

Genocidal Dimensions of the Russo-Ukrainian War: Targeting the People and Cultural Heritage of Ukraine

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When the Russian Federation launched a full-scale aggression against Ukraine, it violated the prohibition on the “use of force against the territorial integrity or political independence of any state”, embodied in Article 2, paragraph 4, of the United Nations Charter. The crimes committed by the Russian armed forces since 24 February 2022 in Ukraine constitute the most serious crimes of international concern, as confirmed by the International Criminal Court’s arrest warrant for Russian President Vladimir Putin and the Presidential Commissioner for Children’s Rights Maria Alekseyevna Lvova-Belova in connection with specific acts classified by this court as war crimes. At the same time, to constitute a crime of genocide, there must be a proven intent on the part of the accused to destroy, in whole or in part, a national, ethnical, racial, or religious group.

This article examines the war crimes perpetrated by the Russian armed forces against the civilian population of Ukraine during the Russo-Ukrainian war and identifies signs of genocidal intent in these actions. It analyses explicit acts of genocide including killings, causing serious bodily or mental harm, the forced transfer of Ukrainian children to Russia and occupied territories, and the intentional creation of living conditions geared toward the physical destruction of the Ukrainians as a nation. Additionally, the article scrutinises the attacks on the country’s cultural heritage sites, which in turn can be qualified depending on the circumstances, as war crimes (when, *inter alia*, military necessity is not justified and the principle of distinguishing between military and civilian targets is violated), crimes against humanity (when they are systematic), or genocide (when they are part of a policy of identity destruction).

The author demonstrates that Russian aggression against Ukraine not only poses a threat to the territorial integrity and state sovereignty of the country, but also seeks to annihilate – at least partially – the Ukrainian nation, its identity, and its cultural heritage. The Russo-Ukrainian conflict exhibits signs of a genocidal campaign that are recognised by international law under the 1948 Genocide Convention. This is manifested in an attempt to commit genocide, direct and public incitement for genocide, and the commission of genocide in certain territories, specifically in Bucha and Mariupol.

However, substantiating and proving the crime across all of Ukraine will be more difficult and may take years. An exception to this challenge is the mass transfer of almost 4,500 Ukrainian orphans to Russia – a crime that concerns the entire country. Additionally, acts of torture and killings that occurred in the early stages of the full-scale invasion (February and March 2022) in the Kyiv and Chernihiv regions exhibit signs of genocide committed in certain territories. At the same time, the existing facts, viewed through a historical prism, indicate that the actions taken by Russian forces in Ukraine embody the characteristics of genocide.

Keywords: Russian Federation, Ukraine, UN Convention on the Prevention and Punishment of the Crime of Genocide, Raphael Lemkin, cultural heritage, genocide.

Introduction

On 24 February 2022, the Russian Federation mounted a full-scale military aggression against Ukraine. Russian troops struck across the entire country, entering the territory of Zhytomyr, Kyiv, Chernihiv, Sumy, Kharkiv, Luhansk, Donetsk, Zaporizhzhia, Kherson, and Mykolaiv regions. The invasion led to a significant rise in civilian casualties and the destruction of numerous civilian objects, including residential buildings, medical and educational facilities, shopping centres, railway stations, and warehouses with food and medicine.¹ Soon after the withdrawal of Russian forces from the northern regions of the country, reports of numerous killings and mass burials of local civilians in improvised individual or collective graves began to emerge. Since then, phrases such as “Russia is a terrorist state” and “Russia is a state sponsor of terrorism” can often be heard. In this context, it is important to recall the resolution adopted by the Parliamentary Assembly of the Council of Europe on 13 October 2022 that declared the current Russian regime as a terrorist one.² On 23 November 2022, the European Parliament issued a resolution, according to which Russia was recognised as “a state sponsor of terrorism” and as a state that “uses means of terrorism”.³

The aggressor’s activity in Ukraine is evident in the application of classical terror tactics, not only within the combat zone but also extending across the entire country. Russian forces employ heavy weapons against civilians and civilian infrastructure, utilising civilians as human shields, persecuting individuals based on their political or religious beliefs, mistreating captured Ukrainian servicemen, and obstructing the activities of international organisations, including the prevention of United Nations and Red Cross humanitarian convoys. There is also active propaganda and psychological pressure on Ukrainian youth residing in the temporarily occupied territories. Furthermore, Russia intensively employs the Internet for propaganda, recruitment, and financial purposes⁴. All these activities, including the act of “nuclear terrorism”, pose a threat of destruction to the entire population of Ukraine, which the international community could already qualify as genocide.

¹ United Nations Human Rights Office of the High Commissioner, Ukraine, *Killings of Civilians: Summary Executions and Attacks on Individual Civilians in Kyiv, Chernihiv, and Sumy Regions in the Context of the Russian Federation’s Armed Attack against Ukraine, 24 February–31 October 2022*, 7 December 2022, p. 6; United Nations in Ukraine, 7-12-2022, in: <<https://www.ohchr.org/sites/default/files/documents/countries/ukraine/2022/2022-12-07-OHCHR-Thematic-Report-Killings-EN.pdf>>, [2023-11-24].

² Council of Europe Parliamentary Assembly Resolution 2463 (2022) „Further escalation of the Russian Federation’s aggression against Ukraine”, in: *Parliamentary Assembly*, <<https://pace.coe.int/en/files/31390/html>>, [2023-11-25].

³ European Parliament resolution of 23 November 2022 on recognising the Russian Federation as a state sponsor of terrorism (2022/2896 (RSP), in: *European Parliament*, <https://www.europarl.europa.eu/doceo/document/TA-9-2022-0405_EN.docx>, [2023-11-25].

⁴ Оксана Епель, Олександр Скрипнюк, “«Спецоперація» як злочин”, in: *Закон і Бізнес*, 13-09-2022, <https://zib.com.ua/ua/152930-deystviya_rossii_podpadayut_pod_priznaki_mezhdunarodnogo_ter.html>, [2023-11-27].

The question of whether the atrocities committed by Russian forces in Ukraine constitute the crime of genocide has sparked a scholarly debate.⁵ Some participants in this discussion tend to assess the atrocities through the frameworks of *jus ad bellum* and *jus in bello*, leading them to the conclusion that the committed acts are merely random instances of violence.⁶ Another group of scholars analyse the developments through a genocide lens, setting them within a broader historical, political, and cultural context of Russia's full-scale aggression against Ukraine.⁷ This article contributes to the latter strand of inquiry, seeking to examine war crimes perpetrated by the Russian army against the civilian population of Ukraine during the full-scale conflict and to identify signs of genocidal intent. The author analyses explicit acts of genocide including killings, inflicting serious bodily or mental harm, the forced transfer of Ukrainian children, and the deliberate creation of living conditions geared toward the physical destruction of the Ukrainian nation. Additionally, the article scrutinises the systematic destruction of the country's cultural heritage, which can be seen as evidence of an intent to, at least partially, destroy Ukrainians as a national group protected by the UN Convention on the Prevention and Punishment of the Crime of Genocide.

The Genocide Convention and War in Ukraine

International criminal law outlines four main categories of international crimes: the crime of genocide, crimes against humanity, war crimes, and the crime of aggression. These “core” international crimes are so grave that they are not subject to any statute of limitations.⁸ The term “genocide” was first coined by Raphael Lemkin, a Polish-born lawyer, in his work *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (1944). On 9 December 1948, the General Assembly of the United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide. In 1954, the

⁵ See, for instance, Douglas Irvin-Erickson, “Is Russia Committing Genocide?”, in: *Opinio Juris*, 21-04-2022, <<https://opiniojuris.org/2022/04/21/is-russia-committing-genocide-in-ukraine/>> [27-11-2023]; Yulia Ioffe, “Forcibly Transferring Ukrainian Children to the Russian Federation: A Genocide?”, in: *Journal of Genocide Research*, 2023, doi: 10.1080/14623528.2023.2228085; Martin Shaw, “Russia's Genocidal War in Ukraine: Radicalization and Social Destruction”, in: *Journal of Genocide Research*, 2023; Tomasz Lachowski, Tomasz Stepniewski, *Russia's War on Ukraine: Geopolitics, International Law, and Genocide*, (ser. Prace IEŚ, 10/2023), Lublin: Instytut Europy Środkowej, 2023; Przemysław Pietrzak, Mariia Tkaczuk, “Czy można uznać działania Rosji podczas wojny na Ukrainie za ludobójstwo?”, in: *Instytut na Rzecz Kultury Prawnej Ordo Juris*, 22-06-2022, <<https://ordoiuris.pl/wolnosc-obywatelskie/czy-mozna-uznac-dzialania-rosji-podczas-wojny-na-ukrainie-za-ludobojstwo>>, [2023-11-27].

⁶ See, for instance, Noëlle Quéniwet, “The Conflict in Ukraine and Genocide”, in: *Journal of International Peacekeeping*, 2022, No. 25 (2), pp. 141–154.

⁷ See, for instance, Denys Azarov [et al.], “Understanding Russia's Actions in Ukraine as the Crime of Genocide”, in: *Journal of International Criminal Justice*, 2023, No. 21 (2), pp. 233–264.

⁸ *Rome Statute of the International Criminal Court*, [The Hague: International Criminal Court, 2011], p. 3, 15. See also Marcin Marcinko, “On Legal Classification of International Crimes”, in: *Jagiellonian University in Kraków*, <https://en.uj.edu.pl/en_US/ju-research/-/journal_content/56_INSTANCE_2XezEHy2NT5h/81541894/150609631>, [2023-12-26].

Soviet Union ratified the Convention and after the dissolution of the USSR, both Russia and Ukraine remained parties to this first human rights treaty. The very definition of genocide enshrined in the Convention is internationally recognised. This definition is used in the Rome Statute of the International Criminal Court (ICC), and one of its prosecutors, Karim Khan, is investigating Russia's crimes against Ukraine.

According to Article II of the Convention, genocide occurs when any of the following acts are committed with the "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such":

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

According to Article III of the international treaty, the following acts are punishable: a) genocide; b) conspiracy to commit genocide; c) direct and public incitement to commit genocide; d) attempt to commit genocide; and e) complicity in genocide.⁹ Thus, to establish an act of genocide, it is necessary to prove the intent to physically and biologically destroy a social group, not just culturally. In other words, it is not sufficient to prove only the facts of killing (which are war crimes) or destruction of infrastructure (which can also be considered a war crime); the key is to establish intentions or *dolus specialis*. As a rule, accusations of genocide are directed at the state and its leaders.

Renowned American historian of Central and Eastern Europe, the Soviet Union, and the Holocaust, Timothy Snyder, asserts that Russia is unambiguously committing the five types of crimes specified in the Genocide Convention. However, Russia's explicit declarations of genocidal intent in both its public statements and the media make it a unique case when viewed from a historical perspective.¹⁰

After 24 February 2022, the term "genocide" was rarely used in Ukrainian law enforcement circles, instead the term "aggression" was dominant. The situation changed after the Ukrainian forces liberated the Kyiv region from Russian troops. Facts of mass killings, torture, and rape of civilians, including children, were discovered in the cities of Bucha,

⁹ Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, in: *United Nations, Office on Genocide Prevention and the Responsibility to Protect*, <https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf>, [2023-12-26].

¹⁰ Timothy Snyder's speech during the panel discussion "Russia's Genocide in Ukraine". See "Helsinki Commission Briefing on Russia's Genocide in Ukraine", in: *Commission on Security and Cooperation in Europe*, U. S. Helsinki Commission, 14-11-2022, video, <<https://www.csce.gov/press-releases/helsinki-commission-briefing-on-russias-genocide-in-ukraine/>>, [2023-11-28].

Irpin, Hostomel, and villages of the region.¹¹ On 14 April 2022, the Ukrainian Parliament adopted a declaration recognising the actions of Russia's armed forces and its political and military leadership on Ukrainian territory during the full-scale invasion as a genocide of the Ukrainian people.¹² The document states the existence of the official policy of the Russian Federation not to recognise the Ukrainian people's right to self-identification, self-determination, and, consequently, their right to exist. In addition, the declaration affirms the direction of Russia's centuries-old policy of "de-Ukrainisation", the absorption of the Ukrainian nation by misrepresenting and appropriating its history, achievements in science, culture, and art, as well as distorting the image of the Ukrainian people's identity and their desire for independence.¹³

It is important to note that as early as 23 March 2022, the Polish Sejm adopted a resolution on Russia's commission of war crimes and crimes against humanity, acts of genocide, and systemic violations of human rights and other criminal violations of international law in Ukraine. Furthermore, the Sejm labelled Russian President Vladimir Putin a war criminal. On 21 April 2022, the parliaments of Estonia and Latvia recognised Russia's actions in Ukraine as genocide. On 10 May 2022, the Seimas of Lithuania unanimously declared Russia a terrorist state, emphasising the Kremlin's intent to destroy the Ukrainian nation, and qualifying these actions as genocide. Simultaneously, the House of Commons of the Canadian Parliament unanimously supported a resolution recognising Russia's actions in Ukraine as genocide (28 April). The Senates of the Czech Republic (11 May) and Ireland (1 June) passed similar resolutions acknowledging the crimes of the Russian army in Ukraine as genocide against the Ukrainian people.

After October 2022, when Russian military forces launched a massive attack on the country's critical infrastructure, the term "genocide" gained increasing usage regarding the events in Ukraine. By targeting the energy sector, the Russian leadership intended to create conditions in which Ukrainians would be unable to survive. Subsequently, the destruction of medical facilities,¹⁴ blocking of evacuation corridors, destruction of textbooks in the temporarily occupied territories, alteration of educational curricula, and destruction of culture and cultural heritage¹⁵ were also categorised as genocide.

¹¹ Shaw, *op. cit.*

¹² Постанова Верховної Ради України від 14 квітня 2022 року № 2188-IX "Про Заяву Верховної Ради України "Про вчинення Російською Федерацією геноциду в Україні", in: *Верховна Рада України, Законодавство України*, <<https://zakon.rada.gov.ua/laws/show/2188-IX#Text>>, [2023-11-28].

¹³ *Ibid.*

¹⁴ See Hanna Bazhenova, "System opieki zdrowotnej Ukrainy w warunkach wojny", in: *Komentarze IEŚ*, 2023, nr 754, s. 1–3.

¹⁵ See, for instance, Hanna Bazhenova, *Ukraina w ogniu: pozamilitarne wymiary wojny* (ser. Prace IEŚ, 15/2022), Lublin: Instytut Europy Środkowej, 2022; eadem, *Ukraine on Fire: The Non-Military Dimensions of the War*, (ser. Prace IEŚ, 15/2022), Lublin: Instytut Europy Środkowej 2022; eadem, "Niszczenie dziedzictwa kulturowego Ukrainy w czasie rosyjskiej agresji", in: *Komentarze IEŚ*, nr 1040 (16/2024), s. 1–3.

The first official document since the beginning of the full-scale Russian invasion where the international community mentioned genocide in relation to Russia's actions was the Parliamentary Assembly of the Council of Europe Resolution of 27 April 2023. It recognised the deportation and forced transfer of Ukrainian children to the Russian Federation as genocide.¹⁶ This followed the ICC's announcement on 17 March that it was charging President Vladimir Putin and Maria Alekseyevna Lvova-Belova, who is the Commissioner for Children's Rights under the President, with the war crimes of unlawfully deporting and transferring children from Ukraine to Russia.¹⁷ On 22 May 2023, the NATO Parliamentary Assembly recognised Russia's crimes against Ukraine as genocide and the terrorist regime in the Russian Federation as "Ruscism" ("Rashism").¹⁸

In Search of a Special Intent

Among the features of genocide, the most challenging to prove is the intent to destroy a national group protected by the UN Convention on the Prevention and Punishment of the Crime of Genocide, either in whole or in part. The overall context and nature of the crimes committed by the Russian military show that they were accompanied by a prolonged campaign to dehumanise and demonise the Ukrainian nation,¹⁹ whose representatives are being referred to as "Nazis", "Ukrofascists", or "Ukronazis". Announcing a "special military operation" on 24 February 2022, President Putin stated in his address: "We will seek to demilitarise and denazify Ukraine".²⁰ It is noteworthy that the understanding of denazification is based on a somewhat amorphous set of stereotypical formulas broadly employed in Russian media, and in Russian politicians' speeches and statements.²¹

The most complete interpretation of the objectives of "denazification" can be found in a controversial article "What Russia Should Do with Ukraine" written by Russian political technologist Timofey Sergeytsev and published by the state-owned news agency RIA Novosti. In his opinion, denazification, being simultaneously the de-Ukrainianisation and de-Europeanisation of the country, should include:

- a) the destruction of the Ukrainian Armed Forces, "Nazi battalions", and territorial defence forces – all of which, according to Sergeytsev, were complicit in the "genocide of the Russian people";
- b) the lustration of Ukrainian authorities, purging them of "Nazis"; the liquidation and prohibition of any organisations "associated with the practice of Nazism";
- c) re-education of the population through "ideological repression" of Nazi-oriented attitudes and harsh censorship.²²

²² Тимофей Сергейцев. "Что Россия должна сделать с Украиной", in: *РИА Новости*, 3-04-2022, <<https://ria.ru/20220403/ukraina-1781469605.html>>, [2023-11-30].

Moreover, the Russian authorities deny the existence of the separate Ukrainian people. In his essay “On the Historical Unity of Russians and Ukrainians”, which served as a precursor to the full-scale Russian aggression, Putin argued that Ukrainians have never been a nation.²³ On 21 February 2022, justifying the “special military operation”, he declared that Ukraine “never had stable traditions of real statehood” and was an integral part of Russia’s “own history, culture, spiritual space”. In addition, Putin claimed that contemporary Ukraine was “entirely created by Russia”, thereby challenging the legitimacy of Ukrainian statehood and identity.²⁴

Genocidal intents are manifested not only in official statements of Russian political and military leadership, diplomats, or state-run media commentators, but can also be shown through the analysis of acts committed by Russian forces on the territory of Ukraine. The ongoing warfare has created a significant threat to Ukraine’s cultural and historical heritage across the entire country. The bombardment of numerous sacral buildings, museums, memorial complexes, monuments, historical and cultural sites, theatres, and libraries has caused damage on a scale not witnessed since World War II. Additionally, the museums’ contents were removed from the temporarily occupied territories, along with the relocation of art collections from educational institutions and private individuals.

From 24 February 2022 to 25 November 2023, Ukraine’s Ministry of Culture and Information Policy confirmed the destruction or damage of 863 cultural heritage sites,²⁵ including 119 sites of national importance, 674 of local importance, and 70 newly discovered sites.²⁶ Moreover, 1,750 objects of cultural infrastructure were destroyed or damaged, including 864 community centres, 613 libraries, 136 art education institutions, 106 museums and galleries, and 31 theatres, cinemas, and concert halls. The greatest losses and damage to cultural infrastructure were sustained in Donetsk, Kharkiv, Kherson, Kyiv, Mykolaiv, Luhansk, and Zaporizhzhia regions and the city of Kyiv.²⁷

²³ Владимир Путин, “Об историческом единстве русских и украинцев”, in: *Президент России*, 12-07-2021, <<http://kremlin.ru/events/president/news/66181>>, [2023-12-01].

²⁴ Idem, “Обращение Президента Российской Федерации”, in: *Президент России*, 21-02-2022, <<http://kremlin.ru/events/president/news/67828>>, [2023-12-01].

²⁵ At the same time, UNESCO estimates as of 20 December 2023 put that number at 334 and includes 125 religious sites, 147 buildings of historical and/or artistic interest, 29 museums, 19 monuments, 13 libraries, and one Archive. See “Damaged Cultural Sites in Ukraine Verified by UNESCO”, in: *UNESCO*, 22-12-2023, <<https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco>>, [2023-12-13].

²⁶ “Через російську агресію в Україні постраждали 863 пам’ятки культурної спадщини”, in: *Міністерство культури та інформаційної політики України*, 1-12-2023, <<https://mkip.gov.ua/news/chez-rosijsku-agresiyu-v-ukrayini-postrazhdaly-863-pamyatky-kulturnoi-spadshhyny/>>, [2023-12-05].

²⁷ “МКІП: Через російську агресію в Україні постраждали 1750 об’єктів культурної інфраструктури”, in: *Урядовий портал*, 1-12-2023, <<https://www.kmu.gov.ua/news/mkip-chez-rosijsku-ahresiiu-v-ukraini-postrazhdaly-1750-obiektiv-kulturnoi-infrastruktury/>>, [2023-12-05].

However, current estimates are far from final, as most of the destruction is impossible to record. This especially refers to the cities and towns that have been completely destroyed, such as Volnovakha, Popasna, and Mariupol, where entire historic quarters have been razed, or that are situated in active war zones and occupied territories.²⁸ As of the end of November 2023, almost the entire territory of Luhansk and significant parts of Donetsk, Zaporizhzhia, and Kherson regions were under temporary occupation. The scale and nature of the devastation wrought by Russia indicate that this is deliberate, massive destruction of the Ukrainian nation, its identity, and its culture.

According to the data collected by Religion on Fire project team, the number of demolished and damaged churches and religious buildings at the end of September 2023 had increased to more than 500. Of these, over 100 religious sites have either been destroyed or severely damaged and can no longer be used for religious services. This means that approximately every 50th church in Ukraine has been damaged to some extent since the onset of the Russian full-scale aggression. Among them, there are at least 283 damaged Orthodox religious buildings, and more than 155 Protestant, 15 Jewish, 12 Catholic, and 7 Muslim buildings. Moreover, at least seven religious educational institutions also came under fire.²⁹ The eastern regions have been most affected in this regard.

As a result of the continuous shelling, the historic centres of Kharkiv and Odesa and many of these cities' cultural heritage sites were severely damaged. These include the Kharkiv National Academic Opera and Ballet Theatre named after Mykola Lysenko, a UNESCO World Heritage Site, the Kharkiv Museum of Art, and the Transfiguration Cathedral in Odesa. In addition, the Sviatohirsk Lavra of the Holy Dormition, which is one of three Orthodox lavras (monasteries) in Ukraine, was seriously damaged by repeated bombardment by being within an active conflict zone since the beginning of the full-scale warfare.

The Russian aggression has resulted in the burning of the National Literary Memorial Museum dedicated to Hryhorii Skovoroda, the great Ukrainian philosopher born in 1722, located in the village of Skovorodynivka in the Kharkiv region. Additionally, the Historical and Local Museum in Ivankiv, near Kyiv, which housed works by the outstanding folk painter and representative of Ukrainian naïve art Maria Prymachenko, was also burned. Fortunately, a significant part of these museums' collections was rescued and transported to safer places. Buildings almost entirely destroyed included the Donetsk Academic Regional Drama Theatre³⁰ and the Arkhip Kuindzhi Art Museum (both located in

²⁸ Bazhenova, *Ukraine on Fire* ..., p. 65.

²⁹ "В Україні понад 500 релігійних споруд знищено або пошкоджено внаслідок російського вторгнення", in: *Духовний фронт України*, 26-09-2023, <<https://df.news/2023/09/26/v-ukraini-ponad-500-relihijnykh-sporud-znyshcheno-abo-poshkodzheno-vnaslidok-rosijskoho-vtorhnennia/>>, [23-11-2023].

³⁰ The Russian air strike on the theatre on 16 March 2022 took the lives of at least 300 civilians who had used this place as a shelter. See *Amnesty International*, "Children": The Attack on the Donetsk Regional Academic Drama Theatre in Mariupol, Ukraine", London: Amnesty International, 2022, p. 3.

Mariupol), the Mariupol Local History Museum, the Okhtyrka City Museum of Local Lore (Sumy region), the Chernihiv Museum of Ukrainian Antiquities, and the Lysychansk multidisciplinary gymnasium, a monument of late nineteenth-century Belgian architecture (Luhansk region), among others. The Odesa National Fine Arts Museum and the Bohdan and Varvara Khanenko National Museum of Arts in Kyiv also suffered significant damage. Even Ukraine's only museum dedicated to the Russian poet Sergei Yesenin, located in a school in Kharkiv since 2010, was not spared. Archaeological sites are also being destroyed, some as a result of armies on the move and the construction of fortifications.³¹

From Intent to Action

The destruction of Ukrainians as a nation has been pursued through the commission of genocidal acts defined by the Convention on the Prevention and Punishment of the Crime of Genocide. These acts include killing and causing serious bodily or mental harm, which encompasses not only tortures, rapes and sexual violence, and mistreatment of detainees, but also genital mutilation. Acts also include deliberately inflicting conditions of life aimed at the physical destruction of the Ukrainian nation in a whole or in part, such as deprivation of access to basic items necessary for survival, blocking humanitarian cargos, obstruction of the civilians' evacuation, severe damage and destruction of critical infrastructure, and conducting of "urbicide" and "ecocide". Another example of a genocidal act is the forced transfer of Ukrainian children to Russia or the occupied territories.³²

Information on Russian crimes is collected and recorded by Ukrainian state institutions, numerous public organisations, the media, and by international organisations. However, estimating the actual scale of these crimes during the hostilities is challenging due to the occupation of a large part of the state's territory.³³ As of 19 December 2023, the Prosecutor General's Office of Ukraine had registered more than 118,000 war crimes committed by the Russian Federation, and 681 representatives of the Russian military and po-

³¹ "Збитки від руйнувань культурних та релігійних об'єктів під час війни складають понад \$1.5 млрд", in: *Kyiv School of Economics*, 16-03-2023, <<https://kse.ua/ua/about-the-school/news/zbitki-vid-ruynuvan-kulturnih-ta-religijnih-ob-yektiv-pid-chas-viyni-skladayut-ponad-1-5-mlrd/>>, [2023-11-23]; Bazhenova, *Ukraine on Fire...*, pp. 45–46; eadem, "Niszczenie dziedzictwa kulturowego Ukrainy...", s. 2.

³² See Azarov [et al.], *op. cit.*, pp. 25–31; Валерій В. Сокурєнко, "Війна Росії проти України – геноцид українського народу", in: *Злочинність і протидія їй в умовах війни: глобальний, регіональний та національний виміри: збірник доповідей науково-практичної конференції* (м. Вінниця, 12 квітня 2023 р.), Харків: Харківський національний університет внутрішніх справ, 2023, с. 11–13.

³³ Jakub Olchowski, *War Crimes of the Russian Federation during the Invasion of Ukraine*, (ser. Prace IES, 11/2023), Lublin: Instytut Europy Środkowej, 2023, p. 34.

litical leadership identified as suspects.³⁴ The main problem in investigating these crimes is their unprecedented number.

From 24 February 2022 to 4 December 2023, the Office of the United Nations High Commissioner for Human Rights had documented and verified over 10,000 civilian deaths arising from the conflict, with more than 560 of them being children. Another 18,500 civilians were injured, many of them severely. The majority were affected by long-range explosive weapons such as artillery shells, rockets, cluster munitions, and what are commonly known as loitering munitions. Significant casualties have been recorded as a result of Russian missile attacks on targets situated in densely populated residential areas, often located far from the front line. One example is the rocket attacks on Kyiv in mid-December 2023, which wounded more than 50 people and damaged several residential buildings.³⁵ However, the actual losses are much higher. The exact number of Ukrainian citizens who lost their lives in virtually destroyed cities and towns such as Sievierodonetsk, Lysychansk, Popasna, Bakhmut, and others remains unknown. In Mariupol alone, which was almost destroyed by shelling in the spring of 2022, the most conservative estimate suggests that over 20,000 civilians may have perished. These figures account for the losses recorded during the presence of Ukrainian authorities in the city. However, according to human rights activists, this number could potentially range from 60,000 to 100,000 residents. These individuals were primarily victims of direct violence, casualties resulting from shelling, individuals who went missing, or those who tragically took their own lives.³⁶

The action that is most often considered to be aimed at the destruction of part of the Ukrainian people and as such – under international law – can be qualified as genocide in the first instance, is the illegal deportation of Ukrainian children to Russia. The UN Independent International Commission of Inquiry on Ukraine established by the Human Rights Council in its report identified three categories of deported children: 1) those who lost parents or temporarily lost contact with them during hostilities; 2) those who were separated following the detention of a parent at a filtration point; and 3) those who were in institutions (such as orphanages or boarding schools).³⁷

³⁴ “Понад 118 тисяч воєнних злочинів задокументував Офіс Генерального прокурора”, in: *АрміяInform*, 19-12-2023, <<https://armyinform.com.ua/2023/12/19/ponad-118-tysyach-voennyih-zlochyniv-zadokumentuvav-ofis-generalnogo-prokurora/>>, [2023-12-21].

³⁵ “Russia ‘should immediately cease its use of force against Ukraine,’ Türk declares”, in: *UN Human Rights Office of the High Commissioner*, 19-12-2023, <<https://www.ohchr.org/en/statements-and-speeches/2023/12/russia-should-immediately-cease-its-use-force-against-ukraine-turk/>>, [2023-12-23].

³⁶ Олександр Янковський, Олена Бадюк, “Це був дійсно геноцид”: в Україні документують злочини РФ в Маріуполі для окремого подання у Гаагу”, in: *Радіо Свобода*, 14-11-2023, <<https://www.radiosvoboda.org/a/novynu-pry-azovu-mariupol-henotsyd-rosiya-haaha/32682784.html>>, [2023-11-25].

³⁷ Report of the Independent International Commission of Inquiry on Ukraine, (A/HRC/52/62), 15 March 2023, p. 15, in: *UN Human Rights Office of the High Commissioner*, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_AUV_EN.pdf>, [2023-11-25].

Official Ukrainian statistics report that 19,546 children (almost 4,500 of them orphans) have been deported and/or forcibly displaced from Donetsk, Luhansk, Kharkiv, Kherson, and Zaporizhzhia regions to Russia, with only 387 having returned to Ukraine as of 26 December 2023. Russian open-source data, however, indicates that the number of deported children is much higher – 744,000.³⁸ Filtration camps are an integral element of displacement. During filtration men, women, and children are kept separately. Russians then interrogate them simultaneously, comparing the information obtained. There have been also cases of forcible separation of parents and children, with parents detained because of certain questions to them, and children sent to Russia alone.

According to the UN Commission of Inquiry investigation, none of the examined cases involving the transfer of Ukrainian children met the international humanitarian law requirements. This law prohibits the evacuation of children by a party to the armed conflict without the consent of parents or legal guardians, except for temporary evacuation when compelling reasons related to the health or medical treatment of the children or, except in occupied territory, reasons related to their safety. Deported and forcibly displaced Ukrainians are taken to different regions of Russia, including the most remote ones: Siberia, the Far East, the North Caucasus, Chechnya, and Sakhalin. Additionally, the Russians constantly change children's location to prevent the Ukrainian side from tracking them and taking any actions to return them to Ukraine. The documents of these children are confiscated, and personal belongings and means of communication are taken away.³⁹

Thus, the described war crime is being perpetrated against a particularly vulnerable group of Ukrainian civilians. The prosecutor and the ICC judges have obtained sufficient evidence to issue an arrest warrant for the Russian President and the Presidential Commissioner for Children's Rights over the forced transfer of children to Russia. The crucial point here is that focusing on children could help delegitimise the very reasons for Russia's invasion, one of which was the claim of self-defence.⁴⁰ As Michael Byers, a widely

³⁸ These figures could be exaggerated and may include data on children who left with their families in transit through the territory of the Russian Federation and Belarus, as there were regions where evacuation was only possible through the territories of these states. *Children of War: 24 February 2022–26 December 2023*, 26-12-2023, in: <<https://child-renofwar.gov.ua/en/>>, [26-12-2023]; "Росія могла депортувати сотні тисяч українських дітей – Верещук", in: *Голос Америки*, 2-12-2023, <<https://www.holosameryky.com/a/vereshchuk-razhe-shcho-bykradenykh-ditej-mozhe-butysotni-tysiach/7380966.html>>, [2023-12-26].

³⁹ Report of the Independent International Commission of Inquiry on Ukraine, p. 15; "Навіщо Росія викрадає українських дітей та що робити постраждалим?", in: *ZMINA*, 13-03-2023, <<https://zmina.ua/media/navishho-rosiya-vukradae-ukrayinskykh-ditej-ta-shho-robyty-postrazhdalym/>>, [2023-11-27]; "Росія викрадає українських дітей: як їх повернути?", in: *Українформ*, 18-08-2023, <<https://www.ukrinform.ua/rubric-society/3750020-rosia-vikradae-ukrainskih-ditej-ak-ih-povernuti.html>>, [2023-11-27].

⁴⁰ Mark Kersten, "Why did the International Criminal Court Focus on the Transfer and Deportation of Children From Ukraine to Russia?", in: *Justice in Conflict*, 21-03-2023, <<https://justiceinconflict.org/2023/03/21/why-did-the-international-criminal-court-focus-on-the-transfer-and-deportation-of-children-from-ukraine-to-russia/>>, [2023-11-29].

known expert on international law, pointed out: “Abducting children, after all, has nothing to do with protecting Russia against NATO”.⁴¹

Forced transfers and assimilation of Ukrainian children can result in the erasure of their national and cultural identity. Consequently, this war crime could be qualified as an integral part of identicide, which is manifested through:

- a) systematic implementation of the education standards of the Russian Federation in Ukrainian educational institutions in the temporarily occupied territories;
- b) prohibition of the use of the Ukrainian language and Ukrainian-language books, including textbooks, the destruction of such books, and immediate introduction of education in Russian with a Russian ideological orientation;
- c) widespread political propaganda and political persecution in the temporarily occupied territories;
- d) the practice of illegal detainment and transfer of Ukrainian citizens, especially children, to the Russian Federation;
- e) re-education of deported Ukrainian children, adoption of some of them by Russian families, and transformation into Russian citizens.⁴² There are cases of adoption with the change of not only the child’s name and surname, but also their place and date of birth.

It is worth mentioning that traditionally, our historical understanding of genocide has focused primarily on the destruction of an ethnic or racial group. According to Israeli-American political scientist and historian Eugene Finkel, Ukraine likely represents a unique case where the attempt is made to destroy not only ethnic Ukrainians but the nation as a whole. In this regard, he argues that while legally establishing genocide across the entire country may pose challenges and take years, from a historical standpoint, there is undeniable evidence pointing to this as genocide.⁴³

Conclusions

The conducted research leads to the conclusion that Russian aggression not only poses a threat to the territorial integrity and state sovereignty of Ukraine, but also seeks to at least partially annihilate the Ukrainian nation, its identity, and its cultural heritage. The ongoing

⁴¹ Michael Byers, “An Arrest Warrant for Vladimir Putin Will Have Consequences for China”, in: *The Globe and Mail*, 20-03-2023, <<https://www.theglobeandmail.com/opinion/article-putin-icc-arrest-warrant-china/>>, [2023-11-29].

⁴² Сокуренько, *op. cit.*, p. 12; Kaveh Khoshnood [et al.], *Russia’s Systematic Program for the Re-education & Adoption of Ukraine’s Children. A Conflict Observatory Report*, Humanitarian Research Lab at Yale School of Public Health, (New Haven) 14 February 2023, pp. 6, 14–15.

⁴³ Eugene Finkel, interviewed by Bartłomiej Gajos: Бартоломей Гайос, “Нет никакого сомнения, что в Украине речь идет о геноциде”, in: *Новая Польша*, 10-06-2022, <<https://novayapolsha.eu/article/ukraina-pervyi-sluchai-genocida-kogda-pytayutsya-unichtozhit-naciyu/>>, [2023-11-28].

war has signs of a genocidal campaign, characterised by acts such as killings, causing serious bodily and mental harm, and intentionally creating conditions of life aimed at the physical destruction of the Ukrainian nation, in whole or in part. This campaign is also marked by the forcible transfer of Ukrainian children to the Russian Federation and occupied territories, accompanied by a deliberate alteration of their identities through assimilation policies.

One of the most challenging problems in qualifying a crime as an act of genocide is the sufficiency and satisfiability of evidence indicating the intent to destroy a certain group, either in whole or in part. In the context of current warfare, there is compelling evidence of an attempt to commit genocide, direct and public incitement for genocide, and the commission of genocide in certain territories, specifically in Bucha and Mariupol.

While substantiating and proving the crime of genocide across all of Ukraine poses considerable legal challenges and may take years, the systematic nature of these actions, combined with the widespread documentation of atrocities, provides a solid foundation for drawing historical parallels and classifying these acts as genocide. Notably, the mass transfer of almost 4,500 Ukrainian orphans to Russia represents a clear act of genocide that affects the entire country. Furthermore, the acts of torture and killings that took place during the early stages of the full-scale war (February and March 2022) in the Kyiv and Chernihiv regions also demonstrate signs of genocide.

Thus, the above-mentioned and other existing evidence, viewed through a historical lens, suggest that the actions taken by the Russian armed forces in Ukraine embody the hallmarks of genocide. This underscores the urgent need for international recognition and accountability for these crimes to prevent further destruction, and safeguard the future of the Ukrainian nation.

Literature

1. Amnesty International, *“Children”: The Attack on the Donetsk Regional Academic Drama Theatre in Mariupol, Ukraine*, London: Amnesty International, 2022.
2. Azarov Denys [et al.], “Understanding Russia’s Actions in Ukraine as the Crime of Genocide”, in: *Journal of International Criminal Justice*, 2023, No. 21 (2), pp. 233–264.
3. Bazhenova Hanna, “Niszczenie dziedzictwa kulturowego Ukrainy w czasie rosyjskiej agresji”, in: *Komentarze IEŚ*, nr 1040 (16/2024), s. 1–3.
4. Bazhenova Hanna, “System opieki zdrowotnej Ukrainy w warunkach wojny”, in: *Komentarze IEŚ*, 2023, nr 754, s. 1–3.
5. Bazhenova Hanna, *Ukraina w ogniu: pozamilitarne wymiary wojny*, (ser. *Prace IEŚ*, 15/2022), Lublin: Instytut Europy Środkowej, 2022.
6. Bazhenova Hanna, *Ukraine on Fire: The Non-Military Dimensions of the War*, (ser. *Prace IEŚ*, 15/2022), Lublin: Instytut Europy Środkowej 2022.
7. Byers Michael, “An Arrest Warrant for Vladimir Putin will have Consequences for China”, in: *The Globe and Mail*, 20-03-2023, <<https://www.theglobeandmail.com/opinion/article-putin-icc-arrest-warrant-china/>>, [29-11-2023].

8. *Children of War: 24 February 2022–26 December 2023*, 26-12-2023, in: <<https://childrenofwar.gov.ua/en/>> [2023-12-26].
9. Commission on Security and Cooperation in Europe, U.S. Helsinki Commission, “Helsinki Commission Briefing on Russia’s Genocide in Ukraine”, 14-11-2022, video, in: <<https://www.csce.gov/press-releases/helsinki-commission-briefing-on-russias-genocide-in-ukraine/>>, [2023-12-28].
10. Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, in: *United Nations, Office on Genocide Prevention and the Responsibility to Protect*, <https://www.u.org/en/genocideprevention/documents/atrocities-crimes/Doc1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf>, [2023-12-26].
11. Council of Europe Parliamentary Assembly Resolution 2463 (2022) “Further Escalation of the Russian Federation’s Aggression Against Ukraine”, in: *Parliamentary Assembly*, <<https://pace.coe.int/en/files/31390/html>> [2023-11-25].
12. Council of Europe Parliamentary Assembly Resolution 2495 (2023) “Deportations and Forcible Transfers of Ukrainian Children and Other Civilians to the Russian Federation or to Temporarily Occupied Ukrainian Territories: Create Conditions for Their Safe Return, Stop These Crimes and Punish the Perpetrators”, in: *Parliamentary Assembly*, <<https://pace.coe.int/en/files/31776/html>>, [29-11-2023].
13. European Parliament resolution of 23 November 2022 on recognising the Russian Federation as a state sponsor of terrorism (2022/2896(RSP), in: *European Parliament*, <https://www.europarl.europa.eu/doceo/document/TA-9-2022-0405_EN.docx>, [2023-11-25].
14. Finkel Eugene, interviewed by Bartłomiej Gajos: Бартломей Гайос, “Нет никакого сомнения, что в Украине речь идет о геноциде”, in: *Новая Польша*, 10-06-2022, <<https://nowayapolska.eu/article/ukraina-pervyi-sluchai-genocida-kogda-pytauytsya-unichtozhit-naciyu/>>, [2023-11-28] [Bartolomey Gayos, “Net nikokovo somnenija, chto v Ukaïne rech idet o genocide”, in: *Novaja Polsha*].
15. International Criminal Court, “Situation in Ukraine: ICC Judges Issue Arrest Warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova”, 17-03-2023, in: <<https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>>, [2023-11-29]
16. Ioffe Yulia, “Forcibly Transferring Ukrainian Children to the Russian Federation: A Genocide?”, in: *Journal of Genocide Research*, 2023.
17. Irvin-Erickson Douglas, “Is Russia Committing Genocide?”, in: *Opinio Juris*, 21-04-2022, <<https://opiniojuris.org/2022/04/21/is-russia-committing-genocide-in-ukraine/>>, [2023-11-27].
18. Kasianov Georgiy, “Denazification” and the Use of the Ukrainian Nationalist History Myth by Russia”, in: *Russia’s War in Ukraine: Implications for the Politics of History in Central and Eastern Europe* (edited by Hanna Bazhenova) (ser. *IEŚ Policy Papers*, 10/2023), Lublin: Instytut Europy Środkowej, 2023, pp. 15–29.
19. Kersten Mark, “Why did the International Criminal Court Focus on the Transfer and Deportation of Children From Ukraine to Russia?”, in: *Justice in Conflict*, 21-03-2023, <<https://justiceinconflict.org/2023/03/21/why-did-the-international-criminal-court-focus-on-the-transfer-and-deportation-of-children-from-ukraine-to-russia/>>,[2023-11-29]
20. Khoshnood Kaveh [et al.], *Russia’s Systematic Program for the Re-education & Adoption of Ukraine’s Children. A Conflict Observatory Report*, Humanitarian Research Lab at Yale School of Public Health, (New Haven) 14 February 2023.

21. Kyiv School of Economics, “Збитки від руйнувань культурних та релігійних об’єктів під час війни складають понад \$1.5 млрд”, 16-03-2023, in: <<https://kse.ua/ua/about-the-school/news/zbitki-vid-ruynuwan-kulturnih-ta-religijnih-ob-yektiv-pid-chas-vijni-skladayut-ponad-1-5-mlrd/>>, [2023-11-23] [“Zbitki vid rujnuwan kulturnich ta religijnych ob’ektiv pid chas vijni skladajut ponad \$1.5 mlrd”].
22. Lachowski Tomasz, Stępniewski Tomasz, *Russia’s War on Ukraine: Geopolitics, International Law, and Genocide*, (ser. *Prace IEŚ*, 10/2023), Lublin: Instytut Europy Środkowej, 2023.
23. Marcinko Marcin, “On Legal Classification of International Crimes”, *Jagiellonian University in Kraków*, <https://en.uj.edu.pl/en_US/ju-research/-/journal_content/56_INSTANCE_2XezE-Hy2NT5h/81541894/150609631>, [2023-11-26].
24. NATO Parliamentary Assembly Declaration 482 “United and Resolute in Support of Ukraine”, 22-05-2023, in: *NATO Parliamentary Assembly*, <<https://www.nato-pa.int/download-file?filename=/sites/default/files/2023-05/DECLARATION%20%20482%20-%20UKRAINE%20.pdf>>, [2023-11-29].
25. New Lines Institute for Strategy and Policy, Raoul Wallenberg Centre for Human Rights, in: *An Independent Legal Analysis of the Russian Federation’s Breaches of the Genocide Convention in Ukraine and the Duty to Prevent*, May 2022, <<https://newlinesinstitute.org/wp-content/uploads/English-Report-2.pdf>>, [2023-11-30].
26. New Lines Institute for Strategy and Policy, Raoul Wallenberg Centre for Human Rights, in: *The Russian Federation’s Escalating Commission of Genocide in Ukraine: A Legal Analysis*, July 2023, in: <https://newlinesinstitute.org/wp-content/uploads/20230726-Genocide-Ukraine-Report-NISLAP_.pdf>, [2023-11-30].
27. Olchowski Jakub, *War Crimes of the Russian Federation during the Invasion of Ukraine*, (ser. *Prace IEŚ*, 11/2023), Lublin: Instytut Europy Środkowej, 2023.
28. Pietrzak Przemysław, Tkaczuk Mariia, “Czy można uznać działania Rosji podczas wojny na Ukrainie za ludobójstwo?”, in: *Instytut na Rzecz Kultury Prawnej Ordo Iuris*, 22-06-2022, <<https://ordoiuris.pl/wolnosci-obywatelskie/czy-mozna-uznac-dzialania-rosji-podczas-wojny-na-ukrainie-za-ludobojstwo>>, [2023-11-27].
29. Putin Vladimir, “Address by the President of the Russian Federation”, in: *President of Russia*, 24-02-2022, <<http://en.kremlin.ru/events/president/news/67843>>, [2023-11-30].
30. Quéniwet Noëlle, “The Conflict in Ukraine and Genocide”, in: *Journal of International Peacekeeping*, 2022, No. 25 (2), pp. 141–154.
31. *Report of the Independent International Commission of Inquiry on Ukraine*, (A/HRC/52/62), 15 March 2023, in: *UN Human Rights Office of the High Commissioner*, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_AUV_EN.pdf>, [2023-11-25].
32. *Rome Statute of the International Criminal Court* [The Hague: International Criminal Court, 2011].
33. Shaw Martin, “Russia’s Genocidal War in Ukraine: Radicalization and Social Destruction”, in: *Journal of Genocide Research*, 2023, doi: 10.1080/14623528.2023.2185372.
34. UN Human Rights Office of the High Commissioner, “Russia ‘should immediately cease its use of force against Ukraine,’ Türk declares”, 19-12-2023, in: <<https://www.ohchr.org/en/statements-and-speeches/2023/12/russia-should-immediately-cease-its-use-force-against-ukraine-turk>>, [2023-12-23].
35. UNESCO, “Damaged Cultural Sites in Ukraine Verified by UNESCO”, 22-12-2023, in: <<https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco>>, [2023-12-23].
36. United Nations Human Rights Office of the High Commissioner, Ukraine, *Killings of Civilians*:

- Summary Executions and Attacks on Individual Civilians in Kyiv, Chernihiv, and Sumy Regions in the Context of the Russian Federation's Armed Attack Against Ukraine, 24 February–31 October 2022, 7 December 2022*, in: *United Nations in Ukraine, 7-12-2022*, <<https://www.ohchr.org/sites/default/files/documents/countries/ukraine/2022/2022-12-07-ONCHR-Thematic-Report-Killings-EN.pdf>>, [2023-12-24].
37. ZMINA, “Навіщо Росія викрадає українських дітей та що робити постраждалим?”, 13-03-2023, in: <<https://zmina.ua/media/navishho-rosiya-vykradaye-ukrayinskyh-ditej-ta-shho-robyty-postrazhdalym/>>, [2023-12-27]. [“Navishcho Rosija vikradae ukrainskich ditej ta shchio robity postrazhdalim?”].
 38. АрміяInform, “Понад 118 тисяч воєнних злочинів задокументував Офіс Генерального прокурора”, 19-12-2023, in: <<https://armyinform.com.ua/2023/12/19/ponad-118-tysyach-voyenyh-zlochyniv-zadokumentuvav-ofis-generalnogo-prokurora/>>, [2023-12-21]. [ArmijaInform, “Ponad 118 tisiach voennich zlochiniv zadokumentuvav Ofis Generalnogo prokurora”].
 39. Голос Америки, “Росія могла депортувати сотні тисяч українських дітей – Верещук”, 2-12-2023, in: <<https://www.holosameryky.com/a/vereshchuk-razhe-shcho-bykradenykh-ditej-mozhe-buty-sotni-tysiach/7380966.html>>, [2023-12-26]. [Golos Ameriki, “Rosija mogla deportuvati sotni tisiach ukrainskich ditej – Vereshchuk”].
 40. Духовний фронт України, “В Україні понад 500 релігійних споруд знищено або пошкоджено внаслідок російського вторгнення”, 26-09-2023, in: <<https://df.news/2023/09/26/v-ukraini-ponad-500-relihijnykh-sporud-znyshcheno-abo-poshkodzheno-vnaslidok-rosijskoho-vtorhnennia/>>, [2023-11-23]. [Duchovnij front Ukraini, “V Ukraini ponad 500 religijnich sporud znishcheno abo poshkodzheno vnaslidok rosijskovo vtorgnenija”].
 41. Епель Оксана, Скрипнюк Олександр, «Спецоперація» як злочин, in: *Закон і Бізнес*, 13-09-2022, <https://zib.com.ua/ua/152930-deystviya_rossii_podpadayut_pod_priznaki_mezhdunarnogo_ter.html>, [2023-11-27]. [Epel Oksana, Skripniuk Oleksandr, “Specoperacija” jak zlochin, *Zakon i Biznes*].
 42. Міністерство культури та інформаційної політики України, “Через російську агресію в Україні постраждали 863 пам’ятки культурної спадщини”, 1-12-2023, in: <<https://mcip.gov.ua/news/cherez-rosijsku-agresiyu-v-ukrayini-postrazhdaly-863-pamyatky-kulturnoyi-spadshhyuny/>>, [2023-12-05]. [Ministerstvo kultury ta informacijnoj politiki Ukraini, “Cherez rosijsku agresiju v Uraini postrazhdali 863 pamiatki kulturnoj spadshchini”].
 43. Постанова Верховної Ради України від 14 квітня 2022 року № 2188-IX “Про Заяву Верховної Ради України “Про вчинення Російською Федерацією геноциду в Україні”, in: *Верховна Рада України, Законодавство України*, in: <<https://zakon.rada.gov.ua/laws/show/2188-IX-#Text>>, [2023-11-28]. [Pastanovka Verchovnoj radi Ukraini vid 14 kvitnia 2022 roku № 2188-IX “Pro Zajavu Verchovnoj radi Ukraini “Pro vchinennia Rosiskoju Federacieju genocidu v Ukraini”].
 44. Путин Владимир, “Об историческом единстве русских и украинцев”, in: *Президент России*, 12-07-2021, <<http://kremlin.ru/events/president/news/66181>> [2023-12-01]. [Putin Vladimir, “Ob istoricheskom jedinstve ruskich i ukraincev”, in: *Prezident Rossiji*].
 45. Путин Владимир, “Обращение Президента Российской Федерации”, in: *Президент России*, 21-02-2022, <<http://kremlin.ru/events/president/news/67828>>, [2023-12-01]. [Putin Vladimir, “Obrashchenie prezidenta Rosijskoj Federacii”, in: *Prezident Rossiji*].
 46. Сергейцев Тимофей, “Что Россия должна сделать с Украиной”, in: *РИА Новости*, 3-04-2022, <<https://ria.ru/20220403/ukraina-1781469605.html>>, [2023-11-30]. [Sergejcev Timofej, “Chto Rosija dolzhna sdelat s Ukrainoj”, in: *RIA Novosti*].
 47. Сокуренько Валерій В., “Війна Росії проти України – геноцид українського народу”, *Злочинність і протидія їй в умовах війни: глобальний, регіональний та національний*

- виміри: збірник доповідей науково-практичної конференції (м. Вінниця, 12 квітня 2023 р.), Харків: Харківський національний університет внутрішніх справ, 2023, с. 11–13 [Sokurenko Valerij V., Vijna Rosiji protiv Ukraini – genocid ukrainskovo narodu, Zlochinnist i protidija iji v umovach vijny: globalnij, regionalnij ta nacionalnij vimiri: zbirnik dopovidej naukovo-praktichnoj konferenciji (m. Vinnicia 12 kvitnia 2023 r.), Charkiv: Charkivskij nacionalnij universitet vnutrish-nich sprav, 2023, s. 11–13].*
48. *Укрінформ*, “Росія викрадає українських дітей: як їх повернути?”, 18-08-2023, in: <<https://www.ukrinform.ua/rubric-society/3750020-rosia-vikraadae-ukrainskih-ditej-ak-ih-povernuti.html>>, [2023-11-27] [*Ukrinform*, “Rosija vikraadae ukrainskich ditej: jak ich povernuti?”].
49. *Урядовий портал*, “МКІП: Через російську агресію в Україні постраждали 1750 об’єктів культурної інфраструктури”, 1-12-2023, in: <<https://www.kmu.gov.ua/news/mkip-cherez-rosiisku-ahresiiu-v-ukraini-postrazhdaly-1750-objektiv-kulturnoi-infrastruktury>>, [2023-12-05] [*Uriadovij portal*, „МКІП: Cherez rosijsku agresiju v Ukraini postrazhdali 1750 objektiv kulturnoj infrastrukturi”].
50. Янковський Олександр, Бадюк Олена, “Це був дійсно геноцид”: в Україні документують злочини РФ в Маріуполі для окремого подання у Гаагу”, in: *Радіо Свобода*, 14-11-2023, <<https://www.radiosvoboda.org/a/novyny-pryazovu-a-mariupol-henotsyd-rosiya-haaha/32682784.html>>, [2023-11-25] [*Jankovskij Oleksandr, Badiuk Olena*, „Ce був dijsno genocid”: v Ukraini dekoumentujut zlochini RF v Mariupoli dlia okremovo podannia u Gaagu”, in: *Radio Svoboda*].

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Genocido aspektai Rusijos ir Ukrainos kare: kėsinimasis į Ukrainos žmones ir kultūros paveldą

Santrauka

Pradėdama plataus masto agresiją prieš Ukrainą, Rusijos Federacija pažeidė Jungtinių Tautų Chartijos 2 straipsnio 4 dalyje įtvirtintą draudimą „naudoti jėgą prieš bet kurios valstybės teritorinį vientisumą ar politinę nepriklausomybę“. Nuo 2022 m. vasario 24 d. Ukrainoje vykdomi Rusijos ginkluotųjų pajėgų nusikaltimai yra patys sunkiausi tarptautinio masto nusikaltimai, tą patvirtina ir Tarptautinio baudžiamojo teismo išduotas arešto orderis Rusijos prezidentui Vladimirui Putinui ir prezidentui pavaldžiai vaiko teisių įgaliotinei Marijai Aleksejevnei Lvovai-Belovai dėl konkrečių veikų, kurias šis teismas priskiria karo nusikaltimams. Siekiant šias veikas pripažinti genocido nusikaltimu, būtina įrodyti kaltinamojo ketinimą visiškai ar iš dalies sunaikinti nacionalinę, etninę, rasinę ar religinę grupę.

Šiame straipsnyje nagrinėjami karo nusikaltimai, kuriuos Rusijos ginkluotosios pajėgos įvykdė prieš civilius Ukrainos gyventojus per Rusijos ir Ukrainos karą, ir nustatomi šių veikų ketinant vykdyti genocidą požymiai. Jame analizuojami aiškūs genocido veiksmai, įskaitant žudymus, sunkių kūno ar psichinių sužalojimų padarymą, priverstinį ukrainiečių vaikų perkėlimą į Rusiją ir okupuotas teritorijas bei sąmoningą gyvenimo sąlygų, nukreiptų į ukrainiečių kaip tautos fizinį sunaikinimą, sudarymą. Be to, straipsnyje kruopščiai nagrinėjami išpuoliai prieš šalies kultūros paveldo objektus, kurie, nelygu aplinkybės, gali būti kvalifikuojami kaip karo nusikaltimai (kai, be kita ko, jų negalima pateisinti karo būtinybe ir yra pažeidžiamas karinių ir civilių taikinių atskyrimo principas), nusikaltimai žmoniškumui (kai jie yra sistemingi) arba genocidas (kai jis yra tapatybės naikinimo politikos dalis).

Autorė įrodo, kad Rusijos agresija prieš Ukrainą ne tik kelia grėsmę šalies teritoriniam vientisumui ir valstybės suverenitetui, bet ir siekia bent iš dalies sunaikinti ukrainiečių tautą, jos tapatybę ir kultūrinį paveldą. Rusijos ir Ukrainos konfliktas turi genocido požymių, kurie pripažįstami tarptautinėje teisėje pagal 1948 m. Genocido konvenciją. Šie požymiai pasireiškia bandymu vykdyti genocidą, tiesioginiu ir viešu genocido kurstymu bei genocido vykdymu tam tikrose teritorijose, konkrečiai Bučioje ir Mariupolyje.

Bus sudėtinga pagrįsti ir įrodyti šio nusikaltimo vykdymą visoje Ukrainoje – šios pastangos gali užtrukti ne vienerius metus. Išimtis iš šio iššūkio – masinis beveik 4500 ukrainiečių našlaičių perkėlimas į Rusiją – nusikaltimas, palietęs visą šalį. Be to, kankinimų ir žudynių veiksmai, įvykdyti ankstyvuju plataus masto įsiveržimo laikotarpiu (2022 m. vasario ir kovo mėn.) Kyjivo ir Černigovo regionuose, rodo tam tikrose vietovėse vykdyto genocido požymius. Vertinant turimus faktus per istorinę prizmę, Rusijos pajėgų veiksmuose Ukrainoje galima įžvelgti genocido požymių.

Reikšminiai žodžiai: Rusijos Federacija, Ukraina, Jungtinių Tautų konvencija dėl kelio užkirtimo genocido nusikaltimui ir baudimo už jį, Raphaelis Lemkinas, karas, žmonės, kultūros paveldas, genocidas.