

PRACE

Instytutu
Europy
Środkowej



Jakub Olchowski

War crimes of the Russian Federation during the invasion of Ukraine



PRACE Instytutu
Europy
Środkowej

Reviewers dr Tomasz Lachowski, Uniwersytet Łódzki

Series Prace Instytutu Europy Środkowej

Number 11/2023

Series editors Beata Surmacz i Tomasz Stępniewski

Copyright Instytut Europy Środkowej

ISBN 978-83-67678-52-0

Publisher Instytut Europy Środkowej

ul. Niecała 5

20-080 Lublin

www.ies.lublin.pl

Cover design, typesetting www.targonski.pl

Cover photography © Kharaim Pavlo | shutterstock.com

© BARANOV OLEKSANDR | shutterstock.com

© Oleksii Synelnykov | shutterstock.com

Instytut
Europy Środkowej



Nr 11/2023

PRACE

Instytutu
Europy
Środkowej

Jakub Olchowski

**War crimes
of the Russian Federation
during the invasion of Ukraine**

Lublin 2023

Table of Contents

Theses	7
Introduction	9
1. Definition of war crimes	15
2. Specifics of Russia's actions against Ukraine	23
3. Crimes	33
4. False symmetry	63
5. The issue of Russia's responsibility	69
Summary	75
Bibliography	79

■ Theses

Under international law and international humanitarian law (law of armed conflict), the following criminal acts are identified: the crime of aggression, war crimes, crimes against humanity, and genocide.

The Russian Federation has violated humanitarian law on a large scale during the war that began with the invasion of Ukraine on 24 February 2022. The specifics of Russia's actions suggest that the war crimes it is committing are not just a "side-effect" of the fighting but part of Russia's modus operandi – committed with the aim of intimidating Ukraine and breaking its resistance. Furthermore, Russia's ruthless actions are systemic in nature, which is a result of the nature of this conflict. Russia's aggression towards Ukraine, de facto initiated in 2014 with the annexation of the Crimean Peninsula and the creation of so-called people's republics in the Donbass, is motivated by a desire to destroy Ukrainian statehood and identity and to completely subjugate Ukraine by any means necessary.

To achieve this goal, Russia violates international law and commits premeditated war crimes. The list of these activities includes crimes against the life and health of civilians and prisoners of war, deportations, deliberate destruction of civilian infrastructure, and crimes against cultural heritage and the environment. When this report was written (autumn 2023), hostilities were ongoing and it was impossible to estimate precisely the scale of the tangible and intangible consequences of Russia's criminal actions, how they would be classified (this includes, for example, the question of whether Russian crimes in Ukraine are recognised as genocide), and whether and what the legal consequences would be.

Since the incursion of Russian forces, the Ukrainian authorities have widely and consistently reported on war crimes committed by Russia, sought to record them and, if possible, prosecute the perpetrators. The information campaign also aims to attract the attention of international public opinion and win its support for Ukraine. At the same time, this is causing a reaction from Russia and its supporters around the world – Russian crimes are being denied, the

Ukrainian side is being accused of them, and it is being emphasised that the West, especially the United States, is responsible for the war crimes.

The thesis promoted by Russia about the “symmetry” of Western and Russian actions, fuelling existing anti-Western resentment in many parts of the world, is an important element of Russia’s disinformation strategy – and it is false. After the end of the Second World War, Western states, in the course of numerous armed conflicts, committed war crimes (and, indeed, this applies primarily to the United States), but these were not of a widespread or planned nature, as in the case of Russia’s actions against Ukraine. Also, unlike in Russia, in the democratic West, the war crimes were often reported by independent media and widely condemned by the public, as a result of which the perpetrators in some cases were held criminally responsible. Russia is committing war crimes in a planned manner, including attacking civilian objects regularly and with pre-meditation, which is accepted and supported by a large part of Russian society, and the Russian media does not report on these events (such reporting would, if it occurred, be punished as “discrediting the Russian army”).

Russia’s course of action towards Ukraine and the attitude of both decision-makers and Russian society are significantly conditioned by history – in the Soviet Union and the Russian Federation, war crimes were never judged or punished. The Russians, at the level of the state and society, have not accounted for their own history, and the result is not only the conviction that Russia has never been and is not an aggressor but only defends itself against the aggression of others (and thus cannot, while fighting for a just cause, commit crimes), but also a sense of impunity among officers, soldiers and members of Russian paramilitary units involved in the war against Ukraine. Furthermore, Russian propaganda, by consistently referring to the very important myth of the “Great Patriotic War” in Russia and referring to Ukrainians as “Nazis”, successfully dehumanises them, which in effect gives widespread public consent to their murder and brutal treatment.

Introduction

Russia's invasion of Ukraine, which began on 24 February 2022, was accompanied from the start by reports of numerous war crimes committed by the Russian Army in the Ukrainian territories it occupied. The ruthlessness of the Russians, the scale of their cruelty towards both the civilian population and captured Ukrainian soldiers, and the nature of these actions, in many cases clearly indicating that they were deliberate and planned, have largely contributed to the unprecedented (arguably unexpected by Russia) reaction of states and societies, particularly in the West, as well as international organisations, to Russia's aggression. The

town of Bucha, near Kyiv, which has become a well-known symbol of Russian crimes, was visited by Western politicians on many occasions after its liberation by Ukrainian forces. The suffering of its people was one of the crucial factors in bringing condemnation and sanctions against Russia and building an international sense of solidarity with Ukraine. It was as a consequence of war crimes, in this case the mass deportation of Ukrainian children to Russia, that the International Criminal Court took the unprecedented decision to issue an arrest warrant for the incumbent head of state, Vladimir Putin. With regard to Ukraine itself, internally (probably contrary to Russia's expectations), information about further Russian crimes did not lead to a weakening of morale and the will to resist among Ukrainians but had the opposite effect: it consolidated them and reinforced Ukrainian national identity.

The war is ongoing and, at the moment¹, the question of when and how it will end cannot be answered conclusively. The nature of the war is also changing, and the modus operandi of the Russians has also changed – the people of Ukraine are now being terrorised not so much by the pacification operations of the Russian Army (and other units interacting with it) but by daily rocket attacks on residential areas, hospitals, etc.

¹ It refers to autumn 2023, however the question is still relevant in summer 2024.

Thus, it is not the purpose of this study to provide an exhaustive list of Russian war crimes committed during the war with Ukraine, to legally qualify them, or to analyse the question of whether those responsible should be held accountable. This will only be possible after the end of military action and provided that the war ends favourably for Ukraine. However, even then, it may not be possible to punish the Russian government officials and the Russian military, who are guilty of the crimes. The purpose is to show the specificity and extent of the criminal actions committed by the Russian Federation during its aggression against Ukraine (from 22 February 2022). In this regard, it should be noted that as long as military action continues, it is impossible to assess the real scale of the violations of international humanitarian law committed by Russia. It is also impossible to catalogue them and to provide detailed statistics. This is due firstly to the fact that the war is still ongoing and secondly due to the “fog of war” – Russia does not admit to committing war crimes, and they are also denied by pro-Russian circles and media outside Russia; one should also approach with caution some of the accounts from the Ukrainian side, whose credibility may be affected by incomplete (under the chaotic conditions of war) access to information or a high-level of emotion, linked, understandably, to the dramatic experiences of many people.

Information concerning war crimes committed during the war in Ukraine is collected by both Ukrainian institu-

tions (state bodies, the media, and civil society organisations) and international institutions, including international organisations and NGOs. As mentioned, it should be kept in mind that due to the ongoing hostilities, these entities do not have a complete picture of the situation, and the actual scale and scope of violations of human rights and humanitarian law cannot yet be estimated on the basis of their findings.

It is sometimes argued that the Ukrainian side, aiming to keep the world's attention, is pursuing an information policy that exaggerates the scale of Russian crimes. However, it should be emphasised that the original and primary objective of Russia's aggression is not to control part of Ukraine's territory or to install a pro-Russian government in Kyiv, but to liquidate the Ukrainian state and Ukrainian identity using all available means. This is why civilians have been murdered or deported and cultural heritage destroyed. As time passed and military setbacks occurred, Russia began to wage a war of attrition to intimidate Ukrainians and break their morale by any means available, hence the consistent attacks on civilian facilities. In addition, it is not insignificant that Russian propaganda portraying Ukrainians as "Nazis" has led to their dehumanisation in the eyes of a large part of Russian society and, as a result, to an acceptance of their ruthless treatment. The Russians are also probably assuming that they will never be held accountable, as there has been no similar precedent to date – the crimes of the Stalinist period and war crimes from Afghanistan, Chechnya,

and Syria have never been punished, either with regard to the policy-makers or the direct executors.

Finally, it should be noted that as time goes on and the war continues, as well as other new events take place (internal problems, escalation of the Middle East conflict, etc.), public opinion in Western countries is gradually becoming indifferent to reports from Ukraine, including those concerning war crimes committed by the Russians. In turn, public opinion in non-Western countries generally shows little interest in this war or relativises Russian crimes, adopting the narrative, promoted by Russia, that the cause of the conflict was the crimes of “Ukrainian Nazis” committed against the Russian population of Donbass.

1 ● Definition of war crimes

The concept of war crimes derives from international humanitarian law, which is one branch of public international law (the terms international humanitarian law, law of armed conflict, law of war, and *ius in bello* are also used interchangeably). This area covers the norms governing the conduct of warring parties in conflicts with regard to methods and means of warfare and the protection of non-participants in the conflict, as well as goods and objects that are not military targets².

² See generally Góralczyk, W. and Sawicki, S. (2020) *Prawo międzynarodowe publiczne w zarysie*. Warszawa, pp. 426–431.

The norms of international humanitarian law derive from a number of agreements and conventions. The first of these was the Geneva Convention, adopted in 1864, known as the Red Cross Convention. Subsequently, in 1899 and 1907, the Hague Conventions were adopted as a result of the Hague Conferences regulating the conduct of warfare. These are supplemented by the four Geneva Conventions (1949) and the two Additional Protocols to these conventions (1977). In addition, the Convention on the Protection of Cultural Property in the Event of Armed Conflict was adopted in 1954³. The general principles of the law of war include: the principle of humanity (prohibition of warfare by methods and means that may cause unjustified loss or undue suffering); prohibition of warfare against civilians (principle of distinction); a duty to protect wounded, sick, and captured combatants; and the principle of proportionality, i.e. using military force only to carry out necessary warfare – the principle of military necessity does not justify breaking the law of war⁴.

As a general rule, the most serious crimes involving the international community as a whole, the criminal nature of which derives directly from violations of the norms of international law, are war crimes. Among international crimes, the following are further identified: the crime of aggression,

³ See generally Shaw, M.N. (2006) *Prawo międzynarodowe*. Poznań, pp. 665–670.

⁴ Barcik, J. and Srogosz, T. (2019) *Prawo międzynarodowe publiczne*. Warszawa, pp. 694–696.

crimes against humanity, and genocide⁵. These acts are not time barred.

The crime of aggression is considered in international law the most important of all crimes. This is regulated by the Charter of the United Nations, which remains the most relevant international law (Articles 2, 39, and 51), as well as by UN General Assembly Resolution 3314 of 1974. Relevant norms also exist in national legal systems⁶.

The most precise definition of aggression was provided in the Rome Statute of the International Criminal Court in Article 8 bis⁷. According to the Statute, a “crime of aggression” means the planning, preparation, initiation, or execution, by a person in a position to exercise effective control over, or to direct, the political or military action of a state, of an act of aggression which, by its nature, gravity or scale, manifestly violates the Charter of the United Nations. The “act of aggression” mentioned here means the use of armed force by a state against the sovereignty, territorial integrity, or political independence of another state or in any other manner inconsistent with the Charter of the United Na-

⁵ Marcinko, M. *Klasyfikacja prawna zbrodni międzynarodowych*. Available at: https://nauka.uj.edu.pl/aktualnosci/-/journal_content/56_INSTANCE_Sz8leL-ojYQen/74541952/150532935, accessed 17.09.2023.

⁶ Zielińska, E. (2010) *Definicja zbrodni agresji w polskim kodeksie karnym w świetle art. 8 bis Rzymskiego Statutu Międzynarodowego Trybunału Karnego*. Warszawa.

⁷ *Rzymski Statut Międzynarodowego Trybunału Karnego sporządzony w Rzymie dnia 17 lipca 1998 r.*, Journal of Laws of 2003, No. 78, item 708. Available at: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20030780708>.

tions. Accordingly, each of the following acts, regardless of a declaration of war, is, according to UNGA Resolution 3314, considered an act of aggression:

- 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;
- c) the blockade of the ports or coasts of a state by the armed forces of another state;
- d) an attack by the armed forces of a state on the land, sea, or air forces, or marine and air fleets of another state;
- e) the use of armed forces of one state, which are within the territory of another state with the agreement of the receiving state, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- f) the action of a state in allowing its territory, which it has placed at the disposal of another state, to be used by that other state for perpetrating an act of aggression against a third state;

- g) the sending by or on behalf of a state of armed bands, groups, irregulars, or mercenaries which carry out acts of armed force against another state of such gravity as to amount to the acts listed above or its substantial involvement therein.

The following are considered war crimes under international humanitarian law: attacking property and facilities that do not constitute a military target (residential buildings, schools, theatres, hospitals, monuments, etc.); using prohibited weapons (e.g. chemical or biological weapons); using prohibited methods of warfare, such as attacking civilians in order to terrorise them; killing civilians; torture and inhumane treatment; hostage-taking; forced displacement; sexual violence; inhumane treatment of prisoners of war; intentional destruction of private property; looting. It is not only the direct executors who are responsible but also the superiors, if they give unlawful orders or are aware that their subordinates are committing crimes.

Crimes against humanity are crimes committed against civilians. These include murder and mass extermination, slavery, deportation and forced displacement, rape and forced prostitution, kidnapping, and persecution on political, religious, racial, etc. grounds. These actions must be characterised by their extensiveness (a large-scale attack, a large number of victims) and their systematic nature (predetermined plan, executed methodically, and involving significant resources). They must also be undertaken in accordance

with, or in support of, a state or organisational policy presupposing such an attack and be carried out knowingly, i.e. with the knowledge that the target is a civilian population and that the action is extensive or systematic.

Significantly, under the Rome Statute, a given criminal action can be both a war crime and a crime against humanity.

With regard to genocide, the primary act of international law is the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the UN in 1948. In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group. These acts include

- a) killing members of a group;
- b) causing serious bodily or mental harm to members of a group;
- c) deliberately inflicting on a group conditions of life calculated to bring about its physical destruction in whole or in part (e.g. restriction of access to food or medical care, deprivation of housing);
- d) imposing measures intended to prevent births within a group;
- e) forcibly transferring children of a group to another group.

The crime of genocide is considered to be not only the commission of any of the acts indicated but also the conspiracy to commit them and the direct and public incitement to do so. It is important that the crime of genocide is involved

when acts are committed with the aim of destroying all or part of a particular group (ethnic, national, racial, or religious).

It is also a violation of international humanitarian law to violate human rights. The basic norms relating to human rights derive from the 1948 UN Universal Declaration of Human Rights, which initially had more political than legal significance but over time became customary international law and a reference point and expression of general principles recognised and applied by nations. In 1966, the UN adopted the Covenants on Human Rights, developing and supplementing the Declaration. At the global level, human rights issues are also addressed in the Geneva and Hague Conventions. In Europe, there is also the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as other documents adopted by the Council of Europe, such as the 1987 Convention for the Prevention of Torture and Inhuman or Degrading Treatment. Other organisations, such as the European Union (see, for example, the Charter of Fundamental Rights or the work of the European Ombudsman) and the Organisation for Security and Cooperation in Europe (OSCE), whose activities include the so-called “human dimension”, also focus on the issue of human rights violations⁸.

⁸ See generally Hołda, J., Hołda, Z., Ostrowska, D., and Rybczyńska, J. (2014) *Prawa człowieka. Zarys wykładu*. Warszawa, *passim*.

It should also be noted that international legal practice also takes into account the Nuremberg principles developed after the Second World War in the trial of German and Japanese criminals. According to these principles, war crimes are the responsibility of heads of state and public officials as well as those carrying out orders.

Taking into account the above catalogue of international crimes, it should be clearly emphasised that in its actions towards Ukraine after 24 February 2022, the Russian Federation has committed and is committing most of these acts. In addition, a war crime was also committed by Belarus by making its territory available to Russia for military action against Ukraine.

2. Specifics of Russia's actions against Ukraine

The Kremlin sees its actions towards Ukraine as a fair and necessary means of maintaining its international position, ensuring its security and, above all, rebuilding its empire by the “gathering of Russian lands”. Any means and methods can be used to achieve this strategic objective. Russia also believes that only strong, imperial players have “full sovereignty” and freedom of action in the international environment; small and medium-sized players are merely the object of a game between the “big ones”. It should be noted that this way of thinking (or strategic narrative) has historically been shaped by a number of factors, such as political and

strategic culture, collective memory, etc. Maintaining superpower status, a feature common to the Russian Empire and the Soviet Union, is, from Russia's perspective, an element of historical continuity and necessity⁹.

With regard to Ukraine, the Russian authorities and the propaganda apparatus they control unequivocally declare that the very existence of Ukrainian statehood and Ukrainian identity is an existential threat to Russia and must therefore be destroyed. This has an axiological dimension, as exemplified by the attitude of the Russian Orthodox Church. In the words of its leader, Patriarch Kirill, the "special military operation" is a sacred mission to reunite the Russian lands. This belief is accompanied by an exposition of Russia's moral superiority over the West and the Ukraine it controls. Thus, there is a war of "heaven against hell", a clash of "angels and devils", with the forces of "absolute world historical evil" fighting against Russia. As a result, Ukraine does not exist, it is denied its right to sovereignty and Russia is therefore entitled to do what it is doing, i.e. to seek the complete subjugation of Ukraine, which is also intended to enable Russia to remain one of the poles of power in the new emerging multipolar international order. These theses were articulated explicitly in Vladimir Putin's essay "On the

⁹ Curanović, A. (2021) "Skazana na imperium? Lęki i dyskurs imperialny w procesie samoidentyfikacji Rosji poradzieckiej", *Rocznik Instytutu Europy Środkowo-Wschodniej*, 19. 2, pp. 43–65.

historical unity of Russians and Ukrainians” published in July 2021 – presumably after the decision to invade Ukraine had already been taken¹⁰.

At the same time, it should be emphasised that Russia (and the Soviet Union before it) has repeatedly demonstrated an ostentatious disregard for international law and, in fact, treats it in instrumental terms, even as Russia tries to give all its actions the appearance of legalism. For instance, President Putin has repeatedly justified Russia’s actions on the basis of the right to self-defence, a response to an invitation from the authorities of states newly recognised by Russia, the self-determination of peoples, or the duty to protect the Russian population (citizens) abroad. Justifications of this kind were formulated in connection with the war in Chechnya (“restoring constitutional order”), the Russian aggression against Georgia in 2008, and the annexation of Crimea, as well as the intervention in Syria (“at the invitation of the legitimate Syrian authorities”).

Taking into account this attitude to international law, Russia’s perpetration of war crimes and crimes against humanity is not surprising (historically, this was particularly evident during the reign of Joseph Stalin), which has been pointed out by, among others, Rafał Lemkin, the creator of the term “genocide” in international law, who stressed that

¹⁰ *Статья Владимира Путина «Об историческом единстве русских и украинцев»*, <http://kremlin.ru/events/president/news/66181>.

Ukraine has repeatedly fallen victim to Moscow's criminal actions¹¹.

In the context of genocide, it should also be noted that the existing 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide requires proof of intent to destroy a specific group in whole or in part. The conscious and deliberate dehumanisation of the Ukrainian people and calls for their annihilation – including in a literal, physical sense – which appear consistently in the statements of Russian politicians (including Vladimir Putin and Dmitry Medvedev) and propagandists can be regarded as such an intention.

Such statements include, for example, an article by Timofey Sergeev published in April 2022 by the state-run RIA Novosti agency entitled “What Russia should do with Ukraine” (*Что Россия должна сделать с Украиной*). The author explicitly calls for the “denazification” of Ukraine, which is equivalent to “de-Ukrainianisation”, i.e. the elimination of everything Ukrainian, because “Ukrainianness is an artificial anti-Russian construct, an inferior element of a foreign culture with no civilisational content of its own”. Essentially, the text calls for the extermination of Ukrainians¹². Similar content can be found in abundance in the Russian infosphere: the propagandist Anton Krasovsky called for Ukra-

¹¹ Lachowski, T. and Stępniewski, T. (2023) “Ludobójstwo w służbie odbudowy imperium”, *Nowa Europa Wschodnia*, 2, pp. 68–74.

¹² *Что Россия должна сделать с Украиной*, <https://ria.ru/20220403/ukraina-1781469605.html>.

inian children to be drowned in rivers and burned in their own homes; the former Russian president, Dmitry Medvedev, who is very active in the media, consistently calls the entire history of Ukraine a forgery, announcing in practice his intention to carry out an “ethnocide” of Ukrainians, i.e. to destroy them as a nation in the cultural sense of the term. Medvedev also announced that Ukrainian elites would be murdered by Russian services even abroad – which, given the fate of Lev Trotsky, Yevhen Konovalets, Stepan Bandera, and Alexander Litvinenko, among others, cannot be regarded as mere propaganda threats.

The portrayal of Ukraine and Ukrainians as bloodthirsty “Nazis” is served by a variety of material published online, such as a video that has circulated since 2015 allegedly showing “Azovists” crucifying and burning a pro-Russian separatist from Donbass on a cross. On the other hand, there are many “expert” and “scientific” voices – for example, the pro-Kremlin historian Alexey Kochetkov, in his work “Black Sun: The History of the Neo-Nazi Azov Movement”, claims that the “Azovists”, like other European neo-Nazis, are an anti-Christian movement, cultivating paganism combined with “German occultism”, in essence Satanism, combined with human sacrifice¹³.

¹³ Szabaciuk, A. (2022) “Zło przyszło z Zachodu. Okultyzm, magia i ‘desatanizacja’ w rosyjskiej propagandzie wojennej”, *Komentarze IES*, 231(719). Available at: <https://ies.lublin.pl/komentarze/zlo-przyszlo-z-zachodu-okultyzm-magia-i-desatanizacja-w-rosyjskiej-propagandzie-wojennej/>.

All such actions and rhetoric, being de facto premeditated incitement to crime, have also contributed to the acceptance of such thinking and such behaviour by a large part of Russian society. As far as the Russian leadership is concerned, it must be assumed that it not only gave its consent to such conduct from the beginning but considered it desirable and appropriate. Before the crimes in Bucha took place, a Russian officer openly announced to the media that there would be a “killing spree in and around Bucha”¹⁴. In view of historical precedents, including those relating to the recent events in the Donbass, one must assume that, as in the past, the Russians intended to murder those who could in any way threaten them: representatives of the Ukrainian authorities, intelligentsia, military officers, clergy, journalists, social activists, etc. According to many reports, including from the US intelligence community, the Russians had prepared “proscription lists”, i.e. lists of people who were to be murdered as potentially dangerous or inconvenient to Russia. These plans were only implemented to a small extent, as the “special military operation” did not go as the Kremlin had envisaged.

A separate issue worth highlighting is the attitude of Russian society towards the war with Ukraine. In recent

¹⁴ The officer was introduced as Alexei Shabulin; in reality, he was Major Alexei Bakumienko of the 520th Rocket and Artillery Brigade from Petropavlovsk-Kamchatsky.

times, Russia has been evolving from authoritarianism to neo-totalitarianism at an accelerated pace, which calls into question the reliability of any opinion polls, but clearly the war has contributed to the mobilisation of society around the regime (as it did in 2014 after the annexation of Crimea). Intense propaganda, portraying Ukraine as a threat to Russian identity and even to Russia's survival, has produced the results desired by the authorities. According to the Levada Centre, the last opinion poll centre independent of the Russian government, 67% of respondents support the policies of the Russian government and 27% do not (October 2023), while President Putin's actions are supported by 82% and disapproved of by 15% – the remaining respondents declined to answer. Russia's actions against Ukraine were supported by 73% of those surveyed, with 20% holding the opposite view (September 2023)¹⁵. Significantly, however, when asked about their emotions regarding the "special military operation", Russians overwhelmingly (around 80%) speak of fear and apprehension¹⁶. Nevertheless, this does not change support for state policy and for Putin himself – these indicators have remained almost unchanged, despite some fluctuations, since February 2022. This is also confirmed by the results of a survey by the government's All-Russia Public Opinion Re-

¹⁵ *Одобрение органов власти*, <https://www.levada.ru/indikatory/odobrenie-organov-vlasti/>.

¹⁶ *Конфликт с Украиной: оценки сентября 2023 года*, <https://www.levada.ru/2023/10/03/konflikt-s-ukrainoj-otsenki-sentyabrya2023-goda/>.

search Centre. Although the results of all these studies have to be approached with caution in Russian conditions, there is no doubt that support for the “special military operation” stems largely from the belief in the theses conveyed by the government’s narrative: a) the Russian-speaking population in Ukraine is under threat, so it must be defended; and b) the responsibility for the war lies with Russia’s enemies, i.e. Ukraine and the West, which supports it. In an analogous way, the Russians justified their annexation of Crimea and their support for separatists in the Donbass in 2014.

The war in Ukraine has also revealed deep-rooted, systemic pathologies in Russian society that also determine the behavioural pattern of the Russian military. These pathologies occur both at the level of social relations (e.g. the “traditional family” model, still based on the authority of force, which is still sanctioned by law) and at the level of state policy (e.g. the widespread use of collective responsibility) – this was and is consistently reflected in the *modus operandi* of the USSR and Russia in successive conflicts: in Afghanistan, Chechnya, Syria, and Ukraine¹⁷.

One of the “side effects” of these pathologies is a peculiar dissonance when confronted with the official narrative:

¹⁷ For example, the chief of the general staff of the Russian army, General Valery Gerasimov, in command of Russian forces in the war against Ukraine since January 2023, is accused of committing a war crime in Chechnya in 2000: units under his command used the villagers of Komosmol'skoye as “human shields” and then deported some of them and murdered others.

Russians themselves boast publicly about, for example, the murder of Ukrainian prisoners of war, and the official media also do so, but at the same time this can lead to punishment – not for the crimes committed but for “discrediting the army” or “spreading false information”.

The culture of violence and lack of respect for human life are present, which is also historically conditioned, not only in relation to the enemy but also to Russia's own soldiers. They are, as it were, traditionally treated as “cannon meat” (which translates into huge losses), motivated to fight by the brutality of their commanders, and often executed. Families have limited or no access to information about the fate of their relatives, and the bodies of fallen Russian soldiers are often left on the battlefield. Particular proof of the lack of respect for the lives and deaths of people dying on behalf of the interests of the Russian state were the cases that took place after Yevgeny Prigozhin's putsch of the complete destruction, with the help of heavy equipment, of the cemeteries of the “Wagnerians”.

The demoralisation and poor discipline of the Russian army is a significant cause of criminal actions, but the key cause is their organised nature and top-down consent, stemming from the assumption that brutal violence against civilians is an acceptable instrument of warfare. This is due in part to the fact that neither the Soviet Union nor Russia has ever been punished, even merely politically, for any crimes, either against its own people or committed against others.

This sense of impunity, reinforced in recent years (after 2014) by the West's conciliatory attitude, which was perceived as weakness in Russia, is one of the fundamental sources of the Russian Federation's criminal actions¹⁸.

¹⁸ Khara, A., *Putin's Ukraine genocide is rooted in Russian impunity for Soviet crime*. Available at: <https://www.atlanticcouncil.org/blogs/ukrainealert/putins-ukraine-genocide-is-rooted-in-russian-impunity-for-soviet-crimes/>.

3. Crimes

The principal crime under international law committed by the Russian Federation in invading Ukraine is the crime of aggression (see Chapter 1). After more than two years of war, it should be unequivocally stated that Russia's catalogue of criminal acts includes virtually all acts as defined in international humanitarian law. However, the caveat here is that a final legal qualification of the crimes, as well as the compilation of a relatively complete register of them, will not be possible until after the end of the war. It should also be noted that individual crimes may fall into several categories at the same time, e.g. deliberate attacks on civilian infrastructure

not only lead to its destruction but cause the death of civilians and force the population to flee their homes.

Information on Russian crimes is collected and recorded by institutions of the Ukrainian state (police, General Prosecutor's Office, Plenipotentiary of the Verkhovna Rada for Human Rights, etc.) and by the media and numerous social organisations. International organisations – both interstate (with the International Criminal Court and the Office of the UN High Commissioner for Human Rights at the forefront) and nongovernmental (human rights, humanitarian and investigative organisations) – are also involved. The extent of the crimes is difficult to estimate at the moment, as part of Ukraine's territory remains under Russian occupation, some of the crimes, such as murders, have not yet been disclosed, and moreover, the chaos of war makes it difficult to accurately collect and verify information. As of September 2023, the Prosecutor General's Office of Ukraine was handling 105,000 cases involving war crimes committed by Russia. The Ukrainian side is supported in this effort by teams of investigators from more than 20 countries.

Russia has consistently denied its culpability, denying the very fact of the crimes and claiming to attack only military targets, or waging a widespread campaign accusing Ukraine and the West of the acts. This was the case, for example, with the murder of civilians in Bucha (alleged to be a "Western provocation" and of "Ukrainian staging") and after the deaths of Ukrainian prisoners of war in a camp

in Olenivka (responsibility was sought to be placed on the Ukrainian side). The forced deportation of Ukrainians deep into Russia is usually presented as an “evacuation”.

3.1. Crimes against life and health

The first reports of Russian crimes shocked Western public opinion and were a significant factor in the West’s overwhelming support for Ukraine. They also made the West aware of the intentions and scale of Russia’s actions against Ukraine. Nearly 950 civilians were murdered in three villages alone: Bucha, Iziium, and Lyman¹⁹. Some fell victim to the demoralised Russian soldiers (acting, however, with the consent of their commanders), while others were killed in a methodical and organised manner. Many of those murdered had their hands tied and had shattered skulls or gunshot wounds in the head. Ukrainian and international investigators claim that the Russian army acted with premeditation, murdering the civilian population in order to terrorise and demoralise them, and to suppress their resistance to the occupiers. As in the past, Russia has used terror as a tool of warfare.

However, as a result of the failure of Russian plans to quickly capture Kyiv and crush Ukrainian resistance, the Russians were repelled by Ukrainian forces and mass graves

¹⁹ All data in this chapter, unless otherwise noted, are from the Prosecutor General’s Office of Ukraine, the Plenipotentiary of the Verkhovna Rada of Ukraine for Human Rights, the Ministry of Internal Affairs of Ukraine, or the Institute for War Studies.

of dead civilians were found in the areas they left, including in Irpin, Borodyanka, and many smaller towns. The bodies of the murdered were thrown into mass graves or cellars, and there are known cases of them being driven over with tanks and burned. There are documented cases of random killings, public executions, and methodical actions such as shooting all men encountered. There was also the notorious shelling of people attempting to escape from areas threatened by hostilities – many entire families, including children, were murdered in this way.

According to the Ukrainian Ombudsman's office, by 27 September 2023, 510 children had died, 1,139 had been injured, and 1,979 were missing. According to the testimony of the mercenaries in the Wagner Group, this force carried out purges, murdering everyone, regardless of gender and age, with such an order supposedly given by Yevgeny Prigozhin himself²⁰. The findings of the Ukrainian Prosecutor's Office indicate that about half of the victims found had died as a result of gunshot wounds (the rest as a consequence of artillery fire, lack of medical assistance, etc.).

In the course of the subsequent hostilities, there were many reports of the murder of Ukrainian prisoners of war. The number of such incidents cannot be estimated.

²⁰ Bruszewski, M. *Wagnerowcy przyznali się do zbrodni. „Zabijaliśmy wszystkich”*. Available at: <https://defence24.pl/wojna-na-ukrainie-raport-specjalny-defence24/wagnerowcy-przyznali-sie-do-zbrodni-zabijalismy-wszystkich>.

The prosecution claims to have dozens of recordings (made available online by Russian soldiers) showing crimes including beheadings; castrations; cutting off limbs, noses, ears, and fingers; and knocking out teeth.

Torture is not only used against prisoners of war, but also against civilians, including juveniles. In the villages liberated one by one by Ukrainian forces, numerous torture chambers were discovered, where not only representatives of the local authorities, policemen, journalists, teachers, but also other civilians were detained and tortured. In Kherson alone, which remained under Russian occupation for eight months, 20 torture rooms were revealed. In addition to being subjected to physical torture, detainees were also abused mentally. In the words of Ukrainian Human Rights Ombudsman Dmytro Lyubinet, “the Russians tortured Ukrainians with electricity, broke their bones, beat them with metal pipes, killed them. The invaders recorded all their crimes.”²¹ There were some unusual cases – for example, one employee of the Zaporizhia nuclear power plant was alternately tortured and treated in hospital, as he was needed by the occupiers. The human rights ombudsman also reported that 86% of Ukrainian soldiers released from Russian captivity had been tortured. On 29 July 2022, an explosion occurred at a prisoner of war camp in Russian-occupied Olenivka in

²¹ See Syniuk, O., Sokurenko, Y., and Okhotnikova, N. (2023) “Women’s cells” of Kherson torture chamber: analytical report based on the testimonies of detainees. Kyiv.

the Donbass. Fifty-three Ukrainian prisoners of war, mainly defenders of Mariupol, were killed. Russia has sought to hold the Ukrainian side responsible for the crime, claiming that a HIMARS missile hit the building, but has not allowed any international institutions to investigate the scene.

In the context of Ukrainian prisoners of war, it is also worth noting that Russia seeks to forcibly mobilise and conscript them into its own army (so-called volunteer units) in violation of the 1929 Geneva Convention on the Treatment of Prisoners of War. The same applies to the forced conscription into the Russian army of the population of occupied lands, which has been taking place since the beginning of the aggression – verifying the number of those mobilised in this way is currently impossible. This procedure is a violation of the 1949 Geneva Convention for the Protection of Civilian Persons in Time of War²².

In the occupied territories of Ukraine, Russia systematically and methodically persecutes local authority representatives, journalists, sociopolitical activists, members of the uniformed services, teachers, etc., seeking to intimidate them or force them to cooperate, including through blackmail and taking their family members hostage. Many people are already supposed to have disappeared in unexplained cir-

²² Szabaciuk, A. (2023) "Rosyjska mobilizacja na okupowanych obszarach Ukrainy", *Komentarze IeS*, 232 (984). Available at: <https://ies.lublin.pl/komentarze/rosyjska-mobilizacja-na-okupowanych-obszarach-ukrainy/>.

cumstances, but as long as these areas remain under Russian control, it is difficult to estimate the scale and extent of this persecution.

Residents of Russian-occupied areas are subjected to surveillance and intimidation and are detained on any pretext and imprisoned. The same was true for participants in the 2022 protests against the Russian occupation. Russian soldiers repeatedly shot at them and also used civilians as “human shields”. Civilians were held in cellars in crowded, inhuman conditions, and many did not survive. In addition, some 20 so-called “filtration camps” were established in the occupied areas, through which, according to estimates, some 1.5–2 million Ukrainians may have passed. These camps are characterised by inhuman conditions with frequent starvation, and the Russian Federal Security Service (FSB) overseeing them uses physical and psychological violence (in line with NKVD tradition).

Another issue is the attitude of both the Russian army and the Russian occupation authorities towards journalists. Precise and reliable figures are not available, but tens of journalists have been killed (14 according to UNESCO), kidnapped, or injured since February 2022. According to Reporters Without Borders, journalists are deliberately attacked by the Russians, not least because they inform the world about

Russian crimes – the organisation has already approached the International Criminal Court on this issue²³.

Rape is also an instrument of warfare for Russia. Several hundred acts of sexual violence have been documented; these figures are certainly incomplete. The oldest confirmed rape victim was 83 years old. The victims are mainly women but include men and children. For instance, the bodies of children under the age of 10 were found in Irpin with traces of rape and torture. Rape, including gang rape, in many cases ended in the murder of the victims. Sexual violence or threats of this nature were also used as an instrument of blackmail, and as part of forced confessions or intimidation, against both women and men.

There have been repeated Russian attacks on civilian facilities, resulting in the deaths of many people. Among these facilities were hospitals, shopping malls, and train stations. One of the most symbolic was the attack on the Mariupol theatre, which was used as a shelter for civilians and clearly marked as such. On 16 March 2022, it was bombed; the death toll was estimated at 300. On 27 June 2022, Russian bombers fired missiles that hit a crowded shopping mall in the city of Kremenchuk killing 22 people and injuring 56. Exactly one year later, there was a rocket attack on the “Ria” pizza

²³ Sapuppo, M., *Russia accused of deliberately targeting journalists in Ukraine*. Available at: <https://www.atlanticcouncil.org/blogs/ukrainealert/russia-accused-of-deliberately-targeting-journalists-in-ukraine/>.

restaurant in Kramatorsk, a place known for its artistic community meetings and popular with foreigners, which the Russians must have known. Thirteen people were killed and 67 injured. Also in Kramatorsk, on 8 April 2022, the Russians attacked a railway station where thousands of people were waiting for evacuation trains. Fifty-nine people were killed and 109 injured. And on 5 October 2023, a Russian rocket hit a shop and café in the village of Hroza; the death toll was 59, one in five residents of the village²⁴.

Finally, war crimes against life and health need to include the use of weapons prohibited by international agreements against civilians and populated areas. These include, for example, cluster munitions and thermobaric and chemical weapons. Thermobaric cluster munitions were used by the Russians against the Ukrainian civilian population, as confirmed by reports from a number of international organisations including, for example, Amnesty International. The Ukrainian side also claims that Russia used artillery shells and grenades containing a poisonous agent, presumably chloropicrin. However, there is a lack of evidence to support this. It is possible, though, that the Russians used phosphorus ammunition during the fighting for Bakhmut.

²⁴ It is worth noting here that Vasily Nebenzia, Russia's ambassador to the UN, stated that "neo-Nazis" had gathered in the village of Hroza for the funeral of a "prominent nationalist", so the attack was justified.

As a side note, it is worth mentioning that Ukraine's territory that is affected by minefields and other hazardous residues already covered an area of 174,000 square kilometres (with a total area of 603,000 square kilometres) by spring 2023, according to the authorities. From February 2022 to July 2023, the UN recorded 298 fatalities related to explosions of mines, unexploded ordnance, etc. Both warring sides used millions of mines, including anti-personnel mines banned under international law (Ottawa Convention). However, the Russians used mines not only as a tool of armed struggle – in withdrawing from occupied towns, they mined dwellings, parks, squares, factories, bridges, roads, and even cemeteries (as for example in Kherson). This not only poses a danger to people but will also hinder post-war reconstruction and economic activities, especially farming. The process of demining Ukraine will be very expensive and may take decades²⁵.

The number of civilian deaths caused by Russian aggression so far is difficult to estimate. According to the Office of the UN High Commissioner for Human Rights, civilian casualties by 24 September 2023 stood at 27,449, including 9,701 deaths. However, the actual numbers are probably much higher, as many cases have not yet been confirmed (the number of persons missing without trace alone is estimated at 7,000 to 30,000 people, depending on the source),

²⁵ *Landmine Use in Ukraine*, Human Rights Watch, June 2023. Available at: <https://www.hrw.org/news/2023/06/13/landmine-use-ukraine>.

and there is no access to reliable data from the front-line and Russian-occupied territories. Moreover, the number of casualties changes daily, as every day there are more Russian attacks targeting the civilian population²⁶.

3.2. *Deportations*

Russia's aggression has forced millions of Ukrainian citizens to flee their homes. Some have left the country; some have moved to regions of Ukraine not affected by direct hostilities and free from Russian occupation. The number of internally displaced people in the country is estimated to be around five million. It is difficult to give an exact figure for the number of people who left Ukraine after 22 February 2022, but according to the UN High Commissioner for Refugees, it is around 6.2 million²⁷.

At the same time, Russia forcibly deported many Ukrainians either to occupied areas or to Russian territory. This constitutes a serious violation of international humanitarian law and it is legitimate to invoke analogies to the mass forced deportations of the Stalinist period. As then, the aim of the current operations is to change the demographic and

²⁶ Україна: Втрати серед цивільних осіб станом на 24 вересня 2023 року, <https://ukraine.un.org/uk/247232-україна-втрати-серед-цивільних-осіб-станом-на-24-вересня-2023-року>.

²⁷ Bazhenova, H. (2023) "Demograficzne wyzwania Ukrainy", *Komentarze IES*, 221 (973). Available at: <https://ies.lublin.pl/komentarze/demograficzne-wyzwania-ukrainy/>.

ethno-cultural structure of the area, and their organised and methodical nature suggests that they are part of a wider plan for the destruction of Ukrainian identity and statehood that was prepared long before the invasion. These actions are also reminiscent of the “de-Ukrainianisation” of Crimea carried out after 2014. In the territories of Ukraine annexed by Russia, it seeks to change the ethno-cultural structure so that a pro-Russian population, or at least one loyal to Moscow, dominates.

On the other hand, the actions of the Russian occupation administration consisting de facto in kidnapping people and deporting them to Russia serve yet another purpose. Russia’s demographic situation continues to deteriorate, the population is steadily declining and the proportion of ethnic Russians among the total population of the Federation is also falling. This applies mainly to remote, Asian regions of the country. This is where many deported Ukrainians ended up, who, according to the logic of the “Russian world” (*Русский мир*), are not a separate nation from Russians (and are often forced to take Russian citizenship).

Detentions and deportations of civilians are also part of a policy of terror designed to suppress the will of Ukrainian society to resist. From the first days of the invasion, thousands of civilians were transported by the Russians to Russia and placed in penal colonies, thus becoming hostages and “resources in the prisoner-of-war exchange fund”. To date, little is known about the whereabouts and fate of

many people – Russia is not providing any information on this. The accounts of those who managed to return from Russian captivity testify to the brutality with which Ukrainians are treated by the Russians and the appalling conditions in which they are held.

“Evacuation” is sometimes used as a pretext for displacement and deportation. For example, such a forced evacuation of civilians from the occupied areas of the Kherson, Zaporizhzhia, Luhansk, and Donetsk regions was carried out in November 2022. These people ended up in occupied Crimea and in Russia, for example in Krasnodar Krai, and were then resettled in remote and sparsely populated regions of Russia. This negates the “evacuation” explanation, which, according to international law, can only be carried out by the occupying state within the occupied territory and only on the condition that after the cessation of hostilities, the evacuated population returns to their homes – thus there can be no question of evacuation in this case, but of deportation. In mid-2022, the Russian authorities claimed that some 1.1 million Ukrainian citizens were on its territory. According to the OSCE, the number at the time was 1.7 million. In fact, there are no complete and reliable figures available, so the situation may involve even more people. The Ukrainian human rights ombudsman reported in December 2022 that at least 2.8 million Ukrainians had been deported to or forced to leave for Russia. The picture is obscured by the propaganda activities of Russia, which

is using disinformation on a large scale in this war as a tool to justify its actions. Thus, for example, in autumn 2022, in the face of the Ukrainian offensive, the forced resettlement of civilians from Kherson region was described as a “flight of civilians from the Ukrainian army”, i.e. the message was formulated so as to suggest that the local population was pro-Russian and feared revenge from Ukrainian nationalists. This corresponded with reports that allegedly almost three million people (including almost half a million children) had fled to Russia from Ukraine, half of whom were holders of passports issued by the so-called “people’s republics”²⁸ Russia also circulated a claim that Ukraine was about to launch a terrorist attack on the Novaya Kakhovka power station and creating a need to evacuate the population, which, in the context of subsequent events, is particularly deceitful.

An extensive disinformation campaign also accompanies the criminal activity of illegally deporting Ukrainian children to Russia. This practice began immediately after the invasion, when the Russians proceeded to deport children, including those from orphanages (usually as young as five years old), from the occupied territories. Here, the pretext was often “evacuation”. Taking into account the logistical and organisational momentum (among other things, some

²⁸ See Human Rights Watch report entitled *“We Had No Choice: ‘Filtration’ and the Crime of Forcibly Transferring Ukrainian Civilians to Russia”*. Available at: <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>.

40 “camps” were prepared), it must be assumed, and this is emphasised by the Ukrainian authorities, that these are not ad hoc measures but a planned action. This is confirmed by the attitude of the Russians towards the deported children: they are subjected to intensive Russification, which means that Russia’s intention is to assimilate them, deprive them of their identity, and bring them up in a spirit of loyalty to Russia. Analogous measures are being carried out in the occupied territories: a Russian curriculum is being introduced in schools, the Ukrainian language is being eradicated, and the place of Ukrainian teachers who refused to cooperate with the occupation authorities has been taken by teachers brought in from Russia. Many of the children are being handed over to Russian foster families for adoption (the procedure for obtaining Russian citizenship for children “procured” from Ukraine has been simplified), while others have been placed in specially created centres within Russia and in Crimea²⁹. On many occasions, children and parents, as well as siblings, have been separated.

According to the Russian authorities, children are taken out of Ukraine to protect them from hostilities, to “rest in care homes and children’s camps”, and are not Russified but “integrated”. As Mariya Lvova-Belova, the Russian president’s plenipotentiary for children’s rights, pointed out, “there is

²⁹ Children from Ukraine were also allegedly sent to camps in Belarus – this is being investigated by the Ukrainian prosecutor’s office.

a bit of a negative attitude, maybe at first, but then it turns into love for Russia”³⁰. In fact, in “care homes”, children are subjected to “re-education” that includes learning to sing the Russian anthem. According to Ukrainian media reports, the Russians in the occupied territories forcibly issue passports to children aged 14 and over and threaten parents with termination of parental rights if they refuse³¹.

Some children, thanks to the efforts of their relatives and community organisations, have managed to return to their homes and families (so far, fewer than 400 of them). In such cases, public expressions of gratitude for Russia’s “caring” were often required, which Russian propaganda then exploited.

Such actions can be considered as trying to annihilate a part of the Ukrainian people and, as such, can be considered genocide under international law³². It was the deportation of Ukrainian children that gave rise to the arrest warrants issued by the International Criminal Court against Vladimir Putin and Mariya Lvova-Belova. It was considered

³⁰ *Rosja wywiozła z kilka tysięcy dzieci z obwodu chersońskiego*. Available at: <https://belsat.eu/pl/news/15-10-2022-rosja-wywiozla-kilka-tysiecy-ukrainskich-dzieci-z-obwodu-chersonskiego>.

³¹ *Окупанти примусово паспортизують дітей від 14 років на ТОТ*, <https://su-spilne.media/466379-okupanti-primusovo-pasportizuut-ditej-vid-14-rokiv-na-tot-centr-nacionalnogo-sprotivu/>.

³² See detailed OSCE report: *Report on Violations and Abuses of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity, Related to the Forcible Transfer and/or Deportation of Ukrainian Children to the Russian Federation*. Available at: <https://www.osce.org/odihr/542751>.

a war crime; however, this qualification may change in the course of evidence collection.

The criminal, almost eugenic, nature of Russia's actions is also evidenced by the fact that compulsory medical examinations of children were ordered in the occupied territories in October 2022 (involving more than 80,000 people). This happened after Russian adoptive families started to give back previously adopted Ukrainian children diagnosed with health problems. Mass medical examinations are used to select healthy "biological material", which is then kidnapped and transferred to Russia³³.

The number of Ukrainian children deported to Russia is unknown. In 2022 the Russian authorities reported 200,000 children "evacuated" from Ukraine and the Ukrainian government as many as 240,000, but verification of these figures is currently impossible. Some of the children were deported not to Russia but to the occupied territories and Crimea. Using information from families, state authorities, and witnesses, it was possible to identify 19,546 children deported by the Russians by September 2023³⁴.

³³ See Report of the organisation Східна правозахисна група: *Принудительная депортация детей в РФ*. Available at: <http://www.vpg.net.ua/fullread/602>.

³⁴ Data of the website Діти війни. Available at: <https://childrenofwar.gov.ua/>.

3.3. Attacks on infrastructure

Since the start of the invasion, Russia has deliberately, consistently, and continuously attacked civilian infrastructure. Failure to distinguish between military targets and civilian objects is a violation of the laws of war and a war crime. The destruction of infrastructure has further consequences: civilian deaths, forced migrations, humanitarian crises, etc.; it also has a psychological impact.

In the context of the actions of the occupying forces against infrastructure, it must be noted that, especially in the initial phase of the war in the first half of 2022, the murders and rapes carried out by the Russians were accompanied by massive looting. Both state assets and the property of private individuals (from watches to clothes, white goods to cars), businesses, and institutions were looted on a large scale, resulting in a humanitarian catastrophe in some cases: Russian soldiers not only blocked humanitarian corridors, preventing aid and refugees from being released, but looted shops, pharmacies, and hospitals. This was not only individual, at the level of individual soldiers, but also organised: for example, large quantities of grain were transported to Russia for export; equipment from factories, hospitals, and schools was disassembled and taken away – even the Chernobyl Nuclear Power Plant was robbed.

When withdrawing from the occupied areas, the Russian army used scorched earth tactics, destroying roads, bridges, railways, telecommunications infrastructure, pipelines, etc.

Attacks on infrastructure have also been a tool of blackmail, with the Zaporizhzhia Nuclear Power Plant being a particular example – threats and provocations related to it have served as a tool for Russia to put pressure on the Ukrainian authorities and the West.

In autumn 2022, faced with a prolonged “special military operation” and its military failures, Russia launched a massive campaign to destroy Ukraine’s energy infrastructure, hoping that Ukrainians deprived of heating and electricity would lose the will to fight. The Russians launched around 1,000–1,200 missiles and drones during this campaign. As a result, around 40% of the infrastructure was damaged and temporarily disabled, and 10% was completely destroyed. In spring 2023, losses were estimated at more than USD 10 billion. No less than 12 million Ukrainians have been left without access to electricity, water, and heating at various times³⁵.

The agricultural sector, which is very important for the Ukrainian economy, also suffered huge losses. Around 80% of agricultural production used to be exported, providing food for some 300–400 million people worldwide. The Ukrainian authorities estimated that the sector suffered losses (direct and indirect) of around USD 38 billion in the first year

³⁵ Olchowski, J. and Bazhenova, H. (2023) Ukraina, [in:] *Raport. Bezpieczeństwo energetyczne państw Europy Środkowej i Wschodniej*. Edited by Surmacz, B. and Paszkowski, M. Lublin, p. 197.

alone since the Russian invasion³⁶. These losses were further deepened after Russia withdrew, in July 2023, from the “grain agreement”. Russian forces then carried out 17 massive attacks on storage and harbour infrastructure, which led to a 40% decline in the export potential of Ukrainian harbours (including Odessa and Chernomorsk). According to the Ukrainian side, the Russians destroyed almost 300,000 tonnes of grain in the attacks, which not only caused tangible economic losses, but also deepened the food crisis in food-importing countries and damaged Ukraine’s image there.

Russia continues to wage a war of attrition, attacking civilian infrastructure daily and deliberately, with more civilian casualties every day. According to the Ukrainian authorities, more than 90% of all Russian attacks targeted civilian facilities. These actions are also aimed at exerting relentless pressure on Ukrainian society and the increasingly war-weary state and getting it to make concessions. Such tactics are supported by Russian propagandists who call for the continued destruction of Ukrainian infrastructure³⁷. At

³⁶ Bazhenova, H. (2022) “Drugi front Ukrainy: kampania siewna”, *Komentarze IeŚ*, 87(575). Available at: <https://ies.lublin.pl/komentarze/drugi-front-ukrainy-kampania-siewna-2022/>; *eadem* “Ukraińskie rolnictwo rok po inwazji: wyniki i prognozy”, *Komentarze IeŚ*, 57(809). Available at: <https://ies.lublin.pl/komentarze/ukrainskie-rolnictwo-rok-po-rosyjskiej-inwazji-wyniki-i-progno/>.

³⁷ Drabczuk, M. and Szabaciuk, A. (2022) “Rosyjska wojna na wyniszczenie. Zmasowane ataki na ukraińską infrastrukturę krytyczną i ich skutki”, *Komentarze IeŚ*, 248(736). Available at: <https://ies.lublin.pl/komentarze/rosyjska-wojna-na-wyniszczenie-zmasowane-ataki-na-ukrainska-infrastruktura-krytyczna-i-ich-skutki/>.

the same time, paradoxically, Russia strongly denies attacking civilian facilities. In addition, the Russians continue to loot homes and flats, as well as industrial, infrastructural, cultural, educational, and medical institutions.

Approximately 2,000 settlements will need to be rebuilt as a result of Russian actions. Some of them are 80 to 90% destroyed, such as Mariupol, Bakhmut, Popasna, Sievierodonetsk, Iziium, and Vuhledar. During the war, 811 hospitals, 1,893 schools, 24,000 km of roads, and 61.5 million m² of housing have been destroyed. More than 17 million people in Ukraine are in need of humanitarian assistance. In addition, the scale of the devastation means years of economic collapse and dependence on external aid will follow for Ukraine. The plan prepared by the authorities for the reconstruction of Ukraine assumes that at least USD 750 billion will need to be spent over the next 10 years³⁸.

3.4. Destruction of cultural heritage

The ideological underpinning and justification for Russia's aggression against Ukraine was the desire to completely subjugate it, which is allegedly historically justified, and to deny the existence of Ukrainian statehood and national identity. Therefore, Russia has been pursuing a policy of "de-Ukrainianisation", i.e. the elimination of Ukrainian identity

³⁸ According to the website *План відновлення України*. Available at: <https://recovery.gov.ua/>.

and culture, since the beginning of the military action that began in February 2022.

Intense Russification is being carried out in the occupied territories, combined with the removal of Ukrainian symbols (described as “Nazi”) and the Ukrainian language from public spaces, changing school curricula and replacing Ukrainian media with Russian media. Pupils in schools are indoctrinated, being forced to sing songs in praise of Vladimir Putin or draw swastikas on Ukrainian flags. They are being instilled with the idea that the West is aggressive and wants to destroy their homes. There are many teachers working in schools who are “delegated” from Russia. The Ukrainian population that remained in these areas was also cut off from access to Ukrainian mobile networks and websites to facilitate their indoctrination in the spirit of Russian propaganda.

On the material level, there has been the destruction of many buildings, sites and artifacts that were important for the historical and cultural heritage of Ukraine, especially in the southern and eastern as well as in Kyiv region. According to the Ministry of Culture and Information Policy, between 22 February 2022 and 25 June 2023, 664 cultural heritage sites were destroyed or damaged, including 84 of national significance. The cost of their restoration is estimated at approximately USD 100 billion, although the intangible, cultural, and historical value cannot be restored. More than 1,300 cultural infrastructure facilities – theatres, museums, libraries, galleries – were also affected during the first year

of war activities³⁹. In addition, the blowing up of the Novaya Kakhovka dam by the Russians in June 2023 resulted in the flooding of around 150 sites (including monuments, cultural facilities, and archaeological sites). UNESCO maintains its own register: as of 18 October 2023, it comprised 295 sites, including 124 of religious significance, 110 of historical significance, 28 museums, 19 monuments, 13 libraries, and 1 archive⁴⁰. Among these sites was the historic centre of Odessa, a UNESCO World Heritage Site, which was intensely attacked by the Russians, particularly after Russia's withdrawal from the "grain agreement".

Many sites were also looted. In particular, the most valuable artefacts were taken from museums and transported to Russia (this happened to museums in Melitopol and Mariupol, among others). In order to prevent such looting, museum collections began to be secured and transported to areas far from the war zone (just as attempts were made to protect the most valuable monuments from the effects of shelling and bombing). Only in a few cases were the most valuable collections taken to the west of Ukraine even be-

³⁹ *Через російську агресію в Україні постраждали вже 1322 об'єкти культурної інфраструктури*, <https://www.kmu.gov.ua/news/cherез-rosiisku-ahresiiu-v-ukraini-postrazhdaly-vzhe-1322-objekty-kulturnoi-infrastruktury>. The register maintained by the Ministry of Culture (available at <https://culture-crimes.mkip.gov.ua/>) lists 553 cultural heritage sites that have been damaged or destroyed.

⁴⁰ *Damaged cultural sites in Ukraine verified by UNESCO*. Available at: <https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco>.

fore the Russian invasion – on the initiative of individual museums and galleries⁴¹.

The plundering of monuments and works of art was, according to the Ukrainian media, understood to be not only a consequence of the demoralisation of the Russian army, but also a conscious and organised action. There is a widespread belief in Ukraine that the destruction and plundering of cultural heritage is part of Russia's strategic goal of erasing Ukrainian identity: the destruction of Ukrainian heritage is intended to lend credibility to the Russian historical narrative that Ukraine, as a separate entity from Russia, did not and does not exist. Looting, on the other hand, is not only a crime and a way of enriching oneself at the expense of the invaded country, but is also intended to be used by Russia to usurp Ukrainian culture and then present it as its own. It is emphasised that this is a typical Russian *modus operandi*, of which many nations and states have fallen victim in the past⁴².

Regardless of whether and to what extent Russia's intention is to erase Ukrainian identity by destroying its cultural heritage, by carrying out such actions Russia is committing

⁴¹ Bazhenova, H. (2022) "Ochrona dziedzictwa kulturowego Ukrainy w czasie wojny", *Komentarze IeŚ*, 107(595). Available at: <https://ies.lublin.pl/komentarze/ochrona-dziedzictwa-kulturowego-ukrainy-w-czasie-wojny/>.

⁴² *Вандалізм і мародерство: війна Росії проти культурної спадщини України*, <https://www.ukrinform.ua/rubric-culture/3729227-vandalizm-i-maroderstvo-vijna-rosii-proti-kulturnoi-spadsini-ukraini.html>.

a violation of international law, including the 1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict (and Russia is a party to this convention). The Ministry of Culture and Information Policy of Ukraine is collecting information on Russia's actions in relation to cultural heritage to be used as evidence of war crimes. The Russian Federation denies having carried out such acts.

3.5. Crimes against the environment

Under international law (in particular Protocol One to the 1949 Geneva Conventions for the Protection of Victims of International Armed Conflicts), warring parties are obliged to refrain from actions that may cause serious and long-term environmental damage (including radioactive contamination). Methods or means of combat that are intended or likely to cause such harm are also prohibited⁴³. These provisions have been violated during Russia's aggression against Ukraine. According to the Ministry of Environmental Protection and Natural Resources of Ukraine, the following environmental crimes have been registered:

- damage to nuclear facilities, resulting in potential radiation and nuclear risks;

⁴³ Bazhenova, H. (2022) "Wojna na Ukrainie: przestępstwa przeciwko środowisku (część 1)", *Komentarze IES*, 117 (605). Available at: <https://ies.lublin.pl/komentarze/wojna-na-ukrainie-przestepstwa-przeciwko-srodowisku-czesc-1/>.

- destruction and damage to infrastructure and industrial facilities, which has led to significant soil and water pollution;
- environmental damage resulting from warfare, including chemical pollution;
- destruction of reserves and other specially protected areas;
- mining of land areas and waterways⁴⁴.

According to the ministry, in the summer of 2023, the value of the environmental damage associated with Russian aggression was estimated to be around USD55 billion (excluding the damage caused by the blowing up of the Kakhovka Hydroelectric Power Plant dam). Some threats are intangible in nature, such as Russia's actions against nuclear facilities, i.e. the Chernobyl and Zaporizhzhia nuclear power plants. The risk of radioactive contamination has increased – the Chernobyl plant was damaged and also looted – radiation monitoring equipment and other equipment was pillaged. The Zaporizhzhia plant served as an instrument of nuclear blackmail not only towards Ukraine but also towards the West.

Attacks on infrastructure, such as fuel storage facilities and industrial plants, in particular chemical plants, cause fires, releasing toxic waste and pollutants into the air, water

⁴⁴ *Офіційний ресурс Міністерства захисту довкілля та природних ресурсів України, <https://ecozagroza.gov.ua/>.*

and soil. Forests have been burning – the area of forests falling victim to fire has increased fourteenfold after the Russian invasion. Fires, like the burning of large quantities of fuels, contribute to increased carbon dioxide emissions into the atmosphere – the surplus currently amounts to around 120 million tonnes per year (this is the annual emissions of Norway, Sweden and Finland combined)⁴⁵. The increasing amount of waste, including construction waste, is also a problem – by mid-2023, it was estimated that the war effort had produced around 12 million tonnes of waste of all kinds, which will take a long time and will be expensive to dispose of. The war is contributing to the degradation of nature: many ecosystems, including some of the most precious (e.g. the Askania Nova and Black Sea biosphere reserves) are in danger of being completely destroyed. In addition, around 80 animal species are threatened with extinction, including bison, lynx and black bears. The Black Sea dolphin population is declining – it is estimated that some 5,000 dolphins were killed during the war by 2023.

The most serious environmental crime to date, with long-term consequences, was the blowing up of the Novaya Kakhovka dam in June 2023. The dam on the Dnieper River, which feeds a run-of-river hydroelectric power plant, for-

⁴⁵ 120 млн тонн викидів за рік. Війна росії проти України віддаляє світ від кліматичної нейтральності, <https://mepr.gov.ua/120-mln-tonn-vykydiv-za-rik-vijna-rosiyi-proty-ukrayiny-viddalyaye-svit-vid-klimatichnoyi-nejtralnosti/>.

med the Kakhovka Reservoir – the second largest reservoir in Ukraine, with an area of 2,155 km². On 6 June 2023, the dam burst due to an explosion, resulting in environmental consequences for at least 500,000 hectares (twice as much agricultural area will be affected by water shortage). Among other impacts, 150,000 hectares of protected areas and approximately 64,000 hectares of forest were flooded. The dam breach also led to a humanitarian disaster: dozens of deaths, damage and destruction to homes and infrastructure, and food and water supply issues. Around 80 villages, with a population of around 100,000, were directly affected; around one million people lost access to drinking water, around 140,000 to electricity⁴⁶. According to numerous reports from journalists, civil society organisations, and the Ukrainian authorities, the Russians shelled evacuation routes from flooded areas, as well as evacuees. The long-term economic, social, and environmental consequences are currently difficult to estimate precisely. The disaster will affect, for example, pollution of the Black Sea, plant ecosystems, bird and fish populations and biodiversity, and potentially will even necessitate a change in the nature of the agricultural and water management of southern Ukraine⁴⁷. The

⁴⁶ See detailed OSCE report: *Post-Disaster Needs Assessment. 2023 Kakhovka Dam Disaster, Ukraine*. Available at: <https://ukraine.un.org/en/248860-post-disaster-needs-assessment-report-kakhovka-dam-disaster>.

⁴⁷ See report of the organisation Ukrainian Nature Conservation Group: *Якими є наслідки російського теракту на Каховській ГЕС для дикої природи?*. Available

destruction of a dam is, according to Protocol One to the Geneva Conventions, a war crime. As with all, especially internationally publicised, crimes committed during the war, Russia accused Ukraine of blowing up the dam. Taking into account that the Kakhovka power plant and the destroyed dam were located on territory occupied by Russia (which does not allow international organisations to travel there), it is currently impossible to confirm the indications pointing to Russian responsibility⁴⁸.

The longer the war lasts, the more negative environmental consequences it will bring. Restoration of damaged ecosystems, if possible, may take decades. The environmental consequences of the war will also affect the countries bordering Ukraine.

at: <https://uncg.org.ua/iakymy-ie-naslidky-rosijskoho-teraktu-na-kakhovskij-hes-dlia-dykoi-pryrody/>.

⁴⁸ Johnson, D. *Could Russia be held accountable for the destruction of the Kakhovka Dam?* Available at: <https://www.atlanticcouncil.org/blogs/ukrainealert/can-russia-be-held-accountable-for-the-destruction-of-kakhovka-dam/>.

4. False symmetry

Russia consistently denies all of its crimes. This does not only refer to the aggression against Ukraine but to any conflict in which the Soviet Union and the Russian Federation have ever been involved. For example, any mention of the crimes committed by the Red Army during the Second World War is stigmatised in Russia as “falsification of history”.

Just as consistently, the Russian side accuses the Ukrainians of committing crimes during the war in Ukraine – one of the key propaganda justifications for the “special military operation” was to protect the Russian-speaking population from the criminal Ukrainian nationalists and “Nazis”. This

narrative is widely, globally, disseminated by Russian propaganda, which serves to justify its own actions in the eyes of the world and to discredit Ukraine.

Russia also promotes a claim that the West, particularly the United States, is primarily responsible for conflicts around the world and for war crimes. Any Russian action, in turn, including brutal armed violence, is merely a symmetrical response, an act of necessary defence, or a reaction to “provocations” – which is the same rhetoric that was used in Soviet propaganda. In this way, Russia is effectively exploiting public sentiment in Africa and South America, which is not so much pro-Russian as anti-Western. The West is often seen in these parts of the world as an aggressive, post-colonial, post-imperial instigator of many wars. Russia thus presents itself as a force opposing the evil coming from the West. It also carries out analogous actions against Western societies, seeking to destabilise and polarise them, for example by supporting radical “anti-war movements” of an anti-American and anti-Western nature – this is how the Soviet Union operated in the 1980s and how the Russian Federation operates today.

In fact, however, given the scope of the actions in question, their scale, reach and intent, there is no symmetry between the military actions of the West and Russia. Western states have been, and are, involved in various conflicts, with war crimes also not being uncommon. Even in the 21st century during the so-called “war on terror”, the invasion of Iraq,

and the war in Afghanistan, Western armies, especially the US, have committed the torture, unlawful detention, murder, and rape of civilians. However, this is radically different from Russia's actions, which also shows the illusory nature of the expectation that Russia can be a partner to the West⁴⁹. The West, unlike Russia, did not invade any country with the intention of wiping it off the map and exterminating its population; did not deliberately bomb cities, villages and civilian infrastructure; did not commit mass rape, treated as an instrument of dehumanisation and a tool of war; did not murder civilians and prisoners of war cruelly and on a large scale; did not starve them; did not plunder everything from toys to factory equipment; did not recruit criminals en masse to take part in the war; did not methodically murder the elite; did not use the civilian population as "human shields"; did not use "cleansings" (Russian: *зачистка*) – the planned liquidation of entire specific groups; did not deliberately destroy temples and other cultural heritage sites.

In the case of Russia, war crimes are widespread and often organised, whereas the crimes committed, for example, by the Americans in Vietnam, Iraq, or Afghanistan, were usually incidental and individual in nature (although examples

⁴⁹ Olchowski, J. (2022) "Rosyjskie zbrodnie i ich kontekst międzynarodowy", *Komentarze IES*, 127(615). Available at: <https://ies.lublin.pl/komentarze/rosyjskie-zbrodnie-i-ich-kontekst-miedzynarodowy/>.

of methodical actions, such as the illegal detention of terrorist suspects at the Guantanamo base, can also be identified).

The attitude of the West and Russia towards international law is different: as the international law of armed conflict develops, the West successively implements its norms in the practice of its armed forces' operations, while Russia, like the Soviet Union, ostentatiously disregards international law (not only humanitarian law) or treats it in a cynically instrumental manner – a symbolic example being both the shelling of Kyiv during the visit of the UN Secretary-General in April 2022 as well as the apparent legalism in Russia's actions manifested, for example, in the organisation of “referendums” in annexed areas.

However, the fundamental difference remains the question of public consent and the authorities' acceptance of criminal actions – a systemic issue. In the West, unlike in Russia, war crimes, including those committed by its own soldiers, are exposed and condemned by public opinion, the media, and social organisations. They are thoroughly reported by state institutions, historians, and journalists and depicted in pop culture. They are a source of shame, not pride. It is also worth mentioning that the American war crime of the massacre in the Vietnamese village of My Lai in March 1968 set in motion huge public protests in the United States against the Vietnam War and consequently led to the establishment of structures within the US armed

forces for the prosecution of war crimes. Many of the perpetrators of these crimes stood trial and were convicted.

Although not every perpetrator is punished (and in some cases, the punishment may be disproportionately low for the nature of the crime), this contrasts fundamentally with the situation in Russia, where Russian war crimes cannot be discussed and the perpetrators and their superiors cannot be criticised. The perpetrators of the crimes are not judged and their acts are not condemned by society – for example, the mass rapes (more than two million) committed by the Red Army in Germany at the end of the Second World War were eventually stopped by the command not because of their criminal nature but so as not to affect the image of the “liberators” – they were never officially condemned in Russia.

Indeed, in the case of Russia, which is conditioned by a number of factors, mass violence against civilians and premeditated crimes have been an integral part of the political instrumentality for centuries. The violent actions against Ukraine are systemic and carried out with a sense of impunity, with the aim of destroying the Ukrainian people and identity. The secondary aim is also to intimidate and punish the anti-Russian “artificial creation” that is – according to the authorities and a large part of Russian society – Ukraine. This is accompanied by an intense process of dehumanisation of Ukrainians, both at the level of the Russian government’s actions and the reaction of Russian society and pro-Russian circles outside Russia.

On a broader plane, the behaviour of Russian soldiers is a reflection of the pathology and demoralisation of Russian society and the Russian state, and above all of the army itself, in which at least several hundred suicides occur each year due to mental and physical abuse – “dedovshchina” (дедовщина). To curb the protests of desperate mothers of conscripts and not to spoil the “image of the army”, publication of information about this phenomenon was banned in 2015. This is another difference between the West and Russia: the attitude to the lives of its own citizens. In the Russian Federation, as in tsarist Russia and the USSR, human life has no significant value.

5. **The issue of Russia's responsibility**

As Frederick the Great remarked, victors are not judged – these words were emphatically confirmed after the Second World War, with the Nuremberg and Tokyo trials judging German and Japanese crimes, while no responsibility for war crimes was borne by the Allies, including the Soviet Union. If the Russian Federation is victorious in the war against Ukraine, its crimes are unlikely to be punished. If that occurs, its neo-imperialist ambitions will also not be curbed, with the threat of further wars, and more broadly this will deepen and accelerate the erosion of the collective security system and international institutions. Whether

and what consequences Russia will face for its war crimes therefore depends on the outcome of the ongoing war and will determine the future of international law and the entire international security architecture.

It is therefore in the interest of the entire international community to punish Russian crimes at the level of both direct perpetration (i.e. direct perpetrators) and state perpetration (political and military leaders). This will only be possible after the end of the war and will be a complicated process, especially in the context of the limited effectiveness of international prosecutions for state perpetration, primarily for political reasons. However, war crimes fall under so-called universal jurisdiction, so their perpetrators can and should be prosecuted by any country in the world.

Punishing Russia's crimes will also require complex and lengthy investigative and prosecutorial work. Ukraine has been investigating and gathering evidence⁵⁰ since the beginning of the Russian invasion, and the first sentences have been passed against Russian soldiers. However, these are insufficient actions, which allow Russia to make accusations of bias and a lack of credibility. Extensive international action is therefore necessary.

⁵⁰ Among others, the National Police of Ukraine maintains the *Воєнний злочинець* (War criminal) register, which contains approximately 200.000 names.

However, despite the decision-making paralysis of the UN (caused by Russia's presence on the Security Council), a number of resolutions have been adopted that deal with the territorial integrity of Ukraine and Russia's aggression. In addition, the International Court of Justice declared the aggression illegal, ordering Russia to cease all hostilities constituting a war of aggression⁵¹. Russian crimes have also, for the first time in history, become the subject of widespread international debate, with unprecedented political significance⁵².

Many international institutions reacted to the invasion: among others, the UN Human Rights Council established an international Commission of inquiry on Ukraine on 4 March 2022. The Commission established and collected evidence showing that the Russians committed premeditated murders; imprisonment, torture, and deportation of civilians; physical and psychological abuse; rape and sexual violence; and many other violations of international humanitarian law, including attacks on infrastruc-

⁵¹ Olchowski, J. (2022) "Wiarygodność organizacji międzynarodowych w obliczu inwazji Rosji na Ukrainę (część 1)", *Komentarze IES*, 212(700). Available at: <https://ies.lublin.pl/komentarze/wiarygodnosc-organizacji-miedzynarodowych-w-obliczu-inwazji-rosji-na-ukraine-czesc-1/>.

⁵² Olchowski, J. (2022) "Rosyjskie zbrodnie wojenne – kolejna odsłona starej taktyki", *Komentarze IES*, 176 (564). Available at: <https://ies.lublin.pl/komentarze/rosyjskie-zbrodnie-wojenne-kolejna-odslona-starej-taktyki/>.

re. The Commission's findings are regularly published⁵³, as are, for example, OSCE reports⁵⁴. Both the Parliamentary Assembly of the Council of Europe and the Parliamentary Assembly of NATO have recognised Russia's crimes as genocide (this mainly concerns the deportation of Ukrainian children).

Ukraine is actively seeking to internationalise the process of prosecuting Russian crimes to make it more effective. In May 2023 at the Council of Europe summit, a decision was made to create an international crime register⁵⁵. In July 2023, the International Centre for the Prosecution of Crimes of Aggression against Ukraine was established in the Hague, collecting evidence and coordinating the work of prosecutors from Ukraine, the European Union, the United States, and the International Criminal Court (ICC)⁵⁶. The European Court of Human Rights has accepted Ukraine's complaint against Russia, which is accused of military aggression, attacks on civilians, and other human rights vio-

⁵³ The Commission's reports are available on the Human Rights Council's website: <https://www.ohchr.org/en/hr-bodies/hrc/iicir-ukraine/index>.

⁵⁴ See, e.g., *Third Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine*. Available at: <https://www.osce.org/odihr/548629>.

⁵⁵ *Міжнародний Реєстр збитків, завданих агресією РФ проти України, — створено*, <https://minjust.gov.ua/news/ministry/mijnarodniy-reestr-zbitkiv-zavdanih-agresieyu-rf-proti-ukraini-stvoreno>

⁵⁶ *International Centre for the Prosecution of the Crime of Aggression Against Ukraine opened in The Hague*. Available at: <https://war.ukraine.ua/war-news/international-centre-prosecution-crime-aggression-against-ukraine-opened-hague/>.

lations. In addition, both international organisations (such as the Council of Europe, the European Union, NATO, and the OSCE) and dozens of states support the idea of setting up a special international tribunal for crimes of aggression against Ukraine. The ICC launched an investigation into the situation in Ukraine as early as 28 February 2022 and decided on 17 March 2023 to issue arrest warrants against two individuals – the incumbent president of the Russian Federation, Vladimir Putin, and the Russian ombudsperson for children’s rights, Mariya Lvova-Belova. They were accused of committing a war crime in the form of the unlawful deportation or resettlement of civilians – this refers to the deportation of Ukrainian children, a procedure organised by the Russian state. Taking into account the legal and political dilemmas relating to the issue of immunity of a sitting head of state not party to the ICC, it is unlikely that Putin will be arrested and transferred to the Hague, but the mere fact that an arrest warrant has been issued against him is of unprecedented political significance⁵⁷. In this context, it should also be noted that, like Russia, Ukraine has not ratified the Rome Statute, but in 2014–15 it recognised the ICC’s jurisdiction over war crimes, crimes against hu-

⁵⁷ See Lachowski, T. (2023) “Czy Władimir Putin trafi do Hagi? O prawno-politycznych konsekwencjach nakazów aresztowania wydanych przez Międzynarodowy Trybunał Karny”, *Komentarze IeŚ*, 67 (819). Available at: <https://ies.lublin.pl/komentarze/czy-wladimir-putin-trafi-do-hagi-o-prawno-politycznych-konsekwencjach-nakazow-aresztowania-wydanych-przez-miedzynarodowy-trybunal-karny/>.

manity, and crimes of genocide committed on its territory. Furthermore, the ICC can prosecute criminals regardless of their nationality⁵⁸.

⁵⁸ The United States is not a party to the ICC Rome Statute either. Afghanistan, on the other hand, is. This means that the ICC can operate on its territory and prosecute all criminals, regardless of their nationality. The situation is therefore analogous to that in Ukraine – the Russians can be prosecuted for actions on Ukrainian territory and the Americans can be prosecuted for actions in Afghanistan.

Summary

The present study does not attempt to provide a compilation and legal analysis of the crimes committed and being committed by the Russian Federation during its aggression against Ukraine. Its objective is to show the scale and examples of Russia's criminal actions. It should be emphasised that the underlying crime is an act of aggression for which Russia's leadership bears personal responsibility. It is also important to be aware that many of the acts described here can be qualified simultaneously as war crimes, crimes against humanity, and genocide – in the latter case, it is not the scale but the modus operandi that is crucial (although the

final legal qualification will be made once the war has ended and evidence and trial materials have been collected). At present, the data regarding the scale of the crimes is incomplete, as it is only possible to investigate and document them in Ukrainian territories that the Russians have already left. It should also be remembered that Russia's aggression against Ukraine has been ongoing *de facto* since 2014.

There is no doubt that Russia's war crimes are not incidental and random but are committed in a systematic manner, methodically, intentionally, and with the intention of destroying the Ukrainian state and nation. Indirectly, these actions are intended to break the morale and will to resist of the Ukrainians, both the public and the authorities, and induce them to capitulate. However, almost two years after the invasion, this objective has not been achieved – the resolve of the Ukrainians has not been broken and the scale of Russian brutality has led to the opposite effect, i.e. the consolidation of the Ukrainian nation.

Russia's aggression will also have consequences for regional and global international security. These can vary greatly depending on what the outcome of the war (in which around half a million soldiers have already been killed or wounded on both sides) will be. Russian victory is likely to mean a rapid erosion of the institutional security system, a crisis of credibility in international law, and an increase in the level of aggression in international relations. It is significant that war crimes are being committed in a metho-

dical and planned manner by a permanent member of the UN Security Council.

It is therefore in the interest of the entire international community to punish Russia. If it remains unpunished (once again), this will not only have moral significance but could lead to a far-reaching destabilisation of the entire international system and affect the security of many states and nations. It must also be remembered that even in the most favourable circumstances, not all crimes and their perpetrators will be punished, and the very process of prosecuting and holding them to account will take many years.

Bibliography

- Barcik, J. and Srogosz, T. (2019) *Prawo międzynarodowe publiczne*. Warszawa.
- Bazhenova, H. (2023) "Demograficzne wyzwania Ukrainy", *Komentarze IEŚ*, 221(973). Available at: <https://ies.lublin.pl/komentarze/demograficzne-wyzwania-ukrainy/>.
- Bazhenova, H. (2022) "Drugi front Ukrainy: kampania siewna", *Komentarze IEŚ*, 87(575). Available at: <https://ies.lublin.pl/komentarze/drugi-front-ukrainy-kampania-siewna-2022/>.
- Bazhenova, H. (2022) "Ochrona dziedzictwa kulturowego Ukrainy w czasie wojny", *Komentarze IEŚ*, 107(595). Available at: <https://ies.lublin.pl/komentarze/ochrona-dziedzictwa-kulturowego-ukrainy-w-czasie-wojny/>.

- Bazhenova, H. (2023) "Ukraińskie rolnictwo rok po inwazji: wyniki i prognozy", *Komentarze IES*, 57(809). Available at: <https://ies.lublin.pl/komentarze/ukrainskie-rolnictwo-rok-po-rosyjskiej-inwazji-wyniki-i-progno/>.
- Bazhenova, H. (2022) "Wojna na Ukrainie: przestępstwa przeciwko środowisku (część 1)", *Komentarze IES*, 117(605). Available at: <https://ies.lublin.pl/komentarze/wojna-na-ukrainie-przestepstwa-przeciwko-srodowisku-czesc-1/>.
- Bruszewski, M., *Wagnerowcy przyznali się do zbrodni. "Zabijaliśmy wszystkich"*. Available at: <https://defence24.pl/wojna-na-ukrainie-raport-specjalny-defence24/wagnerowcy-przyznali-sie-do-zbrodni-zabijalismy-wszystkich>.
- Curanović, A. (2021) "Skazana na imperium? Lęki i dyskurs imperialny w procesie samoidentyfikacji Rosji poradzieckiej", *Rocznik Instytutu Europy Środkowo-Wschodniej*, 19. 2.
- Damaged cultural sites in Ukraine verified by UNESCO*. Available at: <https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco>.
- Drabczuk, M. and Szabaciuk, A. (2022) "Rosyjska wojna na wyniszczenie. Zmasowane ataki na ukraińską infrastrukturę krytyczną i ich skutki", *Komentarze IES*, 248(736). Available at: <https://ies.lublin.pl/komentarze/rosyjska-wojna-na-wyniszczenie-zmasowane-ataki-na-ukrainska-infrastruktura-krytyczna-i-ich-skutki/>.
- Góralczyk, W. and Sawicki, S. (2020) *Prawo międzynarodowe publiczne w zarysie*. Warszawa.
- Hołda, J., Hołda, Z., Ostrowska D., and Rybczyńska J. (2014) *Prawa człowieka. Zarys wykładu*. Warszawa.
- International Centre for the Prosecution of the Crime of Aggression Against Ukraine opened in The Hague*. Available at: <https://war.ukraine.ua/war-news/international-centre-prosecution-crime-aggression-against-ukraine-opened-hague/>.

- Johnson, D. *Could Russia be held accountable for the destruction of the Kakhovka Dam?* Available at: <https://www.atlanticcouncil.org/blogs/ukrainealert/can-russia-be-held-accountable-for-the-destruction-of-kakhovka-dam/>.
- Khara, A. *Putin's Ukraine genocide is rooted in Russian impunity for Soviet crime.* Available at: <https://www.atlanticcouncil.org/blogs/ukrainealert/putins-ukraine-genocide-is-rooted-in-russian-impunity-for-soviet-crimes/>.
- Lachowski, T. (2023) "Czy Władimir Putin trafi do Hagi? O prawno-politycznych konsekwencjach nakazów aresztowania wydanych przez Międzynarodowy Trybunał Karny", *Komentarze IES*, 67(819). Available at: <https://ies.lublin.pl/komentarze/czy-wladimir-putin-trafi-do-hagi-o-prawno-politycznych-konsekwencjach-nakazow-aresztowania-wydanych-przez-miedzynarodowy-trybunal-karny/>.
- Lachowski, T. and Stępniewski, T. (2023) "Łudobójstwo w służbie odbudowy imperium", *Nowa Europa Wschodnia*, 2.
- Landmine Use in Ukraine*, Human Rights Watch, June 2023. Available at: <https://www.hrw.org/news/2023/06/13/landmine-use-ukraine>.
- Marcinko, M., *Klasyfikacja prawna zbrodni międzynarodowych.* Available at: https://nauka.uj.edu.pl/aktualnosci/-/journal_content/56_INSTANCE_Sz8leLojYQen/74541952/150532935.
- Olchowski, J. and Bazhenova, H. (2023) *Ukraina, [in:] Raport. Bezpieczeństwo energetyczne państw Europy Środkowej i Wschodniej.* Edited by Surmacz, B. and Paszkowski, M. Lublin, p. 197.
- Olchowski, J. (2022) "Wiarygodność organizacji międzynarodowych w obliczu inwazji Rosji na Ukrainę (część 1)", *Komentarze IES*, 212 (700). Available at: <https://ies.lublin.pl/komentarze/wiarygodnosc-organizacji-miedzynarodowych-w-obliczu-inwazji-rosji-na-ukraine-czesc-1/>.

- Olchowski, J. (2022) "Rosyjskie zbrodnie i ich kontekst międzynarodowy", *Komentarze IES*, 127(615). Available at: <https://ies.lublin.pl/komentarze/rosyjskie-zbrodnie-i-ich-kontekst-miedzynarodowy/>.
- Olchowski, J. (2022) "Rosyjskie zbrodnie wojenne – kolejna odsłona starej taktyki", *Komentarze IES*, 176(564). Available at: <https://ies.lublin.pl/komentarze/rosyjskie-zbrodnie-wojenne-kolejna-odslona-starej-taktyki/>.
- Rzymski Statut Międzynarodowego Trybunału Karnego sporządzony w Rzymie dnia 17 lipca 1998 r.*, Journal of Laws of 2003, No. 78, item 708. Available at: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu20030780708>.
- Post-Disaster Needs Assessment: 2023 Kakhovka Dam Disaster, Ukraine*. Available at: <https://ukraine.un.org/en/248860-post-disaster-needs-assessment-report-kakhovka-dam-disaster>.
- Sapuppo, M. *Russia accused of deliberately targeting journalists in Ukraine*. Available at: <https://www.atlanticcouncil.org/blogs/ukrainealert/russia-accused-of-deliberately-targeting-journalists-in-ukraine/>.
- Report on Violations and Abuses of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity, Related to the Forcible Transfer and/or Deportation of Ukrainian Children to the Russian Federation*. Available at: <https://www.osce.org/odihr/542751>.
- Rosja wywiozła z kilka tysięcy dzieci z obwodu chersońskiego*. Available at: <https://belsat.eu/pl/news/15-10-2022-rosja-wywiozla-kilka-tysiecy-ukrainskich-dzieci-z-obwodu-chersonskiego>.
- Shaw, M.N. (2006) *Prawo międzynarodowe*. Poznań.
- Syniuk, O., Sokurenko, Y., and Okhotnikova, N. (2023) "Women's cells" of Kherson torture chamber: Analytical report based on the testimonies of detainees. Kyiv.

- Szabaciuk, A. (2023) "Rosyjska mobilizacja na okupowanych obszarach Ukrainy", *Komentarze IES*, 232(984). Available at: <https://ies.lublin.pl/komentarze/rosyjska-mobilizacja-na-okupowanych-obszarach-ukrainy/>.
- Szabaciuk, A. (2022) "'Zło przyszło z Zachodu': Okultyzm, magia i 'desatanizacja' w rosyjskiej propagandzie wojennej", *Komentarze IES*, 231 (719). Available at: <https://ies.lublin.pl/komentarze/zlo-przyszlo-z-zachodu-okultyzm-magia-i-desatanizacja-w-rosyjskiej-propagandzie-wojennej/>.
- Third Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine.* Available at: <https://www.osce.org/odhr/548629>.
- "We Had No Choice": "Filtration" and the Crime of Forcibly Transferring Ukrainian Civilians to Russia. Available at: <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>.
- Zielińska, E. (2010) *Definicja zbrodni agresji w polskim kodeksie karnym w świetle art. 8 bis Rzymskiego Statutu Międzynarodowego Trybunału Karnego*. Warszawa.
- Вандалізм і мародерство: війна Росії проти культурної спадщини України, <https://www.ukrinform.ua/rubric-culture/3729227-vandalizm-i-maroderstvo-vijna-rosii-proti-kulturnoi-spadsini-ukraini.html>.
- Діти війни, <https://childrenofwar.gov.ua/>.
- Конфликт с Украиной: оценки сентября 2023 года, <https://www.levada.ru/2023/10/03/konflikt-s-ukrainoj-otsenki-sentyabrya-2023-goda/>.
- Міжнародний Реєстр збитків, завданих агресією РФ проти України, – створено, <https://minjust.gov.ua/news/ministry/mijnarodniy-reestr-zbitkiv-zavdanih-agresieyu-rf-proti-ukraini-stvoreno>.
- Одобрение органов власти, <https://www.levada.ru/indikatory/odobrenie-organov-vlasti/>.

Окупанти примусово паспортизують дітей від 14 років на ТОТ,
<https://suspinne.media/466379-okupanti-primusovo-pasportizuut-ditej-vid-14-rokiv-na-tot-centr-nacionalnogo-sprotivu/>.

Офіційний ресурс Міністерства захисту довкілля та природних ресурсів України, <https://ecozagroza.gov.ua/>.

План відновлення України, <https://recovery.gov.ua/>.

Стаття Володимира Путіна «Об историческом единстве русских и украинцев», <http://kremlin.ru/events/president/news/66181>.

Україна: Втрати серед цивільних осіб станом на 24 вересня 2023 року, <https://ukraine.un.org/uk/247232-україна-втрати-серед-цивільних-осіб-станом-на-24-вересня-2023-року>.

Через російську агресію в Україні постраждали вже 1322 об'єкти культурної інфраструктури, <https://www.kmu.gov.ua/news/cherez-rosiisku-ahresiiu-v-ukraini-postrazhdaly-vzhe-1322-obiekty-kulturnoi-infrastruktury>.

Что Россия должна сделать с Украиной, <https://ria.ru/20220403/ukraina-1781469605.html>.

Якими є наслідки російського теракту на Каховській ГЕС для дикої природи?, <https://uncg.org.ua/iakymy-ie-naslidky-rosijsko-ho-teraktu-na-kakhovskij-hes-dlia-dykoi-pryrody/>.

120 млн тонн викидів за рік. Війна росії проти України віддаляє світ від кліматичної нейтральності, <https://mepr.gov.ua/120-mln-tonn-vykydiv-za-rik-vijna-rosiyi-proty-ukrayiny-viddalayae-svit-vid-klimatichnoyi-nejtralnosti/>.

It should be emphasized that, in the first place, the fundamental crime is the act of aggression – and the leaders of Russia bear personal responsibility for that. It is also important to recognize that many of the actions described here may simultaneously be classified as war crimes, crimes against humanity, and genocide – in the latter case, the key factor is not the scale but the modus operandi.

There is no doubt that Russia's war crimes are not incidental or accidental but are committed systematically, methodically, and deliberately, with the intent of destroying the Ukrainian state and nation.

ISBN 978-83-67678-52-0



www.ies.lublin.pl