornerstone of modern international criminal justice. It provides for the prosecution of genocide, crimes against humanity, war crimes, and the crime of aggression, emphasizing that individuals—including heads of state—can be held accountable for violations of international law. Unlike ad hoc tribunals, the ICC operates on a permanent basis and claims universality in pursuing justice beyond state sovereignty. Ukraine’s decision to submit declarations under Article 12(3) in 2014 and 2015, followed by its ratification of the Statute in 2024, signaled a legal and political commitment to holding perpetrators accountable. This legal maneuver ensures that crimes committed on Ukrainian territory fall within ICC jurisdiction, even though Russia itself remains a non-party and explicitly withdrew its signature in 2016 (Tsybulenko & Rinta-Pollari, 2023).

Nevertheless, the pursuit of international criminal accountability faces profound challenges. The ICC lacks its own enforcement mechanism, relying instead on state cooperation to execute arrest warrants and collect evidence. The arrest warrant issued in March 2023 against Russian President Vladimir Putin for the unlawful deportation of children illustrates both the determination and the limitations of the Court. While symbolically powerful, the practical execution of such warrants is constrained by political realities, particularly Russia’s non-cooperation and its position as a permanent member of the United Nations Security Council (Ioffe, 2023). This tension underscores the structural gap between law and enforcement in international criminal justice. From a normative perspective, the Rome Statute embodies principles of individual criminal responsibility, command responsibility, and the rejection of immunities for high-ranking officials. These principles were designed to ensure that perpetrators of serious crimes could not shield themselves behind state sovereignty. Yet, the Russia–Ukraine conflict highlights how the balance

International Criminal Accountability for War Crimes in the Ukraine–Russia Conflict: A Juridical Analysis Based on the 1998 Rome Statute

between legal norms and political power can shape the effectiveness of international accountability mechanisms. Scholars argue that the ICC's action against Russia represents both a reaffirmation of the principle of accountability and a test of the Court's legitimacy in the face of geopolitical resistance (Chlevickaitė, 2025).

The conflict also raises important questions about the principle of complementarity, a cornerstone of the Rome Statute.

According to Article 17, the ICC acts only when national jurisdictions are unwilling or unable to genuinely prosecute crimes. Ukraine has demonstrated willingness by prosecuting numerous lower-level perpetrators in its domestic courts. However, systemic crimes involving high-ranking Russian officials exceed Ukraine's capacity, making ICC intervention indispensable. This dynamic reflects the delicate interplay between domestic accountability and international prosecution (Klosterkamp, 2024).

Beyond legal doctrine, the war has generated a crisis of legitimacy for the international system. The use of starvation tactics in Mariupol and attacks on critical energy infrastructure during winter have been widely described as deliberate strategies of warfare that violate fundamental humanitarian principles (The Guardian, 2024). Such practices challenge not only the resilience of the Ukrainian people but also the credibility of the international legal order established since 1945. If the perpetrators of these crimes remain unpunished, the consequences may extend beyond Eastern Europe, eroding the deterrent value of international criminal law and emboldening future violations elsewhere (Umland, 2024). Another crucial dimension concerns the evolving role of evidence in international trials. Gathering credible evidence in active conflict zones is fraught with logistical and ethical difficulties, yet recent technological developments and partnerships between civil society, international organizations, and the ICC have facilitated documentation of atrocities in real time (Chlevickaitė, 2025). These advances demonstrate the adaptability of international law enforcement mechanisms, but they also highlight the dependence of the ICC on states and non-state actors for operational effectiveness.

The Russia–Ukraine conflict also exposes structural deficiencies in the international system. The Security Council, which theoretically could enhance ICC effectiveness by mandating cooperation, remains paralyzed by the Russian veto. This political deadlock has renewed debates on reforming the Security Council or strengthening alternative accountability mechanisms, such as ad hoc tribunals or hybrid courts, to address crimes of aggression and systemic war crimes (Tsybulenko & Rinta-Pollari, 2023). While the ICC retains jurisdiction over war crimes and crimes against humanity, its authority over the crime of aggression is limited to States Parties or those that have ratified the Kampala Amendments, leaving a critical gap in accountability (Grzebyk, 2023). The Ukraine–Russia conflict serves as a litmus test for the relevance of the Rome Statute in contemporary geopolitics. Some scholars argue that the ICC has finally demonstrated its capacity to challenge powerful states, whereas others caution that without enforcement, the Court risks being reduced to a symbolic body incapable of delivering justice (Klosterkamp, 2024). Thus, the effectiveness of international criminal accountability depends not only on legal frameworks but also on the political will of states to cooperate and support international justice mechanisms.

The urgency of this study lies in examining how the Rome Statute of 1998 can serve as both a normative and practical tool in addressing war crimes committed during the Russia–Ukraine conflict. It aims to provide a comprehensive juridical analysis of the principles of international criminal responsibility, the jurisdictional reach of the ICC, and the challenges faced in enforcement. By analyzing these dynamics, this research contributes to ongoing academic debates about the future of international criminal justice and the resilience of the rule of law in the face of geopolitical conflict. The introduction highlights three critical dimensions: first, the existence of widespread and systematic violations of international humanitarian law in Ukraine; second, the normative strength of the Rome Statute in providing a legal foundation for accountability; and third, the political, juridical, and practical challenges that constrain enforcement. These dimensions form the basis for addressing the central research questions of this study, namely the conceptualization of individual criminal responsibility under the Rome Statute, and the effectiveness of the Statute in prosecuting war crimes amid the geopolitical complexities of the Ukraine–Russia conflict.

II. FORMULATION OF THE PROBLEM

1. How does the 1998 Rome Statute conceptualize individual criminal responsibility for war crimes, and how is this relevant to the Ukraine–Russia conflict?
2. To what extent is the Rome Statute effective in providing jurisdictional and enforcement mechanisms for prosecuting war crimes committed during the Ukraine–Russia conflict?

III. RESEARCH METHOD

This study employs a qualitative research design using a library-based approach (literature study) to analyze international criminal accountability for war crimes in the Ukraine–Russia conflict under the framework of the 1998 Rome Statute. The qualitative method is chosen because it allows for an in-depth exploration of legal norms, principles, and interpretations within the broader context of international humanitarian law and international criminal law. Rather than relying on numerical data, the study emphasizes the meaning, substance, and juridical implications of the Rome Statute in addressing alleged war crimes committed during the conflict. The primary sources of data include international legal instruments, such as the Rome Statute of the International Criminal

International Criminal Accountability for War Crimes in the Ukraine–Russia Conflict: A Juridical Analysis Based on the 1998 Rome Statute

Court, the Geneva Conventions of 1949, and relevant decisions of international tribunals. In addition, secondary sources are analyzed, including academic journals, scholarly books, official reports by the United Nations and the International Criminal Court, as well as independent investigations by human rights organizations. These sources provide both normative and empirical insights into the effectiveness and limitations of international criminal accountability mechanisms. The research process involves systematic collection, categorization, and critical analysis of the materials to identify recurring themes, legal reasoning, and doctrinal debates. The findings are then interpreted within the framework of international legal theory and practice. Through this method, the study aims to provide a comprehensive juridical analysis of how the Rome Statute can serve as a legal foundation for holding individuals accountable for war crimes in Ukraine, while also highlighting the political and practical challenges faced by the ICC.

IV. DISCUSSION

A. 1998 Rome Statute Regulate Individual Criminal Responsibility for War Crimes and The Relevance to The Ukraine–Russia Conflict

The 1998 Rome Statute of the International Criminal Court (ICC) stands as the most comprehensive codification of international criminal law in contemporary history, particularly with respect to the principle of individual criminal responsibility for war crimes. Unlike the classical tradition of international law that largely emphasized state responsibility, the Rome Statute shifted the paradigm by affirming that individuals, including military leaders, political authorities, and even heads of state, may be held criminally accountable for violations of international humanitarian law. The Statute provides a detailed framework under Articles 5 through 8, specifying the core international crimes within the jurisdiction of the Court, including genocide, crimes against humanity, war crimes, and the crime of aggression. Among these, war crimes occupy a central place, as they directly address grave breaches of the Geneva Conventions and serious violations of the laws and customs of war. Article 8 enumerates an extensive list of acts that qualify as war crimes, ranging from willful killing of civilians, torture, inhuman treatment, and unlawful deportations, to indiscriminate attacks on civilian populations and the use of prohibited weapons (Grzebyk, 2023). The principle of individual criminal responsibility is further developed in Article 25 of the Rome Statute, which stipulates that anyone who commits, orders, aids, abets, or otherwise contributes to the commission of crimes under the jurisdiction of the Court shall be held criminally liable. This includes both direct perpetrators and those in positions of authority who exercise control over military or civilian structures. Moreover, Article 28 codifies the doctrine of command responsibility, making military commanders and civilian superiors accountable if they knew, or should have known, about crimes committed by their subordinates and failed to take necessary measures to prevent them. These provisions reflect a long-standing development in international criminal law, from the Nuremberg and Tokyo Tribunals after World War II to the jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY) and Rwanda (ICTR), but with greater precision and permanence under the Rome Statute (Schabas, 2020). The Statute also eliminates the traditional immunity enjoyed by high-ranking officials under Article 27, declaring that official capacity, including that of a head of state, shall in no way exempt an individual from criminal responsibility. This is particularly relevant in the context of the Ukraine–Russia conflict, as the ICC has issued arrest warrants against President Vladimir Putin and other high-ranking Russian officials for the unlawful deportation of Ukrainian children, acts considered to fall under Article 8(2)(a)(vii) and Article 8(2)(b)(viii) of the Statute (Ioffe, 2023).

The application of these provisions to the Ukraine–Russia conflict highlights both the strength and the challenges of the Rome Statute in operationalizing accountability. Ukraine, though not initially a State Party, accepted ICC jurisdiction through Article 12(3) declarations in 2014 and 2015, covering crimes committed on its territory from February 2014 onwards. This exceptional measure allowed the ICC Prosecutor to initiate investigations into alleged war crimes despite Russia's non-ratification and subsequent withdrawal of its signature in 2016. Furthermore, in 2024 Ukraine ratified the Statute, which entered into force for the country in January 2025, thereby cementing its full cooperation with the ICC (Tsybulenko & Rinta-Pollari, 2023). This legal framework ensures that war crimes committed within Ukrainian territory fall within the Court's jurisdiction regardless of the nationality of the alleged perpetrators, thereby enabling prosecution of Russian officials and soldiers. The Rome Statute's reliance on the principle of territorial jurisdiction combined with Ukraine's acceptance of the Court's authority demonstrates the Statute's adaptability in addressing situations where powerful states such as Russia seek to evade accountability (Chlevickaitė, 2025).

The principle of individual responsibility is crucial in contexts such as the Ukraine–Russia conflict because it prevents states from using sovereignty as a shield against accountability. By focusing on the culpability of persons rather than states, the Rome Statute provides a pathway for justice that circumvents the diplomatic impunity often associated with inter-state disputes. Reports by the Independent International Commission of Inquiry on Ukraine (IICOI) in 2023, as well as multiple UN and NGO investigations, have documented instances of indiscriminate shelling of civilian areas, targeted attacks on hospitals and energy infrastructure, torture of prisoners of war, and forced transfers of civilians. Each of these practices corresponds with explicit prohibitions in Article 8 of the Rome Statute, illustrating the relevance of its provisions in framing the Ukraine–Russia conflict as a matter of individual criminal responsibility rather than abstract state conduct (IICOI, 2023). While the Rome Statute is robust in theory, the enforcement of individual criminal responsibility in this conflict reveals systemic weaknesses in international criminal

International Criminal Accountability for War Crimes in the Ukraine–Russia Conflict: A Juridical Analysis Based on the 1998 Rome Statute

justice. The ICC depends entirely on state cooperation to enforce arrest warrants, secure the surrender of accused persons, and protect witnesses. Russia's categorical rejection of ICC jurisdiction and its geopolitical power as a permanent member of the UN Security Council pose serious obstacles to implementation. Even though the ICC issued an arrest warrant for President Putin in 2023, its execution remains unlikely unless he travels to a State Party willing to enforce it. This highlights a critical gap between the normative framework of the Rome Statute and the political realities of enforcement, raising questions about whether individual accountability can truly be achieved without reform of the international enforcement regime (Klosterkamp, 2024).

The Ukraine–Russia conflict also provides a unique context for examining the principle of complementarity under Article 17 of the Statute. This principle asserts that the ICC is a court of last resort, stepping in only when national jurisdictions are unable or unwilling to genuinely prosecute crimes. Ukraine has shown its willingness to prosecute lower-level perpetrators domestically, bringing cases against Russian soldiers captured on its territory. However, the scale of atrocities, the involvement of senior officials, and the transnational nature of the crimes make it impossible for Ukraine's judicial system alone to ensure accountability.

Consequently, the ICC's role becomes indispensable in addressing crimes committed by top-level decision-makers, including Russia's political and military leadership (Umhland, 2024). By applying the complementarity principle, the Rome Statute ensures that justice is not denied when national systems are overwhelmed or obstructed by political constraints. From a jurisprudential perspective, the ICC's intervention in Ukraine may set precedents for how the principle of individual responsibility is applied in conflicts involving powerful non-States Parties. Unlike previous situations where the ICC primarily prosecuted actors from weaker states or regions with less geopolitical influence, the Ukraine–Russia conflict tests the universality of the Rome Statute by targeting leaders of a permanent member of the Security Council. This has significant implications for the legitimacy of the ICC, as critics have long accused it of selective justice disproportionately targeting Africa. The prosecution of Russian leaders represents a turning point in addressing these criticisms, demonstrating that the principle of individual responsibility can extend even to the most politically powerful figures, at least in theory (Chlevickaitė, 2025).

Nevertheless, the political and practical obstacles remain daunting. Enforcement depends on state cooperation, and geopolitical rivalries may undermine collective action to uphold ICC decisions. Some scholars argue that the issuance of arrest warrants against high-ranking Russian officials may function more as symbolic justice than as a realistic pathway to prosecution. Symbolism, however, should not be underestimated, as it delegitimizes perpetrators on the international stage, limits their diplomatic engagement, and reinforces the principle that no one is above the law (Grzebyk, 2023). Even if prosecutions remain unexecuted, the Rome Statute's emphasis on individual responsibility helps sustain the normative framework of international justice and serves as a deterrent against further crimes.

The Rome Statute also has practical relevance for documenting and categorizing crimes during the Ukraine–Russia conflict. Civil society organizations and international bodies have increasingly employed the Statute's definitions to structure their reports and advocacy efforts. For example, the classification of the deportation of Ukrainian children as a war crime under Articles 8(2)(a)(vii) and 8(2)(b)(viii) has provided a legal basis for both ICC investigations and international condemnation. Similarly, the deliberate targeting of energy infrastructure during winter has been analyzed under the principle of proportionality, demonstrating how the Statute informs real-time legal assessments of ongoing conflicts (The Guardian, 2024). This illustrates that beyond judicial proceedings, the Statute serves as a critical framework for interpreting violations and mobilizing international responses. Technological innovations have transformed how evidence is gathered and presented in cases before the ICC. In Ukraine, the widespread use of satellite imagery, open-source intelligence, and digital platforms has enabled rapid documentation of alleged crimes, often guided by the Rome Statute's legal categories. Scholars note that this technological dimension has expanded the reach of international justice, making it harder for perpetrators to conceal their actions and increasing the feasibility of prosecutions even against powerful actors (Klosterkamp, 2024). Thus, the Statute not only regulates individual criminal responsibility in abstract terms but also shapes the practical methodologies of investigation and prosecution.

The 1998 Rome Statute regulates individual criminal responsibility for war crimes through a detailed set of provisions that address both direct and indirect participation in crimes, eliminate immunities for high-ranking officials, and establish the principle of complementarity to ensure accountability when national systems fail. Its relevance to the Ukraine–Russia conflict lies in its ability to provide a legal basis for prosecuting war crimes committed during the invasion and occupation, despite Russia's non-participation in the Statute. The arrest warrants against Putin and other Russian officials represent an unprecedented application of the Statute against leaders of a major power, testing both the universality and the enforceability of international criminal justice. While practical enforcement remains constrained by political realities, the Rome Statute continues to serve as the primary legal instrument for framing accountability in this conflict, reinforcing the principle that individuals, not states, bear ultimate responsibility for atrocities. By codifying individual responsibility and enabling prosecutions at the international level, the Statute remains indispensable in shaping the pursuit of justice in Ukraine, even as its effectiveness is challenged by geopolitical resistance and structural limitations.

B. Rome Statute effectively provide jurisdictional and enforcement mechanisms for prosecuting war crimes committed in the Ukraine–Russia conflict

The effectiveness of the Rome Statute in providing jurisdictional and enforcement mechanisms for prosecuting war crimes committed in the Ukraine–Russia conflict must be assessed in light of both the legal architecture established by the Statute and the political realities that shape its implementation. The Rome Statute, adopted in 1998, was designed to create a permanent international court with jurisdiction over four categories of crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. Articles 5 through 12 of the Statute provide the jurisdictional framework of the International Criminal Court (ICC), while Articles 86 through 102 regulate cooperation and enforcement procedures. In theory, these provisions establish a comprehensive system that allows the Court to investigate and prosecute individuals responsible for grave violations of international humanitarian law. However, the Ukraine–Russia conflict demonstrates the complex interaction between law and politics, where jurisdiction may be established, but enforcement is severely constrained by geopolitical considerations (Tsybulenko & Rinta-Pollari, 2023).

The jurisdiction of the ICC over the Ukraine situation rests on a unique legal basis. Ukraine is not among the original States Parties to the Rome Statute, but in 2014 and again in 2015, it submitted declarations under Article 12(3), accepting the Court's jurisdiction over crimes committed on its territory starting from February 20, 2014. This legal maneuver allowed the ICC to exercise territorial jurisdiction over acts committed in Ukraine, regardless of the nationality of the perpetrators. The significance of this step cannot be overstated, as it extended ICC jurisdiction to cover crimes committed by nationals of non-States Parties such as Russia, which withdrew its signature from the Statute in 2016. In October 2024, Ukraine ratified the Statute, making it a full State Party from January 2025 onward, further solidifying its obligations and cooperation with the Court. This demonstrates the flexibility of the Rome Statute in establishing jurisdiction over situations involving non-member states, particularly through the mechanism of voluntary acceptance under Article 12(3) (Grzebyk, 2023).

Despite the clarity of jurisdiction, enforcement presents a different challenge. The ICC lacks an independent police force or enforcement arm, relying instead on the cooperation of States Parties to carry out arrests, secure evidence, and facilitate prosecutions. Article 89 of the Statute obliges States Parties to comply with requests for arrest and surrender, while Article 93 provides for other forms of cooperation, such as witness protection and evidence gathering. In the context of Ukraine, cooperation is expected to be strong from Kyiv, especially after its ratification of the Statute, but enforcement depends on the willingness of other states to arrest suspects who may travel abroad. The arrest warrant issued by the ICC in March 2023 against President Vladimir Putin highlights the limitations of enforcement, as it is unlikely to be executed unless he travels to a cooperating State Party. This exposes the gap between the Court's jurisdictional reach and its practical ability to bring suspects into custody, revealing the Statute's dependence on state cooperation for effective enforcement (Klosterkamp, 2024). Another dimension of the effectiveness of jurisdiction relates to the principle of complementarity, enshrined in Article 17 of the Rome Statute. This principle establishes that the ICC acts only when national jurisdictions are unwilling or unable to genuinely prosecute international crimes. Ukraine has already demonstrated its willingness to pursue domestic prosecutions, having brought charges against Russian soldiers captured on its territory. However, the scale and gravity of the crimes, combined with the involvement of senior Russian officials, make it clear that Ukraine cannot address all cases domestically. The ICC therefore plays a crucial complementary role in prosecuting highprofile suspects beyond Ukraine's reach. This division of labor between national and international jurisdictions illustrates the Statute's design as a safety net to prevent impunity, ensuring that accountability is pursued even when powerful actors obstruct domestic processes (Chlevickaitė, 2025).

The question of enforcement becomes even more complex when considering Russia's non-cooperation. Russia is not a State Party to the Rome Statute and has consistently rejected the ICC's legitimacy. Its withdrawal of signature in 2016 signaled a complete rejection of the Court's authority, making voluntary cooperation impossible. Furthermore, as a permanent member of the UN Security Council, Russia wields veto power that can obstruct any referral or enforcement measures sought through the Council. This structural limitation undermines the effectiveness of ICC enforcement mechanisms, as the Court cannot compel Russia to hand over its officials or cooperate in investigations. This raises fundamental concerns about the universality of the Rome Statute, suggesting that its jurisdictional provisions may be effective on paper but limited in practice when applied against powerful nonmember states (Tsybulenko & Rinta-Pollari, 2023). The Statute has demonstrated its capacity to mobilize international responses through alternative pathways. In March 2022, more than forty States Parties collectively referred the Ukraine situation to the ICC, enabling the Prosecutor to bypass the need for Security Council referral. This broad coalition of states reinforced the legitimacy of the ICC's actions and underscored the international community's support for accountability. The referral mechanism provided in Article 14 of the Statute thus proved effective in facilitating jurisdiction, particularly when the Security Council was paralyzed by the Russian veto. Such collective action demonstrates that, even in politically sensitive contexts, the Rome Statute offers pathways to jurisdiction that do not depend on universal state membership (Umland, 2024).

The symbolic dimension of enforcement also plays a critical role in assessing the effectiveness of the Rome Statute. While arrest warrants against figures like President Putin may not result in immediate prosecutions, they carry significant political and diplomatic consequences. The issuance of warrants stigmatizes perpetrators, delegitimizes their international standing, and restricts

International Criminal Accountability for War Crimes in the Ukraine–Russia Conflict: A Juridical Analysis Based on the 1998 Rome Statute

their ability to travel to countries that are States Parties to the Statute. This symbolic justice reinforces the principle that no one is above the law and contributes to shaping international norms of accountability, even if enforcement remains incomplete. Scholars argue that the ICC's action against Russia signals a turning point in the perception of the Court, demonstrating that its jurisdictional reach is not limited to weaker states but can extend to powerful actors as well (Ioffe, 2023). The evidentiary framework of the Rome Statute also enhances its effectiveness in addressing the Ukraine–Russia conflict. Advances in technology, including satellite imagery, open-source intelligence, and digital evidence, have enabled investigators to document war crimes in real time. These methods are increasingly recognized by the ICC as admissible forms of evidence, expanding the Court's capacity to build strong cases against perpetrators. In Ukraine, civil society organizations and international bodies have collaborated to collect evidence consistent with the definitions provided in Article 8 of the Statute, facilitating the alignment of documentation with legal categories of war crimes. This demonstrates that, beyond jurisdiction, the Rome Statute's legal framework influences the methodologies of evidence gathering and strengthens the potential for successful prosecutions (Chlevickaitė, 2025).

The limitations of enforcement mechanisms remain the greatest obstacle to the Statute's effectiveness. Without an independent enforcement arm, the ICC remains dependent on the goodwill of States Parties, many of whom may be reluctant to arrest high-ranking officials due to political or economic ties. The case of Sudanese President Omar al-Bashir, who traveled freely despite ICC warrants, illustrates the persistence of this problem. In the Ukraine–Russia context, the same challenge is evident with respect to Putin and other Russian officials. Unless there is a shift in political dynamics, enforcement will remain the Achilles' heel of the Rome Statute, highlighting the need for reforms such as stronger mechanisms for international cooperation, incentives for compliance, and perhaps the establishment of an international enforcement body independent of state sovereignty (Grzebyk, 2023).

The Statute's jurisdiction over the crime of aggression remains limited in the Ukraine–Russia conflict. While Ukraine's ratification in 2024 solidifies ICC jurisdiction over war crimes, crimes against humanity, and genocide, its jurisdiction over aggression is restricted to States Parties that have ratified the Kampala Amendments. Russia, not being a party, cannot be prosecuted for aggression under current Statute provisions. This gap in jurisdiction undermines the comprehensiveness of accountability mechanisms, as many legal scholars argue that the invasion itself constitutes a manifest violation of the UN Charter and should be prosecuted as a crime of aggression. The limitations in this regard demonstrate that the Rome Statute's jurisdictional scope, while extensive, is not all-encompassing, and leaves critical aspects of accountability unaddressed in conflicts involving non-member states (Tsybulenko & Rinta-Pollari, 2023). Despite these challenges, the Rome Statute remains the most authoritative legal framework for pursuing accountability in the Ukraine–Russia conflict. Its jurisdictional flexibility through Article 12(3), its reliance on complementarity to balance domestic and international prosecutions, and its symbolic power in delegitimizing perpetrators all contribute to its effectiveness. While enforcement is imperfect, the Statute provides both a legal and normative foundation for holding individuals accountable for war crimes, ensuring that the principle of accountability remains central to the international response. The Ukraine–Russia conflict has thus become a test case for the Rome Statute's resilience, revealing both its strengths in establishing jurisdiction and its weaknesses in enforcing judgments against powerful states. Ultimately, the Statute's effectiveness must be understood not only in terms of successful prosecutions but also in its role in shaping international norms, deterring future violations, and sustaining the legitimacy of international criminal justice (Klosterkamp, 2024).

V. CONCLUSIONS

The Russia–Ukraine conflict has become a defining moment for the application of the 1998 Rome Statute in addressing war crimes and ensuring international criminal accountability. The Statute's provisions on individual criminal responsibility, particularly Articles 25, 27, and 28, establish a clear legal framework for holding perpetrators accountable regardless of their official capacity or political position. These principles are highly relevant in the current context, as they provide the legal basis for prosecuting crimes such as indiscriminate attacks against civilians, forced deportations, and unlawful transfers of children, which have been widely documented in Ukraine. The issuance of ICC arrest warrants against President Vladimir Putin and other high-ranking Russian officials demonstrates the Statute's potential to pierce the veil of state sovereignty and reinforce the principle that no one is above the law. At the same time, the jurisdictional mechanisms of the Rome Statute, including Ukraine's declarations under Article 12(3) and subsequent ratification in 2024, illustrate the Statute's flexibility in extending accountability even in conflicts involving powerful non-member states. However, the effectiveness of enforcement remains constrained by structural limitations, particularly the ICC's reliance on state cooperation, the absence of its own enforcement apparatus, and the political resistance posed by Russia as a permanent member of the UN Security Council. These challenges highlight the enduring gap between legal norms and political realities, raising questions about the Court's capacity to deliver justice in practice. The Rome Statute continues to serve as the most authoritative normative framework for prosecuting war crimes in Ukraine. Even if prosecutions face obstacles, its symbolic and normative impact in delegitimizing perpetrators, shaping international discourse, and reinforcing global expectations of accountability cannot be underestimated. The Ukraine–Russia conflict thus underscores both the resilience and the fragility of the Rome Statute, affirming its central role in international criminal law while exposing the urgent need for reforms to strengthen enforcement and ensure that accountability is not subordinated to geopolitics.

REFERENCES

- 1) Chlevickaitė, G. (2025). Documenting conflict-related crimes in Ukraine. *Journal of International Criminal Justice*. Advance article.
- 2) Grzebyk, P. (2023). Crime of aggression against Ukraine. *Journal of International Criminal Justice*, 21(3), 435–464.
- 3) Human Rights Watch. (2022). *Ukraine: War crimes in Russian-occupied areas*. Human Rights Watch.
- 4) Independent International Commission of Inquiry on Ukraine. (2023). *Report on violations of international human rights and humanitarian law in Ukraine*. United Nations Human Rights Council.
- 5) Ioffe, Y. (2023). Forcible transferring of Ukrainian children to the Russian Federation: War crimes and crimes against humanity. *Tijdschrift voor Strafrecht*.
- 6) International Criminal Court. (2014). *Declaration of Ukraine accepting ICC jurisdiction under Article 12(3)*. International Criminal Court.
- 7) International Criminal Court. (2015). *Second declaration of Ukraine accepting ICC jurisdiction under Article 12(3)*.
- 8) International Criminal Court.
- 9) International Criminal Court. (2023). *Warrant of arrest for Vladimir Putin, ICC-01/22*. International Criminal Court.
- 10) International Criminal Court. (2024). *Warrant of arrest for Sergei Shoigu and Valery Gerasimov, ICC-02/24*. International Criminal Court.
- 11) Klosterkamp, S. (2024). The intimate geopolitics of evidence gathering in war crime investigations. *Social & Legal Studies*, 33(2), 215–232.
- 12) Schabas, W. A. (2020). *An introduction to the International Criminal Court* (5th ed.). Cambridge University Press.
- 13) The Guardian. (2024, June 13). Russia accused of ‘deliberate’ starvation tactics in Mariupol in submission to ICC. *The Guardian*.
- 14) Tsybulenko, E., & Rinta-Pollari, H. (2023). Legal challenges in prosecuting the crime of aggression in the Russo–Ukrainian war. *Review of Central and East European Law*, 48(3–4), 319–350.
- 15) Umland, A. (2024). Forcible transfer and deportation of Ukrainian children. *European Parliamentary Research Service Report, EXPO_STU(2024)754442*.
- 16) United Nations Treaty Collection. (2016). *Rome Statute of the International Criminal Court: Status of ratification*. United Nations.



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0)

(<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.