

The Putinization of the situation of women and children during the 2022 Russian invasion of Ukraine

Warning: *I would like to warn the reader of the very sensitive nature of this research, for it touches on the very pressing issue of wartime rape and sexual abuse inflicted upon Ukrainian women, girls, men, and boys in a very coordinated manner by Russian military servicemen in what appears to be rape used as a weapon of war.*

Abstract: *The civilian population in Ukraine is paying a heavy price for Putin's imperial ambitions. The latest unprovoked and brutal war in Ukraine started in February 2022 and has already been reminiscent of some of the most dreadful experiences in the Balkan past. This paper aims to bring awareness to the dire human rights abuses and the systematic, institutionalized abuse committed on Ukrainian civilians predominantly¹ by the Russian army during the first 200 days of the war. It hopes to investigate the most horrific examples of violence to determine whether the Russian army uses rape as a weapon² in a*

1 This report focuses predominantly on the crimes committed by the Russian Army and Russian Affiliated Forces during the conflict in Ukraine (2022-), but I would like to emphasize that certain wartime-related sexual violence may have been committed by both sides of the conflict (separate research related to this problem will be conducted in the future). For more information in this respect please see the report published by the Office of the United Nations High Commissioner (OHCHR) on 15 May 2022 which suggests that most cases of sexual violence related to the conflict in Ukraine were alleged to have been perpetrated by Russian forces or Russian-aligned combatants, whilst approximately 9.25% of reported cases have been perpetrated by the Ukrainian Armed Forces and other militants. For more information in this respect, please visit OHCHR. 2022 | *The Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation*, 24 February to 15 May 2022.”

<https://web.archive.org/web/20220702112851/https://www.ohchr.org/en/documents/country-reports/situation-human-rights-ukraine-context-armed-attack-russian-federation>.

2 Please see Encyclopedia Britannica. “Rape – Rape as a Weapon of War.” Accessed November 8, 2022. <https://www.britannica.com/topic/rape-crime>.

systemic manner to deliberately target Ukrainian civilians, or whether those crimes were “casually inflicted” by individual soldiers and should be punished on an individual basis.

Keywords: Rape used as a weapon, sexual assault, CRSV, PTSD, the Bucha massacre, the Borodianka war crimes, the Irpin massacre, the Hostomel war crimes, the siege of Mariupol – the Ukrainian Aleppo, Izyum’s mass graves, Putinism, Putinization, Russkij mir, Putin Lex.

Introduction

They both share certain post-imperial characteristics that are derived from similar historical traditions and experiences, but there is a distinctive difference between Britain and Russia. As much as Elizabeth II’s Britain could afford to fully embrace the role of a benign former empire that skillfully used the richness of its literature, poetry, culture, and popular culture to project its soft power abroad, Putin’s Russia chose to take a completely different role in international affairs. Whilst the new king Charles III has appointed Rishi Sunak as Britain’s first Indian-origin prime minister, Russia is committed to stick to one leader who decided to extend his time in office until further notice beyond the two constitutional terms he was allowed, so he can play the role of the elephant in the China shop who enjoys the sound of smashing porcelain, just out of spite.³

As much as the work of Leo Tolstoy, Fyodor Dostoyevsky, Alexander Pushkin, Nikolai Gogol, Anton Chekhov, Nikolai Berdyaev, and Aleksandr Solzhenitsyn gave us some hope that Russia could embrace a path toward positive change, a civilized modernization that would allow a post-Soviet

3 Naturally, there are some limits to the strength of this comparison, especially if we consider the main argument of this paper and the title of the special edition. To start with we need to point out that in the UK case, a female PM (Liz Truss) was just dismissed for a male (Rishi Sunak), who was appointed by a male king. (But) in this instance, Sunak’s Indian/South African roots had practically nothing to do with his appointment for he was the 2nd strongest candidate to become the leader of his party and by default, the beholder of such a position in the governing party serves as the prime minister. The Conservative Party which governed the country in 2022, initially elected Liz Truss (against Sunak) but in light of her speedy farewell, they just replaced the leader of the party with Truss’ main competitor who gained the most support of the party MPs. Also, we need to take into account that we are comparing the constitutional monarchy (in which the previous monarch Queen Elizabeth II served the country for more than 70 years) and the federation which happens to be a presidential republic (and thus far, President Putin has been in power for barely 22 years).

transition towards becoming a more open, democratic, and idealistic international actor that would respect the rule of international law, Putin's 2022 invasion of Ukraine is a very strong reminder that today's Russia is no longer a peaceful nation.⁴ It is a nation that can no longer appeal to our imagination as an inherently complex, exciting, and multidimensional former empire that fascinated the world with the richness of its literature and poetry. No, this was yesterday's Russia – the proud country that could not be pigeonholed into Reagan's label of the evil empire and that could successfully deal with its complex identity by acknowledging its past crimes and the limitations of its socio-political system in transition. Today's Russia is the Russia of Vladimir Vladimirovich Putin, who decided to unleash a full-scale war on neighboring countries, kill the nation's curiosity, enslave the Russian soul, and replace the last shreds of the westward-oriented political project of his predecessor with the so-called "Russkij mir" which probably comprises the worst elements of its national identity: a mixture of all Russian ideologies of neo-imperialistic expansionist inclinations combined with Ivan the Terrible's autocratic ruthlessness, nostalgia for the USSR, Putinism that feeds on the example of Joseph Stalin's cult of personality underpinned by a policy of a casually inflicted system of repression, and indoctrination projected by the media that remains in the hands of the one man – Vladimir Putin. This ideology is strongly supported by Aleksandr Dugin's *Foundations of Geopolitics* (1997) and his neo-Eurasianist doctrine that suggests that Russia is destined to correct all the historical acts of injustice inflicted upon it by ungrateful erstwhile brotherly nations that are now misguided in their pro-Western attitudes. This ideology of contemporary Russism (also known as Ruscism, Rashism) is manifested in an openly anti-Western stand, supported by the ideas of the special civilizational mission of the Russian Federation that advocates embracing a special historical mission to reconquer the former imperial lands of the Soviet Union (driven by a Leninist concept of global Communist revolutions, a Stalinist personification of Russia, his tale of mother Russia, and the Brezhnev Doctrine) combined with similar expansionist policies of Imperial Russia itself (Catherine the Great and Peter

4 This was not the first, but the strongest reminder of Russia's intentions (to date). For more information in this respect, please see: Pietrzak, Piotr. 2022. "A Comparative Study of Russia's War in Ukraine (2014+, including its 2022 escalation), Russia's aggression in Georgia (2008), and Russia's Military Operations in Syria (2015-)" *International Conference Proceeding Series – VII. International Middle East Symposium: Political and Social Stability in the Middle East* (May 10-11, 2022, Online), p. 93-102. <http://acikerisim.gelisim.edu.tr/xmlui/handle/11363/3724?show=full>.

the Great's quest to expand Russia's frontiers beyond the horizon, which was always supported by the theological and political idea suggesting that Moscow is the third Rome (Москва - Третий Рим), which is why it should unite all Slavs under its rule, even if they are not so excited about such prospects). This new policy is also driven by the belief in a special right to subjugate the local inhabitants to the new heteronormative and patriarchal ideals of traditional family that do not tolerate any aberration from the only "acceptable norm".

So as much as the leading Russian intellectuals may have misled us to believe that their country is interested in playing a special role as a bridge between European individualism and Asian collectivism in which the role of women in society has a very sacred value, the 2022 invasion of Ukraine has clearly shown that Russia prefers to put itself on the wrong side of history. Indeed, Putin decided to cure the country's post-communist inferiority complex with a new sense of delusions of grandeur in which Russia is willing to abandon the rest of its soft power arsenal and replace it with a desire to attain the Kremlin's political objectives by any means necessary. It was a conscious choice of Vladimir Putin to put his country in the position of unpredictable troglodyte that feels inclined to invade other countries, Georgia in 2008, Ukraine in 2014, Syria in 2015, and again Ukraine in 2022. In this case, it is also worth noticing the deterioration in the way the Russian army has conducted itself during the most recent war in Ukraine in comparison with the previous conflicts, for the scale and ferocity of its operations in Ukraine have been shocking by any standards. After all, Russia is one of the UNSC's P5 member states and should be doing its very best to protect global peace and security, peacefully resolve conflicts at the negotiation tables, and most certainly not embrace the opposites of these policies.

Thus far, this conflict has driven at least 12.5 million Ukrainians⁵ away from their homes as internal and internationally displaced persons (refugees). It's estimated that 90% of those fleeing the country⁶ and 60% of those

5 This figure consists of refugees from Ukraine recorded across Europe - 7,843,714 and refugees from Ukraine registered for Temporary Protection or similar national protection schemes in Europe - 4,727,122 [Last updated 15 Nov 2022]. For more information please see: "Situation Ukraine Refugee Situation," November 15, 2022. <https://data.unhcr.org/en/situations/ukraine>.

6 In this respect it is worth mentioning that some Ukrainian women who fled to Poland, Germany, Slovakia, Moldova, Romania, Hungary and Bulgaria have also found themselves in a vulnerable position; some also face the risks of human trafficking and sexual exploitation by local sexual predators. The other issue here is that the women who fled to more conservative countries such as Poland are faced

displaced are women, which is also due to military legislation adopted in Ukraine that requires most Ukrainian men aged 18-60 to stay and fight for the country under martial law. It is reported that those who decided to stay and defend Ukraine (especially in the east, south, and northeast) have suffered an exponential wave of various cruelties inflicted upon them by the occupying Russian forces.

It has been also reported that the Russian army has increased its brutality during this conflict and utilized some of the most brutal counterinsurgency strategies developed in its previous operations in Chechnya, Georgia, Ukraine, and Syria.⁷ So far, this involves inflicting on the local populations of occupied territories indiscriminate crimes such as willful killings, rapes, sexual violence, torture, shelling of hospitals, schools, kindergartens, cultural heritage, civilian infrastructure, and residential buildings, killings of medical workers and paramedics, and kidnapping local Ukrainian officials.

The impact of the war in Ukraine on the nation's civilians has been shocking. Thousands of independent reports, articles, and forensic evidence from various sources emerged and shed light on just how bad things have gotten for the Ukrainian people over the last nine months (February-November 2022). According to the official Ukrainian State Hub that documents war crimes committed by the Russian army in Ukraine, the evidence of the use of rape as a weapon of war is clear.

The local ombudswoman for human rights, Lyudmyla Denisova, also confirms that every day approximately 700-800⁸ Ukrainian citizens fall victim to Russian war crimes, and the scale of those atrocities includes accounts of executions, gang rape, and torture used against civilians in areas under Russian control. This is particularly true for women and young girls when it comes to reports of sexual exploitation and wartime rape. This type of rape is not limited to females. Wartime rape affects both men and women as well as boys and girls as young as 3-4 years old. Those findings are consistent with the observations of Pramila Patten, the UN envoy and special representative

with limited access to legal abortion that would allow them to terminate the pregnancy that was conceived because of rape or gang rape inflicted upon them by the Russian army. Please see: Ferris-Rotman, Amie. "Ukraine's Women Refugees Face Poland's Harsh Abortion Laws." *Time*, June 21, 2022. <https://time.com/6188502/ukraine-women-poland-abortion-ban/>.

7 Please see: Pietrzak, Piotr. 2022. "A Comparative Study ...", op. cit., p. 93-102.

8 Data from June 2022, when the intensity of the conflict was much higher. More recent (verifiable) data was not available at the time of completion of this article at the beginning of November 2022.

of the secretary-general on sexual violence in conflict, who confirmed that according to the findings verified by her office the age of the victims of sexual violence in Ukraine ranges from 4 to 82 years old.

According to Laura King, the author of “Russia’s ‘most hidden crime’ in Ukraine war: Rape of women, girls, men⁹ and boys”, the acts of sexual violence inflicted on the Ukrainian population has a very systemic character, for it is used to humiliate and degrade, to break the spirit of the Ukrainian defenders, to shatter families and communities, and to instill a sense of hopelessness and despair. It often leaves wreckage too profound to repair. This research is dedicated to the victims of the most horrific crimes committed against Ukrainian civilians to reassure them that the international community is on their side and that the wheels of justice may turn slowly but, in the end, they will grind exceedingly finely.

Indeed, it’s a real taboo subject, for most of the wartime crimes that the international community normally focuses on are those crimes that result in the deaths of innocent civilians that produce tangible forensic evidence such as mass graves or the collection of mutilated bodies. The stories of such victims would normally be told by various forensic experts, but the international community should not underestimate the power of the testimonies of the victims who survived a different type of trauma such as sexual abuse and can tell their stories in front of the international court that will try the responsible parties for their direct or indirect involvement in these crimes. To do so we need to be certain that we can rely on a very strong, undisputable, independently verified, systematically presented body of evidence by an objective party, and I believe that an ontologist¹⁰ can be of assistance in this respect.

9 Oxfam International Press Release on 15 April 2010. “New Report Shows Shocking Pattern of Rape in Eastern Congo” *Oxfam International*, May 18, 2014. <https://www.oxfam.org/en/press-releases/new-report-shows-shocking-pattern-rape-eastern-congo>.

10 An ontologist never settles for the more straightforward or more approachable answer, and he or she is always inclined to be excited about digging deeper and deeper to uncover the hidden truth about the nature of a given phenomenon. “Ontology belongs to the central branch of philosophy known as metaphysics that deals with questions concerning what entities exist, or maybe said to exist” and how they may be grouped or subdivided within such a hierarchy, according to both their similarities and their differences. To see who can become an ontologist, please refer to Pietrzak, Piotr. 2021. *On the idea of humanitarian intervention: a new compartmentalization of IR theories*, Ibidem Verlag: Stuttgart, 2021.

General Meta-ontological Underpinnings of the Research

The mainstream international relations theories, especially realism, seem to purposefully underestimate most of the issues that feminist IR scholars bring to the decision-making table, but this type of dismissive attitude will not be tolerated in this research. I do not represent feminist tradition *per se*, but this research is strongly influenced by feminist IR theory, for this tradition is very successful in exposing the examples of various stereotypes, prejudices, sexist attitudes towards women, examples of objectification of women, and all sorts of misogynistic abuse in various spheres of life. The IR feminist thinkers fight for a world without a man-made disadvantage. They argue that women's experience continues to be excluded from the study of IR theory and instead should be treated as an integral part of this tradition, and I completely agree with this standpoint (Pietrzak 2021, p. 113–114).

IR feminists advocate in favor of equal rights and suggest that women should refuse to accept their “traditional” roles in society as wives and mothers. From the feminist perspective, women should emancipate and resist the traditional man-made gender model that is inherently discriminatory against them. Feminists are also known for addressing harassment in the military, successfully dealing with matters related to sex trafficking and war-related prostitution in a more systematic manner. Indeed, thanks to IR feminists we have a strong theoretical underpinning that should allow us to conceptualize rape in the context of ongoing military operations in a more systematic manner, and it was thanks to them that the term “rape as a weapon of war” was coined, which indicates the use of rape to exert control, intimidate, and exercise power over local populations of a conquered land.

Ukraine has a long history of feminist activism and IR feminism. It was Ukrainian feminists who first recognized that Ukrainian women would continue to play an increasingly important role in the country's defense system against the Russian invasion of 2022, and they were right, for they are truly in the process of defining the cause of events in Ukraine during the ongoing confrontation. However, they don't only fight against Russia; they also fight to improve their own situation in general, for Ukraine is far from gender balanced. This was the case long before the Russian intervention of 2022, for the gender inequalities and discrimination in Ukrainian society predate the current situation. Ukrainian women have suffered a long period of misogynistic abuse and objectification by their employers and family members who diminish their role in society to the positions of obedient mothers, wives, daughters, and lovers. Every year, millions of Ukrainian women end up as victims of domestic violence at the hands of their husbands

and intimate partners, and this is due to the disadvantageous socially constructed forms of masculine and feminine predefined roles in Ukrainian society.

The path of the emancipation of Ukrainian women is not the primary subject of this discussion; we will just use the methodological achievements of this tradition to describe the reality at hand in a different manner, bearing in mind IR feminists' insightful observations, that should help us persuade policymakers and international lawmakers to implement the proposed Putin Lex, which will inevitably improve the UN-based security system by making it easier to bring Vladimir Putin and his generals to justice for CRSV (conflict-related sexual violence) crimes on Ukrainian women, men, and children. CRSV encompasses the wartime-inflicted crimes of “rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, or another form of sexual violence.”

In essence, it is indisputable that Russian forces have committed a litany of war crimes during their occupation of Ukrainian territory (Human Rights Watch Report 2022), and we don't need to solely rely on the feminist tradition to establish that crimes such as wartime rape are morally reprehensible and should not be allowed in modern military conflict.

Just War Theory in the Broader Debate on Rape Used as a Weapon in Ukraine

Thanks to the feminist approach that inherently is deemed to emphasize more gender-related matters, this important dimension of analysis can be brought to the fore and embraced by other IR theorists in a more systematic manner. Indeed, all approaches within the broader field of social science should embrace this change just as we have embraced the philosophical (in its nature) **Just War Theory** in our deliberations. I suggest approaching this research from three main horizons of investigations. *Jus ad bellum* provides states with the conditions under which the use of military force is morally justifiable. *Jus in bello* specifies the conditions of how the war should be fought, which explains how to conduct a war in an ethical manner. What should happen after the conflict terminates is described in the *jus post bellum* tradition that accounts for the body of laws, norms, and principles that apply during the transition from war to peace.¹¹

11 **Please discuss:** In essence, **Just War Theory** suggests three basic notions: 1. Taking a human life is seriously wrong, 2. States have a duty to defend their citizens and defend justice, and 3. At times, protecting innocent human life and defending

In essence, since there is no tangible *jus ad bellum* argument that could possibly justify Russia's adventurist attitudes towards Ukraine, simply because this recent escalation of hostilities between Russia and Ukraine was instigated by Russia and runs against every principle of international law that could be applied in a good faith, we can establish beyond a reasonable doubt that inflicting wartime sexual violence on innocent civilians or military servicemen and servicewomen of enemy forces is clearly against every *jus in bello* principle, so this research can focus predominantly on the *jus post bellum* considerations that touch upon the matters related to how to bring to justice those responsible for trespassing against all those innocent bystanders of these hostilities.

The first casualty of war is truth: on information collection and data verification

To bring responsible parties to justice for their crimes committed in Ukraine we need to first establish how the war in Ukraine is being fought and whether the allegations of war crimes can be independently verified. Perhaps, the Russians should be given the presumption of innocence until proven guilty, the same that the international community gave to the Nazi apparatus and German officers tried during the Nuremberg trials, Hutu leaders during the International Criminal Tribunal for Rwanda, and Serbs, Croats, Bosniaks, and even Kosovars during the Former Yugoslavia International Tribunals. Also, I would like to make it clear that I try to refrain from using only Ukrainian or only Western sources so as to make sure that certain reports can be independently verified. Although they deny using anti-Russian propaganda, Ukraine is very skillful in twisting some facts in their favor, and this is a normal defense mechanism of a country trying to defend itself against overwhelming invading forces, but in this respect, we need to clearly

important moral values requires a willingness to use force and violence. If we apply the same logic to our deliberations on the use of CRSV (rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, or another form of sexual violence) in the contemporary conflict, we can develop a Just War Theory standardized response to CRSV crimes that suggests: 1. Using CRSV against civilians at the time of the war and after the war is seriously wrong, 2. States have a duty to defend their citizens and defend justice, and 3. At times, protecting innocent human life and their dignity requires a willingness to use force and violence. For more information in this respect please see the International Committee of the Red Cross website. "What Are Jus Ad Bellum and Jus in Bello?" September 18, 2015. <https://www.icrc.org/en/document/what-are-jus-ad-bellum-and-jus-bello-0>.

acknowledge that some individual reports presented by the Ukrainian side will not be used, for they may account for misinterpretation, exaggeration, or a blatant lie, which needs to be exposed.¹²

This research suggests committing all our interdepartmental resources to a systematic collection and analysis of all available evidence of war crimes, verifying and synthesizing all data from verifiable sources (for the propaganda campaign during the time of war usually runs on both sides).¹³ Subsequently, I suggest test-driving the results of this work by relating this debate to the discussions on the scope and scale of the international community's responsibility to reestablish peace and security in Ukraine after the most recent Russian escalation (2022-present). This means that we would need to approach this matter by embracing a wide array of theoretical foundations, methodologies, fields of inquiry, and paradigms from various disciplines such

12 It would normally be Russia that uses not-very-sophisticated propaganda techniques, but on 4 October 2022, the Twitter account of Defense of Ukraine accused the Russian military of running a mini-Auschwitz concentration camp after a torture chamber was allegedly discovered in a recaptured territory in Pisky-Radkivski. The tweet included a picture of a gas mask and a box of dental crowns, which were meant to strengthen the claim of the inhuman practices the occupier has inflicted on the civilians in the occupied territories in eastern Ukraine. Footage was subsequently released showing a man who claimed he was kept in the Russian torture chamber whilst other captives were either abused or buried alive. Later, however, the German tabloid BILD reported that a local dentist came forward who claimed the crowns had been removed in his practice from patients over the years. Please see: Time News. "Kharkiv Region, Ukraine: 'Mini-Auschwitz'? What the Found Gold Teeth Are All About," October 6, 2022. <https://time.news/kharkiv-region-ukraine-mini-auschwitz-what-the-found-gold-teeth-are-all-about>.

This is just one of many propaganda pieces that Ukrainian officials have concocted during the war. As another example, please refer to **the Snake Island Controversy**, the situation in which the Ukrainian border guards became the symbol of resistance of the Ukrainian army after the entire nation heard their voice in audio recordings telling a Russian warship to "go to fuck yourself, we will not surrender". They were allegedly killed by the Russians, and President Zelensky gave them posthumous honors, but it actually turned out that they were alive. Please see the BBC News report of 28 February 2022. "Snake Island: Ukraine Says Troops Who Swore at Russian Warship Are Alive." Accessed November 9, 2022. <https://www.bbc.com/news/world-europe-60554959>.

13 Please also refer to Pietrzak, Piotr. "Immanuel Kant and Niccolò Machiavelli's Traditions and the Limits of Approaching Contemporary Conflicts—the Case Study of the Syrian Conflict (2011–Present)." *In Statu Nascendi - Journal of Political Philosophy and International Relations* 4, no. 2 (October 2021): 53–84. <https://www.ibidem.eu/en/zeitschriften/in-statu-nascendi-journal-of-political-philosophy-and-international-relations/in-statu-nascendi-9783838216096.html>.

as the theory of international relations, international law, geopolitics, conflict management, political philosophy, military studies, foreign policy, conflict resolution strategies, disaster management, peace-building processes, diplomacy, and philosophy, to provide the reader with a clear and impartial language of analysis.

The meta-ontology used to research this problem accounts for the new ontology *in statu nascendi* that suggests applying a more transparent, accountable, contemplative, and evolutionary manner of investigation that is adjustable to ever-changing circumstances of the constantly changing situation in any given conflict zone. Its main objective is to offer a perpetual methodological self-improvement mechanism that encourages scientific collaboration, flexibility, and openness to different interdisciplinary traditions (Pietrzak, 2021, p. 129-154).

Why does this research focus on wartime rape and sexual violence against the civilian populations in Ukraine?

This is not the first or last time rape is used in an armed conflict. According to Encyclopedia Britannica, “during World War II, both Allied¹⁴ and Axis¹⁵ armies committed rape as a means of terrorizing enemy civilian populations and demoralizing enemy troops”. Just five years prior to the outbreak of the recent hostilities between Russia and Ukraine, the Myanmar National Army unleashed a similar campaign of **uncontrolled sexual violence against the Rohingya population** in the village of Tula Toli¹⁶ to try to eliminate this group during the Rohingya genocide. In 2014 and 2015 the international community witnessed **a shocking scale of sexual abuse against Yazidi women**¹⁷ in Iraq in the lead-up to the events that are remembered in the

14 Please see: The Guardian. ““The Russian Soldiers Raped Every German Female from Eight to 80,”” May 1, 2002. <http://www.theguardian.com/books/2002/may/01/news.features11>. & Westervelt, Eric. “Silence Broken on Red Army Rapes in Germany.” NPR.org, July 17, 2009. <https://www.npr.org/templates/story/story.php?storyId=106687768>.

15 Please see: Chang Ying-Ying and Iris Chang, 2011. *The Woman Who Could Not Forget: Iris Chang Before and Beyond the Rape of Nanking*. New York: Pegasus.

16 Please see: Massacre by the River: Burmese Army Crimes against Humanity in Tula Toli | HRW. “Massacre by the River,” December 19, 2017. <https://www.hrw.org/report/2017/12/19/massacre-river/burmese-army-crimes-against-humanity-tula-toli>.

17 Please see: Prendergast, M. 2019. “Madonnas and whores or blood and gore? Roles for women in the so-called Islamic State.” *In Statu Nascendi: Journal of Political Philosophy and International Relations* 2019/2. p. 3–36. & Kristensen, Camilla Østergaard “The Yazidi Genocide, Lack of Justice and Gender-Based Violence in Genocides | Feature

literature on the subject as the Sinjar Mountain Massacre. Furthermore, **the actions of Boko Haram in Central and Western Africa**,¹⁸ and **the actions of the Ethiopian Military in the Tigray region**¹⁹ practically coincide with the crimes committed by Russian military servicemen on Ukrainian soil.

The reason why I chose to investigate the Ukrainian war of 2022 is the fact that this is a new conflict that changes one very important rule – namely, the fact that history is no longer written by victors who think that they can violate the human rights of the civilian populations in occupied territories and get away with it. On the contrary, thanks to social media and satellite footage obtained thanks to drone operators, it is most probably for the first time in the history of mankind that we learn about certain occurrences almost in real time. The technological advances of the 21st century, combined with the willingness of the Ukrainian people to come forward about the injustices that have been inflicted on them, allow us to document most of the crimes committed by Russian forces in Ukraine with precision, and this evidence can and should be used in the post-war international tribunal that will try Vladimir Putin for crimes committed during this war. Should this not happen, I strongly encourage the international community to reconsider the reasons for the United Nations Security Council’s existence altogether.

from King’s College London.” The Yazidi Genocide, lack of justice and gender-based violence in genocides | Feature from King’s College London, August 9, 2021. <https://www.kcl.ac.uk/the-yazidi-genocide-lack-of-justice-and-gender-based-violence-in-genocides>. & Wright, Rebecca. “Accounts of Rape, Burning Children and Murder: How a Rohingya Massacre Unfolded at Tula Toli | CNN.” CNN, November 12, 2017. <https://www.cnn.com/2017/11/12/asia/myanmar-rohingya-tula-toli-massacre-testimony/index.html>. & Thames, Knox. 2020. “After ISIS Genocide, Yazidis Need More Than Remembrance The international community should help them return to their homes and bring perpetrators to justice.” Blog. Monday, August 3, 2020. Available at: <https://www.usip.org/blog/2020/08/after-isis-genocide-yazidis-need-more-remembrance/> [Accessed on 26/11/2020, at: 16:25],

18 Please see: Amnesty International Report published on March 24, 2021. “Nigeria: Boko Haram Brutality against Women and Girls Needs Urgent Response – New Research.” *Amnesty International*, March 24, 2021. <https://www.amnesty.org/en/latest/press-release/2021/03/nigeria-boko-haram-brutality-against-women-and-girls-needs-urgent-response-new-research/>.

19 Amnesty International Report, Report published on August 10, 2021. “Ethiopia: Troops and Militia Rape, Abduct Women and Girls in Tigray Conflict – New Report.” *Amnesty International*, August 10, 2021. <https://www.amnesty.org/en/latest/news/2021/08/ethiopia-troops-and-militia-rape-abduct-women-and-girls-in-tigray-conflict-new-report/>.

Mounting allegations of war crimes committed in Ukraine

Indeed, the eyewitness reports from people who managed to escape the occupying territories of the acts of brutality of Russia's troops started coming in as early as the end of February 2022. With time the numbers of these reports rapidly grew and further skyrocketed at the beginning of April 2022. Indeed, international commentators have been bombarded with unending scenes of various atrocities, a never-ending flow of exhumed bodies, reports of senseless acts of brutality, and a growing body of evidence indicating a deliberate systematic use of sexual violence in the areas retaken from retreating Russian forces.

The scale of violence used against civilians during these early stages of the conflict is simply incomprehensible and includes summary executions, torture, gang rapes, and mass sexual assaults taking place at gunpoint, in a deliberate attempt to dehumanize, intimidate, and humiliate their victims and force them into submission. In most cases, it was the Ukrainian women who ended up exposed to the litany of war crimes and despicable cruelties at the hands of both the Russian troops and the Russian-affiliated mercenaries hired to fight in Ukraine. However, it was reported by several independent media outlets that it was not only Ukrainian women who were targeted for rape. Some of the most horrific examples of sexual violence against Ukrainian civilians include gang rapes inflicted on school children, girls and boys, or committed in front of children and their family members during which the loved ones were forced to watch an act of sexual violence committed against a partner or a child, which will inevitably reinforce the post-traumatic stress disorder of those who experienced these cruelties.

At this early stage of confrontation, Russia's reign of terror continued in all occupied territories, but the most serious allegations of indiscriminate brutality against local inhabitants emerged especially from the strategically important outskirts of Kyiv, particularly from towns and neighborhoods of Bucha, Irpin, Hostomel, and Borodianka. Those towns were chosen by Russia as ideal targets to encircle the capital and capture the Hostomel airport,²⁰ which would allow the Russian Army far more effective air raids on Kyiv. But Russian advances towards Kyiv were stopped in the Hostomel area (population 16,945 as of 2020). In early March, they shortly took the airport, but it was quickly liberated by the Ukrainian army. There was not much

20 **The Hostomel** airport is situated just 12 miles away from Kyiv and happened to be the main hub of Antonov Airlines, known for cargo planes which include the largest aircraft in the world, the Antonov An-225.

movement afterward as both sides entered a stalemate that turned this area into a very dangerous place for all local inhabitants.

The lucky ones who managed to escape those territories made some serious allegations of increased brutality suggesting indiscriminate, ruthless behavior towards the local civilians, the use of widely banned cluster munitions, constant shelling and airstrikes by Russian forces, the purposeful damage of civilian infrastructure, and damage to schools, hospitals, and other cultural sites. The violence against civilians was intensifying every single day in those areas. The constant bombardment prevented residents from receiving humanitarian aid, evacuating from the town, or even removing corpses from the street – this just after the biggest pandemic of our lifetime when the threat of the uncontrollable spread of another wave of the Covid-19 was still very real. Fortunately, no significant spike in the spread of the virus was reported, but the pattern of recklessness is clear – the nation that so proudly presented to the world its own vaccine almost two years before²¹ decided to contradict its own achievements by exposing the region in close proximity to Ukraine’s capital to a potentially very infectious disease.

Naturally, the greatest tragedy was the fact that more bodies of unarmed civilians, particularly the corpses of naked mistreated women were uncovered and dumped by roadsides, whilst the local doctors, paramedics, and volunteers were being targeted by Russian soldiers.²² More tales of atrocities were emerging, of Russian soldiers depriving the residents of water, food, electricity, heat, and medicine. It was even reported that Russian troops fired on an ambulance and medical staff. They also deliberately targeted vehicles that had a clear marking indicating that they carried children. Furthermore, some locals were forced to endure hellish conditions, evicted from their

21 Please see: Beaumont, Peter, and Luke Harding. “Russia Approves Sputnik V Covid Vaccine despite Testing Safety Concerns.” *the Guardian*, August 11, 2020. <http://www.theguardian.com/world/2020/aug/11/russia-approves-coronavirus-vaccine-despite-testing-safety-concerns-vladimir-putin>.

22 Please see: Dettmer, Jamie. “Targeting of Ukraine Hospitals Recalls Russia’s Syria Campaign.” *VOA*, March 11, 2022. <https://www.voanews.com/a/targeting-of-ukraine-hospitals-recalls-russia-s-syria-campaign/6480644.html>. & Dickinson, Peter. “Russia Accused of Deliberately Targeting Ukraine’s Medical Facilities.” *Atlantic Council*, June 11, 2022. <https://www.atlanticcouncil.org/blogs/ukrainealert/russia-accused-of-deliberately-targeting-ukraines-medical-facilities> & Short, Kevin. “Attacks on Hospitals and Healthcare in Ukraine: Joint Submission to the United Nations Independent International Commission of Inquiry on Ukraine, September 2022 - Ukraine.” ReliefWeb, September 22, 2022. <https://reliefweb.int/report/ukraine/attacks-hospitals-and-healthcare-ukraine-joint-submission-united-nations-independent-international-commission-inquiry-ukraine-september-2022>.

homes by Russian soldiers, and forced to live in basements and sheds with no access to food, water, electricity, or heat at the end of a still very harsh winter (McKernan 2022, April 4 2022; Mutch, 2022, April 13).²³ In early March the Ukrainian authorities tried to negotiate a safe evacuation from Hostomel, and they asked the occupying forces not to target fleeing refugees, but the evacuation and humanitarian corridor were blocked by the Russian army.²⁴

The moment the Russian troops were forced to withdraw from towns and suburbs around Kyiv in April 2022 by the successful counteroffensive of the Armed Forces of Ukraine, the true scale of brutalities perpetrated by Russian soldiers was revealed. This is particularly true for Bucha (population of approximately 36,971 as of 2021). The Ukrainians who liberated this town discovered 410 bodies abandoned on streets, sidewalks, and in mass graves. This town alone accounts for a very compelling case against Putin and his generals in any post-war tribunal, for it provides the international community with a piece of very tangible evidence indicating the systematic nature of the crimes committed during the first phase of the Russian invasion between the 4th and 31st of March 2022. The gathered forensic, physical, testimonial, digital, documentary, and further corroborating evidence indicates an utter and complete contempt for the value of lives of the local residents of Bucha and a complete disregard for the most fundamental principles of the Geneva Conventions of 1949 and their Additional Protocols of 1977 (that compel the intervening forces to protect the non-combat populations during an armed conflict. The Ukrainian servicemen who managed to liberate this town from Russian occupation discovered dozens of randomly abandoned mutilated bodies of local residents across the courtyard close to the intersection of Yablunska and Vodoprovivna streets. The other group of bodies were found abandoned in communal graves and outside the Church of St. Andrew and

23 Please also see: “The timeline of tragedy - Bucha massacre, nightmares of Irpin and Hostomel,” April 06, 2022. <https://war.ukraine.ua/crimes/the-timeline-of-tragedy-bucha-massacre-nightmares-of-irpin-and-hostomel>.

24 Please also see: CBS News report on 6th March 2022 / 11:59 AM. “Russian Assaults Block Evacuations of Ukrainian Civilians for Second Time.” - CBS News, March 6, 2022. <https://www.cbsnews.com/news/russia-ukraine-war-evacuations-news-latest-mariupol/>. Associated Press. “Russian Attacks Halt Plans to Evacuate Ukrainian Civilians.” PBS NewsHour, March 6, 2022. <https://www.pbs.org/newshour/world/russian-attacks-halt-plans-to-evacuate-ukrainian-civilians>. Please also see: Henley, Jon, Peter Beaumont, and Julian Borger. “Humanitarian Corridors’ Leading to Russia or Belarus Rejected by Kyiv.” *the Guardian*, March 7, 2022. <https://www.theguardian.com/world/2022/mar/07/russia-humanitarian-corridors-ukraine-war-mariupol-kyiv>.

All Saints. A subsequent investigation supported by the testimonies of local survivors led the liberators and the independent team of investigators to uncover a mass grave containing approximately 400 bodies of unarmed civilians recently shot in their heads in what appears to be wounds inflicted by the Russian troops just before they retreated from these territories. The Human Rights Watch researchers who worked in this town just days after Russian forces withdrew, together with the Amnesty International team of independent investigators, along with satellite footage of Bucha captured in the middle of March confirm beyond a reasonable doubt that the bodies were lying in the streets of Bucha two weeks prior the Russians leaving town, and they did not move until the liberation of this town. Subsequently, Human Rights Watch collected further evidence indicating the number of extrajudicial and summary executions, indiscriminate killings, enforced disappearances, torture, and a series of coordinated sexual assaults (such as the example of 25 teenagers who were kept and gang-raped in a basement in Bucha, nine of whom became pregnant in the direct aftermath) by Russian forces occupying Bucha between the 4th and 31st of March 2022.

In the aftermath of the Bucha killings, President Biden suggested that his Russian counterpart Vladimir Putin should face a war crimes tribunal. On the same day, United States Secretary of State Anthony Blinken also confirmed this position by suggesting that “What we have seen in Bucha is not the random act of a rogue unit, it’s a deliberate campaign to kill, to torture, to rape, to commit atrocities. The reports are more than credible. The evidence is there for the world to see.”²⁵

On the 3rd of April 2022, Ukrainian forces managed to liberate Irpin from a Russian occupation that also lasted for approximately three weeks. But still, no one was in a celebratory mood, for the liberators quickly discovered accounts of agonizing crimes, brutal shelling, human rights violations against local civilian populations, willful killings, unlawful violence against civilians, shootings, summary executions, kidnappings, and a systemic campaign of rape, sexual violence, torture, and inhumane treatment of captured combatants and civilians in Russian custody, most of the time in local basements. It was reported that 290 residents were victims of the Russian occupiers: this included 161 men, 73 women, one child, and 55

25 Please see: Amnesty International Report, 2022. “Russian Forces Must Face Justice for War Crimes in Kyiv Oblast.” *Amnesty International*, 6 May 2022, www.amnesty.org/en/latest/news/2022/05/ukraine-Russian-forces-must-face-justice-for-war-crimes-in-Kyiv-oblast-new-investigation.

human remains that could not be identified at the time of liberation. Reportedly, more than half of the victims in this part of Irpin were shot dead in Pushkinska, Universytetska, and neighboring streets. Others died by artillery fire or starved to death. As was also reported by direct witnesses, most of these crimes happened in mid-March and then in the final days before the Russian withdrawal. Furthermore, before leaving this town, Russians used 72-mm and 120-mm heavy mortars, Iskander-M aeroballistics missiles, and other weaponry (banned by the Geneva Conventions), plundering the place and purposefully inflicting a completely senseless campaign of demolishing the city by destroying almost 70% of the civilian infrastructure. This resulted in 885 buildings being destroyed, 2738 being partially destroyed, and 8651 superficially damaged.

Subsequently, on the 7th of April 2022, just a week after the Bucha massacre was discovered, Amnesty International and local authorities reported a series of indiscriminate airstrikes that deliberately targeted eight residential buildings in the town of **Borodyanka**, causing massive devastation to the entire civilian infrastructure of this strategically important town. It is reported that during this attack Russian pilots predominantly used prohibited cluster munitions and Tornado and Uragan rockets that were unleashed during the night when the maximum number of people would still be asleep. As a result, between 41 and 80 civilians were either killed on the spot or buried alive as a direct result of the airstrikes. The local officials cannot confirm the official death toll for it is still unclear how many people found themselves buried alive beneath the rubble at the time of the attack. They indicated that those who had gone to help to recover their relatives, their friends, and their neighbors from the rubble were also targeted by the Russian soldiers. It was also reported that most of the targeted buildings collapsed or partly collapsed. Furthermore, this single premeditated attack on civilian infrastructure turned this vibrant town into inhospitable ruins that left thousands of people homeless. At the same time, more and more *ad hoc* reports came to everyone's attention suggesting more individual extrajudicial executions, killings, and rapes in the region not only in Borodyanka but also Andriivka, Zdvyzhivka, and Vorzel. Amnesty International's Secretary General Agnès Callamard added to these revelations that her organization has identified a clear pattern of crimes committed by Russian forces that include a series of unlawful attacks and willful killings of civilians.²⁶

26 Amnesty International Report, 2022. "Russian Forces Must Face Justice...", *op. cit.*

When the Russians lost the initiative in the Kyiv region, they decided to withdraw from the entire northeast of the country and refocus their primary attention toward the southeast of the country, where increased brutality against civilians was reported. One of the most memorable and deliberate killings of innocent civilians in this conflict zone happened in the port city of **Mariupol** in which the Russian forces used relentless aerial bombing tactics similar to those of the **siege of Aleppo** in Syria in 2015 and 2016.²⁷ Mariupol was very bravely defended, but ultimately Russia unleashed a brutal campaign of complete and utter annihilation of the entire city.

Effectively, after months of apocalyptic scenes and relentless attacks by Russia, the city fell to Russian aggression in May of 2022, this half-a-million-strong city with a strong sense of community was turned into a complete wasteland. According to its mayor, Vadym Serhiyovych Boychenko, this formerly bustling metropolis lies on the brink of extinction, as at least 20,000²⁸ - 25,000²⁹ people were killed during the siege, and the estimated 90,000 remaining residents were forced to endure inhospitable living conditions with no running water, food, or electricity. Furthermore, the way the invading forces conducted their operations in this location proved that Putin and the Russian Army's high command were relentless in attaining their military objective of conquering this city by any means necessary. The way the siege of Mariupol unfolded proves that Russian officials accepted that the occupying forces would not be welcomed as liberators, and that is why they decided to inflict on the local inhabitants the highest possible level of collateral damage to attain their military objective. In this respect, I would

27 Please see: "A Russian general, also known as the "Butcher of Aleppo," who has been attacking Syria for months, is using the same methods to destroy Ukraine" TCH.ua, May 23, 2022. <https://tsn.ua/en/ato/a-russian-general-also-known-as-the-butcher-of-aleppo-who-has-been-attacking-syria-for-months-is-using-the-same-methods-to-destroy-ukraine-2068861.html>. & Chulov, Martin. "Aleksandr Dvornikov: Russian General Who Helped Turn Tide of Syrian War." *the Guardian*, April 10, 2022. <https://www.theguardian.com/world/2022/apr/10/alexander-dvornikov-russian-general-who-helped-turn-tide-of-syrian-war>.

28 Please see: Karmanau, Yuras, Adam Schreck, and Cara Anna. "Mariupol Mayor Says Siege Has Killed More than 10K Civilians." *AP NEWS*, April 11, 2022. <https://apnews.com/article/russia-ukraine-state-of-the-union-address-zelenskyy-biden-kyiv-7cc069b80178629a60f4f2d166348d45>.

29 Kenny, Peter. "UN Estimates Thousands of Civilians Have Died in Mariupol since Feb. 24." UN estimates thousands of civilians have died in Mariupol since Feb. 24." Accessed November 17, 2022. <https://www.aa.com.tr/en/europe/un-estimates-thousands-of-civilians-have-died-in-mariupol-since-feb-24/2583986>.

like to bring to the fore two accounts of clear war crimes committed by the Russian forces that violated every single major principle of humanitarian law:

The first example of the calculated nature of the onslaught was revealed in **the bombing of Maternity Hospital number 3** that happened on the 9th of March 2022, which resulted in at least four casualties, one stillbirth, and sixteen injuries. Subsequently, the second example is **the targeted bombing of the Mariupol Drama Theater** on 16th March 2022. This huge Soviet-era building situated in the city center was turned into a provisional shelter that was inhabited by over 1,000 civilians and had large lettering placed on the ground in two places that spelled out the word “children”³⁰ in Russian. This did not stop the Russian attack, as the building was hit with two 500 kg bombs that detonated simultaneously and the caused immediate death of at least 600 people in this indiscriminate attack. The victims of these attacks were predominantly women, children, and elderly residents who had lost the roofs over their heads in previous Russian attacks. Furthermore, hundreds of civilians were also injured in this attack.

Another similar but not as deadly attack happened on the 27th of June 2022 when the Russian Armed Forces fired two Kh-22 anti-ship missiles into the **Amstor shopping mall** and the **Kredmash road machinery plant** in the town of **Kremenchuk** located in Poltava Oblast. According to an official estimate, at least 20 people died in the attack and another 56 were injured, but the death count may have been much higher, for there were more than 1,000 people inside the mall when the strike occurred. In this respect, however, according to some independent reports, the attack on the Amstor shopping mall may have been accidental, and it accounts for most probably unintended collateral damage, for the target destination for both missiles was the Kredmash road machinery plant, which was a primary military target in this case, but something must have happened to the coordinates of the first missile.

30 There are images showing the Russian word for children had been marked on the ground in large letters in two locations outside the theatre in Mariupol just two days before it was subsequently hit by the Russians. This suggests that this attack was completely premeditated and constitutes a clear war crime. But this is just one of the examples of such purposefully inflicted brutality by the Russian soldiers; others were inflicted on a more individual basis. On 1 October 2022, Ukrainian media reported a Russian attack on a column of civilian cars near Kupiansk: 24 people were killed, including 13 children; on 12 March 2022 it was reported that a Russian tank purposefully crushed a car with a child in the Zaporizhzhia region. On 22 March, it was reported that a Russian tank shot at a car with children inside in the Kharkiv region, resulting in 3 people killed.

This brings us to our last example – on the 19th of September 2022, Ukrainian forces liberated **Izyum** in the Kharkiv region, where they discovered mass graves with more than 440 bodies of civilians who died as a result of the Russian occupation. According to the initial eyewitness report, most of the bodies that were recovered from the site were the corpses of civilians, predominantly adults: some had ropes around their necks and tied hands. Some died after the Russian capture of the city in March and April 2022 whilst others showed marks of gunfire, artillery fire, mines, or aerial bombardments. At the time of completion of this report, all the bodies were exhumed and sent for forensic examination, but the full report from the forensic lab was not available in the public domain. However, what is noticeable is that, according to the commissioner for missing persons in Ukraine, there may be even more bodies buried in nearby forests, so the list of alleged war crimes presented above cannot be seen as final.

Also, all those case studies account for just a small fraction of the actual crimes committed, which is particularly true for the reported accounts of sexual violence inflicted on the civilian populations, for many crimes of such a nature would simply go unreported during the conflict due to various factors, including intimidation from the perpetrators and the shame and the severe stigma attached to it in Ukrainian society. Some will be reported years after the termination of the hostilities when the victims feel safe to talk about their traumas. So, in essence, we are “sitting” on the verge of the discovery of hundreds, if not thousands of individual examples of war crimes that will bring more physical and emotional distress to both the victims and the Ukrainian nation once this war is over.

A brief analysis of gathered data

The above-presented case studies account for a random selection of crimes that have been committed by the Russian Army and the Russian-affiliated groups (such as the so-called Kadyrov Brigades³¹ and the Wagner

31 **The Kadyrov Brigades** (or Kadyrovites named after Akhmad-Khadzhi Kadyrov the First President of the Chechen Republic (1951-2004), now under the leadership of his son Ramzan Kadyrov – pro-Russian Chechen politician and a warlord) is a regular paramilitary organization known for extreme brutality toward Kadirov’s political enemies. Members of this organization were accused of extrajudicial killings, kidnappings, and torture in Ukraine, Syria, and Chechnya. They were reported near the Antonov airport in February 2022 and raised the Chechen flag in the nearby town of Hostomel where they started acting as a Special Motorized Regiment fighting alongside the regular Russian forces. The Kadyrovites were reported to have taken part in the Mariupol siege, the Donbas offensive, and many other battles in southeast Ukraine. It was reported that up to 70,000 Chechen fighters volunteered to fight in

Group³²) unleashed on the Ukrainian people in occupied territories since February 2022. The scale of those acts of brutality is incomprehensible, and it adds to a mounting body of evidence against Putin's Russia. Indeed, after considering all the gathered evidence, we can conclude beyond a reasonable doubt that none of the described crimes had an accidental character, except for (maybe) the **Amstor shopping mall attack**, which may have been unintended and can be treated as collateral damage (still this incident should

Ukraine, but later the reports were dismissed as a massive overestimation. The Chechen threat has been used by Russian state propaganda from the outset of the war to create a psychological effect of intimidating the enemy with the stereotypes of Chechen brutality, mirroring many major ongoing assaults both to terrorize local populations and to bolster the morale of the advancing Russian army. According to François Ratelle, the very presence of Chechen fighters was used to make people believe that Putin is willing to repeat the ruthless Chechen counterinsurgency of the Second Chechen War in Ukraine. Please see: Ling, Justin. "Russia Tries to Terrorize Ukraine with Images of Chechen Soldiers." *Foreign Policy*, February 26, 2022. <https://foreignpolicy.com/2022/02/26/russia-chechen-propaganda-ukraine/>.

It has been also reported that Chechens are fighting Chechens in Ukraine, for many anti-Russian Chechens, anti-Kremlin veterans of the Chechen wars, fight on the Ukrainian side, such as the Dzhokhar Dudayev Battalion and the Sheikh Mansur Battalion. Please see: Le Monde. "The Chechen Battalion Fighting 'against Russian Imperialism' in Ukraine." *Le Monde.fr*. Accessed November 9, 2022. https://www.lemonde.fr/en/international/article/2022/10/31/in-ukraine-a-chechen-battalion-is-fighting-against-russian-imperialism_6002451_4.html. Neil Hauer. "Chechens Fighting Chechens in Ukraine." *New Lines Magazine*, March 3, 2022. <https://newlinesmag.com/reportage/chechens-fighting-chechens-in-ukraine>.

32 **The Wagner Group** is a Russian private military company that acts as an informal, unofficial unit of the Russian army when the demand arises to outsource some of its activity to less formalized military groups with a less conventional chain of command. Its mercenaries have repeatedly been accused of war crimes and human rights abuses in various conflict zones. Its notorious mercenaries are known for their brutalities, inciting torture and various other forms of atrocities committed against enemy military servicemen, prisoners of war, and the civilians present in the territories of their operations. It first went into action during Russia's annexation of Crimea in 2014. Subsequently, in 2015, the Wagner Group started operating in Syria to prop up Syrian president Bashar al-Assad. This group has been active in Libya since 2016, supporting the forces loyal to General Khalifa Haftar. In 2017, it was also reported that the Wagner Group had been hired to guard diamond mines in the Central African Republic (CAR) and to protect gold mines in Sudan. According to Western intelligence, Wagner fighters were probably involved in the killing of civilians in Bucha. For more information, please visit BBC Report. 2022. "What Is Russia's Wagner Group of Mercenaries in Ukraine?" Accessed November 6, 2022. <https://www.bbc.com/news/world-60947877> & Tondo, Lorenzo, Isobel Koshiw, Emma Graham-Harrison, and Pjotr Sauer. "Alleged Wagner Group Fighters Accused of Murdering Civilians in Ukraine." Accessed November 6, 2022. <https://www.theguardian.com/world/2022/may/25/wagner-group-fighters-accused-murdering-civilians-ukraine-war-crimes-belarus>.

be investigated by an independent team of observers). The other accounts – the Bucha massacre, the indiscriminate ruthlessness of the Borodianska occupation, the agonizing character of crimes committed in Irpin, the brutality of the Mariupol siege (which can be only compared to the Aleppo siege), the contents of Izyum’s mass graves, and other atrocities committed in eastern Ukraine – all indicate an intent to inflict systematic, indiscriminate damage on unarmed civilians in occupied territories, and as we don’t have access to occupied Mariupol,³³ we don’t know how many mass graves will be discovered there and in many other locations in Ukraine’s southeast.

There is nothing romantic about war³⁴, for it unleashes the worst possible instincts in parties taking part, but it can be waged with at least some basic respect for the human life of innocent bystanders. Unfortunately, this does not apply to the openly ruthless character of Russia’s military strategy, for each time the Ukraine army regains more territories in eastern Ukraine, liberators uncover more evidence of systematic humiliation and mistreatment of the local populations. It is not only rape but also the indiscriminate nature of these crimes, combined with some of the worst treatment of POWs ever since the Balkan wars. It seems that the wartime rape in Ukraine is motivated by political, military, or economic objectives to control Ukrainian territory and its resources and to intimidate its people. It also seems that Vladimir Putin continues to empower ordinary criminals to represent Russia’s interest abroad and to expand his murderous attacks on civilians across Ukraine, so the situation of the civilian population in Ukraine is likely to deteriorate before it gets better.

Naturally, Russian forces keep denying all such allegations, but even at this early stage of the war, we can conclude beyond any reasonable doubt (for there is enough evidence to support this claim) that rape was collectively used by the Russian Army to punish and intimidate the Ukrainian population for the first eight to nine months of their operations in Ukraine (February – November 2022). Indeed, the Russian army uses rape as a tactic in Ukraine to control its enemy and to dehumanize the ordinary people whom they later massacre (De Luce 2022; Littlewood 1974).

33 Please see: BBC News Report on the 21st of April 2022. “Mariupol: Satellite Images Suggest Mass Graves Dug near Besieged City.” Accessed November 10, 2022. <https://www.bbc.com/news/world-europe-61183056>.

34 Please see: Pietrzak, Piotr, and Bálint Tóth. “MCC Podcast: Is It Possible to Connect Conflict Resolution Theory and Practice?” | *MCC Corvinák*, December 18, 2021. <https://corvinak.hu/en/pod-vid/2021/12/18/mcc-podcast-is-it-possible-to-connect-conflict-resolution-theory-and-practice>.

We can identify a clear pattern that indicates that the Russian army is ready to resort to an authoritarian counterinsurgency strategy in occupied territories and collective punishment applied indiscriminately against Ukrainian civilians and military servicemen and servicewomen. This is particularly true when you come across information about acts of sexual violence committed on children as young as three years old; the only possible response to such human tragedy for a parent would be to seek the most severe punishment for the perpetrators of such acts of barbarity. If this continues and the international community doesn't do anything to stop this dreadful practice, we will see the further radicalization of this conflict like in the Middle East.

How to describe the new wave of hostilities in Eastern Europe

Russia's assault on Ukraine heralds a tectonic shift in the way the global architecture of power is constructed and perceived. During this conflict, the Russian army has exposed its ineffectiveness, its inability to adapt to changing circumstances, and its depravity. Indeed, the war in Ukraine slowly but surely is becoming reminiscent of the Balkan past³⁵, for it accounts for some of the

35 For almost a decade during the 1990s, the Balkans also produced hundreds of thousands of similarly horrific stories of civilian suffering that were triggered by the cluelessness of those who saw rising tensions between the nations as the means of achieving their political objectives. According to Fikret Grabovica, president of the Association of Murdered Families and Children, during the Bosnian war, children were also deliberately targeted, especially during the siege of Sarajevo, and there are ample examples illustrating that each time they left their shelters, whilst playing in groups, children were indiscriminately targeted by Serbian snipers who were encouraged to kill as many children as possible to prevent the Muslim community from restoring its headcount after the war. In this respect we need to recognize that the Serbs are quite rightly blamed for masterminding the outbreak and aggravating and reigniting these hostilities prior to and after the Dayton Agreement of 1995 (which ended the Bosnian War). It was the Serbian government that was responsible for soaking the entire region in blood and unleashing the unthinkable carnage, harassment, starvation, beatings, torture, sexual abuse, mass killing, detentions, forced labor camps, detention centers, war crimes, prosecutions, murder, most of the ethnic cleansing, dehumanizing people, and the destruction of mosques. Most of these hostilities were directed predominantly towards the Bosniak Muslim minority inhabiting Bosnia and Kosovo in the former Yugoslavia in the 1990s. Indeed, the deadly actions of the government of Slobodan Milosevic and General Radko Mladic resulted in meadows full of dead people, mass graves all across Bosnia and then Kosovo, the entire region of Western Balkans soaked in blood, and the suffering of local people both Muslims and the Christian, and this did not have had an effect on the lives of millions of people. In Srebrenica in 1995 (despite the UN having declared this city a safe enclave), the Dutch UN troops that were meant to defend it abandoned it. Srebrenica was overrun, and more than 20,000 Muslim men were killed, whilst their wives, sisters, mothers, and daughters were systematically raped by the Serbian army. In Sarajevo, Ratko Mladic, an inglorious general (known as the Butcher of Bosnia) used the

worst humanitarian disasters of our lifetime. But it is my opinion that we should no longer use the term balkanization³⁶ to describe these hostilities. Given that on some levels, Putin’s brutality can already be compared to Milosevic’s actions in Bosnia and Kosovo, I strongly suggest applying a new neologism such as **Putinization** to our descriptions of his actions in Ukraine.

In socio-political terms, the **Putinization** of the situation in any given country would be explained as both official and unofficial attempts of the Russian Federation aimed at “restoring” Russian domination and hegemony in Eastern Europe and Asia at any cost: by instigating an unprecedented, unpredictable, and uncontrollable series of vicious events and war crimes, most likely producing a river of “little Katyn Massacres” (as we have already witnessed in Ukraine) aimed at intimidating local populations across Eastern Europe and Central Asia, to cause an ultimate disintegration of a broader political unit and its abrupt replacement with several political units, and the subsequent annexation of these territories into the Russian Federation under the false pretense of the alleged pre-existence of some previously unspecified and unverifiable political will to join the Russian Federation declared by the alleged majority of the Russian-speaking people inhabiting those territories.

superior military against the civilian population, not only adults but also children. Still, we cannot blame only the Serbs for the entire war. This would be a very one-dimensional perception that downplays the role of other state and non-state actors responsible for triggering and aggravating the events that led to the breakup of Yugoslavia and the following Balkan Wars. Recently, for instance, the former Bosnian Croat military commander Slobodan Praljak swallowed what he said was poison and died shortly afterward while a judge from the International Criminal Tribunal was trying him for crimes against humanity. So, we should not apply different standards of justice to these events; humankind per se has been betrayed, and the promise of never again has been broken. To gain a more comprehensive account of these historical events, we need to continue to scrutinize the role of local Serbian, Croatian, Bosniak, and Albanian leaders who one way or another added extra fuel to the Balkan Wars.

36 **Balkanization** is a term that has been used and abused both in academia and in popular culture for decades. Its ontological meaning is rather pejorative, for it signifies an unexpected occurrence of an unprecedented, unpredictable, and uncontrollable series of events or a process that inadvertently leads to an ultimate disintegration of a broader political unit (such as a seemingly monolithic federal state) and its abrupt replacement with a number of fully or partly independent political units that are destined to end up inherently unstable, unpredictable, and prone to various hostilities against one another. For more information in this respect please see: Pietrzak, Piotr. “Why Has the Term ‘Balkanization’ Become so Obsolete That It No Longer Holds Water?” | *MCC Corvinák*, February 9, 2022. <https://corvinak.hu/en/velemeny/2022/02/09/why-has-the-term-balkanization-become-so-obsolete-that-it-no-longer-holds-water>.

Response of the Ukrainian women: Bravery in the face of adversity

The only silver lining of the situation is that the Russian attempt to intimidate the local populations and coerce them into submission has failed on many levels. It made Ukrainians even more determined to repel the aggression of a seemingly more powerful neighbor and a former superpower. It made the Baltic states, Poland,³⁷ the Czech Republic, and Slovakia almost double their military spending. It made Finland³⁸ and Sweden apply for NATO membership. It united NATO more than ever; and so on and so forth. Most importantly, faced with adversity, Ukrainian women showed an incredible spirit of resistance and unity of purpose. Indeed, one of the main reasons the Russian military has suffered unexpected setbacks is that the Russian Army ended up fighting not only the Ukrainian Army but more than 40 million Ukrainian people.³⁹ Naturally, faced with an impossible task, some Ukrainian women were forced to flee the country,⁴⁰ but others decided to become an integral part of the resistance and enlist either in the Armed Forces or territorial self-defense units.

The most recent statistics indicate that women make up more than 22% of the Ukrainian armed forces, including 16% of those serving in active service in the battlefield, defending the borders, driving tanks, piloting military drones, gathering tactical intelligence, and providing vital logistics and non-combat support to the military. Millions of women from all walks of life and of different ages across the country work every day to provide those who defend the country on the front line with all necessities. Women act as doctors, nurses, and first responders who bravely provide all necessary support to wounded servicemen and servicewomen. Furthermore, Ukrainian women also volunteer their time to sew military uniforms, bulletproof vests, flak jackets camouflage, and protective gear. They prepare Molotov cocktails, look after soldiers' rations, and participate in a variety of other volunteering

37 Please see my forthcoming publication: Pietrzak, Piotr. [Forthcoming in 2023]. *The Brzezinski Doctrine and NATO's Response to Russia's Assault on Ukraine*.

38 The term Finlandization is also not relevant anymore. Please see: Burak, Begum. "Interview with Dr. Piotr Pietrzak." YouTube, October 14, 2022. <https://www.youtube.com/watch?v=kf7pBKAdous>.

39 Naturally, the Ukrainian resistance has been strongly supported by NATO and the EU. In this respect, please refer to: Pietrzak, Piotr. [Forthcoming in 2023]. *Geoeconomics of NATO'S Response to Russia's Invasion of Ukraine*.

40 Please refer to: Pietrzak, Piotr. [Forthcoming in 2023]. "The Ukrainian migration to Poland in 2022 after the 2022 Russian invasion of Ukraine," in *Interdisciplinary Approaches to the Regulation of the Modern Global Migration and Economic Crisis*. Edited by Alaverdov, Emilia, and Muhammad Waseem Bari. 2023.

activities such as taking to social media to raise the spirits of the Ukrainian people and attract foreign support. Finally, women across the country have also used their smartphones to capture executions and the bombing of civilian targets to provide future international tribunals with enough evidence to bring Vladimir Putin and the people who supported this unlawful and brutal campaign to justice.

In the aftermath of the Bucha Massacre, Slovenian Prime Minister **Janez Janša** compared it to the **Katyń massacre of 1940** (Slovenia Times 2022). He pointed out how the 410 civilian victims were killed by the Russian military servicemen which, according to him, indicated a clear genocidal character of this crime, for they were inflicted on ethnic Ukrainians and were completely unprovoked, just as in the totalitarian Soviet Union. Still, regardless of the genuine intentions of the Slovenian leader, there are several issues with this line of comparison.

The main problem the scale and scope of these crimes, for according to verifiable historical data, at least 22,000 elite military personnel of the Polish army were killed in Katyń, Charkow, and Mednoje in the 1940s. The victims were highly trained military officers, intelligentsia, and leaders in their respective fields. The main reason Stalin killed these POWs in 1940 was that he anticipated that killing them at that stage of the war would make it easier for him to subjugate Poland after the Second World War. When we try to explain the rationale behind Putin's actions, or the men under the command of his generals, I suppose we need to search for a different, more immediate explanation.

Although it is often suggested that he acts like a good chess player who thinks 9 steps in advance, it is rather debatable that geopolitical considerations were in play in this particular instance. However, eliminating 410 inhabitants of this town in cold blood at this stage of confrontation clearly had an intimidating character, for it happened just before the planned Kyiv offensive that in the end met with failure due to the resistance of the Ukrainian forces and the eventual withdrawal of Russian forces from all Kyiv's neighborhoods at the end of March 2022.

If we treat all those crimes as one systematic example of the genocidal activity of Russian forces in Ukraine, we need to admit that it shows a certain resemblance to the Milosevic-era type of ethnic cleansing now adopted by the Russian Army as a *modus operandi*, which on some level incorporates the brutality of the Serbian army and the genocidal character of their activities unleashed against the Muslim populations in the western Balkans, particularly in Bosnia and Kosovo in the 1990s. The names Bucha, Borodianka, Irpin,

Hostomel, Mariupol, and many others will always symbolize some of the darkest days in European history, for they were primarily motivated by the same desire to turn the occupied territories into an ethnically homogeneous area free of other nationalities. Maybe they were not motivated by the desire to create ethnically, racially, or religiously unilateral groups, but these atrocities were motivated by the same deadly 19th century type of tribalism suggesting the superiority of one nationality over another.

The most surprising aspect of the situation is that it is difficult to establish a clear notion of otherness that would differentiate Russians and Ukrainians, for both nationalities are very closely interrelated by very similar historical, cultural, religious, and political ties and experiences. But this relationship has been long lost now, most probably forever, for it will be extremely difficult for Ukrainians to forgive Russia for these crimes. Still, Putin had no issue jeopardizing the perfectly normal relations between these countries prior to 2014, and he had no issue unleashing the full campaign of brutality against Ukraine in 2022. However, Russian policymakers had to definitely take their time to elaborate the campaign of ideological nonsense that would build the division between the countries in a relatively short period and use the state propaganda machine to support this campaign. This again shows the premeditated nature of this war, for it takes time to come up with some of the most irrational, disturbing, and ultranationalistic ideology of Ruscism that is openly anti-Ukrainian, anti-Western, and mixed with equally irrational claims suggesting that all Ukrainians are fascist and if given the opportunity would drink Russian blood. The irrationality of Russian claims, combined with the brutal attempts to coerce the locals to the occupier's will by property destruction, war-inflicted rape, murder, direct removal, extermination, forced deportations, and forced population transfers, combined with the purposeful destruction of civilian infrastructure of no strategic importance in the occupied territories such as kindergartens, schools, playgrounds, churches, museums, opera houses, theaters, residential buildings, shopping malls, cemeteries, and administrative buildings can easily meet the threshold of genocide in its modern definition.

Indeed, the world witnessed how the Russian army behaved toward the Ukrainian women and children in the occupied territories. Clearly, the likes of today's **Lavrentiy Beria** (one of the most sadistic, sinister, and seminal individuals that has trodden this world, notorious for raping young girls and women in the Soviet Union in the late 1940s and 1950s) are asked to act with impunity to produce a river of "little Katyń Massacres" across northern and eastern Ukraine, to torture, rape, and murder hundreds of civilians. Still,

people like John Mearsheimer would suggest that it is the West who helped to place the noose around “Ukraine’s neck” and that we are responsible for pushing Putin to his actions in 2014 and 2022,⁴¹ which was provocative in its nature, for surely the West did not force Putin to authorize any of the atrocities that were committed in 2022.

Still, as much as none of the individual crimes committed in Ukraine in 2022 remotely resemble the scale of the Katyń or Srebrenica massacres, those are still very early stages of the war, and this will most probably be a very long confrontation. That is why, at this stage, we need to do everything we can to prevent any further escalations, for today’s situation in Ukraine is a ticking bomb. Russians are perfectly capable of escalating their campaign further.

So far, the Russian conduct in Ukraine, especially their siege of Mariupol, resembles the Ottoman era atrocities committed by the members of the Janissary squads on the local Christian populations under their rule which led to the Batak Massacre of 1876, which, according to various historiographic sources, was not an isolated act of genocide that caused between 1,750 and 5,000 deaths but rather the culmination of a much more brutal collection of hundreds of thousands of crimes in Bulgaria and across the Ottoman Empire for more than 500 years that comprised various acts of violence, mass killings, brutalities, sexual violence, and forced marriages committed in the most brutal and systemic manner in a coercive process of the denial of the very existence of Bulgaria’s statehood, cultural heritage, architecture, language, and Orthodox religion.

I agree with those of my colleagues who compare Putin to a skillful chess grandmaster, for it is evident that his actions are more coordinated than commonly understood, and even at this stage of the confrontation, I would not underestimate him. When I compare Russia under Putin to the Ottoman Empire, it is on one hand because of the brutality and indiscriminate sexualization of warfare that is used against Ukraine. On the other hand, I use this comparison to indicate that it is just the beginning, for by bringing medieval barbarity to the modern conflict zone, Putin essentially unleashed the first stage of the process of the denial of the very existence of the Ukrainian nation, culture, and political system with his dehumanizing anti-

41 Please see: Mearsheimer, John J. “Why the Ukraine Crisis Is the West’s Fault: The Liberal Delusions That Provoked Putin.” *Foreign Affairs*, vol. 93, no. 5, 2014, pp. 77–89. JSTOR, <http://www.jstor.org/stable/24483306>. Accessed 1 Nov. 2022. & Why is Ukraine the West’s Fault? Featuring John Mearsheimer - <https://www.youtube.com/watch?v=JrMiSQAGOS4>

Ukrainian discourse.⁴² Despite the severity of the sanctions applied against Russia, it is still standing, its economy is still not on its knees, its army is still operational, and we can clearly see the determination (in the most recent campaign of drone attacks against the Ukraine electric infrastructure grid) that suggests that Putin's Russia is ready to cause as much damage as possible despite the fact that their actions are clearly inhumane.

Do the war crimes committed in Ukraine since February 2022 constitute genocide?

In essence, meeting all the requirements of the modern definition of genocide is not easy, for the threshold is very high. As much as you cannot compare apples and oranges, we need to take into consideration all crimes committed in Bucha, Borodianka, Irpin, Hostomel, Mariupol, and many other places where mass graves will be uncovered and, most probably, we need to start treating them as one example of an emerging genocide or war crimes of genocidal character.

The best way to determine whether these actions should be seen as genocide *per se* is to refer them to **Raphael Lemkin**⁴³'s classic term. Genocide suggests verifying that they were perpetrated to destroy national, religious, or ethnic groups in a given territory that was under Russian occupation, for according to Lemkin's term, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a country. It is intended instead to signify a coordinated plan aiming for the destruction of the essential foundations of the life of national groups with the aim of annihilating the groups themselves. The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of personal security, liberty, health, dignity, and the lives of the individuals belonging to such groups. Lemkin saw this a coordinated strategy to destroy a group of

42 Please see: Nielsen, Cynthia R. "Putin's Dehumanizing Discourses and the Power of Ukrainian Resistance and Resilience." *Forum for Ukrainian Studies*, June 28, 2022. <https://ukrainian-studies.ca/2022/06/27/putins-dehumanizing-discourses-and-the-power-of-ukrainian-resistance-and-resilience/>.

43 **Raphael Lemkin** (1900–1959) was a Polish lawyer of Jewish descent who is best known for coining the word genocide to define the Armenian experience at the hands of the Ottoman Turks, the experience of Assyrians massacred in Iraq during the 1933 Simele massacre, and the experiences of non-Jewish populations in Nazi Germany-occupied Europe 1939–1945. Lemkin is also known for his relentless efforts to initiate the Genocide Convention after 1945 (Power 2002, pp.17–29, 31–40).

people, a process that could be accomplished through total annihilation as well as policies that eliminate critical elements of the group's existence, including language, culture, and economic infrastructure (Power 2002, p. 17–40; Pietrzak, 2021, p. 266–268; The Genocide Convention 1948).

In this respect, it is worth considering Dr. Denis Mukwege, a world-renowned gynecologist and human rights activist from the Democratic Republic of Congo who became one of the world's leading specialists in treating survivors of wartime sexual violence and was awarded the Nobel Peace Prize in 2018 for his global efforts to end the use of rape as a weapon of war. He explains that conflict-related sexual violence takes different forms, such as sexual slavery, forced prostitution, and sexual torture (Denis Mukwege Foundation 2022). He also suggests that CRSV is used not for perpetrators' sexual gratification but as a strategy for the destruction of a given ethnic group, for essentially it is used to cause forced pregnancy, forced abortion, enforced sterilization, and fear. In this sense, we could try to prove beyond any doubt that rape in Ukraine was used with the intent to destroy the Ukrainian nation, their spirits, and their willingness to defend their motherland, as during the Rwandan genocide in 1994,⁴⁴ but this could be quite tricky, for some may have objections that we did not present the numbers to meet the required threshold of genocide that would indicate a mass-scale sexual violence in Ukraine.

The question remains: how is Russia going to be held accountable by the international community for all the crimes it has committed (in practice)? Who should be held responsible for these crimes? Individual Russian troops, or the commanders who ordered mass rapes and other crimes on the Ukrainian civilians? Even if the events reported, such as the Bucha and Irpin

44 Wartime rape was used in a very systematic manner by the Hutu-led government of Théodore Sindikubwabo (who never faced justice for his actions) during the 1994 Rwandan genocide. The chief organizer of the killings was Théoneste Bagosora, for which he was sentenced to life imprisonment by the International Criminal Tribunal for Rwanda. It was reported that after a plane carrying Juvénal Habyarimana and Burundi's president Cyprien Ntaryamira was shot down over the capital city of Kigali on the 6th of April 1994, the Presidential Guard, along with members of the Rwandan armed forces and Hutu paramilitary groups, unleashed a genocidal campaign to completely annihilate the members of Tutsi minority. This campaign comprised in discriminate killings of Tutsi men, women, and children and rape that was unleashed in a particularly cynical manner to inflict the most possible physical and traumatic damage, for they recruited and organized HIV-infected men to sexually target women belonging to the Tutsi ethnic group. Please see: Judgment and Sentence of Case No. ICTR-98-41-T | *The Proceedings of the International Criminal Tribunal for Rwanda* | Date: 18 December 2008 | Accessed November 8, 2022. <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB452/docs/doc23.pdf>.

massacres, were not directly ordered by Putin, he is indirectly responsible for these crimes. In the end, these crimes were committed by the servicemen under his command; he waged this completely unprovoked war in the first place. Furthermore, Putin appears to be determined to escalate Russia's war in Ukraine with concern for neither civilian casualties nor Western sanctions.

Naturally, in theory, Russia has an international legal obligation to impartially investigate alleged war crimes by its soldiers at all times when any allegations arise, but in practice, it is still not doing that. The very fact that it is doing virtually nothing to stop the killing, rape, other sexual violence, torture, and the inhumane treatment of captured combatants and civilians in custody clearly suggests that Russia is complicit in these actions or benefits from their ferocity. This should be punishable by the international justice system, for Russia as a P5 member state is clearly aware of the legislation that forbids the use of sexual violence as a tactic of war, but, still, Russia decided to weaponize rape. The question arises as to what we need to do to prove beyond any reasonable doubt the systemic nature of its use. Possibly, the lack of reaction does not prove intent. However, the highest echelons within the Russian political system have inadvertently confirmed their knowledge of and complicity in the Bucha massacre, and they have done nothing to prevent future atrocities from happening. If anything, Putin and the high command of the Russian Army actively encouraged them – the fact that Putin rewarded the army unit accused of the Bucha killings with the honorary title of “guards” for defending the “motherland and state interests”⁴⁵ suggests that he is not afraid of the consequences of his actions. Even Milosevic did not act in such a blatantly dismissive manner when the media reported the full scale of the Srebrenica Massacre.

Indeed, there is no way such recognition would be given to the Russian soldiers without Putin knowing about the scope and the scale of the crimes committed in Bucha and their indiscriminate campaign against the civilian populations in other areas. The fact that he did not bring those responsible for those crimes to justice suggests a far-reaching acquiescence, if not complicity, in those crimes. This single act suggests that he had full knowledge of the atrocities unleashed on the Ukrainian people and that wartime rape in Ukraine is not incidental but rather is verifiably and

45 Please see: Halpert, Madeline. “Putin Honors Army Unit Accused of Bucha Killings.” *Forbes*, April 18, 2022. <https://www.forbes.com/sites/madelinehalpert/2022/04/18/putin-honors-army-unit-accused-of-bucha-killings/>.

undisputedly a part of a coordinated strategy endorsed by Putin and his generals.

This suggests that individual Russian soldiers and the members of paramilitary groups that unleash the rape campaign on the Ukrainian people may be acting as accomplices to the man who thinks that he can hide under the protective shield of responsibility of the Russian Federation. Indeed, unless of course the Russian people decide to remove Vladimir Putin from power and expedite him to the officials who would subsequently deliver him to an international tribunal at The Hague, or if he decided to voluntarily surrender himself to the same court, the chances are that he will not face responsibility for his actions even though he is a human rights violator. The main obstacle here is that Putin also happens to rule a country that possesses a sizable nuclear weapons arsenal and is also a permanent member of the UN Security Council. So, from a legal perspective, as far as international law is concerned, it seems he can sleep tight as nothing bad is going to happen to him. This is a result of how the UN-based security system was arranged during the Dumbarton Oaks Conference, Yalta Peace Conference, and San Francisco Conference, for it was assumed that such important public figures as the leaders of P5 countries would behave in a responsible manner, so they would represent the international community in dealing with real international threats when they arise.

Even though the use of CRSV crimes in a military conflict can have a similarly destructive impact to a chemical weapons attack, the use of landmines, or cluster ammunition against civilians, there is no real sanction against a **United Nations Security Council's permanent member** head of state who would decide to unleash a **CRSV campaign** during a military confrontation. However, Putin has forgotten that he also ratified a new humanitarian standard called Responsibility to Protect (R2P) that (in theory) proposed making the process of obtaining legal permission to act in the international realm to protect human rights of unarmed civilians much easier (at least in theory).

On the international legislation against the use of CRSV in contemporary military conflicts

The international tribunals established to prosecute crimes committed in the conflicts in the former Yugoslavia and Rwanda included rape, making these tribunals among the first international bodies to prosecute sexual violence as a war crime. In 1993, the United Nations Commission on Human Rights

recommended treating systematic rape and military sexual slavery as crimes against humanity punishable as violations of women's human rights. Subsequently, the International Criminal Court, established in 1998 to prosecute the perpetrators of the Rwanda genocide, was granted jurisdiction over a wide range of women's issues, including rape and forced pregnancy. The Rwandan tribunal ruled in 1998 that "rape and sexual violence constitute genocide." Subsequently, in a resolution adopted in 2008, the UN Security Council agreed that "rape and other forms of sexual violence constitute war crimes, crimes against humanity or a constitutive act with respect to genocide." Subsequently, between 2016 and 2019, the United Nations also adopted a series of specific and very comprehensive resolutions that reiterated that wartime rape and sexual violence constitute war crimes and genocide: 2286 (2016), 2417 (2018), 2474 (2019), 2475 (2019), and 2573 (2021).

Furthermore, according to the Just War Theory, every Russian military serviceman should be reminded that Russia is a signatory to Geneva Conventions, and the core principle of international humanitarian law suggests that they all have individual responsibilities and obligations to never target the civilian population, or they would be individually brought to justice for their human rights violations. They should also be reminded that all parties to an armed conflict must at all times distinguish between civilians and civilian objects, and between members of the military and military objects. Military objects can be targeted, but it is unlawful to target civilians or civilian objects at any time; otherwise, those responsible will be brought to justice.

Crime and potential punishment of the head of state of one of the United Nations Security Council's permanent members

When it comes to the current legislative underpinning of the United Nations, we have come a very long way, for there have been a number of positive developments in recent years that help to strengthen an institutional framework that establishes a new standard for the protection of civilian populations in modern conflict zones. In theory, this framework was designed to apply with the same force to every country and every head of

state in the world. Still, the example of Bashar al-Assad⁴⁶, who is not even the leader of a P5 member state but happens to be on very good terms with Putin's Russia, illustrates that there is a far-reaching reluctance to apply the R2P doctrine, to chase acting heads of state and those under their command to “the gates of hell” for the crimes committed on civilian populations during wartime. The members of the international community also struggle to bring to justice heads of state who happen to be the leaders of the United Nations Security Council permanent member states if they commit war crimes or acts of genocide. Too often, heads of state hide behind the shield of their nation's sovereignty, and the legal system cannot reach them. Putin is constantly testing our patience and assessing how far he can go. He has already gotten away with the crimes committed in Chechnya in the early 2000s, Georgia in 2008, Syria since 2015, and Ukraine in 2014.⁴⁷ He is clearly aware that (from a legal perspective) the hands of international legislators are still tied when it comes to bringing him and his generals to justice.

Surely, unleashing a coordinated campaign of systematic rape and sexual violence on innocent civilians is not what one would expect from a P5 member state, especially given that they had agreed to prevent such crimes from happening in the first place. But this is the red line that should not be crossed even by a P5 member; otherwise, there is no point to the United Nations.

In essence, when Russia inherited its permanent UNSC seat from the Soviet Union in 1991, it assumed both rights and responsibilities (at least in theory), and one of the main responsibilities was to prevent a war or a regional confrontation. Yet some thirty years later, Russia decided to unleash its military force on a peaceful neighbor and violate its territorial integrity, the same territorial integrity that Russia recognized and promised to protect both

46 Please see: Pietrzak, Piotr. 2022. “How Did Bashar Al-Assad Get Away With the Ghouta Chemical Attack?: The Promise of Relinquishing Syria's Chemical Weapons Arsenal That Was Never Fully Fulfilled.” in *Regulating Human Rights, Social Security, and Socio-Economic Structures in a Global Perspective*, edited by Emilia Alaverdov and Muhammad Waseem Bari, Hershey PA: IGI Global. 2022, <https://doi.org/10.4018/978-1-6684-4620-1>, pp. 125–141.

47 Please see: Pietrzak, Piotr. 2022. “A Comparative Study of Russia's War in Ukraine (2014-, including its 2022 escalation), Russia's aggression in Georgia (2008), and Russia's Military Operations in Syria (2015-)” *the 7th International Symposium of the Middle East “Political and Social Stability in the Middle East”. VII. Uluslararası Orta Doğu Sempozyumu: Orta Doğu'da Siyasal ve Toplumsal İstikrar (10-11 Mayıs 2022, Çevrimiçi)*: Edited by Gündoğdu, Emre, Turan, YunusBildiriler URL: <http://acikerisim.gelisim.edu.tr/scmlui/bitstream/handle/11363/3724/7.%20Orta%20D%0c4%9fu%20Sempozym%20Kitab%4b1%20-%20Nihai%20kopya.pdf?sequence=4&isAllowed=y>.

on 2 December 1991, when Russian President Boris Yeltsin recognized Ukraine as an independent nation, and in the **Belovezh Accords** and the **Budapest Memorandum** on security assurances when Russia provided security guarantees to Belarus, Kazakhstan, and Ukraine after these countries decided to forfeit their nuclear weapons to Russia and join the Nuclear Non-Proliferation Treaty.

This is particularly true of the military operations in Ukraine, during which the Russian army has violated most *jus in bello*-related laws, conventions, rules, and regulations and has actively escalated this confrontation to the extreme. We hear a lot of voices suggesting bringing the responsible parties to justice, yet most of the international commentators lean toward a strategy of lying low, hoping for the problem to go away once Putin is out of power. But what gives us the certainty that Russia will return to normal once its current leader is removed from power? This is the wishful thinking of those who believe in miracles. The bottom line is that without the harsh punishment of the perpetrators of the crimes committed in Ukraine, any future Russian leader is likely to resort to the same strategy of Putinization and apply it against other peaceful nations in the future. They would simply feel that they can apply it with impunity, the same impunity that Putin enjoyed for the last 22 years. Indeed, the notion that “everything is permitted for Russia as far as international relations are concerned,” sounds too good to be true, yet it is the main geostrategic premise of the Putin Doctrine. Indeed, empowered by the limitations of the current *status quo*, the future leaders of Russia would be likely to continue to inflict Russia’s neoimperialist policies on neighboring states in the future. Therefore, we need to be very careful and rational in our response to this problem. We need to do our best to prevent any further escalation of the conflict in Ukraine, but even more importantly, we need to formulate a civilized form of punishment for Russia as the perpetrator of some of the most horrific war crimes since the end of the Cold War.

As the experiences of the First World War have shown us, it is difficult to bring offending leaders to justice without humiliating the entire nation. We need to be harsh but fair, and the best way to do so in this respect is to fix the most obvious imperfection of international law by extending punishment not only to Russia but to any P5 member state that would employ a comparable campaign of violence against a peaceful nation.

Clearly, **Russia is a disingenuous P5 member state**, and it is high time for its UNSC seat to be taken away. This could be done either permanently or (preferably) temporarily. It should be given to other G20

member states on a rotational basis. This may sound like a political science fiction idea, for most probably such a tectonic change of the global architecture of power would only be possible after a Third World War or a massive nuclear disaster. However, we can achieve this if we persuade Britain, the US, France, China, and the rest of the world to act together to reform the UNSC.⁴⁸ Even if this idea sounds unrealistic today, we could try to persuade future Russian leaders to endorse such an amendment in the future. Clearly, they will soon understand that the interests of Vladimir Putin are not necessarily aligned with the interests of the Russian Federation and its people.

Discussion: how to implement Putin Lex?

From a humanitarian perspective, it is rather secondary who wins the war in Ukraine; it is also irrelevant who has gained an advantage over their enemy at any stage of the confrontation. What matters is when the current hostilities will terminate so the lives of ordinary men, women, and children can return to normal. From the perspective of the inherently anarchic international system, it is essential to bring Vladimir Putin to justice for the last 22 years simply because he has been making a mockery of the UN-based security system. The list of crimes that Putin has committed during this time is rather long. Among other things, Putin can be accused of:

- Domestic crimes (outside international jurisdiction): overflowing Russian prisons with his political opponents, employing systematic abuse against them, jeopardizing the well-being of his fellow citizens, and prioritizing the survival of his regime,
- Crimes against the Geneva Convention in Chechnya (currently outside international jurisdiction),
- Crimes against humanity,
- Crimes against the Geneva Convention,
- Crimes against the Convention on the Prevention and Punishment of the Crime of Genocide,
- Actions against the Responsibility to Protect Doctrine that was endorsed by all member states of the United Nations (including Russia) at the 2005 World Summit,

48 Please also see: UN News. “Ukraine: UN General Assembly Demands Russia Reverse Course on ‘Attempted Illegal Annexation.’” UN News, October 12, 2022. | Accessed November 8, 2022. <https://news.un.org/en/story/2022/10/1129492>.

- A cold-blooded military and political campaign employed against Russia's neighbors,
- The use of mercenaries and foreign nationals to pursue his political ambitions in Georgia, Ukraine, and Syria,
- The use of illegal weapons against Georgian, Ukrainian, Syrian, and Kazakh people,
- The use of the country's hard power resources to kill and maim unarmed civilians in Georgia, Syria, and Ukraine,
- An illegal act of aggression against Georgia in 2008,
- An illegal act of aggression against Ukraine in 2014,
- Contributing to unleashing a sectarian scramble for power in Syria and the Middle East,
- An illegal act of aggression against Ukraine in 2022,
- A genocidal CRSV campaign against the Ukrainian people.

In a way, approaching the events in Ukraine in a more systematic manner would allow us to deter a similar escalation of sexual violence in any military conflict in the future, in Ukraine and around the world. An alteration to the way the UNSC operates that could be called **Putin Lex** is also suggested. In order for this amendment to be enforceable it would have to be backed and implemented by both the UN General Assembly and the five permanent members of the UNSC, for only a systemic fundamental change to the way the UNSC operates will change the current status quo. Most probably this piece of legislation can be implemented only when Putin is no longer in office. Still it is worth starting the legislative work that will result in the implementation of the rule that: "UNSC permanent member states who actively engage in a military campaign against an independent country automatically lose their place at the UNSC table until an independent international tribunal clears them of the charge of the violation of the principle of state sovereignty they committed themselves to protect (or for a minimum period of 25 years)."

Another way of approaching this rather surreal legislative quagmire that we are currently in that clearly prioritizes the interests of the human rights violators over their victims would be to initiate a structural change of the UN-based security system by removing the UNSC altogether, for it is not only Russia that has violated the human rights of the nations that they were meant to protect. To do so we need to provide global legislators with a strong incentive to do so. We could do so by bringing to the fore all of the evidence of the crimes committed not only in Ukraine but also in different conflict

zones of the contemporary world to bring the perpetrators (and the arms dealers who sell them weapons) of some of the most horrific war crimes committed since the 1990s to justice, and we need to approach those atrocities in a more systematic, impartial manner so one day the perpetrators can be brought to justice and the system be reformed, so the people can be protected from the horrors that continue to be inflicted on them not only in Ukraine but in other conflict zones.

Conclusion

The crimes committed by Russian soldiers in Ukraine constitute a sobering reminder that the most brutal behavior can still be cynically weaponized for political purposes even in the 21st century – a century that was expected to be more peaceful than ever before. The way in which Putin tries to attain his political objectives is truly Machiavellian, for he believes that the end justifies the means regardless of the consequences of his actions. But his recent escalation of the war in Ukraine accounts for a massive military and geostrategic blunder, and has caused reputational damage to the entire Russian Federation, for he weakened the whole nation with one single decision to go to war, and the consequences of his actions will be felt by all Russian people in the years to come.

The ferocity of the Russian invasion of Ukraine in 2022 has shown that this country has already become an unpredictable international actor governed by an unpredictable man who is very selective in his understanding of the letter of international law. As a result of Putin's decisions, Russia is very often compared to a terrorist state that has caused a lot of suffering among the civilian populations in neighboring countries, in the Russian Federation itself, and across Europe. Furthermore, the way the Russian army has conducted its operations in Ukraine has reduced the chance of any profound post-war reconciliation between the countries to almost zero. Today, we can assume that the highest echelons of Russian authorities have given a green light to a systemic ethnic cleansing campaign against ethnic Ukrainian citizens, especially women and children, that most probably has all the characteristics of genocide.

Furthermore, for far too long we have witnessed the never-ending flow of corpses from Chechnya, Georgia, Syria, and Ukraine, so we can conclude that the only common denominator that connects those conflicts and was there to direct them was Vladimir Putin, and for these reasons, he should be brought to justice for his actions. This is due to the doctrine of command

responsibility, which suggests that hierarchical superiors – including commanders and civilian leaders, such as heads of state – who knew or had reason to believe that certain war crimes were committed in those conflict zones by their forces but did nothing to stop them should be held accountable for their inaction.

What’s more, every Russian man, woman, and perhaps child, should be reminded that they also have certain responsibilities to themselves, and that starts with doing their utmost to stop their authorities from destroying the reputation of their country and diminishing the achievements of ordinary men and women in the eyes of the impartial observer. That is exactly what Putin did in 2008, 2014, 2015, and now in 2022, for by authorizing a brutal campaign of violence against the civilian populations of Georgia, Ukraine, Syria, and Ukraine again, he has annihilated the last resources of Russian soft power that had been seriously depleted by his regime in the preceding 22 years.

In essence, Putin⁴⁹ should be brought to justice for crimes against his fellow citizens, against citizens in neighboring countries, and crimes against humanity. Realistically speaking, however, we need to acknowledge that from a legal perspective we are facing a very similar legal predicament as when the international community tried to bring Bashar al-Assad to justice after the

49 In this respect, we need to acknowledge that it is not only Vladimir Putin who should be brought to justice for his crimes against humanity. The international community should also try to bring George Walker Bush, the 43rd US President, to justice for the crimes of the generals under his command during their operations in Iraq in 2003. Influenced by a number of neoconservatives in his administration, Bush waged the Second Gulf War under various false pretenses suggesting, for instance, that Saddam Hussain’s regime possessed dangerous weapons of mass destruction (WMD), which posed an imminent threat to global security. Another shaky argument used by Bush’s administration at this time to justify the war was an alleged strong connection between Al Qaeda in Afghanistan and Hussein’s regime in Iraq (that was completely dismissed by every specialist in this field). It also needs to be acknowledged that the actions of officials in Bush’s administration led to prisoner abuse at Abu Ghraib and various unjustified detentions at Guantanamo Bay and other detention camps around the world, where US officials often tortured detainees and inflicted on them various forms of cruelties such as waterboarding, sleep deprivation, and various other forms of abuse. Furthermore, Bush’s actions opened a Middle East Pandora’s box that changed the whole geopolitical situation in the region, gave the *raison d’être* to the Islamic State, al-Qaeda in Iraq, and al-Qaeda in Libya, and further radicalized other members of al-Qaeda around the world. For more information, please see: Pietrzak, Piotr. 2009. “American “Soft Power” after George W. Bush’s Presidency.” In A. Mania & L. Wordliczek (Eds.), *The United States and the World: From Imitation to Challenge*, pp. 187-194. Jagiellonian University Press.

Ghouta chemical attacks of 2013.⁵⁰ Chemical weapons have not been used in this conflict, but the Russian army resorted to the Milosevic-type ethnic cleansing understood as forcible deportation of a population, which is considered to be a gross human rights violation and a crime against humanity under the statutes of both the International Criminal Court and the International Criminal Tribunal for the former Yugoslavia.

Just as we wait for Russian society to warm to the idea of extraditing President Vladimir Putin to The Hague, it is good to acknowledge that bringing Putin to justice may take some time, for Russia's most important public official is likely to hide behind the shield of state sovereignty as long as it takes, for it protects him from international justice. Naturally, under normal circumstances, hiding behind the protective shield of state sovereignty when a regime commits certain atrocities would not be allowed, at least as far as the Responsibility to Protect doctrine is concerned, but we still should expect an uphill battle to change this status quo simply because Russia is both a nuclear superpower and a permanent member of the UNSC.

Under current arrangements of the UN-based security system, Russia's new government could hand him over as in the case of Slobodan Milosevic, or Théoneste Bagosora. Putin could be detained by specialized international law enforcement agencies so he could face his accusers. According to Jordan Peterson's interpretation of Aleksandr Solzhenitsyn's *The Gulag Archipelago* (1973)⁵¹ the main protagonist who is Solzhenitsyn himself asks himself how he ended up in the gulag labor camp in the first place. He could have blamed Stalin and Hitler, but he chose to look deeper beyond the obvious and take responsibility for his actions, so he blamed himself for the circumstances he found himself in. He soon came to understand that lying had led him there and concluded that when one person stopped lying about the system, others would follow suit, and that resulted in the collapse of both the Soviet Union and the Warsaw Pact.

50 Please see my recent publication Pietrzak, Piotr. 2022. "How did Bashar Al-Assad Get Away with the Ghouta Chemical Attack? op. cit., 125–141.

51 Please see: Solzhenitsyn Aleksandr Isaevich. 2018. *The Gulag Archipelago* (version new edition) New ed. London: Vintage Digital. <https://www.overdrive.com/search?q=271211F9-FE2D-454C-B64B-801E541570B8>. & Jordan B Peterson. "2014 Personality Lecture 13: Aleksandr Solzhenitsyn (Existentialism)." YouTube, March 1, 2014. <https://www.youtube.com/watch?v=8u3aTURVEC8>. & Jordan B. Peterson – Unofficial. "Jordan Peterson: Aleksandr Solzhenitsyn and *The Gulag Archipelago*." YouTube, March 27, 2018. <https://www.youtube.com/watch?v=3rTBRT-RD4U>.

This prospect is not unrealistic, and it may still take them some time, but the Russians themselves will probably start asking themselves the same questions, especially when the coffins containing the corpses of their beloved ones keep arriving from Ukraine. In the end, Ukraine's General Staff of the Armed Forces made the claim on 31 October 2022 that approximately 71,200 Russian soldiers have died in Ukraine since the invasion started in February. Even if this figure is highly overestimated and cannot be independently verified, it shows a certain pattern that cannot be twisted by any propaganda machine. For the Russian war in Ukraine has never been successful by any standard, and all that it has produced for Russia is a complete and utter humiliation. Back in 1988, the humiliation was indicated by 15,051 corpses; today Putin is even more successful in humiliating his army, for he almost quadrupled this figure.

That would be one way of approaching the problem: trusting the Russian people that they will do the right thing. This would most probably not materialize for quite some time, 5 to 15 years, for Putin's position is still quite strong. So how can we expedite the process? How can we make it painfully clear that on this occasion it will be different and that the crimes committed in Bucha, Irpin, Mariupol, Kherson, and other places in Ukraine will not go unpunished? If we do not wish to unapologetically rely on the UN-based security system or the Russian people, we could try to implement a Putin Lex that would clearly state that "UNSC permanent member states who actively engage in a military campaign against an independent country automatically lose their place at the UNSC table until an independent international tribunal clears them of the charge of the violation of the principle of state sovereignty they committed themselves to protect (or for a minimum period of 25 years)." Once Russia is relieved of its UNSC P5 seat, the Russian war machine could be stopped by all legal means necessary. The question remains as to whether the international community has the courage to reform the UN-based security system, so we can use the gathered evidence of obvious war crimes to bring responsible parties to justice, or if we embrace the same divisive politics as usual in endless deliberations that end when a UNSC permanent member state vetoes a perfectly drafted resolution that could bring us closer to some progress.

Glossary of terms used

- ***Collateral damage*** – "injury inflicted on something other than an intended target. specifically: civilian casualties of a military operation" (Source: *Merriam Webster Online Dictionary*),

- The abbreviation ***CRSV (Conflict-Related Sexual Violence)*** refers to “rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, or another form of sexual violence” It is “motivated by political, military, or economic objectives to control territory or resources,” *CRSV* is “frequently and deliberately used to target civilians, inflicting long-term trauma and humiliation, fracturing families and the social fabric, triggering displacement, and fueling armed actors’ activities.” (Source: *United Nations Peacekeeping*),
- ***An enforced disappearance*** “is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law” (Source: *Office of the United Nations High Commissioner for Human Rights*),
- ***Extrajudicial killings***, “or extrajudicial executions, happen when someone in an official position deliberately kills a person without any legal process. Such arbitrary deprivations of life, which can also be carried out by militias, death squads, or other non-State actors, often target political opponents, activists, or marginalized groups.” (Source: *World Organisation Against Torture | OMCT*),
- ***Fait accompli*** – “a thing accomplished and presumably irreversible” (Source: *Merriam Webster Online Dictionary*),
- ***Genocide*** – “the deliberate and systematic destruction of a racial, political, or cultural group” (Source: *Merriam Webster Online Dictionary*),
- ***In statu nascendi*** – “In the nascent state, in the course of being formed or developed” (Source: *Merriam Webster Online Dictionary*). Also, can be translated as “in the process of creation,”
- ***Jus ad bellum*** – “The body of international law governing the right of one state to resort to war against another” (Source: *Lexico powered by Oxford Online Dictionary*),
- ***Jus in bello*** –” The body of international law regulating the conduct of combatants during the war in order to minimize

unnecessary damage and suffering” (Source: *Lexico powered by Oxford Online Dictionary*),

- **Jus post-bellum** – “Is the body of laws, norms, and principles that apply during the transition from war to peace. It provides relational cohesion to its underlying laws and norms, and a basis for assigning responsibility for post-conflict obligations” (Source: Jennifer Easterday. “Remarks by Jennifer Easterday.” Proceedings of the Annual Meeting (*American Society of International Law*) 106 (2012): 335-37,
- **Modus operandi** - (plural *modi operandi*) “Can be translated to a method of operation. The term is also used to describe a particular way of doing something, someone's habits or manner of working, particularly in the context of a business or criminal investigations” (Source: *Cambridge Online Dictionary*),
- **Modus vivendi** – “A feasible arrangement or practical compromise (...) that allows conflicting parties to coexist in peace” (Source: *Merriam Webster Online Dictionary*),
- **Prisoner of War (POWs)** “a person captured in war, a member of the armed forces of a nation who is taken by the enemy during combat” (Source: *Merriam Webster Online Dictionary*),
- **PTSD** – “(abbreviation) post-traumatic stress disorder - a psychological reaction occurring after experiencing a highly stressing event (such as wartime combat, physical violence, or a natural disaster) that is usually characterized by depression, anxiety, flashbacks, recurrent nightmares, and avoidance of reminders of the event” (Source: *Merriam Webster Online Dictionary*),
- **Rape** “is a serious crime and is treated as a felony in most countries with common-law systems. In many rape trials, the guilt or innocence of the accused hinges on whether or not the victim consented to sexual intercourse.” (Source: *Encyclopedia Britannica*),
- **Rape as a weapon of war** – Rape of women by soldiers during wartime was long considered an unfortunate but inevitable accompaniment of war (...) the result of the prolonged sexual deprivation of troops and insufficient military discipline. (...) But ever since the second half of the 20th century, the cases of wartime rape started being perceived in a more systemic character, used as a means of terrorizing enemy civilian populations both adults and

children of all sexes, and demoralizing enemy troops (Source: *Encyclopedia Britannica*),

- **War crime** – “a crime (such as genocide or maltreatment of prisoners) committed during or in connection with war —usually used in plural” (Source: *Merriam Webster Online Dictionary*),

Disclaimer 1

This report relies heavily on the investigative work and reports produced by the Office of the United Nations High Commissioner for Human Rights, Human Rights Watch, and Amnesty International present in Ukraine during the most recent outbreak of hostilities between Russia and Ukraine. Given that those organizations were criticized by both the Russian government after 2022, and Ukrainian authorities after 2014 (at times quite rightly so), at this stage, I don't have too many reasons to question their work's integrity or the genuineness of their intentions in reporting the mass scale of the crimes committed against the civilian population in northern, southern, and eastern Ukraine.

Disclaimer 2 (in response to one of the suggestions).

I did not comment on cases in which the Ukrainian authorities clearly mistreated the members of the Russian, Bulgarian, Hungarian, and Polish minorities from 2014-2022, for this report focuses only on the period between February and November 2022. But I want to clearly acknowledge that the Ukrainian authorities have played a very dangerous game in their interactions with the members of various minorities living in peace in Ukraine since 2014. Indeed, it is not only the Russian government that has had issues with rising nationalism, fascism, examples of glorification of Nazi collaborators, and sanitizing the role of Stepan Bandera and the Ukrainian Insurgent Army (UPA) in the killings of Jews, Poles, and Russians during the Second World War. Ukrainian authorities' inability to deal with the controversy over Ukraine's past did not only produce growing Russian opposition to Ukraine's transatlantic aspirations, but also rather tense relations with its western neighbor Poland.

For instance, when Poland's parliament declared the Volyn Massacre a genocide in 2016, Ukrainian President Petro Poroshenko expressed disappointment over this move. Unfortunately for Ukraine, Putin's Russia was not as patient as Poland and decided to address its concerns in a more uncivilized manner by waging war against Ukraine in 2022. Fortunately for Ukraine, Polish authorities (along with most of their NATO allies)

recognized that it is high time to see beyond the troublesome past, and support this country diplomatically, politically, militarily, logistically, and technologically in its struggle with a much stronger neighbor since 2014. According to a more cosmopolitan interpretation of this decision, it was driven by the (slightly rusty) Giedroyc Doctrine and an enlightened self-interest principle which suggests that Ukraine is worthy of Poland's support for without an independent Ukraine there can be no independent Poland. However, according to a more realist interpretation of this decision, it was driven by the Brzezinski Doctrine that assigns Ukraine secondary political importance in relation to Russia for Russia without Ukraine can be only an Asian empire. The Brzezinski Doctrine also assigns Ukraine prime geostrategic importance, on the other hand, for this country can act as an important buffer zone that separates a stable and prosperous transatlantic community from an increasingly neo-imperialist Russia.

Disclaimer 3: On the role of Stepan Bandera in the Volyn Massacre.

This report does not deny a very painful history between Poland and Ukraine. It suggests that we can resolve our historical differences if we acknowledge our differences and try to resolve them in a civilized manner. Many historians ask one very important question – why some Ukrainians collaborated with Nazi Germany during the Second World War instead of fighting with the Poles and the Russians to liberate this part of Europe from the Third Reich's sway, since they were all Slavs. The best way to explain it is to emphasize that a many Ukrainians felt mistreated by both Polish and Russian authorities, as for centuries the territory of Ukraine had been divided between Poland and Russia whilst native Ukrainians were treated as second-class citizens. There is an ample collection of historic data that provides evidence for both Polish and Russian (Soviet) authorities engaged in a deliberate policy of mistreatment of Ukrainians or pure negligence of their responsibilities towards the Ukrainians inhabiting eastern Poland and western Soviet Union (Ukrainian Soviet Socialist Republic became one of the founding republics of the Soviet Union, but was not part of Russia under the USSR), but still, none of these actions can be possibly compared to the brutality and malicious attacks organized by the Ukrainian nationalists on Polish citizens between 1943 and 1945. During this time, groups of Ukrainian fascists engaged in massive ethnic cleansing killings of Poles: women, children, and unarmed men in Volyn.

Just as in Norway Vidkun Quisling became a symbol of collaboration with Nazi Germany, the recent graduate from Lviv University, Stepan

Bandera, was offered very attractive political and material concessions for his collaboration with the Nazi apparatus and accepted them just before the outbreak of the German operation Barbarossa in 1941; he was hoping to form a strong alliance between Ukraine and Nazi Germany against both the Poles and the Russians on the principle that the enemy of your enemy is your friend. In Bandera's view, the demise of Poland and the fast-approaching Nazi-Soviet confrontation could create a perfect opportunity for an independent Ukraine to emerge. But his German superiors saw his anti-Polish and anti-Russian sentiments in a very instrumental fashion: they could direct it to wreak havoc in occupied territories, but they definitely did not share Bandera's political convictions or visions of an independent Ukraine. Bandera had committed a lot of time and effort to please his Nazi allies, but when the Third Reich invaded the Soviet Union, and he decided to proclaim an independent Ukraine in 1941, the Germans withdrew their support and placed him under house arrest in Berlin. But he was not forgotten when the situation on the Eastern Front started seriously deteriorating and the activity of Polish resistance had organized various acts of sabotage against German supply lines that connected the Third Reich with its armies fighting in the Soviet Union; German intelligence resorted to Bandera's services once again in 1943. The Germans used his contacts to mobilize his UPA as well as the UON battalions against Polish civilians in the occupied Volyn region of eastern Poland and unleashed a massive campaign of ethnic cleansing of Poles in these territories. The Volyn Massacre in particular resulted in about 80,000 Polish deaths.

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His recent & forthcoming work:

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An Important International Announcement RE: Trial *in absentia* of Vladimir Vladimirovich Putin, “former” president of the Russian Federation

Dear Students, Dear Colleagues,

Imagine that **Putin Lex** is implemented, a red notice and an arrest warrant calling for the immediate arrest of **Vladimir Vladimirovich Putin** has been sent, and it is just a matter of time before the president of the Russian Federation will be handed over under the international jurisdiction of an International Criminal Tribunal for Georgia, Syria, and Ukraine that will try him for all of the war crimes committed in those conflict zones.

I would like to invite you to take part in forming a Multilateral Consortium of Local, Regional, and Global International Organizations, Non-Profit Organizations, Universities, and Colleges that organizes a **Trial *in absentia* of Vladimir Putin**, president of the Russian Federation, in October 2023.

For more information in this respect, see *In Statu Nascendi – Journal of Political Philosophy and International Relations* Vol. 6, No. 1 2023, and follow our website and social media platforms.

Yours sincerely,

Piotr Pietrzak

In Statu Nascendi Nonprofit Organization