

Genocide in Ukraine

- Universally recognized definition of Genocide (Convention on the Prevention and Punishment of the Crime of Genocide; Rome Statute of the International Criminal Court):

[general part of the definition - a mental element]: genocide means any of the following acts committed with **intent to destroy, in whole or in part, a national, ethnical, racial or religious group**, as such:

[specific forms of the genocide - a physical element]:

- a. Killing members of the group;
 - b. Causing serious bodily or mental harm to members of the group;
 - c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
 - d. Imposing measures intended to prevent births within the group;
 - e. Forcibly transferring children of the group to another group.
- It is important to remember that to define any specific form listed in the definition as a Genocide – it should be connected with general part. For example, widespread and systematic killings of the civilians at time of war are crimes against humanity and war crimes, but not Genocide if it was done without intent to destroy the specified group. **The intent is the most difficult element to determine, but to claim Genocide it should be done in clear and evident form.** For Genocide it is enough to use one form connected to general part. Meanwhile in Ukraine we can report at least 4 forms out of 5. Let analyse them point by point.
 - As to the *intent*. Russian political strategist Timofey Sergeytsev published on a government-run platform RIA Novosti on April 3 an extensive outlook “What should Russia do with Ukraine (unofficial translation to English - <https://vigilantinfo.net/en/2022/04/04/what-should-russia-do-with-ukraine>)) proclaiming the elimination of Ukrainian nation as part of Russia’s state policy. It consistently and methodically outlines the need for the complete annihilation of the Ukrainians, who have been declared Russia’s public enemies. Ukraine is portrayed as an artificial geopolitical construct, an “anti-Russian project,” while all Ukrainians are branded as carriers of “Nazi ideology”. The author points out that Russia will be able to ensure own safe existence only if Ukraine is completely destroyed. "Denazification," which became one of the declared reasons for the so-called special military operation (which, in fact, is a full-scale war against Ukraine), is already being interpreted by the article as "de-Ukrainization" and “de-Europeanization”. As per Sergeytsev, Ukrainian **“elite must be eliminated because its re-education is impossible” and the rest “must survive the hardships of the war and get the experience as a historical lesson and atonement for its guilt” by loosing any Ukrainian identity.** The only and ultimate goal Russia is pursuing in this war is complete annihilation of Ukraine as a country and Ukrainians – as a national group.

We should clearly understand that there is no freedom of speech in Russia and everything, which is published on governmental platforms is approved by the state.

President Putin himself in his numerous public statements also presented Ukraine as artificial geopolitical construct.

- Now let proceed with specific forms.

a. Killing members of the group; and

b. Causing serious bodily or mental harm to members of the group:

According to eyewitnesses, having barely managed to occupy Bucha, Russian troops immediately engaged in robberies, looting, murders, and rape. Not a single household was left untouched. Russians would kill Ukrainians if any slightest suspicion arose and even with no reason at all: there were cases where 18-year-old conscripts shot civilians just for fun. Russians perceive Ukrainians as hunting game, not as human beings. Accordingly, they believe they can do whatever they wish with the Ukrainians because Vladimir Putin inspired the idea that this would all go unpunished.

After the Russian units retreated from Bucha, the algorithm of the tragedy was exposed: the Russians started to systematically slay the civilian population as early as the first days of March. As of April 05, the number of victims is estimated at 410, but many have gone missing. The exact death toll remains unclear as new graves are constantly being discovered. Richard Moore, the head of MI6, said in a tweet that "we knew" organized mass killing formed part of "Putin's invasion plans." In addition, Bucha is the first settlement in Kyiv region, where a full inspection of the territory was carried out. In other settlements, such as Irpin, Hostomel, and Borodianka, the situation is even worse, and in small villages in the region's north, closer to the Chernobyl Exclusion Zone, which have been under occupation for the longest period, the scale of atrocities is yet to be assessed. The territory of Kyiv region, that was for a certain period occupied by the Russian forces, became a zone of ethnic cleansing.

Same atrocities happening in all other occupied Ukrainian regions. According to General Procurator of Ukraine 5000 war crimes committed by Russian troops across the country were registered as for April 5. Therefore, the real scale of those mass murders committed by Russians in Ukraine has yet to be assessed.

Additionally Russian troops on regular bases deliberately target civilian objects. Mariupol maternity hospital and theatre, which was used as civilian shelter, are best known, but not only examples. Another mechanism of elimination of Ukrainians is attacks by indiscriminate weapons in cities and other populated areas, which lead to manifestly nonproportional civilian losses. All those actions are undoubtedly crimes against humanity and was crimes, but also an element of the Genocide

- *c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*

Russian troops on regular basis deliberately target civilian objects of critical infrastructure across the entire country – schools, hospitals, cultural objects, shops, ports, roads, houses. An approximate direct losses for infrastructure is USD 270 billion and indirect losses additionally USD 290 billion. Another important aspect is mass rape. This situation should be also under close consideration. A landmark precedent was set in 1998 the ICTR rendered a judgement in Akayesu case in which it was concluded that rape may constitute genocide.

- *e. Forcibly transferring children of the group to another group.* Such facts were recorded since 2014. ECtHRT case Ukraine v. Russia II (no. 43800/14) was lodged on 13 June 2014. It concerns the abduction of three groups of Ukrainian orphan children and children without parental care, who were moved to Russian territory. Currently numerous facts are reported that civilian population including abandoned children are forcibly deported to Russia from Mariupol and other occupied territories.

- Important historical note. Current Genocide in Ukraine is continuation of Soviet Russia approach to Ukraine, which also committed Genocide at time of Soviet rule. The most well-known element of the Genocide is Holodomor of 1932-33, meanwhile Dr. Raphael Lemkin, a lawyer who is best known for coining the term "genocide" and for initiating the Genocide Convention, believed that Ukrainian Genocide was much broader. According to him: "The first blow is aimed at the intelligentsia, the national brain, so as to paralyze the rest of the body. Going along with this attack on the intelligentsia was an offensive against the Churches, priests and hierarchy, the 'soul' of Ukraine. The third prong of the Soviet plan was aimed at the farmers, the large mass of independent peasants who are the repository of the tradition, folklore and music, the national language and literature, the national spirit, of Ukraine. The weapon used against the body is perhaps the most terrible of all — starvation. The fourth step in the process consisted in the fragmentation of the Ukrainian peoples at once by the addition to Ukraine of foreign peoples and by the dispersion of the Ukrainians throughout Eastern Europe. In this way ethnic unity would be destroyed and nationalities mixed."

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