



# Holding Heads of State Accountable: The Case of Supreme Leader Kim Jong Un Aiding and Abetting President Vladimir Putin's Crime of Aggression Against Ukraine

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## Executive Summary

This background paper provides an analysis of North Korean Supreme Leader Kim Jong Un's personal support of and participation in Russia's invasion of Ukraine in 2022 and ongoing military operations resulting therefrom. There is no evidence that Kim Jong Un was a party to Russia's invasion planning, preparation and execution. However, there is direct and unequivocal evidence that beginning in 2023 Kim Jong Un provided munitions and weapons, and, in 2024, military combat forces to Russia. This military support has been instrumental to Russia's ability to pursue its military and political objectives in Ukraine. Kim Jong Un and Russia have confirmed that Democratic People's Republic of Korea (DPRK or North Korean) forces are integrated into Russian forces, led by Russian commanders, and that these forces began fighting in the Russian region of Kursk in late 2024 or early 2025. Kim Jong Un has also stated he would send 20,000-30,000 more soldiers for combat in Ukraine if properly compensated by Russia. As North Korean military support of Russia began after the invasion, this paper will focus primarily on Kim Jong Un's aiding and abetting Russia's crime of aggression in its invasion of Ukraine. This paper relies upon the Rome Statute Articles 8 *bis* and 25(3)(c), which allow for the prosecution of aiding and abetting the crime of aggression. We recognize that the International Criminal Court itself ("ICC") is unlikely to exercise jurisdiction over these crimes. Instead, we use the Rome Statute definition for a future international tribunal to consider. It should be noted that Ukraine and the Council of Europe have recently agreed on the creation of a Special Tribunal for the Crime of Aggression Against Ukraine.<sup>1</sup>

This analysis is founded upon open-source research and the collection of evidence performed by an inter-collegiate investigative team from across the United States. The contents of this document will provide the reader with a brief, yet important, historical overview of the Democratic People's Republic of Korea (DPRK) and its relationship with the Russian Federation. Evidence of Leader Kim's deep and active involvement with Russia's war in Ukraine, including political support, the provision of weapons and sending tens of thousands of troops, will likewise be provided. Further, this paper will articulate the international legal standard for aiding and abetting the crime of aggression, primarily focusing on the Rome Statute and customary international law.

This analysis provides context for a draft sample indictment, contained in Section VI, which charges Kim Jong Un with aiding and abetting Vladimir Putin's invasion of Ukraine. This paper may assist the international community in considering its response to international crimes perpetrated by Heads of State now and in the future.

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<sup>1</sup> See Statute of the Special Tribunal for the Crime of Aggression against Ukraine, 24 June 2025, <https://search.coe.int/cm?i=0900001680b678ca>; *Ukraine and the Council of Europe sign Agreement on establishing a Special Tribunal for the Crime of Aggression against Ukraine*, Council of Europe Newsroom, 25 June 2025, <https://www.coe.int/en/web/portal/-/ukraine-and-the-council-of-europe-sign-agreement-on-establishing-a-special-tribunal-for-the-crime-of-aggression-against-ukraine>.

This background paper and draft indictment of Supreme Leader Kim Jong Un would not have been possible without the tireless work of mentors and volunteers with the Ukraine Accountability Project. Special thanks is given to Professor David Crane, Fred Bryant, Phoebe Juel, Professor Sara Dillon, Isaiah Hutchinson, Sage J. Grant, Isabella Balboni, Jakob Rodriguez-Seoane, and Felicitas Matilda Thönneßen.

The war against Ukraine requires continued observation, discussion, and analysis. The Global Accountability Network's Ukraine Accountability Project will continue its investigations and analyses of crimes committed in Ukraine.

### **I. Introductory Remarks by Professor David M. Crane**<sup>2\*</sup>

In recent years, the world has witnessed numerous instances of heads of state aiding and abetting international crimes, with devastating consequences for global peace and security. One such case is the assistance provided by Kim Jong Un of North Korea to President Vladimir Putin's aggression against Ukraine. It is imperative that heads of state are held accountable for their actions, as no one is above the law. Other heads of state who aid and abet Russian aggression are the Presidents of Iran, Belarus and even China. They open themselves up to criminal and political liability.

Kim Jong Un's support for President Putin's actions in Ukraine represents a flagrant violation of international law. From providing military assistance to providing combat units in support of Russian units, Kim Jong Un has actively facilitated Putin's aggression. This aid has resulted in untold suffering for the people of Ukraine and has destabilized the entire region.

It is essential to recognize that no one, regardless of their position of power, is immune from prosecution for international crimes. The principle of individual criminal responsibility, as enshrined in international law, holds that individuals who commit or aid and abet such crimes must be held to account. This includes heads of state who are aiding and abetting in the commission of these crimes.

To ensure accountability, it is crucial that the international community consider acting against those responsible for aiding and abetting international crimes. This may include targeted sanctions, diplomatic isolation, or even referral to the Special Tribunal on the Crime of Aggression against Ukraine for prosecution. By holding heads of state accountable for their actions, we send a clear message that impunity will not be tolerated and that all individuals are subject to the rule of law.

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<sup>2</sup> \* Professor David M. Crane, author of *Every Living Thing: Facing Down Terrorists, Warlords, and Thugs in West Africa--A Story of Justice*, was the founding Chief Prosecutor of the Special Court for Sierra Leone from 2002 to 2005 after being appointed by Secretary General of the United Nations, Kofi Annan. He served with the rank of Under-Secretary General and indicted the President of Liberia, Charles Taylor, the first sitting African head of state in history to be held accountable. Prior to this position, he served over 30 years in the U.S. government. He holds a J.D. from Syracuse University, a M.A. in African Studies and a B.G.S. in History from Ohio University.

We have done this before by holding President Charles Taylor accountable for international crimes. The UN Special Court for Sierra Leone laid down the cornerstone that heads of state who commit international crimes while in office cannot be shielded by head of state immunity. It is the cornerstone from which we build accountability for actions by future heads of state.

Only by ensuring that those who commit or facilitate international crimes are held accountable can we hope to prevent such atrocities from being perpetuated in the future and uphold the principles of justice and accountability on the world stage. Strongmen around the world are watching like crocodiles to see how the international community handles the crime of aggression committed by President Vladimir Putin, as well as the aiding and abetting of aggression by Kim Jong Un of North Korea, among other heads of state. The model indictment found in the appendix should aid the international community in their thinking about accountability and warn Kim Jong Un that he is not above the law.

## **II. Historical Relationship between Kim Jong Un and Russia: Political Ties and Military Cooperation**

Kim Jong Un succeeded his father, Kim Jong Il, as Supreme Leader of North Korea, following the latter's death in December 2011.<sup>3</sup> At the time, the Democratic People's Republic of Korea (DPRK) was characterized by international isolation<sup>4</sup>, nuclear brinkmanship<sup>5</sup>, and deep-rooted ties with China.<sup>6</sup> Russia, by contrast, played a relatively peripheral role in North Korean affairs. While Moscow formally acknowledged Kim's ascension to power, it offered no significant support during the transition period.<sup>7</sup>

Between 2011 and 2013, Kim Jong Un concentrated on consolidating his domestic authority and

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<sup>3</sup> Emma Chanlett-Avery et al., *North Korea: U.S. Relations, Nuclear Diplomacy, and Internal Situation*, Cong. Rsch. Serv., R41259, at 14 (updated May 10, 2022), <https://crsreports.congress.gov/product/pdf/R/R41259> (last visited July 29, 2025); Kim Jong-Un, *Encyclopædia Britannica*, <https://www.britannica.com/biography/Kim-Jong-Eun> (last visited July 29, 2025); Justin McCurry, Kim Jong-un Named North Korea Leader, *The Guardian* (Dec. 19, 2011), <https://www.theguardian.com/world/2011/dec/19/kim-jong-un-north-korea-leader> (last visited July 29, 2025).

<sup>4</sup> Chen Jian et al., *Uneasy Allies: Fifty Years of China – North Korea Relations*, Asia Program Special Report No. 115 (Woodrow Wilson Int'l Ctr. for Scholars Sept. 2003), <https://www.files.ethz.ch/isn/183236/The%20China-North%20Korea%20Relationship%20-%20Council%20on%20Foreign%20Relations.pdf> (last visited July 29, 2025) p. 1, Abstract; Lindsay Maizland, *North Korea's Power Structure*, Council on Foreign Rels. (May 17, 2023), <https://www.cfr.org/background/north-koreas-power-structure> (last visited July 29, 2025).

<sup>5</sup> Lindsay Maizland, *North Korea's Power Structure*, Council on Foreign Rels. (May 17, 2023), <https://www.cfr.org/background/north-koreas-power-structure> (last visited July 29, 2025); Joseph Byrne & Bruce Klingner, *North Korea's Military Partnerships* (Ctr. for Asian Stud., FDD Oct. 2023), <https://www.fdd.org/analysis/2023/10/23/north-koreas-military-partnerships/> (last visited July 29, 2025).

<sup>6</sup> Chen Jian et al., *Uneasy Allies: Fifty Years of China – North Korea Relations*, Asia Program Special Report No. 115 (Woodrow Wilson Int'l Ctr. for Scholars Sept. 2003), <https://www.files.ethz.ch/isn/183236/The%20China-North%20Korea%20Relationship%20-%20Council%20on%20Foreign%20Relations.pdf> (last visited July 29, 2025).

<sup>7</sup> Stephen Blank, *Russia Reacts to the Korean Succession*, Jamestown Found. (Jan. 6, 2012), <https://jamestown.org/program/russia-reacts-to-the-korean-succession/> (last visited July 29, 2025); Tania Branigan, *World Reacts to Death of Kim Jong-il*, *The Guardian* (Dec. 19, 2011), <https://www.theguardian.com/world/blog/2011/dec/19/kim-jong-il-death-reaction> (last visited July 29, 2025).

accelerating North Korea's missile and nuclear programs.<sup>8</sup> During this period, Russia maintained formal diplomatic relations with the DPRK, but also supported several United Nations Security Council resolutions imposing sanctions in response to North Korean weapons tests.<sup>9</sup> No high-level state visits or substantive defense agreements took place.

A notable shift began in 2014, as Moscow quietly intensified its diplomatic outreach to Pyongyang, aiming to reduce the DPRK's dependence on China.<sup>10</sup> A series of low-level diplomatic visits and economic overtures followed, focusing primarily on energy transport and railway integration. In 2016 and 2017, after North Korea conducted nuclear and intercontinental ballistic missile (ICBM) tests, Russia voted in favor of the United Nations Security Council Resolutions 2270<sup>11</sup>, 2371<sup>12</sup>, and 2375<sup>13</sup>, each of which imposed increasingly severe sanctions on the DPRK. Nevertheless, Russia simultaneously sought to soften the impact of these measures by enabling limited North Korean coal exports and permitting laborers to remain in Russia via indirect arrangements.<sup>14</sup> Kim Jong Un has recognized Russian sovereignty over Crimea, following Russia's annexation of that territory in 2014. The DPRK has otherwise offered public support for Vladimir Putin's actions in Ukraine, by refusing to join the international community in its condemnation.

A symbolic milestone occurred on April 25, 2019, when Kim Jong Un met Russian President Vladimir Putin in Vladivostok.<sup>15</sup> While the summit yielded no formal agreements, it featured cordial public gestures, including handshakes, expressions of mutual respect, and rhetorical

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<sup>8</sup> Panel of Experts Established Pursuant to S.C. Res. 1874, *Report of the Panel of Experts*, U.N. Doc. S/2013/337, at 12 (June 11, 2013), <https://undocs.org/S/2013/337> (last visited July 29, 2025); Emma Chanlett-Avery et al., *North Korea: U.S. Relations, Nuclear Diplomacy, and Internal Situation*, Cong. Rsch. Serv., R41259, at 1, 16 (updated May 10, 2022), <https://crsreports.congress.gov/product/pdf/R/R41259> (last visited July 29, 2025); Patryk Kugiel, *Kim Jong Un's First Decade*, Polish Inst. of Int'l Affs. (Feb. 18, 2022), <https://pism.pl/publications/kim-jong-uns-first-decade> (last visited July 29, 2025).

<sup>9</sup> S.C. Res. 2087, U.N. Doc. S/RES/2087 (Jan. 22, 2013), [https://undocs.org/S/RES/2087\(2013\)](https://undocs.org/S/RES/2087(2013)) (last visited July 29, 2025); S.C. Res. 2094, U.N. Doc. S/RES/2094 (Mar. 7, 2013), [https://undocs.org/S/RES/2094\(2013\)](https://undocs.org/S/RES/2094(2013)) (last visited July 29, 2025); Guy Faulconbridge, *Highs and Lows in Russia–North Korea Relations Under Putin*, Reuters (June 17, 2024), <https://www.reuters.com/world/highs-lows-russia-north-korea-relations-under-putin-2024-06-17> (last visited July 29, 2025).

<sup>10</sup> Georgy Toloraya, *Russia's Interests in the Korean Peninsula: From Discord to Dialogue*, 38 N. (Jan. 20, 2015), <https://www.38north.org/2015/01/gtoloraya012015/> (last visited July 29, 2025).

<sup>11</sup> S.C. Res. 2270, U.N. Doc. S/RES/2270 (Mar. 2, 2016), <https://undocs.org/S/RES/2270> (2016) (last visited July 29, 2025).

<sup>12</sup> S.C. Res. 2371, U.N. Doc. S/RES/2371 (Aug. 5, 2017), <https://undocs.org/S/RES/2371> (2017) (last visited July 29, 2025).

<sup>13</sup> S.C. Res. 2375, U.N. Doc. S/RES/2375 (Sept. 11, 2017), <https://undocs.org/S/RES/2375> (2017) (last visited July 29, 2025).

<sup>14</sup> Jonathan Swan, *How North Korea Designed Tactics to Undercut Sanctions*, Axios (Mar. 4, 2018), <https://www.axios.com/2018/03/04/how-north-korea-designed-tactics-to-undercut-sanctions> (last visited July 29, 2025).

<sup>15</sup> Ankit Panda, *Takeaways from the Long-Awaited Russia–North Korea Summit*, *The Diplomat* (Apr. 26, 2019), <https://thediplomat.com/2019/04/takeaways-from-the-long-awaited-russia-north-korea-summit/> (last visited July 29, 2025); Andrew Roth, *Kim Jong-un Meets Vladimir Putin for First Time at Vladivostok Summit*, *The Guardian* (Apr. 25, 2019), <https://www.theguardian.com/world/2019/apr/25/kim-jong-un-meets-vladimir-putin-for-first-time-at-vladivostok-summit> (last visited July 29, 2025).

commitments to future cooperation.<sup>16</sup> Russia reaffirmed its support for denuclearization through diplomatic means, though without offering concrete commitments.<sup>17</sup>

The onset of the COVID-19 pandemic led North Korea to seal its borders entirely, effectively halting all official exchanges, including with Russia.<sup>18</sup> While Moscow voiced concern over the DPRK's humanitarian conditions, it refrained from exerting pressure or interference.<sup>19</sup>

A profound transformation occurred in February 2022, when Russia launched its full-scale invasion of Ukraine. As Moscow faced growing global isolation under Western sanctions, Pyongyang swiftly aligned itself with the Kremlin.<sup>20</sup> In July 2022, North Korea formally recognized the Donetsk and Luhansk People's Republics as independent States and vocally supported Russia's narrative, condemning what it termed the "hegemonic" West.<sup>21</sup> North Korea signaled its political alignment by voting against, or abstaining from, UN resolutions condemning Russia's aggression.<sup>22</sup> Meanwhile, reports began to circulate of potential arms transfers from North Korea to Russia, including artillery shells and rockets.<sup>23</sup>

By late 2023, U.S. and South Korean intelligence agencies reported confirmed shipments of

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<sup>16</sup> Felix Light, *Russia and North Korea Did Not Sign Any Military or Other Agreements During Summit*, Kremlin Says, Reuters (Sept. 15, 2023), <https://www.reuters.com/world/russia-n-korea-did-not-sign-any-military-or-other-agreements-during-summit-2023-09-15> (last visited July 29, 2025); Joshua Berlinger, *Kim Jong Un and Vladimir Putin Hold First Summit*, CNN (Apr. 25, 2019), <https://edition.cnn.com/2019/04/23/asia/kim-jong-un-vladimir-putin-summit-intl> (last visited July 29, 2025).

<sup>17</sup> *Putin Says Kim Jong Un Needs Internationally-Backed Security Guarantees for a Nuclear Deal*, CBS News (Apr. 25, 2019), <https://www.cbsnews.com/news/putin-kim-jong-un-north-korea-summit-today-live-updates-2019-04-25> (last visited July 29, 2025).

<sup>18</sup> Victor Cha, Katrin Fraser Katz & Seiyoon Ji, *Behind Shuttered Borders: A View into North Korea's COVID-19 Experiences*, Center for Strategic & International Studies (with George W. Bush Inst., June 17, 2025), <https://www.csis.org/analysis/behind-shuttered-borders> (last visited July 29, 2025).

<sup>19</sup> *Id.*

<sup>20</sup> Edward Howell, *North Korea and Russia's Dangerous Partnership* (Chatham House Dec. 4, 2024), <https://www.chathamhouse.org/2024/12/north-korea-and-russias-dangerous-partnership/revival-north-korea-russia-relationship> (last visited July 29, 2025).

<sup>21</sup> Philippe Mesmer, *North Korea Recognizes Independence of Pro-Russian Territories in Eastern Ukraine*, *Le Monde* (Jul. 19, 2022), [https://www.lemonde.fr/en/international/article/2022/07/19/north-korea-recognizes-independence-of-pro-russian-territories-in-eastern-ukraine\\_5990644\\_4.html](https://www.lemonde.fr/en/international/article/2022/07/19/north-korea-recognizes-independence-of-pro-russian-territories-in-eastern-ukraine_5990644_4.html) (last visited July 29, 2025); Nazo Demirdjian, *North Korea Recognizes Donetsk and Luhansk Regions as Independent*, *JURIST* (July 13, 2022), <https://www.jurist.org/news/2022/07/north-korea-recognizes-donetsk-and-luhansk-regions-as-independent/> (last visited July 29, 2025).

<sup>22</sup> S.C. Res. 2664, U.N. Doc. S/RES/2664, at 14–15 (Dec. 9, 2022), [https://undocs.org/S/RES/2664\(2022\)](https://undocs.org/S/RES/2664(2022)) (last visited July 29, 2025).

<sup>23</sup> Alessio Armentzoni et al., *Brothers in Arms: Estimating North Korean Munitions Deliveries to Russia*, Open Source Centre (Apr. 15, 2025), <https://www.opensourcecentre.org/research/brothers-in-arms> (last visited July 29, 2025); Tom Balmforth & Mariano Zafra, *Inside North Korea's Vast Operation to Help Russia's War on Ukraine*, Reuters (Apr. 15, 2025), <https://www.reuters.com/graphics/UKRAINE-CRISIS/NORTHKOREA-RUSSIA/lgvdxqjwbvo/> (last visited July 29, 2025).

missiles and munitions from the DPRK to Russia via rail and sea.<sup>24</sup> On June 19, 2024, President Putin visited Pyongyang, the first visit by a Russian head of state to North Korea in 24 years.<sup>25</sup> During the visit, the two leaders signed a “Comprehensive Strategic Partnership Treaty”, which included a mutual defense clause (Article 4), obligating each party to assist the other in the event of an armed attack.<sup>26</sup> Kim Jong Un employed highly symbolic rhetoric: by referring to Putin as his “dearest comrade”<sup>27</sup>. Militarily, North Korea supplied vast amounts of artillery shells and ballistic missiles, many of which were deployed in Ukraine.<sup>28</sup> In return, Pyongyang received satellite surveillance technology, possible assistance with missile or nuclear development, and crucial supplies of food and energy.<sup>29</sup>

Since late 2024 or early 2025, reports have indicated the deployment of over 10,000 North Korean military personnel and engineers to Russia’s Kursk region.<sup>30</sup> They include combat troops, construction brigades, de-mining units, and rail workers.<sup>31</sup> The deaths of North Korean soldiers in the field have been prominently covered in DPRK state media, which portray their

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<sup>24</sup> Victor Cha et al., *Major Munitions Transfers from North Korea to Russia*, Beyond Parallel (CSIS Feb. 28, 2024), <https://beyondparallel.csis.org/major-munitions-transfers-from-north-korea-to-russia/> (last visited July 29, 2025); Tom Balmforth & Mariano Zafra, *Inside North Korea’s Vast Operation to Help Russia’s War on Ukraine*, Reuters (Apr. 15, 2025), <https://www.reuters.com/graphics/UKRAINE-CRISIS/NORTHKOREA-RUSSIA/lgvdxqjwbvo/> (last visited July 29, 2025); *North Korea Is Using Russia’s Ukraine Invasion to Upgrade Its Army*, Atlantic Council (Jan. 23, 2025), <https://www.atlanticcouncil.org/blogs/ukrainealert/north-korea-is-using-russias-ukraine-invasion-to-upgrade-its-army> (last visited July 29, 2025).

<sup>25</sup> *Satellite Imagery Indicates North Korea Oil Imports from Russia Top U.N. Limits, Report Says*, Reuters (Nov. 22, 2024), <https://www.reuters.com/business/energy/satellite-imagery-indicates-north-korea-oil-imports-russia-top-un-limits-report-2024-11-22> (last visited July 29, 2025); Simone McCarthy & Anna Chernova, *Russia’s Putin Arrives in North Korea for Rare Trip as Anti-West Alignment Deepens*, CNN (June 18, 2024), <https://edition.cnn.com/2024/06/18/asia/north-korea-russia-putin-visit-intl-hnk> (last visited July 29, 2025).

<sup>26</sup> Gordon Friedrichs, *Autocratic Alliance?*, *Völkerrechtsblog* (June 27, 2025), <https://voelkerrechtsblog.org/autocratic-alliance/> (last visited July 29, 2025); Edward Howell, *North Korea and Russia’s Dangerous Partnership*, Chatham House, at 10 (Dec. 4, 2024), <https://www.chathamhouse.org/2024/12/north-korea-and-russias-dangerous-partnership> (last visited July 29, 2025).

<sup>27</sup> Josh Smith, *“Russia-North Korea summit: ‘Comrades’ Putin and Kim send rivals a warning”*, Reuters (Sept. 14, 2023), <https://www.reuters.com/world/asia-pacific/with-defiant-summit-putin-north-koreas-kim-send-rivals-warning-2023-09-14> (last visited July 29, 2025); Kim Jong Un, *North Korea Will Always Stand With Russia, Leader Kim Tells Putin*, Reuters (June 11, 2025), <https://www.reuters.com/world/asia-pacific/north-korea-will-always-stand-with-russia-leader-kim-tells-putin-2025-06-11> (last visited July 29, 2025).

<sup>28</sup> Tom Balmforth & Mariano Zafra, *Inside North Korea’s Vast Operation to Help Russia’s War on Ukraine*, Reuters (Apr. 15, 2025), <https://www.reuters.com/graphics/UKRAINE-CRISIS/NORTHKOREA-RUSSIA/lgvdxqjwbvo/> (last visited July 29, 2025).

<sup>29</sup> Robert Peters, *The Potential for Russia to Supercharge North Korea’s Nuclear and Missile Program*, Heritage Found. (Jan. 8, 2025), <https://www.heritage.org/defense/report/the-potential-russia-supercharge-north-koreas-nuclear-and-missile-program> (last visited July 29, 2025).

<sup>30</sup> Jim Garamone, *Pentagon Says 10K North Korean Troops in Kursk Oblast*, DOD News (Nov. 4, 2024), <https://www.defense.gov/News/News-Stories/Article/Article/3955757/pentagon-says-10k-north-korean-troops-in-kursk-oblast/> (last visited July 29, 2025); *North Korea Confirms Troop Deployment to Russia, Hails ‘Heroes’*, Reuters (Apr. 28, 2025), <https://www.reuters.com/world/north-korea-confirms-troop-deployment-russia-first-time-kcna-report-2025-04-27> (last visited July 29, 2025).

<sup>31</sup> Olivia Yanchik, *North Korea Is Playing a Key Role in Russia’s War Against Ukraine*, Atlantic Council (June 24, 2025), <https://www.atlanticcouncil.org/blogs/ukrainealert/north-korea-is-playing-a-key-role-in-russias-war-against-ukraine/> (last visited July 29, 2025).



sacrifice as part of a growing narrative of “blood solidarity” with Russia.<sup>32</sup>

In July 2025, Russian Foreign Minister Sergey Lavrov visited Wonsan, where he described the DPRK-Russia alliance as an “invincible fighting brotherhood”, underscoring the deepening military and ideological alignment between the two states.<sup>33</sup>

Section III of this paper provides a more detailed discussion of North Korea’s military support to Russia’s aggressive invasion of Ukraine. North Korea’s direct military support began after the Russian ground invasion of Ukraine in 2022. That support has enabled Russia to continue its offensive operations in Ukraine and to respond to a Ukrainian incursion into the Kursk region of Russia. It has also benefitted North Korea financially, provided new technology that will enhance its missile and satellite programs, and bolstered the lethality and combat readiness of its armed forces. Kim Jong Un has indicated his readiness to provide additional combat forces to Russia in return for other financial and technological enhancements.

### **III. North Korea’s Connections to Putin’s Invasion of Ukraine, 2022-present**

Following Russia’s full-scale invasion of Ukraine in February 2022, the Democratic People’s Republic of Korea (DPRK) became one of four countries to vote against a United Nations resolution condemning the invasion.<sup>34</sup> Later that year, the DPRK was one of only five states to support Russia’s illegal annexation of occupied Ukrainian territories, further signaling its alignment with Moscow.<sup>35</sup> In 2023, North Korea began supplying Moscow with weapons, including millions of artillery shells and multiple ballistic missile systems, confirmed by Western intelligence and Ukrainian battlefield recoveries.<sup>36</sup> Notably, the KN-23 short-range ballistic missile, which has a range of 280 miles, was used extensively in dozens of strikes during the winter of 2023 against Ukraine and resumed again from July 2024.<sup>37</sup> The more advanced Hwasong-11, capable of traveling up to 700 kilometers, was also deployed, with missile fragments recovered in Kyiv bearing North Korean markings and 2023 manufacturing dates.<sup>38</sup>

These strikes resulted in both civilian and military casualties and have been acknowledged by

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<sup>32</sup> *About 600 North Koreans Killed in Ukraine War, South Korean Lawmaker Says*, Reuters (Apr. 30, 2025), <https://www.reuters.com/world/about-600-north-koreans-killed-ukraine-war-south-korean-lawmaker-says-2025-04-30/> (last visited July 29, 2025); *Kim Jong-Un Pays Rare Public Tribute to North Korean Soldiers Killed in Ukraine*, *The Guardian* (July 1, 2025), <https://www.theguardian.com/world/2025/jul/01/kim-jong-un-tribute-north-korea-soldiers-killed-ukraine-fighting> (last visited July 29, 2025).

<sup>33</sup> *Russia’s Lavrov Meets North Korea’s Kim, Praises Ties as ‘Invincible Fighting Brotherhood’*, Reuters (July 12, 2025), <https://www.reuters.com/world/china/russian-foreign-minister-arrives-north-korea-kcna-says-2025-07-11/> (last visited July 29, 2025).

<sup>34</sup> Peter Beaumont, *The Ukraine War is Deepening Russia’s Ties with North Korea as well as Iran*, *The Guardian* (Nov. 7, 2022) <https://www.theguardian.com/world/2022/nov/07/russia-ukraine-war-iran-north-korea-arms-ties>.

<sup>35</sup> Peter Beaumont, *The Ukraine War is Deepening Russia’s Ties with North Korea as well as Iran*, *The Guardian* (Nov. 7, 2022) <https://www.theguardian.com/world/2022/nov/07/russia-ukraine-war-iran-north-korea-arms-ties>.

<sup>36</sup> Jean Mackenzie, *North Korean Weapons Are Killing Ukrainians. The Implications Are Far Bigger*, BBC News (May 5, 2024) <https://www.bbc.com/news/world-asia-68933778>.

<sup>37</sup> Emma Graham-Harrison and Justin McCurry, *North Koreans Deployed Alongside Russian Troops in Ukraine, Sources Say*, *The Guardian* (Oct. 10, 2024) <https://www.theguardian.com/world/2024/oct/10/north-korea-engineers-deployed-russia-ukraine>.

<sup>38</sup> Jean Mackenzie, *North Korean Weapons Are Killing Ukrainians. The Implications Are Far Bigger*, BBC News (May 5, 2024) <https://www.bbc.com/news/world-asia-68933778>.

Ukraine's Special Operations Forces as irrefutable evidence of North Korea's battlefield involvement.<sup>39</sup> The extent of Kim Jong Un's supplied arms shipments is significant. By mid-2024, North Korean supplies accounted for about half of Russia's larger caliber battlefield ammunition, totaling over two million rounds.<sup>40</sup> A Ukrainian military strike in the Bryansk region destroyed a stockpile of DPRK ammunition, confirming ongoing logistical integration between Pyongyang and Moscow.<sup>41</sup>

North Korea's military assistance expanded beyond equipment transfers to the direct deployment of personnel. In late 2024, North Korean military engineers were embedded alongside Russian forces behind enemy lines to operate and maintain missile launcher systems.<sup>42</sup> In 2025, Ukraine's intelligence services reported the deployment of up to 15,000 DPRK troops to Russian territory, primarily in the Kursk region, including approximately 3,000 reinforcements sent to replace combat losses.<sup>43</sup> South Korea's defense ministry confirmed that over 600 North Korean soldiers had been killed in action, with total casualties exceeding 4,700.<sup>44</sup> Ukraine's Special Operations Forces released video evidence of a 25-member DPRK unit killed in action in April 2025, with identification materials written in Korean.<sup>45</sup> Initially denied by Pyongyang, the troop presence was later confirmed by the Central Military Commission of North Korea's Workers' Party, which stated that the deployments were undertaken at the direction of Kim Jong Un pursuant to the 2024 "comprehensive strategic partnership treaty" signed with President Putin.<sup>46</sup> Kim later justified the intervention as both an expression of sovereignty and a fraternal duty to support a "brother nation," calling participating North Korean soldiers "heroes"<sup>47</sup> and reaffirming his "unconditional support" for Russia's conduct in Ukraine.<sup>48</sup>

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<sup>39</sup> Hyunsu Yim and Ju-min Park, *Hundreds of North Korean Troops Killed While Fighting Ukraine, Seoul Says*, Reuters. (Apr. 30, 2025) <https://www.reuters.com/world/about-600-north-koreans-killed-ukraine-war-south-korean-lawmaker-says-2025-04-30/>.

<sup>40</sup> Emma Graham-Harrison and Justin McCurry, *North Koreans Deployed Alongside Russian Troops in Ukraine, Sources Say*, The Guardian. (Oct. 10, 2024) <https://www.theguardian.com/world/2024/oct/10/north-korea-engineers-deployed-russia-ukraine>.

<sup>41</sup> Emma Graham-Harrison and Justin McCurry, *North Koreans Deployed Alongside Russian Troops in Ukraine, Sources Say*, The Guardian. (Oct. 10, 2024) <https://www.theguardian.com/world/2024/oct/10/north-korea-engineers-deployed-russia-ukraine>.

<sup>42</sup> Emma Graham-Harrison and Justin McCurry, *North Koreans Deployed Alongside Russian Troops in Ukraine, Sources Say*, The Guardian. (Oct. 10, 2024) <https://www.theguardian.com/world/2024/oct/10/north-korea-engineers-deployed-russia-ukraine>.

<sup>43</sup> Jack Kim, *North Korea Confirms Troop Deployment to Russia as Putin Hails 'Heroes'*, Reuters. (Apr. 28, 2025) <https://www.reuters.com/world/north-korea-confirms-troop-deployment-russia-first-time-kcna-report-2025-04-27/>.

<sup>44</sup> Hyunsu Yim and Ju-min Park, *Hundreds of North Korean Troops Killed While Fighting Ukraine, Seoul Says*, Reuters. (Apr. 30, 2025) <https://www.reuters.com/world/about-600-north-koreans-killed-ukraine-war-south-korean-lawmaker-says-2025-04-30/>.

<sup>45</sup> Jack Kim, *North Korea Confirms Troop Deployment to Russia as Putin Hails 'Heroes'*, Reuters. (Apr. 28, 2025) <https://www.reuters.com/world/north-korea-confirms-troop-deployment-russia-first-time-kcna-report-2025-04-27/>.

<sup>46</sup> Tessa Wong, *Putin and Kim Pledge Mutual Help Against 'Aggression'*, BBC News. (Jun. 19, 2024) <https://www.bbc.com/news/world-asia-68933778>.

<sup>47</sup> *North Korean Leader Kim Jong Un Says Participation in Russia-Ukraine War Justified -KCNA*, Reuters. (May 10, 2025) <https://www.reuters.com/world/north-korean-leader-kim-jong-un-says-participation-russia-ukraine-war-justified-2025-05-09/>.

<sup>48</sup> Jack Kim, *North Korea's Kim, Hosting Lavrov, Says He Will Support Russia to Resolve Ukraine War*, Reuters. (Jul. 13, 2025), <https://www.reuters.com/world/asia-pacific/north-korean-leader-kim-reaffirms-support-russia-ukraine-conflict-kcna-says-2025-07-12/>.

Russian officials further confirmed that North Korean troops were instrumental in repelling a Ukrainian incursion in Kursk during 2024-2025 and that Pyongyang would send thousands of construction personnel and military sappers to assist in reconstruction efforts.<sup>49</sup> British intelligence reported North Korea had already suffered over 6,000 military casualties in the region.<sup>50</sup> Analysts suggest North Korea's motivations include not only political alliance-building but the opportunity to test its hardware under live combat conditions, enhance soldier experience, and obtain valuable performance data for its domestic weapons programs.<sup>51</sup> In return, Russia has offered assistance with Pyongyang's struggling satellite program, nuclear submarine development, and diplomatic cover at the United Nations Security Council, including the use of its veto power to block sanctions.<sup>52</sup>

#### **IV. Legal Framework of Accountability**

Since the invasion of Ukraine in 2022, there is direct evidence that beginning in 2023 Kim Jong Un provided munitions and weapons to Russia and from late 2024, 10,000 or more military forces that directly engaged with Ukrainian forces in Russia's Kursk region in 2025. Kim Jong Un and Russia have verified and admitted to this support. Kim Jong Un has also indicated a willingness to send 20,000-30,000 more soldiers to assist Russian forces fighting in Ukraine. Given this overt military support of Russia's continued aggression against Ukraine, this section addresses the international legal standard of accountability for aiding and abetting the crime of aggression under Rome Statute Articles 8 *bis* and 25(c)(3).

##### *Aiding and Abetting the Crime of Aggression*

#### **1. Rome Statute of the International Criminal Court**

Article 8 *bis* of the Rome Statute defines the elements of the crime of aggression. Under Article 8 *bis* of the Rome Statute, the 'crime of aggression' means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.<sup>49</sup> Coupled with Article 25(3)(c), the Statute grants the Court jurisdiction over aiding and abetting the crime of aggression.<sup>50</sup> Relevant to Russia's invasion, Article 8 *bis* (2)(a) of the Rome Statute establishes, in part, that "[t]he invasion or attack by the armed forces of a State of the territory of another State" qualifies as an act of aggression."<sup>51</sup>

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<sup>49</sup> Andrew Osborn, *North Korea Will Help Russia Rebuild Kursk After Ukrainian Incursion, Kim Tells Putin Ally*, Reuters. (Jun. 17, 2025) <https://www.reuters.com/business/aerospace-defense/top-russian-security-official-holds-talks-with-nkoreas-kim-second-time-two-weeks-2025-06-17/>.

<sup>50</sup> Andrew Osborn, *North Korea Will Help Russia Rebuild Kursk After Ukrainian Incursion, Kim Tells Putin Ally*, Reuters. (Jun. 17, 2025) <https://www.reuters.com/business/aerospace-defense/top-russian-security-official-holds-talks-with-nkoreas-kim-second-time-two-weeks-2025-06-17/>.

<sup>51</sup> Emma Graham-Harrison and Justin McCurry, *North Koreans Deployed Alongside Russian Troops in Ukraine, Sources Say*, The Guardian. (Oct. 10, 2024) <https://www.theguardian.com/world/2024/oct/10/north-korea-engineers-deployed-russia-ukraine>.

<sup>52</sup> Choe Sang-Hun and Paul Sonne, *Putin and Kim Sign Pact Pledging Mutual Support Against 'Aggression'*, The New York Times. (Jun. 19, 2024) <https://www.nytimes.com/2024/06/19/world/asia/putin-meets-kim-north-korea.html>.

With regard to aiding and abetting such crimes, Article 25(3)(c) of the Rome Statute states that “a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person ... [f]or the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission.”<sup>52</sup>

## 2. Jurisprudence of Aiding and Abetting in International Law

In addition to the appearance of aiding and abetting in the Rome Statute of the ICC, aiding and abetting has also appeared in the founding statutes of the modern international criminal tribunals. Article 7(1) of the Statute of the International Criminal Tribunal for the Former Yugoslavia (“ICTY”) provides that “[a] person who planned, instigated, ordered, committed or otherwise aided or abetted in the planning, preparation or execution of a crime ... shall be individually responsible for the crime.”<sup>53</sup> Article 6(1) of the Statute of the International Criminal Tribunal for Rwanda (“ICTR”) includes identical language.<sup>54</sup>

The landmark prosecution of former President of Liberia Charles Taylor by the Special Court for Sierra Leone established that former heads of state would not enjoy immunity in certain international courts; and set out a clear standard for a finding of aiding and abetting international crimes.<sup>55</sup> The Appeals Chamber of the Special Court, in upholding the lower court’s conviction of Taylor, ruled that the required standard for such aiding and abetting was met when the defendant lent assistance to the armed forces committing the atrocities and that the assistance had a substantial effect on the commission of the crimes.<sup>56</sup>

It is now widely accepted that the *actus reus* of aiding and abetting is satisfied when an “aider and abettor carries out acts specifically directed to assist, encourage or lend moral support to the perpetration of a certain specific crime (murder, extermination, rape, torture, wanton destruction of civilian property, etc.), and this support has a substantial effect upon the perpetration of the crime.”<sup>57</sup> The person must have “knowledge that the acts performed assist [in] the commission of the specific crime of the principal.”<sup>58</sup>

Kim Jong Un’s conduct and actions as described above meet this international standard for aiding and abetting the crime of aggression.

The newly created Special Tribunal for the Crime of Aggression against Ukraine mentioned above is an important addition to the prospect of legal consequences for participating in this aggression. The Agreement between Ukraine and the Council of Europe states that this Special Tribunal “is the most suitable solution to determine criminal accountability in the case of those individuals who bear the greatest responsibility for the crime of aggression against Ukraine.”<sup>53</sup>

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<sup>53</sup> Ukraine and the Council of Europe sign Agreement on establishing a Special Tribunal for the Crime of Aggression against Ukraine, Council of Europe Newsroom, 25 June 2025, <https://www.coe.int/en/web/portal/-/ukraine-and-the-council-of-europe-sign-agreement-on-establishing-a-special-tribunal-for-the-crime-of-aggression-against-ukraine>.

## **V. Conclusion**

Supreme Leader Kim Jong Un has provided Russia with vital support in the course of its invasion of Ukraine. Leader Kim first offered political support, recognizing Russia's annexation of Ukrainian territory by force. He then provided large amounts of artillery shells, as well as heavier weapons such as ballistic missiles at a time where Russia was exhausting its munitions. He also provided tens of thousands of North Korean troops to engage with Ukrainian forces, both in the Russian Kursk region and on the front lines in Ukrainian territory. Kim Jong Un has ignored international law and provided President Putin and the Russian military with significant logistical support and weapons technology, and signed a supposed "Mutual Defense Agreement" with the Putin regime to assist with Russia's aggressive actions in Ukraine. North Korean support in terms of both heavy weapons, artillery and military forces is ongoing and enabling Russia to continue military operations aimed at successfully achieving its military and political objectives. These facts amount to aiding and abetting the international crime of aggression.

## **SAMPLE INDICTMENT**

### **THE PROSECUTOR Against**

**KIM JONG UN, SUPREME LEADER OF THE DEMOCRATIC PEOPLE’S REPUBLIC  
OF KOREA**

**The Prosecutor charges:  
KIM JONG UN**

with **THE CRIME OF AGGRESSION AS DEFINED IN ARTICLES 8 *bis* AND 25(c)(3) OF  
THE ROME STATUTE AND IN VIOLATION OF RELATED INTERNATIONAL  
LAW** as set forth below:

### **THE ACCUSED**

1. **KIM JONG UN** (“the **ACCUSED**”) was born on 8 January between 1982 and 1984 (exact year unknown), in Pyongyang, North Korea.

### **GENERAL ALLEGATIONS**

2. At all times relevant to this Indictment, a state of armed conflict existed within Ukraine’s internationally recognized borders established by the “Law of Ukraine” on 4 November 1991. The armed conflict is characteristic of both an international armed conflict between the States of Ukraine and the Russian Federation and a non-international armed conflict between Ukraine and its regions of Donetsk and Luhansk, collectively referred to as the “Donbas.” Russia, supported by North Korean forces, has also engaged Ukrainian forces in the Kursk region of Russia.
3. At all times relevant to this indictment, a nexus existed between the armed conflict and all acts or omissions charged with the crime of aggression as defined in Article 8 *bis* of the Rome Statute and United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974.
4. The official State militaries involved in this conflict include: the Armed Forces of Ukraine (“AFU”); the State Border Guard Services of Ukraine (“SBGSU”); the Armed Forces of the Russian Federation (“AFRF”); and elements of the Armed Forces of North Korea, formally known as the Korean People’s Army Ground Forces (KPAGF).
5. Non-state combatants include the Donetsk People’s Militia (“DPM”), the Lugansk People’s Militia (“LPM”), and various mercenary groups.
6. “Civilian” or “civilian population” designates protected persons who take no active part in

the hostilities, or who are no longer taking an active part in the hostilities.

7. Kim Jong Un is Supreme Leader of the Democratic People's Republic of Korea (DPRK) by succession, as well as General Secretary of the North Korean Workers' Party, Head of State and Commander in Chief of the North Korean Armed Forces.
8. The Security Council of Russia has direct control of the AFRF. Every decision of the Security Council of Russia is approved by the President of the Russian Federation, who implements and executes their decisions.
9. North Korea recognized Russian annexation of Crimea in 2014; and further recognized Russian annexation of Eastern Ukrainian territories of Donesk and Luhansk. Prior to Russia's 2022 invasion of Ukraine, North Korea and Russia had undertaken discussions to establish a cooperative military relationship in the event of aggression against either party. In July 2022, North Korea recognized the Donetsk and Luthansk People's Republics.
10. In June 2024, North Korea and Russia, during a visit to North Korea by Russian President Vladimir Putin, signed a "Comprehensive Partnership Treaty" containing a "mutual defense clause" designed to protect against aggression from third countries. While the treaty purports to be defensive in nature, in reality, its main function is to provide a basis for North Korea to continue to aid Russian aggression against Ukraine's territorial integrity and sovereignty. North Korea has provided Russia with a vast amount of rounds for 122mm and 130mm artillery, 170mm Self Propelled Guns and ammunition, Hwasong 11 series missiles, short range surface-to-air missiles, and is considering providing newer weapons systems. Approximately, 40-60% of the munitions used against Ukraine thus far were supplied by North Korea. North Korea has also provided over 10,000 combat forces to support Russia military operations in the Kursk region of Russia. Kim Jong Un has stated he will consider sending 20,000 to 30,000 more soldiers to be deployed in Ukraine should Russia provide appropriate financial and technical incentives. To date, North Korea has received an estimated US\$2-5 billion for weapons and munitions and half a billion dollars annually for troop deployments. Russia is also helping North Korea modernize its military.
11. Ukrainian forces, seeking to divert Russian aggression against the territory of Ukraine, staged an incursion into the Kursk region of Russia. Ukraine's actions in Kursk were in line with Ukraine's right of self defense under Article 51 of the UN Charter, and were designed to draw Russian military action away from the Ukrainian front line. Supreme Leader Kim Jong Un, sent thousands of North Korean troops to the Kursk region to assist Russia in pushing back against the Ukrainian forces. They were deployed to the Front Line of Troops in late 2024 and commenced actual combat operations in early 2025. The North Korean troops wore Russian uniforms and carried Russian identification cards written in Korean. They were trained in Russian military doctrine and commanded by Russian officers. To ensure loyalty to Kim Jong Un, North Korean Political Officers accompanied the units. These North Korean troops furthered Russian aggressive aims against Ukraine in the Kursk region of Russia and in Ukraine.
12. In July 2025, Kim Jong Un declared that his country would continue to "unconditionally

support and encourage” Russia’s war in Ukraine; reiterating its strong support for Russia during a trip to the PDRK by Russian Foreign Minister Lavrov. Russian Foreign Minister Lavrov described the DPRK-Russian Alliance as an “invincible fighting brotherhood.

## **INDIVIDUAL CRIMINAL RESPONSIBILITY OF THE ACCUSED CHARGE**

### **Count 1: The Crime of Aggression<sup>54</sup>**

13. The Prosecutor repeats and realleges the allegations set forth in Paragraphs 1 through 20, which are associated by reference.
14. At all times relevant to this Indictment, members of the North Korean armed forces and non-state combatants serving with Russian Federation forces were supported and directed by, acted in concert with, and/or subordinate to, **KIM JONG UN. KIM JONG UN**, the ACCUSED, aided and abetted Russian aggression by assisting in the armed attacks carried out by Russia against Ukrainian armed forces, including, but not limited to: the Kursk region of Russia.
15. **KIM JONG UN**, the ACCUSED, at all times relevant to this Indictment, was legally empowered to authorize the Russian Federation to exercise control over personnel of the North Korean army.
16. In conjunction with the Russian Federation, **KIM JONG UN**, the ACCUSED, authorized the stationing of North Korean troops in Kursk during 2024-2025, to assist the Russian Federation in pushing back against Ukrainian armed forces.
17. **KIM JONG UN**, the ACCUSED, has been directly involved in the planning and/or execution of the use of armed forces by the Russian Federation against the sovereignty, territorial integrity and/or political independence of Ukraine.
18. **KIM JONG UN**, the ACCUSED, has provided Russia a vast amount of rounds for 122mm and 130mm artillery, 170 mm Self Propelled Guns and shells, Hwasong 11 series missiles, and short-range surface to air missiles that comprise 40-60% of the munitions used by Russia in operations against Ukraine since the 2022 invasion. **KIM JONG UN**, the ACCUSED, is considering providing newer weapons systems and technology in the future.
19. **KIM JONG UN**, the ACCUSED, directly aided the aggressive use of armed force by the Russian Federation in violation of the Charter of the United Nations.
20. Pursuant to the definitions of aggression and of aiding and abetting in the Rome Statute Articles 8 *bis* and 25(c)(3), respectively, the ACCUSED participated in numerous acts of

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<sup>54</sup> Aiding and abetting is a form of liability in which the accused contributes to the perpetration of a crime, in this instance, the crime of aggression, that is committed by another person. See ICTY, Karadzic and Mladic (IT-95-5/18) Public Redacted Version of Judgement issued on 24 March 2016 - Volume I of IV Related Documents Judgement/Sentence Trial ChamberIII, para. 574, <https://ucr.irmct.org/LegalRef/CMSDocStore/Public/English/Judgement/NotIndexable/IT-95-5%2318/JUD270R0000481380.pdf>



aggression against Ukraine constituting collectively, and individually, the Crime of Aggression.

21. Additionally, pursuant to United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, which defines aggression, **KIM JONG UN**, the ACCUSED aided and abetted in numerous acts of aggression against Ukraine constituting collectively, and individually, the Crime of Aggression.
22. **KIM JONG UN**, the ACCUSED, and his subordinates provided material support to the Russian armed forces and armed irregular groups and mercenaries within the territory of Ukraine and the Kursk region of Russia.
23. As Supreme Leader of the PDRK since 2011, the ACCUSED, **KIM JONG UN**, was aware of the factual circumstances that constitute a violation of the Charter of the United Nations and related international law.

By his acts or omissions in relation, but not limited to these events, **KIM JONG UN**, the ACCUSED, is individually criminally responsible for the crimes alleged below:

**Count 1: The Crime of Aggression, AS DEFINED IN ARTICLES 8 *bis* AND 25(c)(3) OF THE ROME STATUTE AND IN VIOLATION OF RELATED INTERNATIONAL LAW.**

Dated this 21<sup>st</sup> Day of SEPTEMBER 2025

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The Prosecutor