

**Polina Khmilevska\***

## **RUSSIA’S WAR CRIMES: JUSTICE AND RESPONSIBILITY**

### Abstract

The world has been shaken by the new stage of bloody and unfair war that Russia started against Ukraine on February 24, 2022. This time the full-scale invasion resulted in horrific consequences: huge destructions, numerous war crimes and civil losses. However, everything what Kremlin and its army are doing is nothing new in the historical perspective and the world has already tolerated many crimes of Russia’s regime. In the era of digitalization Russia’s war against Ukraine might be the most documented war ever, which gives a great chance for justice. That is why, it is in interest of whole international community to contribute to Ukraine’s victory and then documentation, investigation and prosecution of all crimes of Russians in Ukraine. That is crucial to stop the chain of impunity and to eventually downfall of Putin’s regime and Russia’s imperialism.

**Keywords:** Ukraine, Russia, Russia’s war against Ukraine, war crimes

### **Introduction**

Since the collapse of the Soviet Union and emergence of the Russian Federation as a separate political actor, it has been involved in many wars. Openly or covertly, under different jurisdictions, but Russia’s intervention into any conflicts always has been associated with numerous war crimes that have never been investigated or prosecuted adequately. These war crimes have never been condemned enough by the international community for many reasons, including the lack of publicity and freedom of press inside Russia, as well as principles of non-intervention into domestic affairs of other states (while Russia itself has never respected this principle).

In the reality Russia has never born any responsibility for what it has done neither internally, nor externally. All the crimes of the regime have always been disguised under the ‘interests of state’ and *realpolitik* prin-

---

\* Krakowska Akademia im. Andrzeja Frycza Modrzewskiego, e-mail: polinakhmilevska@yahoo.com, ORCID: 0000-0001-8434-8116.

ciples of state governing. That has already become a tradition since Russia became an empire, as the amount of nations that it colonized was enormous and other political powers used to deal with Russia without necessity of going into its internal issues. This tradition, unfortunately, has been preserved after 1991 when some colonized nations gained their independence like Ukraine, however annexation of Crimea in 2014 has been viewed in the West as the domestic affairs of Russia, not mentioning Chechen wars which practically considered as civil wars.

This article will be aimed at the analysis of major armed conflicts that Russian Federation has been involved in, especially war crimes that have been committed, how they were viewed and what has been done to restore the justice. Special attention will be paid to Russo-Ukrainian war, as the most recent and large-scale one, additionally analyzing what efforts Ukrainian authorities and government are making towards investigation and prosecution of these crimes. The article will try to answer the questions like: What has been done to restore the justice? Why is it in interest of Kremlin regime to mute the reality of war crimes scale? What are the consequences of unpunished crimes? Why is it important not only for Ukraine, but for the whole world, that current atrocities in Ukraine are punished? What should be done for justice restoration?

For the research several methodologies have been used, such as legal and institutional, but mainly empirical – observation and description, including analysis, synthesis, classification, induction and deduction. Also, some of the data have been analyzed from the statistical and systematic perspective. The resources that have been used for this research are mainly academic articles and monographs, as well as formal reports of international organizations, but also some credible political journals and papers.

### **History, theory and classification of war crimes**

In the beginning we should identify what are the war crimes, their types and legal framework. Initially one should turn to the international law, specifically to the ‘law of armed conflict’, or in other words ‘law governing the conduct of hostilities, including military occupation’. Another term that is widely used in these cases is international humanitarian law, which reflects its humanitarian purposes even in situations when a State resorts unlawfully to the use of force. IHL should be applied automatically even if no official war is declared, the fact of an ongoing

armed conflict is enough<sup>1</sup>. Modern law was initially promulgated by *Hague Conventions* of 1907 and then by the four *Geneva Conventions* of 1949, which currently has 196 parties to it<sup>2</sup>. However, even when a State is not party to an IHL treaty it will be bound by those of its rules.

The sub-protocols of *Hague Conventions* are those restricting the use of certain weapons (like cluster munitions in 2008), whereas Geneva Law has been supplemented by two additional protocols of 1977. Protocol I deals with conflicts between a State and national liberation movements, Protocol II is concerned with internal conflicts. Both protocols have been widely ratified. In fact, recently two streams of Hague and Geneva Law started to merge, and they clearly stopped to be mutually exclusive. Similarly, as the borderline between IHL and human rights law is becoming less distinct<sup>3</sup>.

As mentioned above, distinction between IHL and human rights law is very slight and arguable and that is why, when talking about war crimes, we should also include international criminal law, as it describes the aspects of international law that are concerned with crimes which have an international aspect or dimension. The concept of the international crime is vague, but generally 'they are of concern to every state because of their corrosive effect on international society or their particularly appalling nature.' For these crimes international law does not place criminal responsibility on the State, but on individual who committed the crime and logically such crimes can be prosecuted regardless of where they were committed or the nationality of the accused (universal jurisdiction). Of course, many international crimes will also amount to laws of a State and can be prosecuted in the domestic courts, that is why international criminal law is customary and must be carefully interpreted in each individual situation<sup>4</sup>.

There are different types of international crimes, including murder, rape, torture, enslavement, forcible transfer of population (or deportation), extermination, enforced disappearance of persons, etc. Most of these because of the complementarity rule will be prosecuted in the domestic courts, as mentioned above, but there are certain crimes that are exclusively under the jurisdiction of the International Criminal Court: genocide, crimes against humanity and war crimes. These are exhaustively defined in Articles 6, 7 and 8 of the Rome Statue. Crime of aggres-

---

<sup>1</sup> A. Aust, *Handbook of International Law*, New York 2010, pp. 235–237.

<sup>2</sup> *IHL Treaties - Geneva Conventions of 1949, Additional Protocols and their Commentaries*, IHL Databases, <https://ihl.org> (04.03.2023).

<sup>3</sup> A. Aust, *op.cit.*, p. 237.

<sup>4</sup> *Ibidem.*, p.250.

sion still remains kind of blind spot, as it has not been defined yet, as well as the conditions under which the ICC may exercise the jurisdiction over it<sup>5</sup>.

It is also important to draw the distinction between war crimes. First category of deliberate ones ordered by the leaders of a state. Second category involves spontaneous crimes committed by the soldiers without or against orders and for the sake of personal revenge or gratification<sup>6</sup>.

It may seem that the difference between these two categories can be disregarded, as they generally directed against population, however it can be extremely important if these crimes will be investigated and prosecuted: for the first category the leaders who issued the order are to be punished, for the second – every individual. In the past war crimes and crimes associated with armed conflicts as genocides, had been judged from the very generalized point of view, when only high commanders took responsibility and soldiers could get away with crimes. This approach should clearly be reviewed, as it starts the chain of impunity that is being exploited by the Russian army, especially now in the age of informational technologies when evidence can be easily gathered.

Furthermore, it is logical if first category of crimes will be prosecuted by international courts or tribunals and the second by the national ones. In case of Russia, little has been done in both directions. Talking about International Criminal Court proceedings, currently there are Georgia and Ukraine ones, where the first examined in terms of South Ossetia situation of 2008 and later investigation focuses on ‘Alleged crimes committed in the context of situation in Ukraine since 21 November 2013’, even though the investigations itself has been opened in March 2022 (so after the full scale invasion of Ukraine).

The International Criminal Court that was created by the *Rome Statute* adopted at a UN conference in 1998 is a subject of particular interest, as currently 123 countries are States Parties to it. Out of them 33 are African States, 19 are Asia-Pacific States, 18 are from Eastern Europe, 28 are from Latin American and Caribbean States, and 25 are from Western European and other States<sup>7</sup>. However, the signature of the statute does not equal the ratification of the document, as some states are still adjusting the domestic law in order to ratify the treaty. Furthermore, some states like Russia have withdrawn – in 2016 following the ICC

---

<sup>5</sup> *Ibidem*, p.259.

<sup>6</sup> A. Lieven, *Morality and Reality in Approaches to War Crimes: The Case of Chechnya*, „East European Constitutional Review”, 2001, nr 10, p. 72.

<sup>7</sup> *The States Parties to the Rome Statute*, International Criminal Court Assembly of States Parties to the Rome Statute, <https://icc-cpi.int> (06.04.2023).

Prosecutor's annual Report where it stated: 'That the situation within the territory of Crimea and Sevastopol amounts to an international armed conflict between Ukraine and the Russian Federation. This international armed conflict began at the latest on 26 February when the Russian Federation deployed members of its armed forces to gain control over parts of the Ukrainian territory without the consent of the Ukrainian Government. The law of international armed conflict would continue to apply after March 18 2014 to the extent that the situation within the territory of Crimea and Sevastopol factually amounts to an on-going state of occupation. A determination of whether or not the initial intervention which led to the occupation is considered lawful or not is not required. For purposes of the Rome Statute an armed conflict may be international in nature if one or more States partially or totally occupies the territory of another State, whether or not the occupation meets with armed resistance'<sup>8</sup>. After this statement Russia explained: 'Unfortunately the Court failed to meet the expectations to become a truly independent, authoritative international tribunal... It is worth noting that during the 14 years of the Court's work it passed only four sentences having spent over a billion dollars'<sup>9</sup>. Nevertheless, the context and timing of this withdrawal does give the clear understanding of the real reasons, especially taking into consideration constant denial of the Russian government of war in Ukraine as a whole.

Ukraine in this case has not ratified the statute yet, as initial obstacle was the conclusion of the Constitutional Court of Ukraine from 2001 that the provisions of the *Rome Statute* do not correspond to the constitution of Ukraine. However, this obstacle was removed in 2019 by changing Article 124 of the constitution of Ukraine, but the debate in Ukrainian political circles is still ongoing because of the myths around prosecution of the Ukrainian military in case of the ratification of the statute. Nevertheless, it uses a special procedure for recognizing the court's jurisdiction for non-member states that want the ICC to investigate international crimes committed on their territory and 'In 2015, parliament adopted a resolution recognizing the ICC's jurisdiction over crimes against humanity and war crimes committed by senior officials of the Russian Federation and leaders of the terrorist organisations DPR and LPR [the so-called Donetsk and Luhansk Peoples' Republics]<sup>10</sup>.

---

<sup>8</sup> *Russia's Withdrawal of Signature from the Rome Statute Would not Shield its Nationals from Potential Prosecution at the ICC*, EJIL: Talk!, <https://ejiltalk.org>, 21.11.2016 (06.04.2023).

<sup>9</sup> *Ibidem*.

<sup>10</sup> *Why Has Ukraine Not Ratified the Rome Statute?*, Institute for War and Peace Reporting, <https://iwpr.net>, 04.04.2023 (10.04.2023).

It is worth mentioning, that in specific cases the international tribunals were created to investigate and articulate the crimes of some wars, armed conflicts or genocides. The first to be created was the famous Nuremberg International Military Tribunal, followed by Tokyo Tribunal, that were established by powers that had fought these countries, so they were not truly international, although the law applied by them was fair and the procedures were correct. The subsequently laid down the foundation for international law endorsed by UN General Assembly in 1946, as well as for customary international law, the scope of which is debatable in various cases. Later, such International Criminal Tribunals were created with different jurisdictions: for Former Yugoslavia, for Rwanda, Sierra Leone Special Court, Extraordinary Chambers of the Courts of Cambodia, Special Tribunal for Lebanon<sup>11</sup>.

### **Russia's war crimes in Chechen Republic, Georgia and Syria**

The record of Russian military interventions is numerous, so here only the most significant of them will be discussed. Firstly, let us discuss the Chechen wars, where Russia has been clearly a party to the conflict, as technically these wars should be classified as civil or national liberation movement. Not surprisingly Russian government abstained from calling it that way, as after 1991 Soviet coup d'état attempt, the long-ago colonized nations of North Caucasus received the chance of gaining their independence and finally getting rid of Russia's colonial wick. However, that clearly was not of interest of Russia and it took all the efforts to keep Chechnya, that was vital in geopolitical and economic terms. The region is an important part of the chain of oil supply from the Caspian Sea, as well as it serves as a southern frontier with Muslim world and is crucial for balancing the powers with neighboring Georgia and Azerbaijan that expressed their willingness to cooperate with the West. Additionally, Turkey and Iran has been consistently putting the region into their priority and competed for the influence there<sup>12</sup>.

Notably, Russia never formally admitted the existence of Chechen national elites, who aspired for autonomy and independence. In fact, two Chechen Wars have been called as Operations on Restoration of Constitutional Order by Russian government and initial decision of military intervention came from active secession movement. After several unsuc-

---

<sup>11</sup> A. Aust, *op.cit.*, pp. 254–258.

<sup>12</sup> T.C. German, *Russia's Chechen War*, London 2003, pp. 1–3.

cessful attempts of Yeltsin to settle the anarchy by sending a small unit of military for so-called 'Small Victorious War', the decision on invasion to overthrow the local government was made<sup>13</sup>.

Transcontinental Russia that was to win small Chechen Republic met such resistance, that they could not expect. Chechen people are fighters in their nature, but also the leaders of the rebellion were Soviet military veterans who had experience and were aware of capabilities and weaknesses of Soviet armed forces. Additionally, those people who did not initially support rebellion eventually chose Dudayev's side because of senseless numerous killings of civilians – by April 1995 more than 30,000 of civil Chechen population died. The first Chechen war ended formally in 1997 by signature of the peace treaty, and already in August 1999 the second Chechen war erupted<sup>14</sup>.

The second Chechen war turned out to be even more horrific than the first one, as it is mostly associated with the numerous war crimes committed mainly by Russian military – that was confirmed by Russian human rights activists, as well as international organizations such as Human Right Watch. Russian militants not only violated the principle of proportionality, but committed massacres, organized detention camps with illegal captivity, torture, rape, etc<sup>15</sup>. In 2000 Russian authorities had information on 427 cases of alleged crimes committed by federal forces in Chechnya. Yet, only 29 investigations were opened into these allegations of human rights abuse and only 46 Russian servicemen have been convicted. Of course, the debate of whether these war crimes should have been investigated by ICC remain highly theoretical, as Russia has not ratified the Rome Statute<sup>16</sup>.

Considering Chechen wars as internal conflict, Russia still had to stick to the laws of conduct of internal armed conflict, that it signed – *Geneva Convention* of 1949 and protocols of 1977, but also 'Code of Conduct on Politico-Military Aspects of Security' of 1994, *the European Convention on Human Rights* and the *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*; *the Genocide Convention*<sup>17</sup>.

---

<sup>13</sup> B.G. Williams, *Inferno in Chechnya: The Russian-Chechen Wars, the Al Qaeda Myth, and the Boston Marathon Bombings*, Lebanon 2015, pp. 81–88.

<sup>14</sup> *Ibidem*.

<sup>15</sup> A. Lieven, *op.cit.*

<sup>16</sup> W.A. Knight, T. Narozhna, *Rape and Other War Crimes in Chechnya: Is There a Role for the International Criminal Court?*, „spacesofidentity 5”, 2005, nr 1, pp. 92–93.

<sup>17</sup> M. Evangelista, *The Chechen wars: will Russia go the way of the Soviet Union?*, Washington D.C. 2004, pp. 139–144.

The Georgian War until recently has been viewed by the West from the point of Russia's propaganda, that explained the intervention into Georgia as a defense of South Ossetia population from Georgian government, where Russian Armed Forces had occasionally been exercising on the border with Georgia. And all that happens after Georgia claimed its intention to join NATO and the EU, which is very similar to Ukraine's case nowadays. Hopefully, now the perception of this war will be changed, as it should be surely admitted that Russia again violated international law and committed the crime of aggression.

The topic of war crimes in Georgia recently regained its vitality, as ICC continued working on it parallelly with Ukraine case. Generally, the ICC investigations focus on alleged crimes committed in the context of an international armed conflict between July 1 and October 10 2008 in and around South Ossetia, including: crimes against humanity (murder, forcible transfer of population and persecution) and war crimes (attacks against the civilian population, willful killing, intentionally directing attacks against peacekeepers, destruction of property and pillaging). The amount of victims estimated by the ICC is around 6,335 and there are three main suspects, on whom warrants of arrest were issued on June 30 2022 (two of them are Russian nationals). On December 16 2022 the investigation phase has been officially concluded<sup>18</sup>.

Again, if the ICC has already done its work, the investigation of numerous crimes that is to be done by national courts is of serious doubts, as Georgia stopped the entire procedure and Russia claims that it is 'on-going'. Additionally, in 2021 the European Court of Human Rights released its judgement that Russia violated several articles of the European Convention on Human rights during the conflict and carried out ethnic cleansing of Georgians. The verdict said Russia had to pay Georgia €10,000,000 for non-pecuniary damage suffered by a group of at least 1,500 Georgian nationals, however Russia has not paid the compensation so far. According to official figures are: 412 killed on the Georgian side – including 170 military servicemen, 14 policemen and 228 civilians; 1,747 wounded on the Georgian side; 130,000 Internally Displaced Persons (IDPs) – out of which 26,000 are still denied the right of return; 35,000 houses burned, ruined and destroyed; 125 more villages have been occupied since the August 2008 war. The court claimed also, that Russia is controlling Georgia's Tskhinvali and Abkhazia regions and

---

<sup>18</sup> *Georgia Investigation*, International Criminal Court, <https://icc-cpi.int> (15.04.2023).



is responsible for the violation of human rights of Georgian citizens while these regions are integral parts of Georgia<sup>19</sup>.

Russia's presence in Syria is not that obvious and largely discussed, but its war crimes there should be also eventually investigated. Russia's intervention in the Syrian war was motivated by the stabilization a strategically important partner and to prevent the United States and its partners from overthrowing the Assad regime. Now when Russia intervened on Assad's side, Putin could not lose the abroad war as he was likely to face domestic revolt after a lost war abroad (which is still doubtful, as Russian propaganda can feed its audiences anything, including the defeat of the army). However, Russia's strategy there allegedly included highly controversial methods such as striking — often repeatedly — hospitals, markets and other civilian targets in besieged opposition-controlled areas, the methods resemble those of other Russian wars (like in Chechnya and Ukraine). 'The Russian military's standard barrage pattern known as "harassment and interdiction" purposely uses random artillery fire to instill fear among both rebel forces and civilians. Thousands of Syrian civilians have reportedly died since 2015 from the Russian air strikes alone<sup>20</sup>.

In 2014 the UN Security Council adopted two resolutions, first Resolution 2139 demanding ceasefire and Resolution 2165 in response to war crimes and crimes against humanity, which authorized the delivery of humanitarian aid across borders and conflict lines by the UN and its implementing partners. Beside these unsuccessful resolutions, the Security Council has also failed to bring the Syrian case to the Prosecutor of the ICC. The Security Council resolution that would have made this referral possible was vetoed by Russia and China in May 2014. Therefore, any of these war crimes committed by Syrian regime or Russia, or any other parties have not been investigated yet, again partially due to ridiculous presence of Russia in the UN Security Council<sup>21</sup>.

Recently, the UN Permanent Representative of Ukraine, Ambassador Sergiy Kyslytsya developed very accurate statement, that in fact, Russia's permanent membership in UN Security Council is not valid from the legal point of view, as officially the USSR had this seat and

---

<sup>19</sup> *Georgia wins August war case against Russia in ECHR*, Agenda, <https://agenda.ge>, 21.01.2021 (16.04.2023).

<sup>20</sup> E.A. Souleimanov, V. Dzutsati, *Russia's Syria War: A Strategic Trap?*, „Middle East Policy”, 2018, nr 25.2, pp. 42–50.

<sup>21</sup> Y. Güçtürk, *War crimes and crimes against humanity in Syria*, „Insight Turkey”, 2015, nr 17.1, pp. 27–40.

after the collapse of the Soviet Union Russian Federation made the decision on its own that it will be the successor and should inherit its rights<sup>22</sup>.

### **War against Ukraine: aggression, annexation, genocide**

Unlike previously described conflicts, the one in Ukraine, especially after the full-scale invasion, is under continuous scrutiny and heavily given publicity. This is due to the scope and context, but also to the efforts of Ukrainian government and other Ukrainian and international organizations concerned with human rights. It is important to keep the record of international crimes of Russia in Ukraine since March 2014 when it annexed Crimea, if not since the *Revolution of Dignity* of 2013, as it is still not officially investigated who was killing protesting people on Maidan.

There is evidence of numerous human rights violations by Russia in Crimea: people are living there inside the repressions system, that already has thousands of victims. These include abductions, kidnappings and tortures; forced citizenships; pressure on media and civil activists, their prosecution; unlawful arrests and searches. Human rights activists in Ukraine gathered plenty of such cases that need investigation and prosecution<sup>23</sup>. The eight-year Donbass war should also be the focus of attention, as it is a classical example of Russia's proxy wars built on the 'separatism' that is grown by Russian propaganda and then financed by Russian government. It is obvious now that Russian troops have been there and together with rebellion groups they have been systematically committing crimes, including war crimes as well.

The ICC proceedings focuses on alleged crimes committed in the context of situation in Ukraine since November 21 2013, which confirms that hypothesis, but for the time being the Pre-Trial Chamber has issued arrest warrants in relation to the following two individuals: Vladimir Putin and Maria Lvova-Belova on March 17, 2023. They are incriminated with the unlawful deportation and transfer of Ukrainian children from occupied areas of Ukraine to the Russian Federation. Furthermore, Prosecutor Karim A. A. Khan KC added: 'As I stated when in Bucha last May, Ukraine is a crime scene that encompasses a complex and broad

---

<sup>22</sup> *Statement by the Permanent Representative of Ukraine H.E. Mr. Sergiy Kyslytsya at the UN Security Council meeting on situation in Ukraine*, UN Ukraine, <https://ukraineun.org/>, 06.06.2022 (28.04.2023).

<sup>23</sup> S. Zayets [et.al.], *The Fear Peninsula: Chronicle of Occupation and Violation of Human Rights in Crime*, Kyiv 2015, pp. 39-76.

range of alleged international crimes. We will not hesitate to submit further applications for warrants of arrest when the evidence requires us to do so<sup>24</sup>.

Unfortunately, it is only the ice peak, as over the course of almost fifteen months of full scale invasion there is evidence of such international crimes committed by Russian army: unlawful targeting of medical facilities; use of indiscriminate cluster munitions; willfully causing great suffering and murder of civilians (torture and rape); abduction and detainment of government officials and the taking of hostages; targeting of journalists and members of the press; bombing of evacuation and humanitarian routes; crimes of aggression<sup>25</sup>. Additionally, the leading causes of civilian casualties are airstrikes using explosive weapons with wide area effects, such as multiple launch rockets, artillery shelling, and airstrikes. As of December 6, 2022, the Office of the UN High Commissioner for Human Rights (OHCHR) officially recorded 17,181 civilian casualties comprised of 6,702 killed and 10,479 injured, which they note underreports casualties due to the verification process<sup>26</sup>.

Locally, human rights organizations are working on gathering the information and evidences, such as Center for Civil Liberties, that became well-known due to the Nobel Peace Prize in 2022. Its head Oleksandra Matviichuk during the lecture "Time to take responsibility" fairly noticed that it is not just Putin's war, whole Russian nation will bear the responsibility for it, as this is them who brought him to the power and according to polls the majority of people are supporting him.

In the reality it is essential for the whole international community and Western political elites to realize what Oleksandra Matviichuk declared. It is not just Putin's war and it has never been in the other examples, as Russia created the whole ideology, that right now poses serious threat to Europe and the world. Recently, the parliament of Ukraine (*Verkhovna Rada*) released the new regulation defining the existing political regime in the Russian Federation as *rashism* and condemning its ideological foundations and social practices as totalitarian and misogynistic<sup>27</sup>. This should become

---

<sup>24</sup> *Statement by Prosecutor Karim A. A. Khan KC on the issuance of arrest warrants against President Vladimir Putin and Ms Maria Lvova-Belova*, International Criminal Court, <https://icc-cpi.int>, 17.03.2023 (17.04.2023).

<sup>25</sup> C. Martz, *Russian war crimes against Ukraine: The breach of international humanitarian law by the Russian federation*, „SSRN Electronic Journal”, 2022, nr 276, pp. 33–40.

<sup>26</sup> C.M. Horne, *Accountability for atrocity crimes in Ukraine: Gendering transitional justice*, „Women's Studies International Forum”, 2023, nr 96.

<sup>27</sup> *Ukrainian Parliament's Project Resolution from 13.03.2023*, Verkhovna Rada, <https://itd.rada.gov.ua> (23.04.2023).

an important step to the international recognition of Russian state policy as a complex of dangerous and destructive ideas, the purpose of which is to undermining the system of modern international order and its principles - first of all, recognition equality of all states and their sovereignty, as well as human rights.

## Conclusions

So, the world has already tolerated a lot of crimes committed by Russian government and Russian army, and every unpunished crime caused Russia to cross the boundaries further. The Kremlin regime is clearly terrorist and unlawful, having traits of neoimperialism and totalitarian dictatorship. It basically practices the principles of fascism but in contemporary Russian interpretation, that should be called *rashism*. It is obvious that Russian government is not interested in neither investigation of crimes committed by its army, nor in justice and human rights as a whole. As its previous international crimes have not been punished timely, it is in interest of whole international community to properly investigate and prosecute what Russia is doing now in Ukraine, as Ukrainian army is currently holding the frontier not only between Russian expansion, but between global confrontation of civilization, democracy, rule of law, human rights and barbarianism, degradation, lawlessness and cruelty. World's political elites and civil societies across the world should understand, that support of Ukrainian army and any assistance of justice restoration must be a priority now, as any economic benefits cannot compare to the freedom of humans, that they struggled for centuries and that is under threat now.

## Bibliography

- Aust A., *Handbook of International Law*, New York 2010.
- Evangelista M., *The Chechen wars: will Russia go the way of the Soviet Union?*, Washington D.C. 2004.
- Georgia Investigation*, International Criminal Court, <https://icc-cpi.int> (15.04.2023).
- Georgia wins August war case against Russia in ECHR*, Agenda, <https://agenda.ge>, 21.01.2021 (16.04.2023).
- German T.C., *Russia's Chechen War*, London 2003.
- Güçtürk Y., *War crimes and crimes against humanity in Syria*, „Insight Turkey”, 2015, nr 17.1.
- Horne C.M., *Accountability for atrocity crimes in Ukraine: Gendering transitional justice*, „Women's Studies International Forum”, 2023, nr 9.
- IHL Treaties - Geneva Conventions of 1949, Additional Protocols and their Commentaries*, IHL Databases, <https://icrc.org> (04.03.2023).

- Knight W.A., Narozhna T., *Rape and Other War Crimes in Chechnya: Is There a Role for the International Criminal Court?*, „spacesofidentity 5”, 2005, nr 1.
- Lieven A., *Morality and Reality in Approaches to War Crimes: The Case of Chechnya*, „East European Constitutional Review”, 2001, nr 10.
- Martz C., *Russian war crimes against Ukraine: The breach of international humanitarian law by the Russian federation*, „SSRN Electronic Journal”, 2022, nr 276.
- Russia's Withdrawal of Signature from the Rome Statute Would not Shield its Nationals from Potential Prosecution at the ICC*, EJIL: Talk!, [https://ejiltalk.org,\\_21.11.2016](https://ejiltalk.org,_21.11.2016) (06.04.2023).
- Souleimanov E.A., Dzutsati V., *Russia's Syria War: A Strategic Trap?*, „Middle East Policy”, 2018, nr 25.2.
- Statement by Prosecutor Karim A. A. Khan KC on the issuance of arrest warrants against President Vladimir Putin and Ms Maria Lvova-Belova*, International Criminal Court, <https://icc-cpi.int>, 17.03.2023 (17.04.2023).
- Statement by the Permanent Representative of Ukraine H.E. Mr. Sergiy Kyslytsya at the UN Security Council meeting on situation in Ukraine*, UN Ukraine, <https://ukraineun.org>, 06.06.2022 (28.04.2023).
- The States Parties to the Rome Statute*, International Criminal Court Assembly of States Parties to the Rome Statute, <https://icc-cpi.int> (06.04.2023).
- Ukrainian Parliament's Project Resolution from 13.03.2023*, Verkhovna Rada, <https://itd.rada.gov.ua> (23.04.2023).
- Why Has Ukraine Not Ratified the Rome Statute?*, Institute for War and Peace Reporting, <https://iwpr.net>, (04.04.2023).
- Williams B.G., *Inferno in Chechnya: The Russian-Chechen Wars, the Al Qaeda Myth, and the Boston Marathon Bombings*, Lebanon 2015.
- Zayets S. [et.al.], *The Fear Peninsula: Chronicle of Occupation and Violation of Human Rights in Crime*, Kyiv 2015.

## Zbrodnie wojenne Rosji: sprawiedliwość i odpowiedzialność

### Streszczenie

Światem wstrząsnął nowy etap krwawej i niesprawiedliwej wojny, którą Rosja rozpoczęła z Ukrainą 24 lutego 2022 roku. Tym razem inwazja na pełną skalę przyniosła przerażające konsekwencje: ogromne zniszczenia, liczne zbrodnie wojenne i straty cywilne. Jednak wszystko, co robi Kreml i jego armia, nie jest niczym nowym w perspektywie historycznej, a świat już tolerował wiele zbrodni rosyjskiego reżimu. W dobie cyfryzacji wojna Rosji z Ukrainą może być najbardziej udokumentowaną wojną w historii, co daje wielką szansę na sprawiedliwość. Dlatego w interesie całej społeczności międzynarodowej leży przyczynienie się do zwycięstwa Ukrainy, a następnie udokumentowanie, dochodzenie i ściganie wszystkich zbrodni Rosjan na Ukrainie. Ma to kluczowe znaczenie dla zatrzymania łańcucha bezkarności i ostatecznego upadku reżimu Putina i imperializmu Rosji.

**Słowa kluczowe:** Ukraina, Rosja, wojna Rosji z Ukrainą, zbrodnie wojenne.