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## **RUSSIA: Int'l experts issue stark warning of Russian genocide against Ukraine**

### **RUSSIA: International experts issue stark warning of Russian genocide against Ukraine**

*An independent study has concluded that there is a serious risk of Russian genocide in Ukraine evidenced both in Russia's incitement to commit genocide and in its pattern of atrocities*

Khpg (30.05.2023) – An independent study, carried out by over 30 recognized human rights lawyers and scholars, has concluded that there is a serious risk of Russian genocide in Ukraine. This, the authors point out, **“triggers the legal obligation of all States to prevent genocide.”**

The study provides a detailed analysis of Russia’s “direct and public incitement to commit genocide, as well as of “a pattern of atrocities from which an inference of intent to destroy the Ukrainian national group in part can be drawn.”

The report’s findings are particularly important since western countries, despite apparent recognition of the far-reaching danger if Russia is allowed to defeat Ukraine and seize more Ukrainian territory, have been hopelessly slow in helping Ukraine to defend itself. If states have committed themselves to prevent genocide, then more is clearly required than sanctions that remain pitiful in comparison with the vast amounts of European money flowing into Russian coffers from gas and oil sales. What world leaders should categorically not be doing is tacitly or openly suggesting that Ukraine should accept giving up (more of its) territory in order to help Russian leader Vladimir Putin ‘save face’ and / or to prevent ‘escalation’ of the conflict. This is, in itself, a shocking suggestion, but is especially appalling given the clear evidence of atrocities committed on Ukrainian territory that has fallen under Russian occupation.

This is not the first clear acknowledgement that Russia is committing international crimes in Ukraine. The International Criminal Court had begun investigating likely war crimes within just over a week of Russia’s total invasion of Ukraine on 24 February 2022. Indeed, ICC Prosecutor Karim

Khan stated on 25 February that the Court was closely following developments in Ukraine and that it might investigate possible war crimes. *"I remind all sides conducting hostilities on the territory of Ukraine that my office may exercise its jurisdiction and investigate any act of genocide, crime against humanity or war crime committed within Ukraine."* Khan then suggested that ICC member states would expedite proceedings by asking for an investigation. Within days, 42 member states had lodged such applications.

On 25 April, the Office of the ICC Prosecutor stated that it would participate, for the first time ever, in a joint investigation team on alleged core international crimes committed in Ukraine, initially set up on 25 March.

On 26 February, Ukraine filed an application with the UN's International Court of Justice [ICJ], asserting that Russia is violating the Convention on the Prevention and Punishment of the Crime of Genocide, by, for example, falsely claiming that Ukraine has committed 'genocide' in occupied Donbas, and using this falsehood as an excuse for its aggression against Ukraine. It specifically asked that ICJ impose provisional measures, ordering Russia to stop its attack on Ukraine.

ICJ allowed Ukraine's application and, on 16 March, ordered Russia to immediately suspend all military operations in Ukraine. Herein lies the problem with all international courts, since Russia's 'response' to this, theoretically binding, order was to bomb the Drama Theatre in Mariupol, killing up to 600 civilians seeking refuge from Russian bombs.

The independent report, published by the New Lines Institute for Strategy and Policy and the Raoul Wallenberg Centre for Human Rights, is not even theoretically binding, however the

warning it issues would be well heeded.

In finding clear evidence of incitement to commit genocide, the authors stress that, under Article III (c) of the Genocide Convention, this is a distinct crime, whether or not genocide follows.

### ***Denial of the existence of a Ukrainian identity***

They point to, and provide multiple examples of the denial from high-level Russian officials and State media of the very existence of a Ukrainian identity, and stress that “denial of the existence of protected groups is a specific indicator of genocide under the United Nations guide to assessing the risk of mass atrocities.”

The examples demonstrate that such denial of a distinct Ukrainian identity, and essentially, of Ukraine as a separate entity go back a long way. The authors also cite Putin’s essay ‘On the historical unity of Russians and Ukrainians’ from July 2021. As well as denying any true sovereignty for Ukraine as separate from Russia, Putin also claimed that the Ukrainian government’s denial that Russians and Ukrainians are, supposedly, one people as “indulging neo-Nazis and Nazism”.

The authors note that “the denial of the existence of protected groups or elements of their identity is an indicator of the specific risk of genocide under the UN Framework of Analysis for Atrocity Crimes”.

## ***Accusation in a Mirror***

The report identifies this as a historically recurring form of incitement to genocide, explaining that the perpetrator essentially accuses the targeted group of planning or having committed precisely those atrocities that the perpetrator is planning. The targeted group is framed as an existential threat, with this “making violence against them seem defensive and necessary”. The authors point out that Putin and Russian officials have done this by using the false claim that Ukraine committed genocide in the Russian proxy Donbas ‘republics’ as the pretext for Russia’s invasion.

## ***“Denazification” and Dehumanization***

Putin’s claim that Russia’s invasion was aimed at the ‘denazification’ of Ukraine has received widespread condemnation, including from Jewish leaders in Ukraine and from Holocaust remembrance organizations.

The report cites the constant use of this term, as well as words aimed at dehumanizing Ukrainians (“zombified,” “bestial,” or “subordinate”, “scum,” “filth,”, etc.)

It warns that “this rhetoric is used to portray a substantial segment or an entire generation of Ukrainians as Nazis and mortal enemies, rendering them legitimate or necessary targets for destruction.”

The report details the expansion in scope of Russia's use of such terminology, without discussing any possible reasons. This may be correct, and such expansion inevitable, however it was noticeable that the same propaganda mouthpieces who had been assuring their Russian audiences that Kyiv would fall in three days, and that the Ukrainian people would greet the Russians as 'liberators' suddenly found themselves needing to explain why this did not happen.

The report is blunt in its assessment of the motives behind dehumanizing language. "As the invasion continues, high-level officials, and State-run media commentators are painting Ukrainians more broadly in dehumanizing terms to justify atrocities". "Increasingly, such propaganda is being used to justify atrocities beyond the battlefield. The Ukrainian civilian population and elites are being described to Russians as their mortal enemies, some of whom must be 'liquidated'."

Many of the appalling pronouncements which the report cites are from prominent Russian political leaders.

### ***Construction of Ukrainians as an Existential Threat***

"In the Russian context, the State orchestrated incitement campaign overtly links the current invasion to the Soviet Union's existential battles with Nazi Germany in World War II, amplifying the propaganda's impact on the Russian public to commit or condone mass atrocities."

The authors report that Putin sent a telegram to the proxy 'republics' (the report uses the misleading term 'separatists' for these Russian-created and controlled entities) on Victory Day. In it, he claimed that Russians are fighting "for the liberation of their native land from Nazi filth," vowing that "victory will be ours, like in 1945." They add that the Russian Orthodox Church has publicly reinforced this historical parallel and praised Russia's fight against Nazis.

It is worth stressing that Ukrainians were just as instrumental in defeating Nazi Germany as Russians. In the remembrance events on 8-9 May this year, however, Ukrainians continued to honour the victims under the banner "Never again", while Russian propaganda had come up with the blustering slogan 'We can repeat' (that victory, this time against Ukraine).

### ***Conditioning the Russian Audience to Commit or Condone Atrocities***

As reported, Russia has not merely denied the crimes its soldiers committed in Bucha and other parts of the Kyiv oblast. On 18 April, Russian leader Vladimir Putin positively 'honoured' the 64th motorised infantry brigade believed to be behind the horrific international crimes committed in the Kyiv oblast. The presidential decree talks of "mass heroism and daring, tenacity and courage" in referring to men almost certainly responsible for rapes, torture, indiscriminate killings and looting.

The report notes that the Russian "authorities are able to

directly incite the public by funnelling and amplifying their propaganda through a controlled media landscape and extreme censorship around the war. The purveyors of incitement propaganda are all highly influential political, religious, and State-run media figures, including President Putin.”

### ***Genocidal intent***

Failing a regime change in Russia, it is unlikely that documents will be produced proving direct intent to commit genocide, however the authors of the report point out that intent “can be inferred from a systematic pattern of atrocities targeting the protected group.”

They point to the following

### **Mass Killings**

“The well-documented Bucha massacre may indicate consistent tactics employed by Russian forces across currently inaccessible occupied areas. The number of mass graves in Russian controlled areas are rapidly expanding, as documented by investigators and satellite imagery, though the full extent of the killing will not be known until access to sites controlled by Russian forces is secure. “

### **Deliberate Attacks on Shelters, Evacuation Routes, and Humanitarian Corridors**

The Drama Theatre in Mariupol had the word 'CHILDREN' written in Russian both in front and behind, warning that the building was being used to shelter civilians, mainly women, children and the elderly.

### **Indiscriminate Bombardment of Residential Areas**

The report notes Russia's extensive use of "inherently indiscriminate weapons with wide-area effect, or cluster munitions, targeting densely populated areas".

### **Russian Military Sieges: Deliberate and Systematic Infliction of Life-Threatening Conditions**

"While relentlessly bombarding Ukrainians from within and without, Russian forces have simultaneously and deliberately imposed brutal sieges on cities, amounting to systematic (which when committed with specific intent would amount to) acts under Art. II (c) of the Genocide Convention.

### **"Destruction of Vital Infrastructure**

Russian forces follow a similar pattern in besieging Ukrainian cities, first striking water, power, and communication sources, and further targeting medical facilities, grain warehouses, and aid distribution centres, suggesting a military strategy and policy of deliberately inflicting fatal conditions on Ukrainians."

## **Attacks on Health Care**

“As of May 25, the World Health Organization has documented 248 attacks on Ukraine’s health care system.”

“Russian forces’ consistent attacks against perinatal centres and maternity hospitals are particularly probative of genocidal intent. These attacks constitute four of the five genocidal acts under Arts. II (a)-(d) in killing or causing serious harm to civilians inside or affected, exacerbating the already imposed life-threatening conditions, and preventing Ukrainian women from safely giving birth. The attacks on health care in Mariupol provide a stark pattern. On March 9, Russian forces bombed the clearly identifiable and operational Mariupol Maternity House and Children’s Hospital. By March 26, at a very early stage of the siege, out of the six hospitals, two were already destroyed and three were damaged, while the remaining facilities operated with limited staff and without heating, adequate supplies, electricity, or water.”

## **Destruction and Seizure of Necessities, Humanitarian Aid, and Grain**

“According to Ukrainian officials and agricultural workers, Russian forces have destroyed warehouses and farms or seized farm holdings, machinery, and vast stores of grain in Russian occupied territory, including expropriating hundreds of thousands of tons of grain to Russia.”

The report mentions other crimes as well, including the forcible transfer of Ukrainians to Russia, and point out that this is a genocidal act under Art. II(e) of the Genocide Convention.

This report can and should be read in full. Given its importance, please consider sending it to elected representatives in your country, highlighting the following:

### **“The Duty to Prevent Genocide**

States have a legal obligation to prevent genocide beyond their borders once they become aware of the serious risk of genocide – a threshold that this report clearly establishes has been met, of which States cannot now deny knowledge. The Genocide Convention imposes a minimum legal obligation on States to take reasonable action to contribute toward preventing genocide and protecting vulnerable Ukrainian civilians from the imminent risk of genocide.”

[Download the full report here](#)

*Woman outside the city’s Maternity Hospital after it was bombed by Russia on 9 March (Photo Evgeniy Maloletka, AP)*

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