

# **PE2207/C: I demand the Scottish Parliament create a pilot court to try Russian war criminals with Ukraine**

## **Petitioner written submission, 15 January 2026**

This letter constitutes my response to the Scottish Government's written submission of 15 January 2026 in relation to petition PE2207. I deliberately set out my position plainly and without diplomatic euphemisms, as the Government's document does not contain a substantive legal analysis of the merits of the petition, but instead relies on a collection of political avoidance arguments presented as "practical considerations".

Below is a point-by-point analysis of the Government's position.

### **1. The key admission the Government attempts to obscure**

The Scottish Government explicitly states:

"While it would be legally possible to create a new domestic court with universal jurisdiction over crimes committed in Ukraine..."

This is the end of the legal analysis.

The Government therefore openly acknowledges:

- that such a court would be lawful;
- that it would fall within Scottish competence;
- that it would be compatible with international law;
- and that the matter does not hinge on devolved powers or Westminster.

Everything that follows is political choice, not legal constraint.

### **2. The argument "it is better if others do it"**

The Government argues that accountability is "better achieved" through the ICC, Eurojust, or a future special tribunal.

This is an argument equivalent to saying:

"Why have a local fire service if there is a national one somewhere else?"

The Committee is not asked to assess what is more comfortable for the Government, but whether the petition is:

- within competence;
- lawful;
- reasonable and capable of implementation.

Neither the ICC, nor a Special Tribunal, nor Eurojust prohibits or excludes the exercise of universal jurisdiction by national courts. Germany, France and the Netherlands understand this clearly. The Scottish Government also understands it, but chooses to ignore it.

### 3. The “no nexus to Scotland” argument defeats itself

The Government claims that the lack of a nexus to Scotland makes prosecution impractical.

This argument is internally incoherent.

Universal jurisdiction:

- does not require territorial, personal or national nexus;
- that is precisely why it exists.

To argue that universal jurisdiction cannot operate without a nexus is like arguing that:

“a parachute does not work without ground beneath your feet”.

This is not a legal objection; it is a logical contradiction.

### 4. “It is difficult to gather evidence and secure defendants”

This argument reads as though the Government has only just discovered that:

- wars occur outside Scotland;
- international crimes are complex.

By this logic:

- Germany should never have prosecuted Syrian war crimes;
- France should never have prosecuted Rwandan cases;
- the Netherlands should abandon all ISIS-related prosecutions;
- and the ICC itself should simply cease to exist.

Complexity has never been a legal justification for abandoning jurisdiction. It is only a justification for political inaction.

### 5. The language argument is the weakest of all

The reference to Russian and Ukrainian languages is particularly unconvincing.

If this logic were accepted:

- the ICC could not function;
- the European Court of Human Rights would collapse;
- interpretation and translation would be treated as extraordinary burdens.

Interpretation is a standard feature of international justice, not an obstacle to it. Invoking language difficulties as a barrier amounts to admitting an unwillingness to engage in international criminal adjudication at all.

### 6. The “cost” argument without figures

The Government claims that creating such a court would be prohibitively expensive, yet:

- provides no cost estimates;

- offers no comparison with alternatives;
- ignores the limited “pilot court” format;
- does not consider international or shared funding models.

This is effectively an argument that says:

“It is too expensive because we do not wish to do it”.

The Committee is asked to accept this claim without evidence.

#### 7. Shifting responsibility to Police Scotland and COPFS

My petition does not seek to interfere with individual investigations.

It seeks the creation of an institutional mechanism.

To redirect this question to operational bodies is equivalent to responding to a proposal to build a bridge by saying:

“Drivers should decide themselves how to cross the river”.

#### 8. The real reason for refusal

The true reason for rejection is clear between the lines:

- political caution;
- fear of precedent;
- unwillingness to take international initiative;
- concern about reactions from London and wider geopolitical consequences.

These are not legal barriers. They are political fears, carefully wrapped in administrative language.

#### 9. Conclusion

The Scottish Government has:

- not challenged the legality of the petition;
- explicitly acknowledged its feasibility;
- rejected it solely on grounds of convenience and risk avoidance.

I respectfully ask the Committee to assess the Government’s submission on that basis, and not to allow legal analysis to be replaced by arguments of “difficulty”, “inconvenience”, or “someone else should do it”.

If international crimes are always deemed too complex, too expensive, or too inconvenient, then international justice should not exist at all.