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Russian war crimes and their international context

Russia continues its policy of terror in Ukraine, which has been applied many times in other conflicts, committing murders, rapes, looting, deportations, and shelling civilian objects. International reactions are varied, which results, inter alia, from an opinion, supported by Russian propaganda, that the West has also committed war crimes. The punishment of Russian crimes will be a test for the international community and the often-criticized United Nations, which is the foundation of the global system of collective security.

False symmetry. Western countries have condemned Russian crimes in Ukraine. In other parts of the world, however, responses have been varied and mixed. The UN General Assembly resolution condemning Russia's aggression was supported by 141 states, but this was the result of increased diplomatic efforts (including Poland's) and pressure from the West. The ambivalence of the attitudes of many South American, African, and Asian states does not usually result from their pro-Russian sympathies, but rather from anti-Western sentiments – the West is often perceived as an aggressive and (post)imperialist initiator of many wars. For years, this narrative has been consistently promoted globally by Russian propaganda, trying to present Ukraine as a criminal ("Nazi") regime and consistently denying any Russian crimes. The result is a kind of symmetry: the claim that Russia is doing nothing that the West does not have on its conscience. However, this is a false proposition: although Western countries have in fact participated and are participating in various conflicts, and there have also been cases of war crimes, this differs radically from the actions of Russia.

In the case of Russia, which is determined by many factors, mass violence against the civilian population and premeditated crimes have been an inherent part of the political toolkit for centuries. The actions taken against Ukraine are systemic in nature, and their aim is to destroy the Ukrainian nation and identity (this was clearly expressed by, among others, Dmitry Medvedev, calling for "de-Ukrainianization of Ukraine" and "liquidation of the Nazis").

The actions are also a matter of intimidation and punishment of the anti-Russian "artificial creation" that is – according to the authorities and a significant part of Russian society – Ukraine. This is accompanied by an intensive process of dehumanizing Ukrainians, which often evokes associations with the Holodomor, both at the level of the actions of the Russian authorities and the reaction of Russian society and pro-Russian circles outside Russia.

Russian crimes. The Ukrainian authorities and many journalists, organizations (the United Nations, the Red Cross, Human Rights Watch, Ukrainian Prism, and many others), and intelligence services confirm that during the aggression against Ukraine, Russia's actions have violated the applicable norms of international law, including the UN Convention on the Prevention and Punishment of the Crime of Genocide (which Russia has ratified). The catalogue of crimes committed by Russia is extensive ("IEŚ Commentaries", no. 564). Russian forces have carried out mass executions of civilians and subjected them to torture (according to the Ukrainian authorities, these are "countless cases"), constantly strafing and bombing civilian objects. Over 600 medical facilities and almost 400 pharmacies, as well as almost 2,000 educational institutions (as of the end of May 2022) have been destroyed or damaged. The Russians are blocking humanitarian corridors, shooting random civilian people and cars that are trying to leave the fighting zones. The country has been mined – it is estimated that demining may take from 5 to 10 years.

The number of civilian deaths is difficult to estimate – some are still buried in mass graves or under the rubble. At present, it is not known exactly what the situation in the areas occupied by Russia looks like in this respect. According to the United Nations, there have been over 4,000 fatalities (including almost 250 children) and almost 5,000 injured. However, these data are probably substantial underestimates – it is possible that there are many more victims in Mariupol, and more than 1,300 bodies were found in the Kyiv region alone. The chaos of war generates many unclear reports and Russians are known to cover their tracks, for example by burning the bodies of the victims. According to the Ukrainian authorities, the number of civilian casualties is 10 times higher than the number of soldiers killed, which should be treated with caution, however. Nevertheless, it is known that the Russian army is committing mass rapes, including of children – hundreds of such cases are known, and the data is incomplete.

In the Russian-occupied territories, the population is treated brutally. There are kidnappings, hostage-taking, arrests, and detention in inhumane conditions. This applies to both local elites (politicians, social activists, journalists, teachers) as well as all people considered by Russia to be potentially dangerous (e.g., veterans) – often lists of such people are prepared, as was the custom of the NKVD and was also the case in Donbas after 2014.

Russian curricula and Russian symbols (e.g., ribbons of St George) are compulsorily introduced in schools. The Ukrainian population is also forcibly deported to Russia. According to the Ukrainian authorities, this applies to over 1.3 million Ukrainians (including 200,000 children) who, after passing through filtration camps, are sent to remote regions of Russia. Moreover, infrastructure is under attack – factories, transport, warehouses. Some localities (Mariupol, Rubizhne) were practically completely destroyed. The Russians also commit culturecide, i.e., they destroy the tangible and intangible cultural heritage of Ukraine – which is also a violation of international law (“IEŚ Commentaries”, no. 595), as are crimes against the natural environment. This also includes blocking the sowing campaign, destroying or taking away grain and other food, and the theft of agricultural machinery (“IEŚ Commentaries”, no. 575). The Russians steal everything from watches to furniture, bicycles and household appliances to cars.

Responsibility. Many of the above-mentioned acts can be classified simultaneously as war crimes, crimes against humanity, and genocide – in the latter case, the key factor is not the scale, but the mode of action and motivation. Since the beginning of the war, Ukraine has been investigating this matter – the first sentences have already been passed against Russian soldiers responsible for crimes (life imprisonment and 12 years in prison), several dozen trials will soon be held, and there are also about 13,000 criminal proceedings. This is an important signal that the perpetrators cannot feel immune to punishment. International involvement will also be important. Forty-two investigators and criminologists from the International Criminal Court (ICC), whose jurisdiction covers acts committed in Ukraine, went to Ukraine (it does not matter that Russia is not a party to the Rome Statute).

The ICC has had a reputation of not being very effective so far, for example because of the non-ratification of the statute by many states and a lack of access to conflict zones. However, in the case of Ukraine, this problem does not exist. The punishment of Russian crimes will be an important test of the credibility of not only the ICC but also the UN – political pressure and the suspension of Russia as a member of the UN Human Rights Council are important, but far from sufficient.

In addition, the European Union, the United States, and the United Kingdom have announced the creation of a group to bring the perpetrators to justice. Forensic experts and prosecutors are also cooperating with Ukraine, including those from the Netherlands, France, and Poland. There are many opinions, however, that war crimes committed in Ukraine should be judged by a separate tribunal established for this purpose.

Conclusions. Given the scale, scope, and intentions, there is no symmetry between the military actions of the West and the extreme brutality of Russian troops, the degree of Russia’s disregard for international law, and the fundamental principles governing international relations. Symbolic proof of this was the firing of missiles at Kyiv during the visit of the UN secretary general. However, Russia’s actions are not surprising – they are systemic in nature, carried out with a sense of impunity and premeditated, in order to intimidate, humiliate, and dehumanize Ukraine, as well as increase the waves of refugees. Methods known both from the period of World War II and later wars with the participation of the USSR and Russia are used (including “zachistki” – the elimination of entire specific groups). In a broader sense, the behaviour of Russian soldiers reflects the pathology and demoralization of society and the state, and above all of the army itself (in which at least several hundred suicides per year are committed due to mental and physical abuse).

The Russian crimes made it difficult to reach, perhaps in accordance with the intention of their perpetrators, the prospect of a compromise to end the war and the development of an international negotiation format. At the same time, contrary to the perpetrators’ intentions, the crimes have attracted the world’s attention and resulted in an increase in international aid for Ukraine and further sanctions against Russia.

At the level of the international system, however, the crimes prove the erosion of the collective security system within the UN. There has been a “border shifting”: it is about (potentially) punishing crimes already committed, not about the ability of the system to prevent conflicts. This strengthened accusations that had been appearing over the years against the United Nations concerning its archaic nature (especially with regard to the structure of the Security Council), reflecting the realities of 1945 not the 21st century. Whether Russia will suffer the consequences for the crimes committed in Ukraine will largely determine not only the future of the United Nations, but also the shape of the international system of law and the security architecture.