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The Trial of Vladimir Putin

By Geoffrey Robertson KC (Author) (Publisher: Biteback Publishing 2024)

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Should a man who commands nearly 6,000 nuclear weapons and holds a permanent seat on the UN Security Council ever be forced to stand trial? Geoffrey Robertson KC, a leading human rights lawyer of our time, gives an unambiguous affirmative response. While The Trial of Vladimir Putin could certainly be accused of legal idealism, it certainly cannot be dismissed as mere fantasy. Rather, it is a compelling, well-reasoned plea for holding Russia's president accountable for committing acts of aggression against Ukraine and how this would potentially be done despite his being a sitting head of state. Far from being dry, academic, and inaccessible to the general reader, the author deliberately chose to write this book without "the affectation of Latin citations and lengthy case precedents" (p. xxix). Instead, Robertson, who has had a distinguished career as counsel before the European Court of Human Rights and the International Criminal Court, delivers a compelling argument for the prosecution of Putin, which is both a legal treatise, a political tract, and an indictment of Russia's president for his war crimes. Will he succeed in making his case? On this question, Robertson's diagnosis is brilliant; his prescription, however, is incomplete.

The book unfolds across seven chapters, but its argument can be grouped into three parts: the legal background (Chapters 1–2), the evidence for prosecution (Chapters 3–5), and the implications of conducting an international criminal trial (Chapters 6–7). In this respect, Robertson's key contribution to the fields of international criminal law and international politics lies within two domains: first, he convincingly demonstrates the fundamental weakness in the UN Charter allowing aggression on the part of members of the Security Council; second, he develops a plausible plan of action.

Part One: The Foundations. The problem, according to Robertson, lies in the UN Charter's fundamental flaw. In fact, the Security Council's P5 members may veto any move made against themselves or their allies. For instance, Russia has vetoed measures concerning Ukraine; it cannot be expelled from the Security Council, no matter what it does (p. 39). The above-mentioned structural deficiency, in Robertson's view, renders the UN "unfit for its primary purpose of maintaining international peace" (p. 32). Similar reasons contributed to the failure of the League of Nations, and the UN would not work as intended if aggressor states can shield themselves through the veto. Thus, Robertson suggests creating an international court rather than relying on reform of the existing structure. The idea for the proposed body derives from the Special Court for Sierra Leone (SCSL), which emerged as a bilateral initiative of the UN

Secretary-General and the Sierra Leone government, funded through voluntary contributions and operating independently of national legal systems (pp. 44–46). Robertson's hybrid model can now be read alongside the Council of Europe-backed Special Tribunal for the Crime of Aggression against Ukraine, established through an agreement between Ukraine and the Council of Europe and further institutionalized in 2026. That development strengthens the contemporary relevance of Robertson's proposal while also showing that the debate has moved from whether a special tribunal should exist to questions of jurisdiction, immunity, enforcement, and political support.

Part Two: The Prosecution Case. Robertson presents the charges against Putin from a legal standpoint, organized into two categories of crimes. The first is the crime of aggression, which under Article 8 *bis* of the Rome Statute concerns an act of aggression that, by its character, gravity, and scale, constitutes a manifest violation of the UN Charter (p. 62). Robertson argues that these conditions apply to Putin's actions. He then systematically challenges Putin's principal legal and political justifications: self-defense under Article 51, the allegation of genocide in Donbas, and the doctrine of preemptive self-defense associated with the Bush administration's justification for the Iraq War. Robertson remarks sarcastically: "The same defense that is open to the American goose must be open to the Russian gander" (p. 106).

The second rubric pertains to war crimes according to Article 8 of the Rome Statute. Arrest warrants have already been issued for Putin and his children's commissioner, Maria Lvova-Belova, on the basis of having violated Ukraine's rights by transporting its children to Russia illegally (p. 117). This, says Robertson, amounts to a smoking gun; he points out that the two officials were seen at an award ceremony in Moscow for their efforts to transport children to Russia, seemingly oblivious of the fact that such actions constitute international crimes (p. 124). In addition to this, Robertson also asserts that Putin can be charged with "command responsibility" under Article 28 for ignoring atrocities committed by his soldiers, including the bombing of hospitals, churches, and homes (p. 126).

Part Three: The Aftermath. Robertson recognizes the obvious counterargument that Putin may never be detained. He offers two responses. First, he supports trials *in absentia*, which he argues can be legitimate provided that the accused has the opportunity for a retrial upon detention (p. xv). Second, he contends that even a trial conducted in Putin's absence could have symbolic value. An official ruling by respected international jurists following a robust defense of the case could provide an authoritative legal judgment (p. 151). Translated into Russian and Ukrainian, such a ruling could also challenge the Kremlin's propaganda narrative and recast Putin's international standing. It would reinforce Robertson's broader proposition that "unless law breaking has consequences in the real world, it is not law at all" (p. 156).

Robertson uses historical examples effectively. He is attentive to the difficulty of prosecuting heads of state, citing earlier failures such as Kaiser Wilhelm II, who lived peacefully until he died in 1941, and the compromises of the Tokyo Trial, where Emperor Hirohito escaped prosecution. He nevertheless argues that international criminal law has developed substantially, presenting the SCSL model as a viable precedent-supported approach. Robertson's reliance on Putin's own statements is particularly persuasive. The prosecution case is constructed not merely from Western political rhetoric but from statements made by Putin himself, including his 2021 essay, televised remarks before the UN Security Council, and the Carlson interview.



However, the book has three significant weaknesses. First, Robertson's treatment of the NATO threat is too dismissive. He calls Russian security concerns "baseless speculation" (p. 72), but NATO's post–Cold War expansion into Poland, Hungary, the Czech Republic (1999), and the Baltic states (2004) is a historical fact. Structural realist scholars have long argued that this expansion was provocative. Robertson need not agree with them, but dismissing the argument entirely, without engagement, risks appearing as victors' justice to skeptical audiences in the Global South. A more nuanced prosecution would acknowledge this context while still demonstrating that it does not meet the legal threshold for preemptive self-defense.

Secondly, the author undervalues the nature of politics. Robertson recognizes that Putin cannot be arrested, but he fails to address another issue, namely, "Who is going to arrest him?" The effectiveness of the SCSL relied on arresting Charles Taylor and extraditing him to The Hague. The functioning of the ICC also requires active participation of states. Should the existence of the Russian nuclear arsenal make an arrest impossible, then the *in absentia* trial will inevitably be, in the author's own words, "symbolic" (p. xxiv). However, symbolism cannot go too far; Milošević had to be tried at his place of detention.

Thirdly, Robertson's discussion of the death penalty is among the book's most contentious aspects. He considers the possibility of executing Putin with reference to the maxim "A King that is Dead Reneweth No War," attributed to the Earl of Essex. He invokes the executions of Saddam Hussein and several defendants convicted at Nuremberg. This argument is likely to trouble readers committed to the abolition of capital punishment. It may also weaken the persuasive force of Robertson's broader case by providing material that could be exploited for political propaganda.

The Trial of Vladimir Putin is essential reading for those concerned with international criminal law, the war in Ukraine, or accountability for acts of aggression more generally. Robertson makes a compelling legal case for treating Putin's conduct as the supreme crime, while his institutional proposal, most notably, a hybrid court inspired by the Special Court for Sierra Leone, combines legal precedent with political innovation. Yet the book also illustrates the limits of law in an international order dominated by nuclear-armed permanent members of the Security Council. "Unless lawbreaking has consequences in the real world," Robertson writes, "it is not law at all" (p. 156). His proposal, however, remains vulnerable at the point of enforcement: as long as an international aggression court is impressive in conception yet lacks enforceable authority, it risks becoming part of the problem rather than the solution. This limitation does not lie with Robertson alone. Rather, it reflects the deeper tragedy of an international order structured around veto powers held by the very states capable of committing aggression. For this reason alone, Robertson's work deserves to be widely read.

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CONTRIBUTOR

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