



Article

Media, Public Opinion, and the ICC in the Russia–Ukraine War

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Abstract: This study, using content analysis and frame analysis, examines whether there is any connection between the International Criminal Court's (ICC's) announcement on the fifth day of Russia's war against Ukraine (which began on 24 February 2022) that it would investigate credible allegations of Russia's war crimes in Ukraine, and the reporting of the international press in those first five days. This study finds a functional relationship between the ICC's application of international law and international press reporting, in that the latter pursued an agenda grounded in the sources of international law. This reporting appeared to have made people think about the likelihood of Russia's war crimes in Ukraine (accessibility effect) and that Putin and his regime should be punished under international law (applicability effect). In turn, this was advantageous to the ICC's announcement that it would investigate allegations of Russian war crimes in Ukraine. The speed of the ICC's decision to open this investigation opens questions as to what distinguished the situation in Ukraine from similar situations. Media reporting may have contributed to a broader rationale for potential *realpolitik* objectives concerning Ukraine and Russia, underpinned by laudable humanitarian and legal concerns. This study concludes that if power saturates law, then the media is a diffusing agent of that power—an actor that spreads and amplifies elite narratives into the public sphere, rationalising the actions of institutions like the ICC.

Keywords: war crimes; ICC; media; public opinion; Ukraine; Russia; international law; CNN effect; agenda setting; ICJ



Citation: Selvarajah, Senthan, and Lorenzo Fiorito. 2023. Media, Public Opinion, and the ICC in the Russia–Ukraine War. *Journalism and Media* 4: 760–789. <https://doi.org/10.3390/journalmedia4030048>

Academic Editors: Gregory Simons and Piers Robinson

Received: 8 May 2023

Revised: 15 June 2023

Accepted: 26 June 2023

Published: 2 July 2023



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1. Introduction

Although the scholarly interest in the media's role in protecting human rights and establishing peace during humanitarian crises is not new (Chouliaraki 2006; Cottle 2009; Robinson 2013; Shaw and Selvarajah 2019; Selvarajah 2019; Sampaio-Dias 2016; Balabanova 2014), there are no scholarly discussions that deeply explore the media's role in international justice mechanisms dealing with war crimes, crimes against humanity, genocide, and the crime of aggression. While studies (Tumber 2008; Silverman and Binneh-Kamara 2016; Bachmann et al. 2019) conducted so far have been about the media's reporting of war crimes trials and their impact, no studies have been conducted on the role of the press in fashioning interventions, during humanitarian crises, under the Rome Statute of the International Criminal Court (ICC), which entered into force on 1 July 2002. The ICC's primary mission is to try the highest political and military leaders responsible for mass atrocity crimes to prevent future crimes, provide redress to victims, and ensure accountability, thereby bringing about peace and reconciliation (Klobucista 2022).

Against this backdrop, it is important to examine how influencing factors of news production, such as news value theory; the relationship of journalism to power; and dependence on news sources, language, and propaganda (Galtung and Ruge 1965; Herman and Chomsky 1988), can influence the media's role in justifying ICC intervention. This study asks whether there is any functional relationship between media reporting and invoking the ICC's jurisdiction. Therefore, it aims to address this scholarly deficit using reporting on allegations of Russia's war crimes in Ukraine as a case in point.

On 28 February, ICC prosecutor Karim Khan announced that his office would investigate potential war crimes in the conflict in Ukraine. This announcement came on the fifth day of Russia's invasion of Ukraine. "Last Friday, I expressed my increasing concern, echoing those of world leaders and citizens of the world alike, over the events unfolding in Ukraine", Khan noted at the beginning of his statement (ICC 2022), underlining public opinion as part of his reasoning for opening the investigation. This situation highlights that information was processed and mediated between world leaders, global citizens, and the ICC. Thus, the ICC was perhaps justified in making such a speedy announcement on the war crimes investigation (in contrast to a far slower, more deliberative approach that often characterizes international courts).

Against this backdrop, this paper scrutinises the way the international media reported allegations of Russia's war crimes in Ukraine, if any persuasive communication was morally or deliberately created, and how the media quantitatively and qualitatively used and dealt with news sources (such as world leaders and citizens, as Khan's statement referred to). It investigates whether such news reporting could have helped to construct a rationale that raised public opinion in favour of the ICC's announcement that it would investigate allegations of Russia's war crimes in Ukraine.

Since this study is about media discourse and public opinion, this article first discusses the theory of the public sphere, how the public sphere is constructed, and how persuasive communication is formed through discourse information processing under the theoretical light of "Discourse Information Theory". Following this, it highlights how the media contributes to the creation of the public sphere through "news construction" and the factors that influence this news construction, such as the nature of news value theory, the relationship of journalism to power, and dependence on news sources, language, and propaganda (Galtung and Ruge 1965; Herman and Chomsky 1988). Knowing what impact these factors have had on news reporting on evidence for Russian war crimes in Ukraine will help us understand what agenda they set through their reporting. Therefore, the agenda-setting theory, especially the "accessibility effect" and "applicability effect", is briefly discussed, and the relationship between the CNN effect (Robinson 1999) theory and agenda-setting theory is also highlighted. The CNN effect theory is about how the media influences policy and morality during a humanitarian crisis. As much as it is true that Russia's war against Ukraine is a humanitarian crisis, it is also true that the geopolitics of superpower hegemony heavily influences this war more than other distant sufferings. This study looks into the CNN effect to scrutinize its relevance for the unique humanitarian context of the war in Ukraine.

The "Framing Matrix", adopted from Ryan (1991) and integrated into the coding manual of the "Content Analysis Framework" (Neuendorf and Kumar 2015), is used as the analysis technique to analyse the occurrences of information and message characteristics embedded in the media content.

2. Theoretical Framework

2.1. The Public Sphere

The "public sphere" is considered by German philosopher Jurgen Habermas (1962) to be one of the critical components of modern societies. In his definition of the public sphere, he describes it as a "society engaged in critical public debate" (Habermas [1962] 1989, p. 62). By creating public opinion, the public sphere facilitates social interaction. To contribute to democracy, citizens need an institutionally guaranteed forum for expressing their opinions. Whenever a platform exists where individuals can express their views on a particular topic in their private capacities, it is considered a public sphere (Livingstone and Lunt 1994). Media outlets powered by digital technology provide an avenue for political discourse today.

Modern communication technology (digital cultures) has significantly impacted the media industry, and researchers have drawn parallels with Habermas' conception of the public sphere (De Blasio and Viviani 2020; Cammaerts 2015; Dahlgren 2005; Shaw

2016). Rather than being a collection of static devices, information and communication technologies are dynamic mechanisms that transform our cognitive capacities and create effective models for social and political interaction. As a result, the public sphere is reestablished (in the Habermasian sense) to express the space that mediates power and the public sphere, on the one hand, and individuals and groups' private spheres, on the other. Citizens are now active producers and participants in the public sphere of the media, rather than passive consumers of the media. Furthermore, a variety of other public forums, like exhibitions and meetings, conferences, protest marches, street plays, dramas, universities, cafes, public places, and clubs, also play a role in facilitating discussion in the public sphere (Habermas [1962] 1989).

2.2. *The Triangular Nexus of "Discourse–Knowledge–Power"*

Discourse is, therefore, the essence of the public sphere. Hence, Habermas ([1962] 1989) explained that the public sphere is an environment that allows the expression of public opinion on matters that affect the ordinary citizen. Discourse can be defined more precisely: "a set of textual arrangements which organizes and coordinates the actions, positions, and identities of the people who produce it" (Thwaites et al. 1994, p. 135), or "discourse is the property of language which mediates the interpersonal relationships which must be carried by any act of communication" (Fowler 1977, p. 52). Thus, discourse facilitates our ability to function as part of our society; without discourse, public opinion would not exist. It is evident from this that discourse serves as a functional unit for forming public spheres, and thus, public opinion emerges from them (Dekker 2009).

Among other things, the media function as a factory that produces discourse, the sculptor who engraves discourse, and the vehicle that carries discourse, contributing to the creation of the public sphere more than any other forum. In this sense, the media's public sphere predominates over all other public sphere forums, and the media's public sphere can also influence how public sphere discussions take place elsewhere. As highlighted already, various discourses are constructed in the public sphere through exhibitions, meetings, conferences, protest marches, street plays, dramas, universities, cafes, public places, clubs, etc., which sometimes oppose one another and sometimes converge with one another. Fairclough (1995, 2002) refers to this as "discursive order"—multiple discourses operate in every society where they sometimes reinforce or conflict. Information acts as the basic functional unit of this "discursive order".

Discourse Information Theory highlights the dynamics of this discursive production, interaction, and exchange. It focuses on the contents, structures and relationships of information in discourse, defining discourse as a "building block" made from "information units". Each represents the "smallest meaningful unit" based on a proposition. These building blocks are in a hierarchical tree structure and contain a kernel proposition surrounded by information units. Each information unit is related and develops a subordinate information unit from a specific aspect (Du 2014). The relationship between the superordinate and subordinate is called an "information knot" (Du 2007; Ge 2013), which is an important microlevel means for "discourse information processing" to create any public sphere through media or any other forum. This relationship is carried out by "WH phrases" (such as what, when, why, what fact, etc.). From this "discourse information processing", persuasive communication and power plays are born.

Foucault believed that discourse, rather than serving as a mirror of reality, is a culturally constructed representation governing what should and should not be spoken in the process of discourse construction. It highlights that "discourse information processing" produces knowledge and power simultaneously (Foucault 1970, 1972). This underlines the persuasive power media holds.

Those who wish to exert power are often drawn to the mass media, as it is a discourse production tool. Even though ordinary people theoretically can contribute to discourse production through mass communication channels, this rarely becomes reality. Thus, Van Dijk (1996, pp. 11–12) believes they are not involved in the process of discourse

production. In contrast, [Allan \(2013\)](#) believes that technological innovation, as observed earlier, has provided the public with more opportunities to be active participants in the discourse production process, mainly through citizen witnessing. [Downman and Ubayasiri \(2017, p. 10\)](#) argue that digital technology has profoundly influenced how people gather and consume information. Various opportunities have emerged for journalists and citizens due to digital technology, including the ability to report war crimes using mobile phones and to provide eyewitness accounts of refugees seeking asylum (*Ibid.*).

Digital culture allows citizens to participate in the virtual public sphere. Since media channels receive elite groups' opinions better, and elites are more likely to influence news production, they can access new-age communication channels that have greater reach. As a result of elites' adeptness in accessing discourse, they have the power to influence the masses. Thus, media institutions operate as institutions of elite power and dominance, shaping reality without evaluating it critically.

2.3. News Values, Propaganda, and Agenda Setting

[Galtung and Ruge \(1965\)](#) suggest that journalism is elite-oriented: it focuses on the problems and concerns of elite people and nations, and there is a hierarchy in what it considers newsworthy. They classified 12 factors influencing how journalists select news: frequency, threshold, unambiguity, meaningfulness, consonance, unexpectedness, continuity, composition, reference to elite nations, reference to elite people, personalisation, and negativity. Other scholars ([McGregor 2002](#); [Harcup and O'Neill 2001](#)) list time, cultural proximity relevance, rarity, continuity, elite references, negativity, composition, and personalisation.

[McLaughlin \(2002, pp. 185–87\)](#) noted that several factors influence Western media attention towards a conflict, but major powers' involvement is significant. Much attention is paid to each party's political leaders, with the opposition branded as the wrongdoer and the opposition's leader alleged to be the perpetrator. Also, journalists tend to rely heavily on official sources, considered more trustworthy and relevant.

In *Manufacturing Consent: The Political Economy of the Mass Media*, [Herman and Chomsky \(1988\)](#) explain how elites use media propaganda to influence mass public opinion in their favour. They describe the influence of institutional realities, administrative practices, and ideologies on journalism practices through the propaganda model. This model can explain propaganda as a systematic procedure that shapes people's minds—influencing sentiments, feelings, and behaviours—to support propagandists' goals.

It is also possible for the language of coverage, which often mimics the language of official news sources, to be affected by this dependence. Public relations machines spend considerable time and effort crafting words and phrases to formulate a successful propaganda strategy. To minimise the negative consequences of the conflict, the term "collateral damage" describes horrifying civilian casualties. By embedding these terms into media reports, they sanitize warfare. A journalist who uses the military's vocabulary and terminology is practically being made to do the military's bidding, states [Luostarinen and Ottosen \(2002, p. 276\)](#). Precisely as military terminology is used to benefit a war campaign, so legal and cultural terms like "genocide", "war crimes", and "civilized" can be used to benefit elite groups: by playing on public opinion to enforce international law in the political or diplomatic setting.

The elite group can create a formidable discourse within a "discursive order" ([Fairclough 2002](#)) through their communicative actions because they control the media, have better access to it, or the media depends on them for their information needs. They can, therefore, influence the policy agenda in constructing their version of reality. Due to the dominance of the discourse shaped by the knowledge and information influenced by the elite group, they can carry out their agenda. Although the media has traditionally served the interests of elite groups on both a military and political level, the function of the media has not always been designed to meet their objectives. Historically, media reporting has often protected victims and ended human rights violations and suffering.

Robinson (1999) illustrates how the media influences policy and morality in humanitarian crises in his theory of the “CNN effect”. The CNN effect illustrates how new communication technologies give media access to a broader audience and are empowered to influence public opinion and policy formulation. Scholars currently debate the feasibility and limitations of the CNN effect, however.

As Robinson (1999, p. 304) points out, much research on the CNN effect has yet to reach conclusive conclusions about media coverage’s influence on decision making in humanitarian crises. Media coverage often has some relationship with foreign policy decisions, he writes. Although the media can influence decision-making processes, it is unclear to what extent, especially concerning foreign policy (Ibid.). When policy remains uncertain during humanitarian crises, Robinson’s (2000) “Policy-Media Interaction” model visualizes media’s influence by coverage of, and critical reporting on, human sufferings. The CNN effect is generally deemed to have an uncertain effect on foreign policy during crises, and its influence is also connected to the political environment in which the media operates. These political conditions are primarily determined by realpolitik calculations and boomerang effects, such as the “body bag effect” raised by Robinson (2013).

Agenda-setting theory sheds light on understanding the formation and function of the CNN effect. It indicates the relationship between the emphasis (number of news items, their size and position, etc.) given by the media on specific issues and the importance they attribute to those issues (how they portray the news) (McCombs and Shaw 1972). Agenda-setting is a framework between communication research and political science to understand the influence of mass media on public policy (Scheufele and Tewksbury 2007). According to Littlejohn and Foss (2002), agenda-setting has a three-part linear function: media agenda, public agenda, and policy agenda.

“Media agenda” relates to the issues discussed in the media. “Public agenda” refers to the issues discussed in the media, and their impact on the public’s thoughts about an issue or an event. The “policy agenda” is concerned with the issues that the public is made aware of by the media, which consequently draws the attention of the policymakers (Selvarajah 2020). Two characteristics of agenda-setting, external (visibility) and internal (valence), make the media salient. The “visibility” of a news story depends on the frequency and prominence attributed to an issue or an event in the media. “Valence” is the perceptual attributes of media content, including positivity, neutrality, and negativity (Kioussis 2004). These two kinds of “transfer of salience” are also categorised as the first (visibility) type of agenda-setting, and the second (valence) type of agenda-setting. The first level of agenda-setting refers to the perceived importance of an issue (what to think about), and the second focusses on the relative salience of the various attributes of an issue (how to think about it) (Ibid.; Selvarajah 2020).

The transfer of salience from the media’s agenda to the general public, significantly shaping their perceived reality of an event or issue (public agenda), is explained and distinguished by accessibility and applicability (Price and Tewksbury 1997). Accessibility identifies the ease with which one can find or access information about an issue, and its capacity to activate the preexisting knowledge in an individual’s memory about the same subject (Coleman et al. 2009). The accessibility level of an issue is determined based on how the news sources are handled, which in turn dictates the “agenda-setting effect” (Price and Tewksbury 1997; Mateus 2020, p. 31). In other words, accessibility is the extent of information provided to an individual about an issue or an event through news sources. Conversely, applicability refers to connecting the two concepts (attributes of a message and an individual’s stored ideas or knowledge). This is referred to as the “framing effect”. Therefore, framing is built on the concept of applicability and regarded as an extension of the agenda-setting process (Price and Tewksbury 1997; Kim et al. 2002; Selvarajah 2020). Thus, the accessibility and applicability of the agenda-setting function as the determinants of the CNN effect.

2.4. Hypotheses and Research Questions

The theories we have briefly discussed so far have provided a functional explanation for understanding the media's role in forming a public sphere of an event or issue. The public sphere that has emerged regarding the ICC's intervention to investigate allegations of Russia's war crimes in Ukraine highlights the relevance of the theories we have discussed. As part of its contribution to the global discursive order, the international media started constructing a "war crimes" discourse immediately after Russia started its military operations in Ukraine on 24 February 2022. The ICC's prosecutor, Karim Khan, announced within a week of the war that an investigation would be conducted into potential war crimes.

"Today, I wish to announce that I have decided to proceed with opening an investigation into the situation in Ukraine as rapidly as possible", Khan said at the beginning of his statement. "I am satisfied that there is a reasonable basis to believe that both alleged war crimes and crimes against humanity have been committed in Ukraine about the events already assessed during the preliminary examination by the Office", he concluded. Khan further stressed at the beginning of the statement that he echoes the concern of world leaders and citizens regarding the events taking place in Ukraine. In doing so, he clearly stated the connection between his statement and public opinion regarding Russia's war in Ukraine. This possibly reveals a connection between Khan's statement and the public opinion that the media may have created regarding credible allegations of Russia's war crimes in Ukraine.

Russia's war on Ukraine started on 24 February 2022, and Khan's statement was released on 28 February 2022. By 18 March 2023, the ICC had issued an arrest warrant for the sitting head of state of Russia—a state that had not ratified the Rome Statute Establishing the ICC (Rome Statute)—for crimes centring on the alleged deportation of Ukrainian children to Russia (ICC 2023). While the ICC did not claim jurisdiction in Russia, its actions drew on a concept that was introduced into international criminal law only in the 2019 Bangladesh/Myanmar case: that an international crime could take place partly on the territory of a state over which the Court had no jurisdiction, and partly on the territory of a state where it did have jurisdiction (ICC 2019). Until the ICC issued this arrest warrant, it had also been considered controversial as to whether the sitting head of a sovereign state could be subject to prosecution. While legal scholars and some previous ICC jurisprudence (such as its arrest warrant for Sudanese head of state Omar al-Bashir [ICC-02/05-01/09] (ICC n.d.)) had questioned whether the doctrine of "sovereign immunities" meant that state leaders could be immune to prosecution (see Akande and Shah 2010; Han 2021), the arrest warrant against Vladimir Putin bolstered the viewpoint that they did not enjoy this immunity. Finally, the ICC's arrest warrant against Putin contributed to ending a long history of the Court seeming to only take action against African leaders (BBC 2013).

Comparing the speed with which the ICC acted, in the case of Ukraine, with allegations coming from other regions, indicates that the ICC considered this invasion a high priority. Khan's statement also shows that the ICC drew, in part, on public opinion in favour of taking legal measures against Russia and its leader. Such public opinion appears to have permitted the ICC prosecutor a freer rein to interpret international criminal law in a way that justified the arrest warrant.

This creates a hypothesis that international media reporting, in the first five days of the war, may have created a media discourse conducive to the ICC's announcement that it would investigate Russia's alleged war crimes in Ukraine.

Even though the ICC has cited public opinion as a reason for its announcement, legitimate questions arise as to whether the five days of media reporting could have created a public opinion strong enough to influence the ICC and, even if there had been such a public opinion, whether the ICC could have conducted due legal process with such extraordinary speed by *prima facie* principles. These questions highlight the possibility of a geopolitical influence on the ICC's announcement. It is not the purpose of this study to scrutinize the *realpolitik* behind the ICC's announcement. However, Khan's statement

highlights a possible nexus between the media discourse constructed by the international media reporting and the ICC's announcement.

Against this backdrop, another hypothesis emerges: that there could be a functional relationship between the application of international law at the ICC and international media reporting. This paper aims to test these two hypotheses by answering the following research questions:

Primary Research Question: Is there any connection between the ICC's announcement to investigate potential war crimes committed by Russia in Ukraine and the international media's reporting on the Russia–Ukraine war?

Supplementary Research Questions:

1. How and to what extent were news sources used in the international media regarding Russia's war crimes in Ukraine?
2. How and to what extent did the international media create an "accessibility effect" regarding Russia's war crimes in Ukraine?
3. How and to what extent did the international media create an "applicability effect" regarding Russia's war crimes in Ukraine?
4. Is there any functional connection between international law and international media coverage of Russia's war crimes in Ukraine?

3. Materials and Methods

Content analysis and frame analysis techniques were used for this study. Although frame analysis is qualitative, it was integrated into the coding manual of the Content Analysis Framework and used quantitatively. Content analysis is a suitable approach to systematically and objectively analyse political communication's framing and source perspectives in the news media. It allows researchers to assess how sources are distributed in news reports and identify patterns of agenda setting and agenda building, framing, and priming (Neuendorf and Kumar 2015). Meanwhile, frame analysis helps to assess how the media functions to determine how its readers should think about an issue or incident. Frames involve organising the context through which readers view their messages. It assists in finding out how facts are organised in new constructions in such a way as to create a discourse where some information is dominant over other information about an issue or incident (Kuypers 2009). This study adopted a matrix based on the matrix model introduced by Ryan (1991) to quantitatively carry out the frame analysis. Adapting earlier work by Gamson and Lasch (1983), Ryan proposed his "framing matrix" strategy for identifying frames based on characterising core positions, metaphors, images, catch-phrases and attributions of responsibility for the problem, and the solution implied by the frame (see Ryan 1991; also see Gamson and Lasch 1983). These six facets determine a frame of a news report:

Core position: The central argument coherent with the core values of the targeted audience.

Metaphor: A word or phrase that evokes themes that appeal to core values.

Images: Visual images that appeal to the core values.

Catch-phrases: Frequently used "terms" (verbal images) that appeal to the core values.

Source of problem: Attribute responsibility for the problem.

Implied solution: Indicate a solution to the problem.

To simplify the analysis and take into consideration the nature and scope of this study, "metaphor" and "images" were removed from Ryan's (1991) Framing Matrix framework above, and the "attributed proposition" applied by Martin and White (2005) to evaluate intertextual positioning in Appraisal Analysis was included in the framework and integrated into the content analysis coding manual. An "attributed proposition" assesses whether the writer directly or indirectly agrees or supports one's claim in a news report. This is assessed as "endorsed", "disendorsed", or "nonendorsed". "Endorsed" describes when the writer directly or indirectly expresses his/her support for a claim presented in a news article and stresses the truth or fairness of that claim. A "disendorsed" utterance is when the writer distances himself/herself from the utterance without taking any responsibility

for its reliability of claim. At the same time, “nonendorsement” is when a writer expresses neutrality by neither endorsing nor disendorsing someone’s utterance (Ibid.). Also, to identify the use of rhetoric related to the “war crimes” issue in news construction, an arrangement was made to identify “rhetoric phrases” as well in the catch-phrases column of the framing matrix.

Although several aspects of a newspaper (such as the type of news reports, the section of the newspaper, the number of photos, and the kind of news coverage) can be examined in content analysis, only news sources, date of publication, and frames, together with the framing matrix, were taken into consideration in this study.

The Telegraph and *The Guardian* (UK), *The New York Times* and *USA Today* (USA), *The Canberra Times* and *News.com.au* (Australia), and *The Globe and Mail* and *National Post* (Canada) published in the period from 25 February 2022, when Russia’s war on Ukraine began, to 28 February 2022, when the ICC prosecutor announced that an investigation into war crimes would be conducted in Ukraine, were examined. Nowadays, despite the high use of television for news, the circulation of newspapers continues to be substantial, and the role of newspapers in shaping public opinion and the political agenda remains crucial. The selected newspapers are from three continents and are popular international newspapers.

Since only news about allegations of war crimes in Ukraine was analysed in this study, news containing the words “war crimes”, “Russia”, and “Ukraine” was filtered from the ProQuest online database using its AND function. A total of 42 messages were filtered this way: *The Telegraph* (18), *The Guardian* (09), *The New York Times* (04), *USA Today* (04), *The Canberra Times* (02), *News.com.au* (02), *The Globe and Mail* (02) and the *National Post* (01). Although 42 news stories in total were filtered based on the above search categories from eight newspapers, some stories were removed as duplicates or irrelevant, and thus a total of 30 news stories were selected for the analysis. Only 2 of these are articles.

The filtered news stories were obviously “war crimes-focussed”, as they were filtered through purposive sampling technique using the above-described search words. These search words were used because this study is an investigation on whether there is any connection between the news about war crimes in Ukraine and the ICC’s announcement about its war crimes investigation. Content analysis was performed using the coding guide described in Table 1.

Table 1. Content Analysis Coding Guide.

Name of Newspaper	
1	<i>The Telegraph</i>
2	<i>The Guardian</i>
3	<i>The New York Times</i>
4	<i>USA Today</i>
5	<i>The Canberra Times</i>
6	<i>News.com.au</i>
7	<i>The Globe and Mail</i>
8	<i>National Post</i>
Quoted/Mentioned News Source	
1	Ukraine PM/ministers/officials
2	Russian President/ministers/officials
3	Pro-Ukraine world leaders such as UK PM, US President and French President
4	Pro-Russian world leaders

Table 1. *Cont.*

5	Pro-Ukraine ministers/MPs, such as UK/US ministers/MPs/officials
6	Pro-Russian ministers/MPs
7	Ukraine/Pro-Ukraine military
8	Russian/Pro-Russian military
9	Ukrainian people/refugees
10	International human rights organizations
11	Pro-Russian rights groups/civil society organizations (CSOs)
12	Pro-Ukraine think tanks/prominent figures, such as ex-PMs/ex-ministers/retired generals
13	Pro-Russian think tanks and prominent figures
14	UN agencies
15	Independent media/journalists
16	Columnists
17	Ukrainian diaspora
18	Russian diaspora
Reinforcing Frames	
1	European-focussed
2	Invasion-focussed
3	International law-focussed
4	Compassion-focussed
5	Worthy victims-focussed
Attributed Proposition	
1	Endorsed
2	Disendorsed
3	Nonendorsed

4. Results

As observed earlier, ICC prosecutor Karim Khan announced a war crime investigation in Ukraine on the fifth day after Russia's war against Ukraine began. He gave the reason that this decision was made based on public opinion, considering the statements of the world leaders and the public. This section analyses quantitatively (accessibility) and qualitatively (applicability) how and to what extent the media discourse constructed in the international media, taking in the views of world leaders and citizens, may have aided the ICC in announcing its conduct of a war crimes investigation in Ukraine.

4.1. Accessibility Affect

As shown in Table 2 below, 30 news stories were published in eight newspapers on Russia's war crimes in Ukraine. Compared to other countries, the number of news stories/columns published in the UK newspapers was very high. After the UK, US newspapers published many stories about "war crimes". As we will see in the following findings, all the published news stories mentioned or speculated that Russia is committing war crimes in Ukraine. It is important to note that within five days of the start of the war, 30 news articles mentioning "war crimes" and relating them to violations of international law were published in four countries.

Table 2. Newspapers vs. Published Stories.

Newspaper	Number of News Stories
<i>The Telegraph</i>	12
<i>The Guardian</i>	5
<i>The New York Times</i>	4
<i>USA Today</i>	3
<i>The Canberra Times</i>	1
<i>News.com.au</i>	2
<i>The Globe and Mail</i>	1
<i>National Post</i>	2
Total	30

While the reporting of these newspapers for these five days highlights how the reporting would have been for the period after the 28th of February 2022, how frequently and prominently these newspapers discoursed “war crimes” also helps to highlight the accessibility effect of agenda setting. Although the news referring to “war crimes” did not come out continuously in the Canadian and Australian newspapers, it can be observed that they were frequently reported in the UK and US newspapers in the first five days. At the same time, as Table 2 above confirms, although less frequent, Canadian and Australian newspapers carried statements that Russia committed war crimes in Ukraine. Thus, it is evident that these newspapers frequently published news about Russia’s war crimes in Ukraine, gave importance to the issue of war crimes in the war started by Russia in Ukraine, and made this issue more “vivid” in their readers’ minds. These findings answer the second supplementary research question of how much “accessibility effect” the newspapers created.

Although the news value factors listed by [Galtung and Ruge \(1965\)](#), such as frequency, threshold (absolute intensity, intensity increase), unambiguity, meaningfulness (cultural proximity, relevance), consonance (predictability, demand), unexpectedness (unpredictability, scarcity), continuity, and composition, may have contributed to the importance these newspapers gave to the news about the war in Ukraine, it could be mentioned that the factor of “meaningfulness” (cultural proximity, relevance) seems to have been the more powerful force pushing the UK and US newspapers to publish more news than other countries. This is because Russia and Ukraine are geographically close to the European Union, which has long historical, cultural, scientific, and economic ties with these countries. Also, importantly, longstanding geopolitical and security rivalries exist between the UK and Russia. Similarly, the power rivalry and historical, cultural, scientific, and economic ties between the United States and Russia are also very strong. Therefore, it can be understood that intense “cultural proximity” and “relevance” were among the main reasons for assigning greater worthiness to alleged Russian war crimes in UK and US newspapers’ reports than in Canadian and Australian newspapers.

Table 3 shows how and to what extent news sources were handled and used to create public opinion about Russia’s “war crimes” in the news stories published in the selected eight newspapers.

Table 3. Newspapers vs. News Source (s) that directly quoted/referenced war crimes.

News Source	TE	GU	NYT	UST	CT	NC	GM	NP	Total
Ukraine PM/ministers/officials	6	2	2	2	0	0	0	0	12
Russian President/ministers/officials	0	0	0	0	0	0	0	0	0
Pro-Ukraine world leaders such as UK PM, US President and French President	2	2	0	0	0	0	0	0	4
Pro-Russian world leaders	0	0	0	0	0	0	0	0	0
Pro-Ukraine ministers/MPs such as UK/US ministers/MPs/officials	1	0	1	0	0	0	0	0	2
Pro-Russian ministers/MPs	0	0	0	0	0	0	0	0	0
Ukraine/Pro-Ukraine military	0	0	0	0	0	0	0	0	0
Russian/Pro-Russian military	0	0	0	0	0	0	0	0	0
Ukrainian people/refugees	0	0	1	0	0	0	0	0	1
International human rights organizations	2	3	1	0	0	0	1	0	6
Pro-Russian rights groups/CSOs	0	0	0	0	0	0	0	0	0
Pro-Ukraine think tanks/prominent figures such as ex-PMs, ex-Presidents, ex-ministers, retired generals	2	1	0	0	0	0	1	1	5
Pro-Russian prominent figures	0	0	0	0	0	0	0	0	0
UN agencies	0	0	0	0	0	0	0	0	0
Independent media/journalists	0	1	0	0	0	0	0	0	1
Columnists	0	0	0	1	1	0	0	0	2
Ukrainian Diaspora	0	0	0	0	0	2	0	0	2
Russian Diaspora	0	0	0	0	0	0	0	0	0
Total									34

4.2. How and to What Extent Were News Sources Handled?

As detailed in Table 3, 34 sources were used in the analysed 30 news stories published by the selected eight newspapers in the first five days of reporting to create the discourse about Russia's war crimes in Ukraine. Among these, 35% (12 news stories) quoted or referred to the president, ministers, and key officials of Ukraine. These belong to the elite/official news source category, which is considered more trustworthy and relevant (Galtung and Ruge 1965). Similarly, about 18% (4 + 2 = 6 news stories) were published quoting or referring to pro-Ukraine state leaders, ministers, MPs, and officials—they, too, belong to the elite category. Therefore, more than half (53%) of the total news sources used to create the discourse about Russia's war crime in Ukraine were pro-Ukraine news sources in the elite/official category.

On the one hand, these findings may reveal how easily these elite sources were accessible to the media, or how they were the convenient or preferred news sources. On the other hand, as we discussed earlier, they may show how easily the media can access elite news sources or how dependent the media are on elite sources. Meanwhile, it is also relevant to highlight the connection between elite sources and propaganda in news reporting. According to Herman and Chomsky (1988), elite sources use the media as a propaganda tool to shape public opinion on their behalf.

Moreover, 18% (6) of the news sources quoted or referred to international human rights organizations. Although there are various international human rights organizations, these 18% (6) of references and quotations were merely based on the following statement published by Amnesty International: "The Russian military has shown a blatant disregard for civilian lives by using ballistic missiles and other explosive weapons with wide area

Up to now, we have analysed quantitatively how the eight selected newspapers reported on the issue of Russia's war crimes in Ukraine and shaped "public opinion" about it according to the theory of "accessibility" of agenda setting. That is, we have seen a quantitative analysis of the extent to which the selected newspapers reported on Russia's war crimes to create a public sphere of this issue and make people think about this issue. Let us now discuss how the newspapers created a "framing effect" on how the public sphere of Russia's war crimes in Ukraine should be established, and how people should think about this issue. The salient supporting frames that operated to reinforce the "war crimes" discourse in the analysed 30 news stories, published in the eight newspapers, identified with the help of the framing matrix are summarized in Table 5 below.

Table 5. Newspapers vs. Reinforcing Frame (s) for "War Crimes" Discourse.

Newspaper	European-Focussed	Invasion-Focussed	International Law-Focussed	Compassion-Focussed	Worthy Victims-Focussed
TE	2	5	11	5	1
GU	1	2	5	3	0
NYT	0	2	4	2	0
UST	0	1	2	1	0
CT	0	1	1	0	0
NC	0	2	1	1	0
GM	1	1	2	2	0
NP	0	1	1	0	0
Total	4	15	27	14	1

4.3. Applicability Affect

As shown in Table 5, it can be observed that the "international law-focussed" frame dominated the news stories of all newspapers. The function of the "international law-focussed" frame can be observed in 27 of the 30 (81%) news stories examined, highlighting that this frame operated in a manner emphasizing the application of international law regarding Russia's war crimes in Ukraine. Table 6 below provides a clear picture of the construction of these "international law-focussed" frames in the news reports of the selected newspapers, using catch-phrases and rhetoric such as "violations of the Rome Statute", "attacks on civilians", "crimes against humanity", "international crime", "killing people", "broken international law", "failed to follow international law", "attack on kindergartens, hospitals", "kindergarten blown out", and "horror and criminality".

After the international law-focussed frame, as shown in Table 5, the "invasion-focussed" frame (that Russia's war on Ukraine is an invasion) was the most dominant in the newspapers. Meanwhile, Table 6 sheds light on how the frequently used catch-phrases and rhetoric such as "occupying a sovereign state", "invasion", "aggression", "full-scale invasion", "Ukraine invasion", "invasion of Ukraine", and "Russia's invasion" created the invasion-focussed frame in the news stories, in line with the Rome Statute, to reinforce the "war crimes" discourse. Article 8(1)bis of the Rome Statute defines a "crime of aggression" as "an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations" (ICC 2011). An "act of aggression", according to Article 8(2)bis means "using armed force by a State against another State's sovereignty, territorial integrity, or political independence, or in any other manner inconsistent with the Charter of the United Nations". Regardless of a declaration of war, any of the following acts meet the definition of aggression under United Nations General Assembly Resolution 3314 (XXIX) of 14 December 1974:

"(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from

such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State”.

Table 6. Framing Matrix.

News Story No.	Core Position	Catch-Phrases/Rhetoric (Identified Reinforcing Frames Mentioned within Brackets)	Source of Problem	Implied Solution	Attributed Proposition (Attributions Shown in Underlined Text)
T1	Russia violates inter-national law.	War crimes, genocide, crimes against humanity, international crime, war in Europe, invasion, aggression, tyranny, and the act of war. (International law-focussed, invasion-focussed)	Putin and his regime.	Applying international law, sanctions	Nonendorsed (Conservative MP <u>asked</u> , Boris Johnson <u>said</u> that)
T2	The attack on the kindergarten constitutes “war crimes”.	War crimes, violations of the Rome Statute, and attacks on civilians. (International law-focussed)	Russian forces	ICC in the Hague should take action	Endorsed (Ukraine’s foreign minister has <u>confirmed</u>)
T3	The Russian assault on innocent people is a war crime.	Mounting civilian deaths, including those of children; killing people. (International law-focussed, compassion-focussed: tender-hearted)	Russian military	War crimes prosecution	Nonendorsed (He <u>said</u>)
T4	Russia’s war crimes in Ukraine should be monitored, and Putin should be held accountable.	Broken international law, failed to follow international law, occupying a sovereign state, plan to invade parts of Europe. (International law-focussed, invasion-focussed, European- focussed)	Putin	Held to account	Endorsed (The minister <u>insisted</u> , <u>As she’s seeing from</u> all of the open-source intelligence that’s available on social media)
T5	Russia’s attacks on Ukraine constitute a war crime.	Awful, painful scene, the aggression, a war not only in Ukraine but probably a threat to Europe as well, and Western society to unite. (Invasion-focussed, European-focussed)	Putin and the Russian military	War crimes inquiry	Endorsed (Ukraine’s foreign minister <u>accused</u> , having to <u>live amid the carnage</u>)
T6	There is ample evidence of Russia’s war crimes in Ukraine.	Aggression, attacks against protected civilians (Invasion-focussed, international law-focussed)	Putin and his commanders	Indictment at the ICC for war crimes	N/A
T7	The attack on the nursery was a war crime.	Attack on the nursery, bombing campaign, indiscriminate violence, full-scale invasion (International law-focussed, invasion-focussed, compassion-focussed: tender-hearted)	Russian army	War crimes inquiry	Endorsed (Ukraine yesterday <u>accused</u> ; according to Mr Klitschko, <u>who himself</u> picked up an AK-47 to defend the city)
T8	Russia is committing war crimes in Ukraine	Kindergarten blown out, full terror of war, missile barrages, corpses in the streets (International law-focussed, compassion-focussed: tender-hearted)	Putin and the Russian military	War crimes investigation	Endorsed (Ukraine’s foreign minister <u>accused</u> , the horror was all <u>evident</u>)
T9	There is ample evidence of Russia’s war crimes in Ukraine. The ICC must take action.	This is not Afghanistan, and it’s not Syria. Ukraine is different, evidence is accumulating before our eyes of the attacks on civilians. (Worthy victims-focussed, international law-focussed)	Putin and Russia	ICC should exercise its jurisdiction to punish Russia	N/A

Table 6. Cont.

News Story No.	Core Position	Catch-Phrases/Rhetoric (Identified Reinforcing Frames Mentioned within Brackets)	Source of Problem	Implied Solution	Attributed Proposition (Attributions Shown in Underlined Text)
T10	Russia's attacks on Kharkiv constitute war crimes.	Horror and criminality, rockets raining down on residential buildings, grey clouds and clusters of explosions, lying dead in the street, the charred remains of school, indiscriminate and devastating. (International law-focussed, compassion-focussed: tender-hearted)	Putin regime	ICC should step in	Endorsed (The Telegraph <u>witnessed</u> ; Russia has <u>certainly used</u>)
T11	Russia's attacks on Kharkiv constitute war crimes.	Cluster bomb attacks, indiscriminate attacks on civilian areas and even hospitals, and disregard for civilian lives. (International law-focussed, compassion-focussed: tender-hearted)	Putin and his military	War crimes investigation	Endorsed (<i>The Telegraph</i> witnessed, Others insisted)
T12	Russia's war crimes cannot be ignored.	Safe passage for refugees, war crimes (International law-focussed)	Putin's regime	Sanctions against Russia	Endorsed (MP for Wealden has <u>focussed sharply</u>)
G1	Russia's attacks on Ukraine constitute war crimes.	European capital, driving up the civilian death toll, atrocities committed, indiscriminate attacks. (International law-focussed, European-focussed, compassion-focussed: tender-hearted)	Putin and his military	War crimes investigation	Endorsed (As human rights groups <u>accused</u>)
G2	The ICC should investigate war crimes.	Arrest warrants, universal jurisdiction, Ukraine invasion, sanctions (International law-focussed, invasion-focussed)	Putin	Arraign for war crimes at ICC	N/A
G3	Russia's attack on Ukraine with modern weapons is a war crime.	Indiscriminate BM-21, invasion of Ukraine, use of Uragan and Smerch cluster rockets, civilian lives, blatant disregard (International law-focussed, invasion-focussed, compassion focussed: tender-hearted)	Putting and the Russian forces	War crimes investigation	Endorsed (She warned)
G4	Murder, use of indiscriminate cluster munitions.	War crimes, preserve evidence, court, accountability, open-source evidence, crimes committed, the crime of aggression. (International law-focussed)	Russia	Take Moscow to The Hague	Endorsed (Several groups have started to <u>collate war crimes evidence</u> , Ukraine has <u>also taken</u>)
G5	What Russia is doing in Ukraine is a war crime.	Killed dozens of civilians, use of indiscriminate weapons, attacks on civilians, targeting of civilians, and breaches of international humanitarian law (International law-focussed, compassion-focussed: tender-hearted)	Putin and his military	ICC investigation into the Ukraine situation	Non-endorsed (The Ukrainian government <u>has said</u> , Western officials <u>said</u> , <u>said</u> one official)
NYT 1	War crimes have been committed in Russia-controlled Ukraine.	War of aggression killed thousands of Ukrainians, Kremlin atrocities in eastern Ukraine (International law-focussed, compassion-focussed: tender-hearted)		War crimes trial	Nonendorsed (The Atlantic Council <u>reported</u>).
NYT 2	Russia's war crimes must be exposed.	Invasion, broad assault (International law-focussed, invasion focussed)	Putin regime	Countering Russian propaganda	Non-endorsed (Officials are considering)

Table 6. Cont.

News Story No.	Core Position	Catch-Phrases/Rhetoric (Identified Reinforcing Frames Mentioned within Brackets)	Source of Problem	Implied Solution	Attributed Proposition (Attributions Shown in Underlined Text)
NYT 3	Russia's war crimes must be exposed.	Babies swaddled in blankets; intentionally kill innocent men, women, and children; full-scale invasion (International law-focussed, invasion-focussed, compassion-focussed: tender-hearted)	Russia	Condemn Russia's international war crimes, and sanctions against Russia	N/A
NYT4	Russia is committing war crimes in Ukraine.	Attacked civilian targets, kindergartens, residential buildings and school buses, isolate Russia, war criminals, hit a residential apartment (International law-focussed)	Russian command	Tribunal for investigating war crimes	Nonendorsement (He <u>adds</u> , he <u>writes</u> , Shmyhal <u>says</u>)
UT1	Russian attacks in Ukraine are war crimes.	Heavy missiles, attacks on kindergartens and hospitals, children have been killed, war crimes on the ground (International law-focussed, compassion-focussed: tender-hearted)	Russia	War crimes investigation	Nonendorsed (Oksana Markarova <u>said</u>)
UT2	Putin is committing war crimes.	Good vs. evil. Courage vs. cruelty. David vs. Goliath. Truth vs. lies. Order vs. anarchy, dictator (International law-focussed)	Putin	Prosecute Putin	N/A
UT3	Russia is committing war crimes in the attack.	Need to protect civilians, invasion, attacks against civilians, respect humanitarian law, of heavy missiles and artillery, hit hospitals and kindergartens, killing innocent civilians (International law-focussed, invasion-focussed)	Russia	War crimes inquiry	Endorsed (Ukraine's ambassador to the United States previously <u>accused</u>)
CT1	Putin is a war criminal.	War criminal, acting like Hitler, massive attack on a sovereign Ukraine, international pariah, Putin is aping Adolf Hitler, Ukraine invasion (International law-focussed, invasion-focussed)	Putin	Punishing Putin for war crimes	N/A
NC1	Putin is committing war crimes in Russia.	Invasion of Ukraine, bully, thug, outrageous acts (Invasion-focussed)	Putin	Stop the war in Ukraine	Nonendorsed (who he <u>claimed</u>)
NC2	Russia is committing war crimes in Ukraine.	Save innocent Ukrainian lives, targeting innocent civilians, pounded with artillery and cruise missiles, schools, kindergartens, neighbourhoods, Russian invasion (International law-focussed, compassion-focussed: tender-hearted, invasion-focussed)	Russia	More support for Ukraine	Nonendorsed (she <u>said</u>)
NP1	There is no doubt that Russia's attacks in Ukraine are war crimes.	Russia's invasion, genocidal attack, Crimes Against Humanity and War Crimes Act, state-sponsored attack intended as genocide, international criminals. (International law-focussed, invasion-focussed)	Russia and all its state actors	Launch proceedings before the World Court to identify Russia	N/A

Table 6. Cont.

News Story No.	Core Position	Catch-Phrases/Rhetoric (Identified Reinforcing Frames Mentioned within Brackets)	Source of Problem	Implied Solution	Attributed Proposition (Attributions Shown in Underlined Text)
GM1	Putin has genocidal intentions in Ukraine.	Russia's violence, genocidal intent, lives of 44 million Ukrainians, international institutions, R2P, the horrific siege of Kyiv, part of a war in Europe. (International law-focussed, compassion-focussed: tender-hearted, European-focussed)	Putin and his regime	Use international institutions against Russia	N/A
GM2	Russian attacks in Ukraine are war crimes	Russian troops and armoured vehicles invading, authoritarian, indiscriminate crime, attacks on civilian areas and hospitals. (International law-focussed, invasion-focussed, compassion-focussed: tender-hearted)	Russia	War crimes inquiry	Nonendorsed (Group's secretary-general, <u>said</u>)

Meanwhile, Table 5 reveals that the discourse construction of the “compassion-focussed” frame, which includes information about the distant suffering of the Ukrainian people caught in the war, operated to a considerable extent. Hoijer (2004, pp. 522–24) identifies that compassion generated by media reporting takes four forms: tender-hearted, shame-filled, blame-filled, and powerlessness-filled. “Tender-hearted compassion” focuses on the sufferings of the victims and makes the audience feel pity and empathy for the victims. “Blame-filled compassion” stems from indignation and anger towards those in power and responsibility for the plight of the victims. “Shame-filled compassion” comes from a sense of shame at being unable to protect victims’ human rights and end their suffering. Meanwhile, “powerlessness-filled compassion” arises from the self-awareness that one’s power is limited to ending the sufferings of the victims.

The predominance of tender-hearted and blame-filled compassion over all other compassion types in newspaper reporting can be seen from the catch-phrases identified in Table 6, such as “grey clouds and clusters of explosions”; “babies swaddled in blankets, lying dead in the street”; “the charred remains of a school”; “mounting civilian deaths, including those of children”; “killing people”; “attack on the nursery”; “bombing campaign”; and “indiscriminate violence”. Such compassion can instill a sense of obligation among the audience and influence people to take action against injustice.

As highlighted, blame-filled compassion resents someone in power for being responsible for the victims’ suffering. To illustrate this, Hoijer (2004) and Hoijer et al. (2002) point to the media’s anger at Milosevic for all the sufferings of the people during the Kosovo conflict and how he was conceived as having an evil disposition and being dangerous, powerful, and inhuman. Similarly, it can be seen in the “source of the problem” column of Table 6 that newspapers cited Russian President Putin as responsible for all the suffering and plight of the victims as identified by catch-phrases, thus, eliciting blame-filled compassion.

As shown in Table 5, although the number of “European-focussed” and “worthy victims-focussed” frames are limited, their influence and effect should not be underestimated. Table 6 shows that frequently used catch-phrases and rhetoric (such as “the war in Europe”, “plan to invade parts of Europe”, “a threat to Europe”, “European capital”, and “part of a war in Europe”) contributed to creating the “European-focussed” frame.

We have already seen above how the news value of “meaningfulness” (cultural proximity, relevance) (Galtung and Ruge 1965) has influenced the reporting of UK and US newspapers and triggered them to publish more news about Russia’s war crimes in Ukraine than other newspapers. Not only the influence of “meaningfulness” (cultural proximity), but Ukraine being an elite nation also causes the construction of “European-focussed” and

“worthy victims-focussed” frames in the news stories of the selected newspapers. Table 5 shows that the news value factor of “meaningfulness” had a similar effect on the “applicability of agenda setting” as it influenced the “accessibility of agenda setting” as we have already observed. Thus, it could be demonstrated that the “European-focussed” frames were created in the news stories due to the geographical and cultural proximity and relevance between Russia/Ukraine and Europe. In a way, such apparent European-emphasis frames showed that Russia’s war on Ukraine was worthy of news value while indirectly portraying the people of Ukraine as worthy victims. Although the “worthy victims” portrayal was embedded in the “European-focussed” frame, this is very clearly manifested in an article published in the *Telegraph* newspaper on 28 February 2022, by British MP Tobias Ellwood. “This is not Afghanistan, and it’s not Syria. Ukraine is different”, he wrote.

Although the manifestation of the “worthy victims” frame is very low in the 30 articles published in these eight newspapers between 25 February and 28 February 2022, numerous news stories dominated by the “worthy victims” frame were published in other international media during the same period. For instance, Charlie D’Agata, CBS’s foreign correspondent, a day after Russia began its invasion of Ukraine, said on TV (Harvey 2022): “This isn’t a place, with all due respect, like Iraq or Afghanistan, that has seen conflict raging for decades . . . This is a relatively civilized, relatively European—I have to choose those words carefully, too—city, where you wouldn’t expect that or hope that it’s going to happen”. David Sakvarelidze (Bayoumi 2022), the former deputy prosecutor general of Ukraine, said in a BBC interview that, “It’s very emotional for me because I see European people with blue eyes and blonde hair being killed” by Russia’s assault. The BBC Anchor who interviewed him did not challenge this comment. Similarly, Peter Dobbie compared Ukrainian refugees to other refugees in a comment (Guha 2022): “What is compelling is that just looking at them, the way they’re dressed. These are prosperous, middle-class people. These are not obviously refugees trying to escape areas in the Middle East that are still in a big state of war. These are not people trying to escape from areas in North Africa. They look like any European family that you would live next door to”. Journalist Philip Korb on BFM, one of France’s most-watched channels, said on air, “We’re not talking here about Syrians fleeing the bombing of the Syrian regime backed by Putin, we’re talking about Europeans leaving in cars that look like ours to save their lives”. The Poland correspondent for British broadcaster ITV commented (Ibid.), “This is not a developing third world nation. This is Europe”. In the *Telegraph*, Daniel Hannan wrote, “They seem so like us. That is what makes it so shocking. Ukraine is a European country. Its people watch Netflix and have Instagram accounts, vote in free elections and read uncensored newspapers. War is no longer something visited upon impoverished and remote populations”. On NBC, correspondent Kelly Cobiella said (Sing 2022), “Just to put it bluntly, these are not refugees from Syria, these are refugees from neighbouring Ukraine. That, quite frankly, is part of it. These are Christians, they’re white, they’re very similar people”. These news stories compare Ukrainian victims with victims from other regions and classify them as “worthy” and “unworthy” based on ethnicity, skin color, and eye and hair color. This, on the other hand, categorises refugees into “civilized” and “uncivilised”.

As shown in the “Implied solution” column of Table 6, in the 30 articles published by these eight selected newspapers, almost all of the analysed news stories presented the following as the implied solution to deal with Russia’s war crimes in Ukraine:

1. Invoke international law against Russia.
2. The International Criminal Court should take action.
3. A war crimes investigation should be conducted against Russia.
4. Putin should be prosecuted.

It is evident that all these implied solutions are one side of the same coin and depend on the application of international law.

So far, we have investigated how the newspapers applied news sources to create the frames for the discourse of Russia’s war crimes in Ukraine. We also observed how news production in these newspapers was conditioned by news values, such as journalism’s

relationship to power, and the dependence on news sources and language. Let us now understand the editorial stance of the newspapers regarding Russia's war crimes in Ukraine by evaluating how the newspapers handled the attributed proposition (Table 7) in their news stories.

Table 7. Newspapers vs. Attributed Proposition.

Newspaper	Endorsed	Disendorsed	Nonendorsed
TE	8	0	2
GU	3	0	1
NYT	0	0	3
UST	1	0	1
CT	0	0	0
NC	0	0	2
GM	0	0	1
NP	0	0	0
Total	12	0	18

As shown in Table 7, out of the 30 news stories examined, 12 were endorsed by the journalists/newsroom of the newspapers. In other words, the producers of these news stories endorsed the claims of those directly referenced/quoted in the news stories regarding war crimes committed by Russia in Ukraine. Newspapers also showed their neutrality through 18 news stories not directly endorsing the claims. An important point to note in Table 7 is that none of the newspapers "disendorsed" the claims of Russia's war crimes in any of the news stories by using verbs such as "to claim" and "to allege", nouns such as "rumour", and adverbs such as "reportedly", distancing themselves from the claim presented by news sources in the news and not endorsing or denying the truth of that claim or its justification. Notably, in none of the selected 30 news articles did their writers or newsroom disendorse the war crimes accusations against Russia. This clearly shows how the editorial policy of the newspapers mediates the framing process related to Russia's war crimes. This also demonstrates that these newspapers have constructed the news stories with an agenda to move the audience's understanding of Russia's war crime in Ukraine in a specific direction. This is called "agenda-extension" (Kuypers 2009).

4.4. Validating Hypotheses

By frequently publishing additional news stories about claims of Russia's war crimes in Ukraine within the first five days of the war, newspapers created visibility and prominence of allegations regarding Russia's war crimes and made them important. In this way, the newspapers strove to make their readers think about claims of Russia's war crimes in Ukraine. This is about the accessibility of news coverage to construct public opinion that Russia was committing war crimes in Ukraine. We have established how different news sources constructed these news stories and the relationship between them and news values.

We examined how newspapers handled the news sources and framed the news stories to reinforce the "war crimes" discourse with respect to Russia. We identified five frames created by the function of the news sources in the analysed 30 news stories: "European-focussed", "invasion-focussed", "international law-focussed", "compassion-focussed", and "worthy victims-focussed". According to the content analysis findings, the pro-Ukraine elite/official sources were predominantly used to directly quote/refer to Russia as committing war crimes in Ukraine. As shown in Table 5, more than all other frames, the "international law" frame was created in 27 of the 30 news stories examined (81%). Similarly, the "compassion-focussed" and "invasion-focussed" frames were also constructed significantly. Although all four frames have unique functions, they operate in

such a way as to mutually facilitate their functions. This is why, as shown in Table 6, all these frames implied invoking international law as the solution for Russia's war crimes. The following are the implied solutions of the 30 news stories analysed:

1. Invoke international law against Russia
2. The International Criminal Court should take action.
3. A war crimes investigation should be conducted against Russia.
4. Putin should be prosecuted.

Fundamentally, there is little difference between these four implied solutions in terms of their methodology to achieve their objective. This is because international law serves as the vital instrument for realizing these demands, and this is why all the five frames appealed for the application of international law. The frames in the news stories linked Russia's war crimes in Ukraine and international law. These frames suggested that responsible stakeholders should consider invoking international law to respond effectively to Russia's war crimes. Thus, a perceptive interaction occurred between the message of these news stories and the readers' stored ideas or knowledge (interpretive schema) that invoking international law applies to claims of Russia's war crimes. This highlights the applicability of news coverage, which sets out how readers should think about Russia's war crimes issue in Ukraine (Price and Tewksbury 1997). The findings presented in this section provide a detailed answer to the third supplementary research question about how and to what extent the international media created an "applicability effect".

In terms of the accessibility and applicability of agenda setting, the findings of the content analysis and frame analysis confirm our first hypothesis that the international media's reporting of the Russia-Ukraine war during the first five days may have been conducive for the ICC to announce that it would conduct an inquiry into Russia's war crimes in Ukraine. As the analysis revealed, the selected international newspapers created an "accessibility effect" by publishing frequent news stories to make readers think in terms of Russia's war crimes in Ukraine and an "applicability effect", which made readers think that international law should be invoked to deal with Russia's war crime in Ukraine (media agenda).

It is beyond the scope of this study to empirically analyse how the "public agenda" and the "policy agenda" may have occurred due to this media agenda to favour the ICC's announcement that it would investigate Russia's potential war crimes in Ukraine. However, ICC prosecutor Karim Khan's statement on February 28, 2022, that he had taken into account the opinions of world leaders and citizens, confirms the possible link between the media agenda and the ICC's announcement regarding Russia's war crimes in Ukraine. Nevertheless, as highlighted at the beginning of this paper, it is questionable whether the media discourse of the international media reporting about the Russia-Ukraine war could have dominated the global discursive order (public sphere) about the Russia-Ukraine war to influence the ICC announcement in just five days. Such a research inquiry is beyond the scope of this study. Yet the anatomy of the international media discourse about the Russia-Ukraine war that we have seen above clearly has all the hallmarks of influencing or facilitating the ICC's announcement of investigating allegations of Russia's war crimes in Ukraine. This answers our first hypothesis.

Let us now examine our second hypothesis that there may be a functional relationship between international media reporting and the application of international law. For this, it is appropriate first to examine where international law comes from and why it works in the way it does.

Article 38(1) of the Statute of the International Court of Justice (ICJ Statute) refers to three primary sources of international law, including conventions (or treaties), customary law, and general principles recognized by civilized nations (Roberts and Sivakumaran 2018). Article 38(1) of the ICJ Statute thus states that being "civilized" is a precondition for a nation to contribute to international law. This provides the connection to the "worthy victims-focussed" frame in the stories of the analysed newspapers. In the "worthy victims-focussed" frame, Ukraine is "civilized"; thus, it receives quick justice at the ICC. Under this

frame, by contrast, Syria, Iraq, and Afghanistan are not like Ukraine, and thus, they have not received quick justice. Media is front and centre in shaping these narratives about the worth of human lives under the law.

As evidenced in Table 5, the selected newspapers constructed “European-focussed” and “worthy victims-focussed” frames based on propositions about “civilized nations” and “sovereignty” stemming from these sources of international law. We have highlighted above the connection between the function of news values, such as “meaningfulness” (cultural proximity) and “elite nations”, and the construction of “European-focussed” and “worthy victims-focussed” frames. It is now evident that the sources of international law have operated to reinforce the effect of “meaningfulness” (cultural proximity) and “elite nations” to facilitate the construction of “European-focussed” and “worthy victims-focussed” frames. The succeeding section will examine in some detail how the sources of international law functioned in creating the “European-focussed” and “worthy victims-focussed” frames.

In his work *Imperialism, Sovereignty, and the Making of International Law*, Anghie (2004, p. 57) writes,

“Given that the civilized—non-civilized distinction expelled the non-European world from the realm of law and society, the question arose: could non-European societies be regarded as sovereign? It was simple enough to assert that the civilized possessed sovereignty while the uncivilized did not . . . The general answer was that sovereignty implied control over territory”.

The “civilized nations” discourse in international law is reinforced by media portrayals of some violent attacks as more worthy of investigation than others. This goes back to the origins of our modern international legal system. Anghie (Ibid., p. 24) quotes a sixteenth-century Spanish legal theorist, Francisco Vitoria:

“Vitoria understands sovereignty, in part, as a *relationship*—the sovereign has a duty towards his people and the state and has certain prerogatives—the right to wage war and to acquire title being among the most prominent. The sovereign, the prince, is the instrumentality of the state, posited almost as the metaphysical embodiment of the people”.

Anghie (1996, p. 333) continues elsewhere,

“Once the initial determination had been made and accepted that the colonial world was not sovereign, the discipline could then create for itself, and present as inevitable and natural, the grand redeeming project of bringing the marginalized into the realm of sovereignty, civilizing the uncivilized, and developing the juridical techniques and institutions necessary for this great mission. Within this framework, the history of the colonial world would comprise simply the history of the civilizing mission”.

Here, Anghie tells a story about international law that goes to its beginnings. Law starts as the product of a “sovereign”, implicitly meaning “Western”, state’s will. The leadership of that state (or in medieval times, its prince) embodies the opinions of its people. Law then becomes a tool that expands the power of that state over weaker states and their peoples; it provides a high-minded and lofty justification of this aggression. If the leader means to express the people’s opinions while also pursuing a strategic goal, then media is a conduit that disseminates the rationale for that goal among the people. While a narrative of humanitarian concerns (once known as the “civilizing mission”) will elicit support from many, the narrative of legality carries even greater weight within the public psyche. In this way, Anghie’s framework implies, Western states’ uses of law and media reflect the operation of power, to at least some degree.

The trajectory of international legal thought following the Second World War reinforces Anghie’s sense that international law is saturated with power. In his review of Robert E. Conot’s *Justice at Nuremberg*, Scheingold (1985) pointed out that the Nuremberg trials could be seen from two perspectives. On one hand, the Nazis’ crimes would be punished via due legal process, and this was better than killing them without trial (as some diplomats

advocated). Punishing their atrocities would create legal precedent and possibly serve as a future deterrent to others. On the other hand, Scheingold writes: “Clearly, the precedential value of the trial is clouded by the challenge that it was no more than victor’s justice—a political trial designed to disgrace the losers of World War II in proceedings that had only the appearance of legality”. He then cites Conot, who wrote: “Equality before the bar of justice was, in fact, impossible since the Allies had not only committed, but were in the process of committing some of the very acts for which the Germans were to be tried”. The bombing of Dresden, with its mass civilian casualties, and the use of nuclear weapons—by definition, “indiscriminate”—on Hiroshima and Nagasaki, come to mind. These Allied acts also appear to meet the standard of war crimes but did not become the subject of a criminal tribunal’s investigation.

The overlap of humanitarian and legal rationales to justify strategic objectives continues into recent memory. The UN Office on Genocide Prevention and the Responsibility to Protect states that the doctrine of a “responsibility to protect” emerged “[f]ollowing the atrocities committed in the 1990s in the Balkans and Rwanda, which the international community failed to prevent, and the NATO military intervention in Kosovo, which was criticized by many as a violation of the prohibition of the use of force . . .”. UN Secretary General Kofi Annan questioned: “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?” The relevant passage of the 2005 World Summit Outcome Document recommends “collective action” in response to situations where “peaceful means [are] inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity” ([United Nations Office on Genocide Prevention and the Responsibility to Protect n.d.](#)).

The military intervention of NATO in Kosovo, from 1998 to 1999 is noteworthy for an important legal development that emerged in its aftermath: the International Court of Justice’s (ICJ’s) 2010 Advisory Opinion on the legality of Kosovo’s declaration of independence from Serbia. Abstracting this legal question from the armed intervention that had formed its context, the ICJ stated that:

“the adoption of the declaration of independence of 17 February 2008 did not violate general international law, Security Council resolution 1244 (1999) or the Constitutional Framework. Consequently the adoption of that declaration did not violate any applicable rule of international law”. ([ICJ 2010](#), at para. 122)

The framing of the legal question that the UN General Assembly had put before it did not permit the Court to assess the legality of NATO’s intervention against Serbia. The Advisory Opinion merely noted in passing that “the scope of the principle of territorial integrity is confined to the sphere of relations between States”, ([Ibid.](#), at para. 80) and therefore was not applicable to a unilateral declaration of independence like Kosovo’s. It did not comment on whether NATO’s intervention had violated the principle of territorial integrity.

Still, by correctly upholding the Kosovar people’s right to secede, the Court’s pronouncement seems to have retrospectively matched a NATO narrative that the intervention was humanitarian in nature and legally justified. The [US Mission to the OSCE \(2023\)](#) wrote in a commemorative statement:

“This intervention came only after exhausting all diplomatic avenues to put an end to a brutal campaign of ethnic cleansing sponsored by the Milosevic regime [in Serbia]. NATO’s use of force in this case was both necessary and legitimate. The UN Security Council had expressed its concerns about the grave humanitarian situation in Kosovo, the mounting number of refugees, and the threat posed to international peace and security. We remember the hundreds of thousands of innocent people driven from their homes and the thousands who were killed or remain missing due to the violence of Milosevic’s ethno-nationalist regime and its forces”.

Noted international lawyer Christopher Greenwood (2000) is one of several legal scholars who has advocated the interpretation that “the resort to force by NATO was consistent with international law and was based on a right of humanitarian intervention . . .”. This position is not unanimous in the legal community, however. Nevertheless, he convincingly argues that NATO contributed to changing the interpretation of international law, and thus to protecting humanitarian concerns, when it intervened against Serbia on behalf of Kosovo. In response to the charge that such a right of humanitarian intervention could be open to abuse, Greenwood writes:

“This is, of course, a policy objection, rather than a reason for asserting that there is no right of humanitarian intervention in existing law. Moreover, it is not persuasive. All rights are capable of being abused . . . The fact that a State may make an unfounded claim to intervene in a bad case is not a sufficient reason for denying all States the right of intervention in cases where objective conditions for intervention are met”.

Within the implications of Anghie’s framework, the operation of international law cannot be abstracted from the interests of power that use law; such a perspective would remove our ability to distinguish between good-faith uses of international law and abuses of international law. In this light, the humanitarian–legal rationales that NATO actors have provided for intervention in Kosovo call to mind Russia’s President Vladimir Putin’s speech announcing his intentions. Putin purported to base his rationale for conducting war against Ukraine on protecting Russian-speaking populations in Ukraine from “genocide” perpetrated by “Nazis” in the Ukrainian government, while upholding those Russian-speaking people’s right of self-determination in the form of secession from Ukraine. Using the logic of the “responsibility to protect” (but notably, without its emphasis on *collective* action), Putin recalled the politically charged memory of Russia’s own experience of war with Nazi Germany. In order to mobilize his own people behind a war effort, he had to use language that would rally them: that this was not a war of aggression, but one that fought against the evils that they hated, and for the principles they believed in (The Spectator 2022).

Thus, in attempting to construct a foundation of legitimacy for his invasion of Ukraine, Putin used some of the same frames and discourses to draw an analogy between his actions, and those of his opponents—implementing the very legal tools and humanitarian arguments that had rationalized Western interventions in the past. In doing so, he highlighted the way that narratives intended for public consumption can draw on international law to justify uses of force in a broader projection of power. In contrast to the situation in Kosovo, however, Ukraine’s predicament did not induce NATO to intervene directly against Russia. Rather, media narratives focussed on the illegality of Putin’s actions, and the cultural proximity of Ukrainian victims to a Western audience. In so doing, they created a justification, for public consumption, of the unusual rapidity with which the ICC announced its investigation.

Similarly, as evidenced in Table 5, the “international law-focussed” and “invasion-focussed” frames clearly show the extent to which selected newspapers are dominated by the “consonance” of news value that Galtung and Ruge (1965) observed. That is, before clear information about an event is established, journalists or editors’ preconceived ideas about it dramatically influence their news framing. These preconceived ideas of the journalists may be right or wrong. The “mental pre-image” of the selected newspapers is that Russia’s military action on Ukraine is an invasion and a violation of international law, possibly explaining why these two frames dominated their news reports. This highlights a functional relationship between newspapers’/journalists’ conceptualization of Russia’s military action against Ukraine as a violation of international law and an invasion, as well as the cultural sources of international law (as expressed in “general principles recognized by civilized nations”).

The concept of applicability explains the nexus between the attributes of these “international law-focussed” and “invasion-focussed” frames and journalists’ or audiences’

stored ideas or knowledge (Price and Tewksbury 1997). These frames function to persuade the audience as to how they should think about Russia's war in Ukraine, with reference to the perceptive interrelation an individual makes between concepts. Suppose someone perceives Russia's war on Ukraine as an act of aggression/an invasion/a threat to global security. That individual's search for a solution will likely turn to a pre-existing discourse that the sources of international law, such as treaties, customary international law, and general principles of law, apply to such invasion/aggression/global insecurity. The legal culture from which international law has grown, over centuries, is historically and predominantly Western and European, providing a mental link between the framing of the problem and its implied solution.

Based on this applicability effect, as identified in Table 6, the following were identified in the reporting of international newspapers as implied solutions to deal with Russia's war crimes in Ukraine:

1. Invoke international law against Russia.
2. The International Criminal Court should take action.
3. War crime investigation should be conducted against Russia.
4. Putin should be prosecuted.

This shows that the sources of international law have functioned as the origin of these implied solutions, and the realization of these implied solutions depends on the activation of these sources. There is an implied connection between the cultural origins of these sources of international law and the triangular nexus of "discourse-knowledge-power" that we discussed at the beginning of this article.

We have already seen that "information units" act as the building blocks of discourse formation and are nested in a hierarchical tree structure. Each information unit is related to each other unit and creates a subordinate information unit from a specific aspect. The relationship between superordinate and subordinate is known as the "information knot", through which "discourse information processing" to construct the public sphere occurs (Du 2007, 2014). An "information knot" is determined by "WH phrases" such as, "what thing", "what basis", "what fact", "what inference", "what disposal", "who", "when", and "where" (Ibid.). Meanwhile, each of these information units is represented by keywords. These information units are ideas (semantic content) that build a conceptual model (Hanny and Kroon 2005).

At the microlevel, each information unit consists of information elements, which are of three types: process, entity, and condition (Du 2014). It is beyond the scope of this study to examine Discourse Information Theory in detail and to examine how "information units" function in discourse formation. But it is imperative to highlight the relationship between the function of information units and the applicability effect of agenda setting in the reporting of the selected newspapers regarding Russia's war on Ukraine, which would help us validate our second hypothesis.

As shown in Table 6, the relationship between the way the analysis categories (such as the "core position", "catch-phrases/rhetoric", "source of the problem", and "implied solution" propositions) of the framing matrix operate, and the function of the information units in a kernel position is revealed throughout this discussion. Just as catch-phrases/rhetoric are the basic units that determine the core position, catch-phrases/rhetoric, source of the problem, and implied solution proposition of the framing matrix, the information units work as the basic units that determine the process of the information focus of the whole discourse in a kernel structure. As observed, the information units are ideas (semantic content) that build a conceptual model. This can be compared to Van Dijk's (2005, p. 95) event model. Van Dijk states that discourse processing is determined by context, but since there is no direct link between context and text, this influencing process occurs through a "cognitive interface".

This draws a parallel to the applicability of agenda-setting, whose information focus in discourse production depends on activating individuals' preexisting cognitive schema (Kim et al. 2002). We have already identified in our analysis above that catch-phrases

(information units) originated from international legal sources. It highlights the fact that the sources of international law have become a repository of knowledge for the preexisting cognitive schema, which in turn has provided the interpretive cues for the discourse to be processed in a particular direction, through the applicability process, to construct the European-focussed, invasion-focussed, international law-focussed, compassion-focussed, and worthy victims-focussed frames. This reveals the direct functional relationship between the sources of international law and those frames, which interacted with each other to form the war crimes discourse about Russia's war against Ukraine.

Meanwhile, as we established at the beginning of this article, each information unit is connected through an "information knot", and ultimately forms the information focus of the whole discourse production. The nature and the scope of the "information knots" (WH phrases) in news construction are determined based on how journalists and editors prioritize information sources in their news construction, to what extent they use them, and how they handle them. The catch-phrases we identified in our framing matrix were primarily created by referring to or quoting news sources identified in Table 3. Therefore, various information units built according to how journalists and editors use different news sources can construct one or more frames in a "news construction". Each of these frames is a discourse. The frames created in this way can oppose or facilitate each other (discursive order) and ultimately create a dominant discourse in the discourse production. This discourse created through the media (media discourse) contributes to forming a public sphere of an event or issue.

We have demonstrated the functional link between the sources of international law and the construction of European-focussed, invasion-focussed, international law-focussed, compassion-focussed, and worthy victims-focussed frames in the newspapers. These five frames are five different discourses, and they have reinforced each other to advance the "war crimes" discourse as part of the global discursive order (public sphere) regarding claims that Russia committed war crimes in Ukraine. At the beginning of this article, we also highlighted that such "discourse information processing" creates persuasive communication through which power plays are born out. It is thus proved that the international newspapers created persuasive (or propagandistic) communication that, in turn, empowered or enabled (provided the capacity to act to) the chief prosecutor of the ICC to announce that an investigation would be conducted regarding allegations of Russia's war crimes in Ukraine. This validates our second hypothesis that a functional relationship exists between the application of international law and international media reporting. In other words, the outcry created through these five frames, predominantly from elite sources such as the leaders of pro-NATO countries, became an impetus for the ICC to express its immediate willingness to act. It would be hard to imagine the ICC acting this way if the invasion had been unreported in the media or if media coverage had been pro-Russian.

5. Conclusions

Two hypotheses were developed in this study. The first of these is that the international newspapers reporting in the first five days of Russia's war in Ukraine were conducive to the ICC announcing that an investigation would be conducted into credible allegations of Russia's war crimes in Ukraine. The validity of this hypothesis was established by evaluating the "accessibility effect" and "applicability effect" of the "media agenda" through quantitative analysis and frame analysis. Eight newspapers from the four selected countries published 30 news stories that linked Russia to war crimes in Ukraine. The "news values" theory explains why more news was published in the US and UK newspapers than in the newspapers of Canada and Australia. This shows how intensive the reporting of these newspapers was to make the audience think about Russia's war crimes and how much visibility it created (accessibility effect). Similarly, the European-focussed, invasion-focussed, international law-focussed, compassion-focussed, and worthy victims-focussed frames were identified in the news stories through a frame analysis matrix. These five frames reinforced one another's "information focus" in constructing the discourse. Each frame

intended to hold Russian President Putin and his regime responsible for Russia's alleged war crimes in Ukraine and insisted that action be taken under international law to address this humanitarian crisis (applicability effect).

Our second hypothesis, that there may have been a functional relationship between the application of international law at the ICC and international media reporting, has also been shown through our findings. As identified in the "frame matrix", the elements of the information units of the discourse construction of the five frames in the selected news articles originated from the sources of international law, as per Article 38(1) of the ICJ Statute. That is, the sources of international law acted as the origin for the formation of the triangular nexus of "discourse-knowledge-power" in the news construction to create a media discourse of Russia's war crimes in Ukraine. This, in turn, provided the ICC with an advantage when announcing that an investigation would be conducted into allegations of Russia's war crimes in Ukraine.

As stated already, the purpose of this study is not to uncover whether the media discourse created in the international press regarding the Russia-Ukraine war would have created a strong public opinion within five days, or whether the public opinion that could have been created in that way would have influenced the ICC's announcement. However, it is apparent in the findings, evidence, insights, and conclusions generated in this study that the international press pursued an agenda grounded in the sources of international law to make people think about Russia's war crimes in Ukraine (accessibility effect) and to make people think that Putin and his regime should be punished under international law (applicability) for their war crimes in Ukraine. This, in turn, was advantageous to the ICC prosecutor's decision to make an announcement, or perhaps was used as a propaganda advantage for the ICC.

The news sources used to construct the news articles, and the journalists/editors who constructed the news articles, implicitly used the beliefs that underpin international law (and are contained within Article 38[1] of the ICJ Statute) as a reference point both for their portrayals of international law, and for credible discussions of relevant principles related to the claims of Russia's war crimes in Ukraine. The analysis also revealed that the sources of international law played a unique role in constructing the discourse of Russia's war crimes in Ukraine. As identified in the "frame matrix", they acted as argumentative tools, to create a media discourse conducive for the ICC to announce that an inquiry would be conducted into Russia's war crimes in Ukraine.

On the other hand, the above-explained functional relationship between the application of international law at the ICC highlights the relevance of the CNN effect (Robinson 1999). The above-demonstrated "accessibility effect" and "applicability effect" of the selected international press coverage reveal their potential to create a "CNN effect" that allowed the ICC to intervene in Ukraine's humanitarian crisis. Still, based on this study of the media agenda of selected international newspapers about Russia's war crimes in Ukraine, no definite conclusion can be drawn as to the extent to which the CNN effect was created. This is consistent with Robinson's (2013) view that the influence of media over foreign policy during crises is uncertain and depends on the political circumstances within which the media functions. Empirical studies should be conducted about the public agenda and policy agenda that may have taken shape due to the news coverage of this issue.

As emphasized at the beginning of this paper, Ukraine's humanitarian crisis is more heavily influenced by geopolitics and competition between superpowers than many other humanitarian crises. Still, the relevance of the CNN effect on the Ukraine crisis is somewhat different from typical foreign policy decision studies because we are discussing an analysis of the ICC's policy and moral influence. As we have seen in our analysis, news values played an important role in determining the "accessibility effect" and "applicability effect" in the news reporting of the selected international newspapers. Notably, the geopolitical and geographical factors unique to the Ukraine crisis played an important role in determining these news values' function in the international press's news reporting.

The CNN effect is related to the political and cultural environment in which the media operates. An example of this is how the precondition of a nation to be “civilized” to contribute to the sources of international law under Article 38(1)(c) of the ICJ Statute influenced the creation of “European-focussed” and “worthy victims-focussed” frames in the news reporting of the international newspapers that we analysed. This helps to highlight how the Western media operates today. It provides a potential explanation for why some humanitarian crises appear to receive immediate media attention, while others never seem to reach that threshold.

Our conclusion, however, is somewhat more optimistic. While power (including discursive power) saturates law, it is not the only force that shapes law. Yes, it can reflect the more sinister, more divisive, and more xenophobic aspects of our human nature. Yet a positive side emerges from analysing the Russia–Ukraine war in light of media and international law. To mobilize popular support, the Western media had to appeal to a standard set of values. These include the sanctity of human life, respect for the freedom of other nations and peoples, and disapproval of those who abuse their power.

Author Contributions: Conceptualization, S.S. and L.F.; methodology, S.S.; validation, S.S. and L.F.; formal analysis, S.S. and L.F.; investigation, S.S. and L.F.; writing—original draft preparation, S.S.; writing—review and editing, L.F.; supervision, S.S.; project administration, S.S. All authors have read and agreed to the published version of the manuscript.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Conflicts of Interest: The authors declare no conflict of interest.

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