

PUTIN IN SEARCH FOR ASYLUM. WILL DESTINATION COUNTRIES OF HIS CHOICE COMPLY WITH ICC WARRANT FOR HIS ARREST?

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2 July, 2023

Introduction

This article is about the main, from the author's point of view, political results of the military mutiny, which was undertaken by the Russian private military company Wagner on June 24-25 this year. Before delving into the main outcomes, let's provide some background information..

PMC Wagner, allegedly created in 2014, was initially intended for use in military operations in Syria and Ukraine by the Russian ruling regime.¹ The main founder, Yevgeny Prigozhin, admitted his role in September 2022, after the company's involvement in the large-scale aggression against Ukraine.²

Although formally private, its activities have become an integral part of Russia's hybrid warfare strategy, a doctrine that was developed in 2013 by Valery Gerasimov, Chief of the General Staff of the Russian Armed Forces.³ The essence of this doctrine was, among other things, to delegate part of the military tasks to non-state military formations, under the auspices of the so-called asymmetric warfare. The strategy aimed to delegate military tasks to non-state formations, absolving the Russian government of direct legal responsibility for potential war crimes. These PMCs were delegated the dirtiest types and forms of military operations that would be contrary to the norms of international law and even the law of the Russian Federation.

Although in 2019 Gerasimov presented a new military doctrine, which planned to move away from the strategy of "hybrid war",⁴ in practice this strategy continued to be implemented and was even expanded, given the multimillion funding and the weapons that were provided out from the state budget to the Wagner group.

In fact, over the last nine years, the Russian government has deliberately violated the state's monopoly on violence, a principle that is the hallmark of the modern nation-state. The Russian authorities followed a double standard: on the one hand, in legal terms, Russian legislation prohibits private paramilitary formations and mercenaryism in the country; but on the other, the authorities themselves actively used the Wagner group for military operations carried out by the Russian Armed Forces, abundantly financing and supplying it with weapons. On June 25 of this year, Vladimir Putin himself disclosed to the public the information that the Wagner was

fully financed from the state budget, and in the last year alone it was allocated 86 billion rubles or more than one billion US dollars.⁵

As a result, Wagner's military formations involved in Ukraine turned into a full-fledged army, consisting, according to Prigozhin himself, of 25 thousand soldiers (at the time of the rebellion)⁶, with its own armoured formations, air defence systems, artillery, as well as reconnaissance drones. In 2022, the combat strength of the Wagner was staffed with prisoners serving sentences for committed criminal offenses. This is despite the law in Russia doesn't authorize employing prisoners in military service.⁷ The very existence of such a private army group, largely criminal both in terms of its composition and in the way of thinking and practice, not accountable to legal norms, created huge risks for the state itself and the legal regime of the Russian Federation. As a result, these risks have finally materialized in the form of a rebellion, which was raised by Prigozhin and the Wagner forces on June 24-25 of this year.

The mutiny was preceded by a series of public speeches by Yevgeny Prigozhin, who initially expressed dissatisfaction with the insufficient supply of shells to the Wagner forces involved in Ukraine. Prigozhin pointed out that the inadequate support from the Russian military command led to the death of many soldiers.⁸ Prigozhin's public criticism of the top military command grew every day and finally reached the point when the Ministry of Defence was accused of a missile attack that was allegedly carried out on the Wagner field camps.⁹

On June 24, 2023, the situation escalated when the Wagner forces initiated an armed uprising, first seizing Rostov-on-Don and taking control of the headquarters building of the Southern Military District located in this city¹⁰. That followed by the Wagner forces undertaking a forced march to Voronezh and further towards Moscow, before reaching the position 200 km to the capital.

By the evening of June 25, after a series of negotiations with the authorities and Aleksandr Lukashenka, the President of Belarus, Prigozhin ordered the withdrawal of his troops, apparently in exchange for relieving himself and his fighters from accountability for organizing the rebellion and participating in it, with the opportunity to relocate to Belarus.¹¹ Apparently, Prigozhin also returned the 4 billion rubles that had previously been seized¹² from the company's car parked near its office in St. Petersburg.

Key political implications

Although the peak of events related to the insurgency has already passed, the development it has caused is still ongoing. However, it is already possible to begin drawing some preliminary conclusions arising from this political crisis. I would highlight three main outcomes.

1. Dispelling the Myth of Popular Support for Putin and the War in Ukraine

The myth of almost complete support for Vladimir Putin and the war in Ukraine by the population and even the state apparatus of Russia has been completely dispelled. From the very beginning of the rebellion, almost no one from among the population came out to defend this regime. Almost nobody publicly condemned Prigozhin both for the rebellion and for his criticism of the war itself, which, according to him, was initiated out of corrupt motives.¹³ In fact, his units moved freely through Russian territory, without encountering any serious resistance, just in one day and a half taking control of one city after another on the way to Moscow. As for public officials and members of parliament, they got off with vague calls for unity.

The "support" for the regime, which Russian sociologists had previously reported, turned out to be the same "approval" that in the past imitated the loyalty of Soviet citizens to the CPSU. Then too, opinion polls would certainly show "nationwide" support for the authorities, while in their kitchens, as it's well known, Soviet citizens had completely different conversations. When Perestroika came, few objected to the expulsion of the CPSU from the country's political arena, as well as to the collapse of the USSR.

2. Collapse of the Hybrid Warfare Doctrine

The doctrine of hybrid wars, which was adopted by the Putin regime, has completely collapsed. A key role in the implementation of this doctrine was played by the Wagner PMC. Now, having burned themselves on their own experience, when the government itself encouraged the creation and activities of various kinds of private military companies and groups, the authorities will unlikely repeat this experiment. Most likely, Putin will have to abandon this doctrine.

This, however, does not mean that the activities of Russian PMCs in other countries, primarily in Syria and Africa, will be curtailed. Military dictatorships there still need the services of companies like Wagner in order to maintain their grip on power. But the activities of this and other similar companies there can hardly be called a kind of hybrid war waged by the Russian Federation. Rather, it can be qualified as the provision of paramilitary services to some authoritarian regimes. The most important thing is that the Wagner group in its status prior to the mutiny will not be allowed to take military action in Ukraine.

3. Putin's search for refuge as a sign of his undermined authority

A number of observers have already stated that Putin's authority and legitimacy were severely undermined as a result of the insurgency, even if the latter did not achieve its goal of overthrowing the current regime. In the face of the threat of losing his power, Putin simply had to pay off Prigozhin - the only way he could persuade him to stop the rebellion.

At the same time, few observers paid attention to the fact that at the most critical moment, when the Wagner units were approaching Moscow and had a good chance of taking the capital by storm, Putin needed to save the ruling regime from defeat, he began calling on the phone to the leaders of Kazakhstan¹⁴ and Uzbekistan¹⁵. Why did he do this? Apparently, not to discuss with them bilateral relations and not to ask for military assistance to crash the rebellion. It was clear that none of Astana and Tashkent will interfere in the internal affairs of the Russian Federation. Why then was he wasting his precious time at that critical moment by calling to Kassym-Jomart Tokayev and Shavkat Mirziyoyev?

There is only one plausible explanation: Putin was preparing to seek asylum, temporary or permanent, in one of these countries, in case his regime was overthrown. Most likely, both Tokayev and Mirziyoyev promised to host Putin, because both owe him their hold of power in their own countries. In 2016, Shavkat Mirziyoyev received the presidency not without the assistance of the Kremlin. There is insider information that immediately after the death of Islam Karimov, a military transport aircraft with special forces soldiers on board landed in Tashkent, as a result of which it was possible to neutralize another candidate for the presidency, Rustam Azimov, who was then Deputy Prime Minister and Minister of Finance. As for Tokayev, the military assistance from the CSTO countries, primarily from Russia, in January 2022, when the country faced mass protests and an uprising, allowed him to preserve his hold of presidential power.¹⁶

It is also interesting that among the countries of the presidents whom Putin called, there was only one member of the CSTO and the Eurasian Economic Union – and that was Kazakhstan. It is striking that Uzbekistan, not a member of these organizations controlled by Moscow, suddenly turned out to be among Moscow's closest partners, and not any of the other CSTO member states, apart from Kazakhstan.

There was also a report of a telephone conversation between Putin and Erdogan, but it is not yet clear who called whom in this case. Finally, there was no report that Putin had a telephone conversation on the day of the rebellion with the Chinese leader Xi Jinping. Apparently, Putin didn't call him, and this can be seen as evidence that the Kremlin did not rely much on Beijing's help in such kind of political crises.

Why didn't Putin seek asylum in China? After all, China was previously considered as, perhaps, Moscow's main foreign political partner. What's the matter then? Maybe Putin was ashamed to reveal to Xi his weaknesses? Or has the Kremlin become a little distrustful of China? The reason for this distrust may be that Russia views China as a rival in terms of influencing countries, which Moscow considers its fiefdom. This became especially clear after the summit of Central Asian countries and China in Xi'an in May this year,¹⁷ where Russia was not invited.

Putin's asylum seek from the viewpoint of ICC Warrant

Another reason why Putin's choice of countries for his possible asylum has been limited to only two countries is his fear that in other countries he may be extradited to the International Criminal Court in The Hague on its warrant for his arrest issued on charges of committing the crime of illegally extraditing children from Ukraine to the Russian Federation.¹⁸ However, none of the CSTO members, as well as China, Turkey and Uzbekistan, are States Parties to the Rome Statute of the ICC and therefore do not commit themselves to its decisions.* But given China's economic dependence on Western countries, there is a possibility that Beijing will be reluctant to grant asylum to a person for whom an arrest warrant has been issued by ICC, even if China is not a signatory to it.

Obviously, in the future, in the event of a new rebellion in Russia, Putin will again face the need to seek refuge outside his country. Then the question will again arise as to which states he will seek asylum from. In anticipation of such a prospect, in order not to postpone the solution to this issue until the last moment, Putin will most likely make efforts to reach preliminary agreements with the countries of his choice. Without a doubt, Kazakhstan and Uzbekistan will again be on this list.

In turn, these countries should also prepare in advance for such situations in the future and develop their position on the issue of granting asylum to the Russian leadership accused of war crimes or crimes against humanity. They, these countries, must weigh the pros and cons of addressing this issue. And it would be in the interests of these countries that have already signed the Rome Statute and finally ratified it. This primarily applies to Armenia, Kyrgyzstan, Uzbekistan and Tajikistan. Such a step would have removed them from the list of countries to which Putin would seek asylum and, thereby, relieve them from reputational damage in case they grant asylum to Putin.

* Armenia, Kyrgyzstan, Tajikistan and Uzbekistan have signed the Rome Statute, but have not yet ratified it, and therefore are not yet participating states.

As for the states parties to the Rome Statute, especially those whose opinion matter for the Central Asian states, first of all, the United Kingdom and the EU countries, they should try to convince the Central Asians to abstain from granting asylum to Vladimir Putin, or, even better, sign and ratify the Rome Statute. In pursuing this mission, the UK and the EU should use the entire arsenal of arguments, including economic measures.

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