

HOW THE RUSSIAN FEDERATION SEEKS TO RESOLVE THE “UKRAINIAN QUESTION”



Certain Indicators of Genocide by the Russian Federation
in the Context of Its Armed Aggression against Ukraine

This publication was prepared by:

Valerii Novykov – overall coordination; Head of the Luhansk Regional Human Rights Centre Alternative

Olena Zakharova – Lead Analyst; author of the publication text

Zera Kozlyieva – Expert and Project Adviser on International Humanitarian Law

Volodymyr Hryshko – Expert and Project Adviser on International Humanitarian Law

Wilfried Jilge – Project Adviser; historian of Eastern Europe and Ukraine; Associate Fellow at the German Council on Foreign Relations (DGAP), Berlin

The team of the Luhansk Regional Human Rights Centre Alternative – contribution to data collection and monitoring of the situation in the temporarily occupied territories of Ukraine

Design and layout Anna Panasiuk

English translation Daria Ivashkevych

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Introduction

The publication **How the Russian Federation Seeks to Resolve the “Ukrainian Question”. Certain Indicators of Genocide by the Russian Federation in the Context of Its Armed Aggression against Ukraine** is an analytical study produced by the Luhansk Regional Human Rights Centre Alternative (hereinafter — LRHRC Alternative). It is devoted to the analysis of actions undertaken by the Russian Federation (hereinafter — the RF) in the temporarily occupied territories of Ukraine (hereinafter — the TOT), as well as in the broader context of its armed aggression against Ukraine.

Previous publications by LRHRC Alternative have addressed various aspects of life under occupation and documented systematic violations of the rights of the civilian population, recurring across different regions and affecting key areas of everyday life. In particular, they examined access of residents of the temporarily occupied territories to food, water, healthcare, education, and housing, and documented crimes related to filtration practices, unlawful detention and deportation of Ukrainian citizens from the TOT. These publications also addressed policies of russification, the eradication of Ukrainian identity, targeted practices of population assimilation, specific features of Russian propaganda, and the creation of a “digital ghetto” in the temporarily occupied territories.

The title of this publication deliberately alludes to the policy of the Third Reich towards Jews, known as the “Final Solution of the Jewish Question” (German: Endlösung der Judenfrage). The euphemism “final solution” referred to the “cleansing of Europe of Jews” through the mass extermination of the Jewish population. Accordingly, this publication draws parallels between the genocide perpetrated by Nazi Germany against Jews and the attempts of the Russian Federation to destroy Ukrainians and the Ukrainian people — albeit through somewhat different methods, yet with the same intended outcome.

This publication is intended for a broad audience, including all those who monitor, document, study, and research crimes committed by the Russian Federation in connection with its armed aggression against Ukraine. It may also be of interest to Ukrainian and international experts working on issues related to territories occupied by the Russian Federation and life in Ukraine under conditions of armed aggression. The analytical review will be useful for experts and human rights defenders engaged in monitoring, documenting, and systematising crimes committed by the Russian Federation in Ukraine; for officials and representatives of public authorities; for lawyers and legal practitioners defending the rights of Ukrainians before international judicial bodies; for individuals

involved in seeking reparations from the Russian Federation for the damage caused; and for representatives of civil society who advocate Ukraine's position in international forums.

The publication consists of two parts: a theoretical and a practical one. The first, theoretical part provides an overview of the international legal definition of genocide and analyses the instruments governing the recognition and punishment of genocide under international law. It also examines the distinction between the political and legal uses of the term "genocide", as well as the historical evolution of its interpretation. This part further analyses the defining elements of the crime of genocide, including genocidal intent, protected groups, and the forms that the crime of genocide may take. Particular attention is paid to the specific aspects of implementing the provisions of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide into the national legislation of Ukraine and other European states.

The second, practical part focuses on specific acts committed by the Russian Federation in the context of its armed aggression against Ukraine that display indicators of genocide against the Ukrainian people (including killing, causing serious bodily harm, deliberately inflicting conditions of life calculated to bring about destruction, the forcible transfer of children to another group, and others). A separate section of this part is devoted to an assessment of the Holodomor and the destruction of the Ukrainian intelligentsia in the Soviet Union in the 1930s, examined through the lens of genocidal indicators based on the expanded concept of genocide developed by Raphael Lemkin (the author of the term "genocide" and a co-author of the 1948 Genocide Convention).

Turning to historical events of the twentieth century that predate the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide makes it possible to demonstrate the continuity of crimes currently committed by the Russian Federation and previously perpetrated by its predecessor, the Soviet Union, against Ukrainians and the Ukrainian people. This approach provides a broader perspective, situating contemporary actions of the Russian Federation not in isolation, but within a wider historical context of practices aimed at destroying the Ukrainian national community. Accordingly, the totality of documented actions by the Russian Federation is analysed in terms of their recurrence, scale, and coherence — factors that are crucial for assessing the presence of elements of a genocidal policy.

Aim and Methodology of the Study

The aim of this study is to provide an analytical assessment of the **cumulative nature and recurrence of actions** committed by the Russian Federation in connection with its armed aggression against Ukraine, in order to determine whether they exhibit indicators that may correspond to the definition of the crime of genocide.

This publication is not a legal or procedural document, and the legal qualification and recognition of events in Ukraine as genocide fall within the competence of judicial institutions. At the same time, it seeks to offer an analytical interpretation of documented facts and to initiate further expert discussion regarding their legal qualification.

The document was prepared using desk research methodology. The materials of the theoretical part are based on an analysis of international legal instruments and the normative framework of Ukraine, as well as on prior academic research and expert analytical publications addressing the crime of genocide.

The practical part draws on monitoring activities and reports resulting from the documentation of crimes committed by the Russian Federation in connection with its armed aggression against Ukraine, prepared by Ukrainian and international human rights defenders and researchers. This section also makes use of previous analytical publications by the Luhansk Regional Human Rights Centre Alternative on life in the temporarily occupied territories of Ukraine, which in turn were based on materials from 47 issues of the ***Life under Occupation*** digest, prepared by the organisation's experts between March 2022 and September 2025.

International Legal Definition of the Term “Genocide”

The term “genocide” derives from a combination of the Ancient Greek word *genos*, meaning race or tribe, and the Latin suffix *-cide*, meaning to kill. The term was first introduced in the 1930s by the Polish lawyer of Jewish origin Raphael Lemkin to describe the deliberate destruction of a group of people¹.

At the international level, the term “genocide” was first used in United Nations General Assembly Resolution **96 (I), *The Crime of Genocide***, of 11 December 1946². This Resolution recognised genocide as an international crime and affirmed that punishment for it is a matter of international concern.

Subsequently, United Nations General Assembly Resolution **180 (II), *Draft Convention on Genocide***, of 21 November 1947³, stated that “*genocide is an international crime which entails national and international responsibility of individuals and states*”. This Resolution also proposed the development of a separate convention aimed at combating the crime of genocide.

Such a convention was developed and adopted by United Nations General Assembly Resolution **260 (III), *Convention on the Prevention and Punishment of the Crime of***

1 Genocide, Wikipedia, available at: <https://surl.li/wyqxqr>

2 96 (I). THE CRIME OF GENOCIDE, Department for General Assembly and Conference Management UNDOCS, 11.12.1946, [https://docs.un.org/en/A/RES/96\(I\)](https://docs.un.org/en/A/RES/96(I))

3 180 (II). Draft convention on genocide. Department for General Assembly and Conference Management UNDOCS, 21.11.1947, [https://docs.un.org/en/A/RES/180\(II\)](https://docs.un.org/en/A/RES/180(II))

Genocide, of 9 December 1948⁴. The Convention entered into force on 12 January 1951.

This Convention provides the international legal definition of genocide. Pursuant to Article II of the Convention, 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:

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

Accordingly, genocide, as a violation of international law attributable to a state, comprises three key and inseparable elements:

- ➔ the commission of any of the acts listed in Article II;
- ➔ the commission of such acts against a protected group (national, ethnical, racial, or religious);
- ➔ the commission of such acts with the intent to destroy the group, in whole or in part.

Any of the acts listed in Article II may be legally qualified as genocide **only if it is directed against a protected group with the intent to destroy it, in whole or in part**⁵.

The legal basis for holding individuals criminally responsible for the most serious crimes,

⁴ 260 (III). Prevention and punishment of the crime of genocide, Department for General Assembly and Conference Management UNDOCS, 09.12.1948, [https://docs.un.org/en/A/RES/260\(III\)](https://docs.un.org/en/A/RES/260(III)). Official Ukrainian translation: Verkhovna Rada of Ukraine, Convention on the Prevention and Punishment of the Crime of Genocide, available at: <https://surl.luh.ncecav>

⁵ Zmina, What Is the Crime of Genocide, How to Establish It and Whether There Are Indicators of Genocide against Ukrainians, 28 June 2022, available at: <https://surl.luh.ybiqwq>

including genocide, is provided by the **Rome Statute of the International Criminal Court** (1998)⁶. The Rome Statute established the International Criminal Court, whose primary mandate is to administer justice in respect of the most serious crimes of concern to the international community as a whole and which are not subject to any statute of limitations:

- ➔ the crime of genocide;
- ➔ crimes against humanity;
- ➔ war crimes;
- ➔ the crime of aggression.

The prevention of the crime of genocide against civilians in armed conflicts is also addressed **in United Nations Security Council Resolution 1674**, adopted on 28 April 2006⁷. This Resolution affirms that each individual state bears responsibility for protecting its population from genocide, war crimes, ethnic cleansing, and crimes against humanity. Accordingly, it reiterates state responsibility for such crimes in peacetime and during internal conflicts and does not address crimes committed in the context of a war of aggression.

⁶ Rome Statute of the International Criminal Court, Verkhovna Rada of Ukraine, 25 October 2025, available at: <https://surl.li/ruabnd>

⁷ Resolution 1674 (2006), adopted by the Security Council at its 5430th meeting, on 28 April 2006? Department for General Assembly and Conference Management UNDOCS, 28.04.2006, [https://docs.un.org/en/S/RES/1674\(2006\)](https://docs.un.org/en/S/RES/1674(2006))

Specific Aspects of the Interpretation of the Term “Genocide”

In everyday discourse, genocide is primarily associated with “historical evil”, above all the Holocaust, and thus signifies the worst harm human beings can inflict upon one another. Although international law does not establish a formal hierarchy of crimes, genocide is often singled out and referred to as the “crime of crimes”. Owing to this “special” status, non-legal communities frequently misuse the term, while legal professionals, by contrast, tend to avoid employing it.

In the political sphere, references to genocide are often made in order to emphasise that those who commit such acts embody absolute evil. As a result, genocide, on the one hand, evokes boundless compassion, and, on the other hand, serves to justify extraordinary measures to combat it⁸.

The Legal Interpretation of Genocide

In legal terms, genocide constitutes a form of violence that requires proof of a number of components: intent, the targeting of protected groups, and the methods employed.

⁸ Scott Straus, *Genocide in Ukraine: Why the Debate?*, Justice Info, 13 May 2025, available at: JUSTICE INFO, 13.05.2025, <https://surl.li/rgaxix>

The Requirement to Establish Genocidal Intent

A defining feature of the crime of genocide is the requirement to establish the “intent” to destroy protected groups, in whole or in part, which constitutes the most difficult element to prove. It is precisely this special intent (*dolus specialis*) that renders genocide a distinct crime⁹.

In international legal practice, intent in genocide cases is identified through an analysis of the language and acts of the perpetrators. In practical terms, this involves examining official statements, policies, and the acts listed in Article II of the Convention in their cumulative nature, in order to determine whether they were systematic and coherent and whether they were directed at destroying a specific group or part thereof.

Genocide cannot be spontaneous or improvised; therefore, intent must be inferred from the totality of statements and concrete acts that together form a plan or policy. At the same time, the number of victims is not a criterion¹⁰.

Groups Against Which Genocide May Be Committed

It is essential that victims of genocide are not selected at random but are deliberately targeted on the basis of their belonging to one of the protected groups. This means that the target of destruction must be the group as such, rather than its individual members.

Genocide may also be committed against a part of a group, provided that this part can be clearly identified and is “substantial”¹¹ and sufficiently significant for its destruction to have an impact on the group as a whole.

It is also important to consider which specific part of the group was targeted by acts

9 Scott Straus, *Genocide in Ukraine: Why the Debate?*, Justice Info, 13 May 2025, available at: <https://surl.li/rgaxix>

10 Zmina, *What Is the Crime of Genocide, How to Establish It and Whether There Are Indicators of Genocide against Ukrainians*, 28 June 2022, available at: <https://surl.li/ybiqwq>

11 Bohdan Tsiupyn, *What Is Genocide under the UN Convention?*, Voice of America, 13 April 2022, available at: <https://surl.li/xlmlzc>

falling within the scope of the crime of genocide, as intent is easier to establish where the victims include individuals who embody the group, act as its leaders, or are indispensable to its survival¹².

Forms of Genocide

With regard to the forms of destruction of a protected group, the convention is limited to physical destruction only, namely: killing; causing serious bodily or mental harm; deliberately inflicting on the group conditions of life calculated to bring about the group's total or partial destruction; measures intended to prevent births within the group; and the forcible transfer of children of the group to another group.

At the same time, the scope of the convention does not extend to the destruction of a group as a social community, where, under the psychological pressure of physical extermination, members of the social group are compelled to change their citizenship and identity.

Historical Dimension of the Interpretation of Genocide

The definition of the crime of genocide formulated in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide differs in certain respects from the understanding originally proposed by the term's author, Raphael Lemkin.

In the early 1930s, Raphael Lemkin represented Poland at various international conferences. In a report¹³ prepared for the Fifth International Conference on the Unification of Criminal Law (Madrid, October 1933), Lemkin proposed distinguishing two types of crimes in international law: “acts of barbarism” and “acts of vandalism”.

12 Zmina, What Is the Crime of Genocide, How to Establish It and Whether There Are Indicators of Genocide against Ukrainians, 28 June 2022, available at: <https://surl.lu/ybiqwq>

13 Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations. By Raphael Lemkin, lecturer on comparative law at the Institute of Criminology of the Free University of Poland and Deputy Prosecutor of the District Court of Warsaw, Prevent Genocide International, <https://surl.li/cqzfnr>

Those who, regardless of motive—political, religious, or otherwise—inflicted physical harm upon members of an **ethnic, religious, or social group**, primarily intending to **harm the group itself** rather than the individuals, were to be considered perpetrators of “barbarism.” Those who deliberately destroyed the cultural and spiritual heritage of a group—works of art and culture as unique expressions of its genius—were to be considered perpetrators of “vandalism”. Lemkin emphasised that the perpetrator’s will was directed not so much at harming the individual as at **harming the group** to which the individual belonged; such violations affected not only human rights but also undermined social order. Even in this early work, he stressed the necessity of adopting an international convention aimed at countering these acts¹⁴.

Although the concept of “acts of barbarism” and “acts of vandalism” was not adopted, it constituted the first attempt at the international legal level to provide for punishment for acts committed **not against individual persons but against groups distinguished by particular characteristics**, or against **individuals considered as representatives of those groups**. While Lemkin cited only ethnic, religious, and social groups as examples, he did not limit the scope of the concept and emphasised that the group could be defined on any basis. These provisions later formed the foundation of Lemkin’s proposed concept of the crime of genocide¹⁵.

Lemkin first used the term “genocide” in his 1944 book *Axis Rule in Occupied Europe*¹⁶. He defined genocide as the **“destruction of a nation or of an ethnic group”**, emphasising that “genocide does not necessarily mean the immediate destruction of a nation”. Rather, it denotes a coordinated plan of various acts aimed at **destroying the essential foundations of life of national groups in order to destroy the groups themselves**. Such genocidal acts could be aimed at the disintegration of **“political and social institutions, culture, language, national sentiments, religion, and the economic existence of national groups”**, reflecting the broad scope of the term “national” and the extensive range of methods of destruction. Lemkin also posited that genocide comprised

14 Andrushko, A. V., The Concept of the Crime of Genocide by Raphael Lemkin: Formation, Transformation, and Contemporary Significance / Andrushko A. V., // Analytical and Comparative Jurisprudence / ed. Yu. M. Bysaha (Editor-in-Chief), V. V., Zaborovskyi, D. M. Bielov, S. B. Buletsa et al., Uzhhorod National University, Uzhhorod, 2025, No. 1, pp. 569–577, available at: <http://journal-app.uzhnu.edu.ua/article/view/323920/314027>

15 Bem, M. V., The International Legal Views of Raphael Lemkin, abstract of the dissertation for the degree of Candidate of Legal Sciences (Specialty 12.00.11), Odesa, 2014, eNUOLAIR Repository (Open Electronic Archive), National University “Odesa Law Academy”, available at: <https://surl.it/fxmyag>

16 Lemkin R. *Axis Rule in Occupied Europe: Laws of Occupation – Analysis of Government – Proposals for Redress*. Washington, D.C.: Carnegie Endowment for International Peace, 1944. xxxviii+674 p. / ICC Legal Tools Database. URL: <https://www.legal-tools.org/doc/b989dd/pdf>

two phases: the first, the destruction of the national pattern of the oppressed group; the second, the imposition of the national pattern of the oppressor.

In the initial draft of the Convention on the Prevention and Punishment of the Crime of Genocide, genocide was defined as encompassing the destruction not only of religious and national groups but also of social and political groups. However, in the final version of the Convention adopted in December 1948, **the list of groups protected under the Convention** was limited to national, ethnic, racial, or religious groups.

This limitation arose because the convention was adopted primarily to criminalise and impose accountability for acts carried out during the Holocaust in the Second World War¹⁷. Since the international legal definition of genocide was developed with the direct involvement of the USSR and Western states, care was taken to ensure that the definition corresponded closely to Nazi crimes, even if it was less readily applicable to their own actions¹⁸.

The Soviet Union and other states opposed including political groups among genocide victims, stressing that the definition should follow the etymology of the term, allowing only racial and national groups to be subject to destruction. Other states argued that political groups were transient and unstable. Some insisted that including political groups in the Convention could expose states to external interference in domestic affairs, creating an international problem¹⁹.

For political reasons, the Soviet position was supported by a number of countries (Argentina, Iran, South Africa, among others) that feared a broad concept of genocide could be used against them by internal opposition²⁰. Consequently, as a result of diplomatic and political compromise, provisions regarding social and political groups were rejected.

The USSR consistently emphasised a narrow interpretation, protecting only **national groups** in the context of anti-colonial national liberation movements, rather than political groups from internal repression.

17 Wikipedia, Convention on the Prevention and Punishment of the Crime of Genocide, available at: <https://surl.li/gueghi>

18 European Pravda, A Blow to the Crimes of the USSR: What the ECtHR Judgment in the Lithuanian Genocide Case Changes, 21 March 2019, available at: <https://surl.li/igmdke>

19 Staub, Ervin (31 липня 1992). The Roots of Evil: The Origins of Genocide and Other Group Violence. Cambridge, UK: Cambridge University Press. P. 8. ISBN 0-521-42214-0, <https://surl.li/kczphe>

20 Istorychna Pravda, A Stanford Professor on “Stalinist Genocides”: The Holodomor Is Only One of Them, 16 November 2010, available at: <https://surl.li/zzpmwh>

Furthermore, during the drafting of the 1948 Convention, Lemkin's concept of acts of vandalism as the “cultural component” of genocide was rejected due to “excessive indeterminacy and lack of connection to the physical and biological destruction of a group that prompted the adoption of the Convention”. The contemporaneous rejection of the concept of “cultural genocide” by Western states was evidently linked, at least in part, to the fact that most of them had engaged in comparable policies towards national minorities and indigenous peoples²¹.

Thus, key elements of Lemkin's conceptualisation of the crime of genocide were not fully realised in the Convention's provisions, which reflected a compromise between divergent national interests and ideological approaches.

21 Andrushko, A. V., Specific Features of Accountability for Genocide under the Legislation of European States, in Europeanisation of Criminal Law of Ukraine: Materials of the International Scientific and Practical Conference (Kyiv, 19 December 2024), Uzhhorod National University, available at: <https://surl.li/uyttni>

Implementation of the Convention's Provisions Into National Legislation

Accountability for the Crime of Genocide under Ukrainian Law

The Convention was signed by Ukraine on 16 December 1949, ratified by the Presidium of the Supreme Soviet of the USSR on 18 March 1954, and entered into force for Ukraine on 13 February 1955²².

The Criminal Code of Ukraine of 2001 contains Article 442, Genocide²³, which provides a definition of the crime, fully reproduces the definition of the Convention on the Prevention and Punishment of the Crime of Genocide and the Rome Statute:

Genocide means a wilfully committed act for the purpose of total or partial destruction of any national, ethnic, racial, or religious group by:

22 Ministry of Foreign Affairs of Ukraine, Letter of 22 April 2024 No. 72/14-612-54598 concerning the official translation, Verkhovna Rada of Ukraine, available at: <https://surl.li/cffbsp>

23 Verkhovna Rada of Ukraine, Criminal Code of Ukraine, 17 July 2025, available at: <https://surl.li/mmuryu>

- ➔ killing members of any such group;
- ➔ inflicting grievous bodily injuries on them;
- ➔ creation of life conditions aimed at total or partial physical destruction of the group;
- ➔ imposing measures intended to prevent births within the group;
- ➔ forceful transferring of children from one group to another

shall be punishable by imprisonment for a term of ten to fifteen years or life imprisonment.

Public incitement to genocide, and also production of any materials inciting to genocide for the purpose of distribution, or distribution of such materials shall be punishable by arrest for a term of up to six months, or imprisonment for a term of up to five years.

Accountability for the Crime of Genocide under European Law

At present, accountability for the crime of genocide is provided for in the legislation of the vast majority of European states. In some jurisdictions, legislators have adapted the international legal norms contained in the 1948 Convention and the Rome Statute, expanding the range of groups against which genocide may be committed. This is often influenced by differing legal traditions, historical experiences, or the political need to criminalise, justify, or elevate the actions of certain groups of key importance for nation- and state-building.

For example, under Article 90(1) of the Estonian Penal Code, genocide is defined as the commission of any of the acts listed in the article against “a member of a national, ethnic, racial, or religious group, or **a group resisting occupation** or any other social group”. The identification of this group in Estonian law highlights the significance of resistance to the Soviet communist regime in Estonia’s modern history.

In the Polish Criminal Code, the definition extends beyond national, ethnic, racial, and religious groups to include **political groups and groups defined by a particular worldview**. In the **Czech** Criminal Code, in addition to the groups listed in the 1948 Convention, a

class-based group is recognised. Similarly, in the Slovak Criminal Code, alongside national and ethnic groups, the **nation (people)** is singled out.

Liechtenstein's Criminal Code recognises "**groups defined by church affiliation**" and "**groups defined by state affiliation**", while the Criminal Codes of Lithuania and Switzerland include **social and political groups**.

In some European jurisdictions, the list of groups against which genocide may be committed remains open-ended.

Analysis of European criminal legislation regarding the definition of groups protected against genocide should also consider the draft Italian Code on International Crimes, prepared by a government commission chaired by Professor of Criminal Law Francesco Palazzo of the University of Florence and Professor of International Law Fausto Pocar of the University of Milan²⁴. This draft proposes recognising an additional protected group not previously mentioned—the linguistic group.

Furthermore, the Italian draft proposes establishing liability for cultural genocide. The draft defines the objective elements of cultural genocide as deprivation of personal liberty, deportation, surveillance or mass monitoring, forced ideological indoctrination, or other similar measures, as well as the creation of living conditions capable of eliminating cultural, linguistic, or religious characteristics of the group. It also includes imposing obligations or prohibitions on members of the group regarding religious, spiritual, or cultural practices, education, or language use capable of eliminating cultural, linguistic, or religious characteristics of the group. It was further proposed to introduce punishment for acts characterised by the intent to eliminate cultural, linguistic, or religious characteristics that define a group, resulting in the loss of its identity and its assimilation into the dominant group²⁵.

Although the draft law was approved in principle by the Italian Council of Ministers on 16 March 2023, it had not yet been adopted at the time of writing, as the Council decided to further examine issues related to crimes against humanity in order to develop an updated draft law²⁶.

24 CODICE DEI CRIMINI INTERNAZIONALI, 16.11.2022, Governo Italiano. Ministero della Giustizia, <https://surl.it/zklcmg>

25 Commissione Crimini internazionali. RELAZIONE, 16.11.2022, Governo Italiano. Ministero della Giustizia, <https://surl.li/nixkih>

26 Comunicato stampa del Consiglio dei Ministri n. 25, 16.03.2023, Governo Italiano. Presidenza del Consiglio dei Ministri, <https://surl.li/wvumkz>

Thus, national legislation in European countries has, in several cases, partially adapted and expanded the international legal norms on genocide contained in the 1948 Convention and the Rome Statute. This primarily concerns the recognition of additional groups not specified in international instruments as groups against which genocide may be committed, as well as the expansion of the acts constituting the objective elements of the crime²⁷.



27 Andrushko, A. V., Specific Features of Accountability for Genocide under the Legislation of European States, in Europeanisation of Criminal Law of Ukraine: Materials of the International Scientific and Practical Conference (Kyiv, 19 December 2024), Uzhhorod National University, available at: <https://surl.li/uyttni>

Genocidal Policy of the USSR Against Ukraine

In analysing the current actions of the Russian Federation that display indicators of genocide against the Ukrainian people in the context of armed aggression, it is appropriate to situate them within a broader historical perspective, taking into account the continuity of Soviet policy towards Ukraine.

The Soviet Union employed large-scale repressive practices against its own citizens and the peoples within its territory. A significant proportion of these crimes were not subject to criminal prosecution, primarily due to the prohibition on the retroactive application of criminal law.

From the 1940s onwards, however, the Ukrainian diaspora in the United States and Canada campaigned for the recognition of crimes committed by the Soviet regime against Ukrainians as genocide. Active involvement in researching and framing these crimes as genocide was undertaken by the very author of the term, Raphael Lemkin. Similar efforts were pursued by the linguist and political figure of the Ukrainian People's Republic period Roman Smal-Stotskyi, as well as by Lev Dobrianskyi, President of the Ukrainian Congress Committee of America and a professor at Georgetown University.

Soviet policy in Ukraine, and in particular the famine of the early 1930s, was publicly described as "genocide" for the first time a year prior to the adoption of the relevant Convention. This occurred on 21 November 1947 at the Pan-American Ukrainian Conference, where the Conference Memorandum addressed to the UN General Assembly, the Economic and Social Council, and the Commission on Human Rights was drafted.

In the Memorandum, the famine of the early 1930s was identified as one of the constituent elements of genocide. However, the central message of the statement was that genocide

against Ukrainians was ongoing in 1947 and that the United Nations should intervene to halt it: ***“We also appeal to the General Assembly to take, on the basis of this report, appropriate measures to put an end to this policy of genocide being pursued by the Soviets in an attempt to destroy the Ukrainian people as a national entity because of its persistent struggle for freedom from bad governance and foreign domination”***²⁸.

Subsequently, in 1953, during the commemoration of the twentieth anniversary of the Great Famine in Ukraine, Raphael Lemkin delivered an address entitled Soviet Genocide in Ukraine to an audience of three thousand gathered at the Manhattan Centre in New York. In this address, later published, he argued that the crimes of the Stalinist regime against the Ukrainian nation constituted genocide against Ukrainians. He referred not only to the Holodomor organised by the Soviet authorities, but also to other crimes of the Soviet regime. This document represents one of the earliest examples of a systematic interpretation of Soviet policy towards Ukraine as a **prolonged process** rather than an isolated historical episode.

Raphael Lemkin identified four components of the genocide of the Ukrainian nation²⁹.

THE DESTRUCTION OF THE UKRAINIAN INTELLIGENTSIA – the *“brain of the nation”*—was intended “to paralyse the remainder of the organism”. During the 1920s and 1930s, teachers, writers, artists, thinkers, and political figures were killed, imprisoned, or deported. Many prominent poets, writers, and artists—the foremost cultural leaders of the nation—met the same fate. Following the Soviet annexation of Western Ukrainian territories, similar processes occurred there as well.

THE ASSAULT ON THE CHURCH, CLERGY, AND ECCLESIASTICAL HIERARCHY – the *“soul” of Ukraine*—was carried out in parallel with the *“attack on the intelligentsia”*. Between 1926 and 1937, the Ukrainian Autocephalous Orthodox Church (UAOC) was liquidated; within a few years, its entire clergy and active laity were arrested, exiled to Siberia, or executed by the NKVD. After the establishment of Soviet rule in Western Ukraine, the Ukrainian Greek Catholic Church suffered a similar fate. Lemkin emphasised: *“The fact that, prior to its liquidation, it was offered the opportunity to join the Moscow Patriarchate—an instrument of Kremlin politics—indicates that the sole purpose of that action was Russification”*.

THE DELIBERATE CREATION OF FAMINE CONDITIONS FOR THE UKRAINIAN PEASANTRY – the *“custodians of traditions, folklore and music, the national language and*

28 Local History, The First Attempt to Designate the Policy of the USSR against Ukraine as Genocide, 21 November 2024, available at: <https://surl.li/rmqshn>

29 Raphael Lemkin. Soviet Genocide in Ukraine. Article in 28 Language. Kyiv: Maisternia Knyhy Publishing House, 2009, available at: <https://surl.li/shbeax>

literature, and the national spirit of Ukraine". The famine organised by the Soviet authorities was described by Lemkin as "the most brutal manifestation of Soviet atrocities". Millions of Ukrainian peasants perished as a result of this crime.

THE SETTLEMENT OF UKRAINE BY OUTSIDERS, COMBINED WITH THE DISPERSAL OF UKRAINIANS ACROSS EASTERN EUROPE. Through this policy, the Soviet authorities sought to destroy the ethnic cohesion of Ukrainians and to intermingle nations.

Lemkin's approach makes it possible to view genocide not as a single act, but as a **comprehensive policy** implemented through various instruments and across different spheres of social life. In this way, Raphael Lemkin was the first to provide a systematic analysis of the destruction of the Ukrainian nation by the communist regime as a whole, and in particular to treat the annihilation of the Ukrainian intelligentsia and the assault on the church not as separate phenomena, but as integral components of a genocidal act. He characterised Soviet policy towards Ukraine as a "four-pronged attack on the Ukrainian nation", in which the starvation of Ukrainian peasants was the principal, though not the sole, weapon employed to destroy the Ukrainian nation³⁰.

In November 2015, the Russian Federation added a publication containing Raphael Lemkin's article *Soviet Genocide in Ukraine* to the "Federal List of Extremist Materials", underscoring the continued relevance and undesirability of this approach for contemporary Russian state policy³¹.

30 Andrushko, A. V., *The Concept of the Crime of Genocide by Raphael Lemkin: Formation, Transformation, and Contemporary Significance*, Analytical and Comparative Jurisprudence, January 2025, available at: <https://surl.li/elzfej>

31 Zmina, *The Lawyer Who Wrote about the Holodomor Included in the Russian List of "Extremists"*, 27 November 2015, available at: <https://surl.li/fgjill>

Political Recognition of the Act of Genocide Committed by the Russian Federation in Ukraine

The significance of political statements

Although political declarations by states recognising crimes committed by the Russian Federation in Ukraine as genocide have no binding legal force and do not constitute a legal qualification within the meaning of international law, they may nonetheless carry significance as expressions of states' positions and as manifestations of their understanding of obligations under the Convention on the Prevention and Punishment of the Crime of Genocide. In this sense, such statements may be regarded as elements of a broader context of state practice, particularly with regard to the duty to prevent genocide, and may potentially be taken into account by courts as subsidiary material when assessing state conduct.

Moreover, the international legal system largely depends on the political will of states. It was precisely the presence of such political will that enabled the establishment of the

tribunals adjudicating crimes committed in the former Yugoslavia and Rwanda. Likewise, through the political will of other states and Ukraine, a model for the establishment of a tribunal addressing the crime of aggression committed by the Russian Federation against Ukraine has been developed.

Political statements by states also serve as indicators of their readiness to assist in the documentation and adjudication of cases concerning the crime of genocide. Given the complexity of proof, the protracted nature of proceedings, and the high costs associated with documentation and legal qualification, support in the examination of genocide cases is of exceptional importance.

Such statements further draw attention to crimes bearing the hallmarks of genocide and generate political pressure on other states and institutions in the context of the duty to prevent genocide³².

Declaration of the Verkhovna Rada of Ukraine “On the Genocide Committed by the Russian Federation in Ukraine”

On 14 April 2022, the Verkhovna Rada of Ukraine (VRU) adopted the Declaration “On the Genocide Committed by the Russian Federation in Ukraine”³³.

The Declaration recognises as an act of genocide against the Ukrainian nation the actions committed by the Armed Forces of the Russian Federation and its political and military leadership during the most recent phase of the military aggression of the Russian Federation against Ukraine, which began on 24 February 2022. The VRU also appeals to the United Nations, the European Parliament, the Parliamentary Assembly of the Council of Europe, the OSCE Parliamentary Assembly, the NATO Parliamentary Assembly, and governments and parliaments of foreign states to recognise the acts of

32 Zmina, What Is the Crime of Genocide, How to Establish It and Whether There Are Indicators of Genocide against Ukrainians, 28 June 2022, available at: <https://surl.lu/ybiqww>

33 Verkhovna Rada of Ukraine, Resolution No. 2188-IX, On the Declaration of the Verkhovna Rada of Ukraine “On the Genocide Committed by the Russian Federation in Ukraine”, 14 April 2022, available at: <https://zakon.rada.gov.ua/laws/show/2188-IX#Text>

genocide committed by the Russian Federation against the Ukrainian nation as well as crimes against humanity and war crimes committed on the territory of Ukraine.

Foreign States Recognising the Acts of Genocide Committed by the Russian Federation in Ukraine

On 21 April 2022, the **Parliament of Estonia** adopted the statement “On the War Crimes and Genocide of the Russian Federation in Ukraine”³⁴. The statement declares that, in the course of its war of aggression, Russia is systematically committing war crimes against the civilian population, which are approved and supported by the current authorities of the Russian Federation³⁵.

On 21 April 2022, the **Saeima of Latvia** likewise adopted a decision recognising the actions of Russian armed forces in Ukraine as genocide against the Ukrainian people³⁶. The Saeima condemned Russia’s military aggression and large-scale invasion of Ukraine, carried out with the support and participation of the Lukashenko regime in Belarus. The statement emphasises that the unjustified invasion constitutes a gross violation of Ukraine’s sovereignty and territorial integrity, as well as a manifest breach of Russia’s obligations under the Charter of the United Nations and international law. The Saeima called for a sharp expansion of arms supplies to Ukraine and the immediate cessation of imports of energy resources from Russia to the European Union. It further urged the Euro-Atlantic community and its partners to urgently impose comprehensive sanctions against Russia in order to deprive its army of the capacity to continue military aggression³⁷.

34 Riigikogu võttis vastu avalduse Venemaa sõjakuritegudest ja genotsiidist Ukrainas, Riigikogu, 21.04.2022, <https://bit.ly/3XTQBh2>

35 Zmina, Estonia and Latvia Recognise the War Crimes of the Russian Federation in Ukraine as Genocide, 21 April 2025, available at: <https://bit.ly/3Mz7Xxb>

36 Saeima pieņem paziņojumu par Krievijas agresiju un kara noziegumiem Ukrainā, atzīstot to par genocīdu pret ukraiņu tautu, Latvijas Republikas Saeima, 21.04.2022, <https://bit.ly/3Mza9EW>

37 Zmina, Estonia and Latvia Recognise the War Crimes of the Russian Federation in Ukraine as Genocide, 21 April 2025, available at: <https://bit.ly/3Mz7Xxb>

On 28 April 2022, the **Parliament of Canada** recognised the crimes committed by the Russian Federation in Ukraine as genocide. The resolution states that the killing of civilians, desecration of corpses, forcible transfer of Ukrainian children to the territory of Russia, as well as torture and rape committed by Russian soldiers, constitute genocide³⁸.

On 1 June 2022, the **Senate of Ireland** adopted a resolution characterising the invasion of Ukraine by the Russian Federation as genocide involving Russian military forces and authorities³⁹. The document also states that the political leadership of the Russian Federation must be held accountable for the international crimes committed in Ukraine⁴⁰.

A compilation of public statements by state leaders or officials expressing their views on the nature of violations of international law committed by the Russian Federation in connection with its armed aggression against Ukraine, and interpreting these violations as “genocide”, is available on the website of the electronic journal Just Security of the Reiss Center on Law and Security at New York University School of Law. This resource is continuously updated and tracks:

- statements made in United Nations bodies, including the Security Council, the General Assembly, and the Human Rights Council;
- comments or statements by heads of government and heads of state on this issue;
- official resolutions and statements adopted by legislative bodies⁴¹.

38 Zmina, Canada Recognises the Crimes of the Russian Federation in Ukraine as Genocide, 28 April 2022, available at: <https://bit.ly/4s1yNOM>

39 “..... the illegal invasion of Ukraine by the Russian Federation is an Act of Genocide”, @SenatorMarkDaly, Twitter, 01.06.2022, <https://surl.lt/fukseu>

40 Zmina, The Senate of Ireland Adopts a Resolution Recognising Russia’s Invasion of Ukraine as Genocide, 2 June 2022, available at: <https://surl.li/ynjppx>

41 Just Security, Compilation of Statements by States Referring to Russia’s Actions in Ukraine as “Genocide”, 20 May 2022, available at: <https://surl.li/smurqv>

Ukraine's Application to the International Court of Justice Concerning the Russian Federation's Breach of the Genocide Convention

On 26 February 2022, Ukraine filed an application with the International Court of Justice concerning the Russian Federation's breach of the Convention on the Prevention and Punishment of the Crime of Genocide⁴². Ukraine simultaneously submitted a request for provisional measures, asking the ICJ to order Russia to halt military operations in Ukraine⁴³.

A distinctive feature of this application is that Ukraine did not accuse Russia of committing genocide as such, since in the first days of the large-scale invasion, there

42 ALLEGATIONS OF GENOCIDE UNDER THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE (UKRAINE v. RUSSIAN FEDERATION), International Court of Justice, 26.02.2022, <https://surl.lt/nrzkmj>

43 REQUEST FOR THE INDICATION OF PROVISIONAL MEASURES SUBMITTED BY UKRAINE, International Court of Justice, 26.02.2022, <https://surl.li/grixeb>

was not yet compelling evidence of genocide by Russia. At the same time, Russian officials, seeking to justify aggression against Ukraine, publicly accused Ukraine itself of “genocide”. The fictitious, fabricated “genocide in Donbas” became one of the publicly announced justifications intended to legitimise the invasion of Ukraine.

Ukraine therefore asked the ICJ to recognise that:

- Ukraine has not committed any “genocide” in Donbas;
- the Russian Federation is abusing the 1948 Genocide Convention to justify its actions.

Specifically, Ukraine contends that armed aggression against it under the pretext of “preventing and punishing” a contrived “genocide” is incompatible with the provisions of the Convention, distorts the obligation of States to prevent and punish genocide, and is contrary to the purpose and objectives of the Convention. In doing so, Russia is misusing its membership in the Convention, turning it into a fabricated pretext for armed attack against Ukraine⁴⁴.

Thirty-four States have joined the application, declaring that they consider themselves affected by Russia’s actions, as the use of false genocide allegations to initiate armed aggression undermines the foundations of international law.

Hearings in the case commenced in The Hague on 18 September 2023. As part of its defence strategy, Russia and its counsel sought to convince the Court that the allegations of “genocide in Donbas” were not in fact a cause of the war. To do so, Russian diplomats challenged statements by President Vladimir Putin and Foreign Minister Sergey Lavrov. Representatives and legal advisors for Russia argued that the political statements cited by Ukraine carry no legal weight. According to them, Russia attacked for an entirely different reason – to exercise its right to self-defence⁴⁵.

On 2 February 2024, the ICJ issued an interim ruling in Ukraine’s application against

44 European Pravda, To The Hague over Genocide: What Ukraine Stated in Its Application against Russia before the International Court of Justice, 28 February 2022, available at: <https://surl.li/eptoqt>

45 European Pravda, How Russia Sought to Deny “Genocide”: A Report from The Hague on the Proceedings before the International Court of Justice, 18 September 2023, available at: <https://surl.li/bflylv>

Russia under the Genocide Convention. The Court declined to consider Ukraine's claims regarding the unlawfulness of recognising the so-called LPR and DPR or the initiation of war based on false allegations of genocide, as these matters, in the Court's view, do not fall within the scope of the Genocide Convention⁴⁶. Consequently, the Court decided not to examine Ukraine's and other States' claims that Russia abused the genocide allegation to justify its attack. At this stage, Ukraine will therefore not be able to obtain an ICJ ruling on the illegality of Russia's aggression.

At the same time, the Court determined that it will continue to examine the claims that Ukraine did not commit genocide in Donbas⁴⁷, which may constitute a violation of the 1948 Genocide Convention.

On 18 November 2024, Russia filed its counter-memorial containing counterclaims in the case Ukraine v. Russian Federation concerning allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide⁴⁸. On 5 December 2025, the ICJ found that Russia's counterclaims "are admissible as such and form part of the proceedings"⁴⁹. Ukraine must submit its Reply to the counterclaims by 7 December 2026, and Russia will have until 7 December 2027 to reply to submit its Rejoinder⁵⁰.

46 European Pravda, The International Court of Justice Partially Upholds Ukraine's Position in Its Genocide Case against the Russian Federation, 2 February 2024, available at: <https://surli.cc/xzuvfo>

47 European Pravda, Ukraine's Setback in The Hague: Why We Have Stopped Winning Cases against the Russian Federation and What Must Change, 7 February 2024, available at: <https://surli.li/wfjffk>

48 ALLEGATIONS OF GENOCIDE UNDER THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE (UKRAINE v. Russian Federation) Counter-claims made by the Russian Federation, International Court of Justice, 31.01.2025, <https://surli.li/tdpdsy>

49 ALLEGATIONS OF GENOCIDE UNDER THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE (UKRAINE v. Russian Federation) The Court finds that the counter-claims submitted by the Russian Federation are admissible as such, authorizes Ukraine to submit a Reply and the Russian Federation to submit a Rejoinder, and fixes the time-limits for the filing of those pleadings, International Court of Justice, 08.12.2025, <https://surli.li/yargjv>

50 European Pravda, The International Court of Justice Admits Russia's Counter-Claim against Ukraine in the Genocide Case, 8 December 2025, available at: <https://surli.li/swksrh>

Acts of the Russian Federation Exhibiting Indicators of Genocide Against Ukrainians

For analytical assessment of the presence of elements of genocide, it is necessary to establish that the relevant conduct meets the set of key criteria defined under international law, in particular:

- ➔ the acts are directed against a **specific protected group** (national, ethnic, racial, or religious);
- ➔ there is a specific **intent to destroy** that protected group, in whole or in part;
- ➔ such intent is manifested through at least **one of the forms of conduct** set out in the Genocide Convention and corresponding norms of international criminal law.

Within the scope of this publication, particular attention is paid to analysing how actions recorded during monitoring of Russia's conduct may cumulatively satisfy the criteria outlined above, rather than as isolated or singular incidents.

Commission of Acts Against the Ukrainian People / Ukrainian Nation as a Protected Group

The actions of the Russian Federation's armed forces on the territory of Ukraine against the civilian population may be considered as directed against Ukrainians as a distinct national group protected from genocide under the Convention on the Prevention and Punishment of the Crime of Genocide.

To date, a precise legal definition of the Ukrainian national group as one protected by the Convention and simultaneously subject to destruction in the context of Russian armed aggression remains underdeveloped in Ukrainian legal scholarship.

Declaration No. 2188-IX of the Verkhovna Rada of Ukraine of 14 April 2022, "On the Genocide Committed by the Russian Federation in Ukraine"⁵¹, assesses the relevant actions of the Russian Federation in terms of their **targeting of the Ukrainian people** as a national group. Referring to the Constitution of Ukraine, the authors of the Declaration define the **Ukrainian people as a group protected from genocide, understood as the totality of Ukrainian citizens of all nationalities residing in Ukraine.**

At the same time, Ukrainian scholar Maksym Vishchyk argues that limiting the essence of national groups to formal ties with the state reduces membership in a group to a purely political matter, which can be altered simply by acquisition, deprivation, or revocation of citizenship. In his view, this approach does not account for the complex and internal sociocultural characteristics that bind members of other groups together and are deeply rooted in identities, which cannot arise or disappear overnight. For instance, the mere possession of Russian passports by residents of temporarily occupied territories as a result of forced passportisation does not transform them into Russians.

To define a national group, Vishchyk proposes employing an anthropological approach, which distinguishes two ways of conceptualising and defining nations: cultural and civic.

⁵¹ Verkhovna Rada of Ukraine, Resolution No. 2188-IX, On the Declaration of the Verkhovna Rada of Ukraine "On the Genocide Committed by the Russian Federation in Ukraine", 14 April 2022, available at: <https://zakon.rada.gov.ua/laws/show/2188-IX#Text>

Nations may be ethnically or culturally centred (bringing them closer to the concept of ethnic groups), where membership of a nation is determined by a shared relationship to a particular combination of historical memory, geography, kinship, traditions, customs, religion, and language, which are inherited and non-voluntary. By contrast, the **civic approach to defining nations** views them as voluntary communities of individuals formed through a consensual social compact, shared chosen beliefs and loyalties, reciprocal rights and obligations, and mutual recognition of one another as members of the nation. This approach also contains an element of political self-identification and is therefore also referred to as contractual or consensual.

Every nation inevitably combines both cultural and consensual elements. This also applies to the Ukrainian nation.

On the one hand, the Ukrainian nation is shaped by cultural elements associated with Ukrainian ethnic belonging (for example, culture, language, and traditions). On the other hand, the Ukrainian nation encompasses people of diverse ethnic origins (for example, ethnic Ukrainians, Crimean Tatars, and others) and different linguistic backgrounds (for example, both Ukrainian-speaking and Russian-speaking individuals), united by shared values of independent statehood and a common vision of the future and the past (including an emphasis on the subjective significance of particular historical events such as the Ukrainian Revolution of 1917–1921, the Holodomor, the Orange Revolution, the Revolution of Dignity, and Russian aggression).

At the same time, Ukrainian citizenship in itself does not determine membership of the national group: citizens of Ukraine do not necessarily share national sentiments or commitment to a common national project. Citizens of Ukraine, or even individuals of ethnic Ukrainian origin, may support the national project, remain neutral or indifferent to it, or even adopt a hostile attitude towards it⁵².

The so-called subjective approach to defining protected groups is already applied in the jurisprudence of international criminal tribunals. This means that an individual victim's membership of a protected group is determined not only on the basis of certain objective criteria, but also by the perpetrator's subjective perception of the victim's belonging to such a group.

Turning to the events of the twentieth century and the crimes of the Soviet Union in

52 Vishchyk M. Constructing national and ethnic groups under the Genocide Convention through Soviet and Russian narratives on the Ukrainian identities / Maksym Vishchyk // NaUKMA Research Papers. Law, Vol. 13 (2024), pp. 15–25, <https://doi.org/10.18523/2617-2607.2024.13.15-25>

Ukraine, Raphael Lemkin noted in his 1953 public address *Soviet Genocide in Ukraine*⁵³ that Ukrainians differed from Russians not only in culture, temperament, language, and religion (that is, characteristics more closely associated with ethnic identity). Ukrainians also retained a sense of national unity, regarded themselves as Ukrainians, and aspired to independence (that is, an element of national self-identification was present). As long as this element persisted, Lemkin argued, Ukrainians posed a serious threat to the very idea of the Soviet state.

However, Lemkin continued, in order to eliminate this threat, the Soviet authorities could not act in the same way as the Nazis had acted against the Jews. Because the Ukrainian nation was “too densely populated” to be effectively exterminated, a more complex method of destruction had to be employed. This method involved targeted attacks on segments that were critically important for the survival of the nation, the national idea, and statehood.

This tactic continues during the armed aggression of the Russian Federation, where it is impossible to exterminate a nation numbering over 40 million people physically. For this reason, the political component of the Ukrainian nation is subjected to destruction first and foremost: those who resist the aggressor’s attempts to destroy Ukraine as an independent democratic state are physically eliminated in the first instance.

A key distinction lies in the fact that the Soviet Union did not seek to destroy the cultural and ethnic component of the Ukrainian nation and even demonstratively supported it to the extent that it manifested itself within the framework of “Soviet Ukrainisation” and did not contradict the dominant Soviet pseudo-national narrative. For example, despite the cultural suppression of the Ukrainian language and culture, the Soviet authorities did not attempt to eradicate them or their bearers immediately and entirely. Even during the darkest years of Soviet terror in the 1930s, Ukrainian-language education continued to be provided in schools, and the Ukrainian language remained in use in cultural life.

By contrast, under the conditions of the Russian Federation’s aggression against Ukraine, in territories under the full control of the Russian Federation the cultural component of the Ukrainian nation is being destroyed through the complete prohibition of any cultural manifestations of Ukrainianness, such as language, traditions, customs, and the like. This leads to a situation in which members of the Ukrainian nation, due to security risks and the threat of physical destruction, cease to perceive and identify themselves as members of this group and begin to regard themselves as members of another group. In this way, the assimilation of Ukrainians occurs, alongside an ostensibly “voluntary” transition to the Russian national group.

53 Raphael Lemkin. *Soviet Genocide in Ukraine*. Article in 28 Language. Kyiv: Maisternia Knyhy Publishing House, 2009, available at: <https://surl.li/shbeax>

In order to accelerate the process of abandoning the political component of the Ukrainian nation in territories of Ukraine controlled by the Ukrainian Government, the Russian Federation engages in terror against the civilian population and seeks to plunge this part of the country into chaos. In the aggressor's view, this is intended to lead to the abandonment of the national project of an independent Ukraine in exchange for the cessation of war and the physical preservation of life.

Evidence of the Russian Federation's **Intent to Destroy the Ukrainian People /** **Ukrainian Nation**

Numerous statements preceding and accompanying the initiation and conduct of the Russian Federation's armed aggression against Ukraine may indicate the existence of a special intent directed against the Ukrainian people / Ukrainian nation as a protected group.

Russian officials and commentators of state-controlled media have repeatedly denied the existence of a distinct Ukrainian identity, implying that those who identify themselves as Ukrainians threaten the unity of Russia or condone Nazism and therefore deserve punishment. The denial of the existence of protected groups constitutes a specific indicator of genocide in accordance with the United Nations Framework of Analysis for Atrocity Crimes⁵⁴.

Thus, on the eve of the full-scale invasion of Ukraine, on 21 February 2022, Vladimir Putin denied the existence of Ukraine as a separate state and stated that Ukraine was an *"integral part"* of Russia and of the Russian *"historical, cultural, and spiritual space"*⁵⁵. These statements were preceded by other assertions by Putin that Ukrainians are not a distinct people, but rather part of the Russian people. This position was articulated, in particular,

54 New Lines Institute for Strategy and Policy, An Independent Legal Analysis of the Russian Federation's Breaches of the Genocide Convention in Ukraine and the Duty to Prevent, May 2022, available at: <https://surl.li/jrjqck>

55 President of the Russian Federation, Address to the Nation, Kremlin, 21 February 2022, available at: <https://surl.li/usldna>

in Vladimir Putin's article *On the Historical Unity of Russians and Ukrainians*⁵⁶.

Putin's assertion that the Ukrainian and Russian peoples are not distinct but instead constitute a single people amounts to nothing less than a denial of the very existence of one of these two peoples—the Ukrainian people. If only one of the two peoples exists, the other cannot. It is self-evident that, in Putin's view, only the Russian people are meant to remain.

The declared aim of the Russian Federation's military aggression is the "denazification" of Ukraine. This term was deliberately constructed in order to link armed aggression to the destruction of "Nazis", who are allegedly pervasive in Ukraine. The Russian leadership labels as "Nazis" those Ukrainians who reject the notion of a single people and assert the Ukrainian people's right to self-identification. In this manner, the Russian Federation pursues a policy aimed at creating a distorted perception of the distinctiveness of the Ukrainian people and their aspiration for independence, implemented through the global dissemination of false ideological constructs based on a knowingly false and manipulative equation of Ukrainian patriotism with "Nazism" or other hate-based ideologies.

The above-described false ideological construct is disseminated through the Russian Federation's extensive propaganda network and is publicly and officially endorsed by officials at various levels. At the height of the war, on 5 April 2022, Dmitry Medvedev, Deputy Chairman of the Security Council of the Russian Federation (chaired by Vladimir Putin), stated on his Telegram channel that Ukrainianness and its identity are "[...] one big fake. This phenomenon has never existed in history. And it does not exist now"⁵⁷.

On 3 April 2022, the website of the Russian state international news agency RIA Novosti published the article *What Russia Should Do with Ukraine*⁵⁸, which stated that the "denazification" of Ukrainians consists of re-education achieved through ideological repression (suppression) of so-called Nazi attitudes and strict censorship—not only in the political sphere, but necessarily also in culture and education. The publication further asserted that "denazification" would inevitably entail "de-Ukrainianisation", defined as a rejection of the large-scale artificial amplification of the ethnic component of self-identification of the population of the territories of historical "Little Russia" and "Novorossiia", a process allegedly initiated during the Soviet period. Accordingly, the true

56 V. Putin, *On the Historical Unity of Russians and Ukrainians*, Kremlin, 12 July 2021, available at: <https://surl.li/uffawd>

57 Dmitry Medvedev, Telegram, 5 April 2022, available at: https://t.me/s/medvedev_telegram/84

58 RIA Novosti, *What Russia Should Do with Ukraine*, 3 April 2022, available at: <https://surl.li/jxemlj>

aim of “denazification” is the destruction of the Ukrainian people / Ukrainian nation, its distinctiveness, and the deprivation of its right to independent development.

Taken together, the numerous public statements of the President of the Russian Federation and other officials of that state, as well as decisions of public authorities at all levels adopted in support and implementation of those statements, indicate the existence of an official policy of the Russian state aimed at denying the Ukrainian people’s right to self-identification, self-determination, and, as a consequence, their right to existence.

The quotations of senior Russian officials and commentary by state-controlled media presented in this publication are among the most illustrative examples, while the overall body of relevant statements and evidence is considerably more extensive.

A tracker of statements by senior Russian officials and public figures expressing intent to destroy Ukraine or Ukrainians as a nation-state, people, or culture is available on the website of the online journal Just Security of the Reiss Center on Law and Security at New York University School of Law. This collection is organised chronologically, starting from 2008, and is continuously updated. The sources include, but are not limited to, news articles, books, the Kremlin’s online archive of speeches and addresses, Russian state news agencies, and publications on Twitter and Telegram⁵⁹.

A collection of statements from Russian and Belarusian propaganda containing direct and public calls for the commission of genocide against Ukrainians, together with an analysis and classification of these statements, is presented in the publication of the international expert initiative iSANS The crime of incitement to genocide of Ukrainians in Russian and Belarusian propaganda⁶⁰.

59 Just Security, Russia’s Rhetoric against Ukraine as Incitement to Destruction: A Compilation (Updated), 11 January 2024, available at: <https://surl.li/oznnyv>

60 The crime of incitement to genocide of Ukrainians in Russian and Belarusian propaganda, iSANS, 16.09.2025, <https://surl.li/xeukis>

Forms of Genocide against the Ukrainian People / Ukrainian Nation

Killing Members of the Group

The killing of members of a protected group constitutes one of the forms of genocide explicitly provided for by the Convention on the Prevention and Punishment of the Crime of Genocide. Monitoring materials and international reports document that the intentional killing of civilians in the temporarily occupied territories of Ukraine is **systemic, repetitive, and indiscriminate in nature**, exceeding the scope of isolated war crimes.

As with other genocides in history, “pure” examples of direct and public calls by Russian public figures for the destruction of all Ukrainians, or part of them, as a protected group within the meaning of the Convention are relatively rare. Nevertheless, such statements stand out clearly against the broader background of hate rhetoric.

The first surge of genocidal statements coincided with the occupation of Crimea and the outbreak of open armed conflict in eastern Donbas. Commenting on the clashes in Odesa on 2 May 2014, Aleksandr Dugin, a philosopher and the principal ideologue of the “Russian World”, stated: *“What we saw on the second of May goes beyond all limits. And I think—kill, kill, and kill. There should be no more talk. As a professor, that is what I believe”*⁶¹ (07.05.2014).

A new increase in genocidal rhetoric was recorded during preparations for the full-scale invasion of Ukraine, beginning in autumn 2021. Aleksey Zhuravlyov, a deputy of the State Duma of the Russian Federation, declared: *“Two million [irredeemable] Ukrainians must be ‘denazified’, that is, destroyed”*⁶² (01.06.2022).

Dmitry Medvedev, Deputy Chairman of the Security Council of Russia and former President of the Russian Federation (2008–2012), stated: *“There can be no mercy here. There is no place for good here. Only kill! [...] Do not pity them, do not! Anyone! Did they*

61 Alexander Dugin, Kill, Kill and Kill!, YouTube channel Randy Mandy, 17 July 2014, available at: <https://youtu.be/dwgn3JGNrUo>

62 Censor.NET, “Two Million Ukrainians Must Be ‘Denazified’, That Is, Destroyed,” Says Russian State Duma Deputy Zhuravlyov, 8 May 2022, available at: <https://surl.lu/szmivy>

spare anyone? Only total executions. There is no choice. No words of mercy. No humanity. No pardon. They have no right to life. Execute, execute, and execute. That is the law of war for the enemy!"⁶³ (16.07.2024).

SUMMARY EXECUTIONS OF CIVILIANS. During the occupation of Ukrainian territory by Russian forces, systematic instances of the intentional killing of civilians have been consistently documented. Russian troops have gathered Ukrainian civilians for **mass executions in the temporarily occupied territories**, employing typical methods of killing: tied hands, torture, and execution by a close-range gunshot to the head. Thoroughly documented massacres in Bucha, Irpin, Borodianka, Hostomel, and Izium indicate a consistent pattern of conduct applied by Russian forces in currently inaccessible occupied regions. The number of mass graves in areas under Russian control continues to grow rapidly, as documented by investigators and confirmed by satellite imagery, although the full scale of the killings will remain unknown until access to areas controlled by Russian forces is gained⁶⁴.

A report by the Office of the United Nations High Commissioner for Human Rights for December 2022 documents numerous instances of summary **executions of civilians shortly after their detention**. Most such executions occurred during so-called "cleansing" operations, involving house-to-house raids conducted by Russian forces. In these cases, victims were arbitrarily executed in their homes, in front of residential buildings, or in adjacent yards.

The violence and killings described were directed primarily against individuals holding pro-Ukrainian views and identifying themselves as part of the Ukrainian people / Ukrainian nation, as manifested through their language of communication, political views, or prior conduct (including participation by the individual or close relatives in the Anti-Terrorist Operation / Joint Forces Operation, or active civic engagement within their community). These factors were decisive in the use of physical force and resulted in lethal outcomes for the victims.

Other summary executions occurred after the perpetrator had established physical control over the victim, even where the latter was clearly incapacitated or expressed an intention to surrender, for example, by complying with orders, ceasing movement, freezing in place, or raising their hands.

63 Dmitry Medvedev, Telegram, My comrades are discussing what the Ukrainian fiends did to our prisoner, referring to the Geneva Conventions known throughout the world, 16 July 2024, available at: https://t.me/medvedev_telegram/517

64 New Lines Institute, An Independent Legal Analysis of the Russian Federation's Breaches of the Genocide Convention in Ukraine and the Duty to Prevent, May 2022, available at: <https://surl.it/lbnsyf>

The report further documents numerous killings resulting from **attacks on civilians while they were travelling** on foot or by bicycle, car, or minibus. Civilians were shot while commuting to work, delivering food to others, visiting neighbours or relatives, **or attempting to flee active hostilities**. Some of the targeted vehicles were marked with white flags or bore markings on the windscreen indicating that children were being transported. In other cases, soldiers opened fire on households, penetrating walls with large-calibre bullets or tank shells. In all documented instances, no attempts were identified to comply with the principle of distinction or with the obligation to take all feasible precautions to avoid civilian casualties⁶⁵.

“DRONE SAFARI” AGAINST CIVILIANS: KILLINGS BY FPV DRONES. In settlements located near the line of contact and on roads connecting such settlements, Russian forces carry out attacks against civilians using FPV drones. Primary targets of Russian unmanned aerial vehicles include police officers, municipal workers, rescue personnel, and medical staff. Public transport has also been targeted. Residents of Kherson and de-occupied communities in Kherson oblast have been particularly affected by such attacks.

- During these attacks, Russian operators receive real-time video feeds from the drones and therefore clearly understand whom they are targeting. They openly demonstrate how they pursue civilian vehicles using drones, attack civilian pedestrians, and drop munitions on residential buildings. Videos of this “hunt” for civilians are shared on Telegram channels, where perpetrators openly boast about their actions⁶⁶. The fact that operators receive real-time video feeds excludes the possibility that such attacks are accidental and allows them to be characterised as **deliberate hunting of the civilian population**.

KILLINGS OF CIVILIANS DURING THE INDISCRIMINATE BOMBARDMENT OF RESIDENTIAL AREAS. Russian forces widely employ inherently indiscriminate weapons with a wide area effect or cluster munitions when targeting densely populated areas. This has resulted in a record increase in attacks on civilians and a corresponding rise in civilian fatalities.

Shelling of the civilian population of Ukraine by Russian forces reached an unprecedented peak in 2025. A clear and consistent pattern indicates that Russia targets populated

65 Office of the United Nations High Commissioner for Human Rights, Killings of Civilians: Summary Executions and Attacks against Individual Civilians in Kyiv, Chernihiv, and Sumy Oblasts in the Context of the Armed Attack by the Russian Federation against Ukraine, December 2022, available at: <https://surl.li/uiflew>

66 Radio Svoboda, A Human Safari: Russian Military Personnel Deliberately Hunt Civilians with Drones in Kherson Oblast, 30 November 2024, available at: <https://surl.li/sironl>

areas indiscriminately and, in certain instances, deliberately⁶⁷.

EXTRAJUDICIAL EXECUTIONS AND DEATHS OF CIVILIAN DETAINEES IN PLACES OF DETENTION. From February 2022 to September 2025, the Office of the United Nations High Commissioner for Human Rights (OHCHR) documented the extrajudicial execution of 90 Ukrainian civilians in official and unofficial places of detention in the temporarily occupied territories of Ukraine and in the territory of the Russian Federation. A further 38 civilians died in custody as a result of torture or ill-treatment, inadequate conditions of detention, or lack of proper medical care.

In February 2025, the body of Viktoriia Roshchyna, a Ukrainian journalist who had gone missing in August 2023 in the temporarily occupied territories, was returned to Ukraine. In October 2024, Russian officials informed her family of her death in detention. Following the return of her body to Ukraine, signs of torture were documented, and certain internal organs were found to be missing⁶⁸.

EXECUTIONS OF SURRENDERING UKRAINIAN MILITARY PERSONNEL. Between August 2024 and February 2025, the United Nations Human Rights Monitoring Mission in Ukraine recorded 79 executions of Ukrainian prisoners of war in 24 separate incidents. According to the Mission⁶⁹, many Ukrainian soldiers who had surrendered or were otherwise in the custody of Russian armed forces were shot dead on the spot. Witness accounts also described the killings of unarmed and injured Ukrainian soldiers.

These incidents did not occur in a vacuum. Public figures in the Russian Federation have explicitly called for inhumane treatment, and even execution, of captured Ukrainian military personnel. International humanitarian law prohibits ordering that there shall be no survivors, threatening an adversary therewith, or conducting hostilities on this basis⁷⁰.

According to the Office of the Prosecutor General of Ukraine, as of 5 May 2025, 75 criminal proceedings had been opened in connection with the execution of 268 Ukrainian prisoners of war. The number of alleged executions has increased over time: in 2022,

67 Bombing into submission: Russian targeting of civilians and infrastructure in Ukraine, JSTOR, 21.02.2025, <https://surl.li/ymzgoe>

68 United Nations Human Rights Monitoring Mission in Ukraine, Treatment of Civilians Deprived of Their Liberty in the Context of the Armed Attack by the Russian Federation against Ukraine, 23 September 2025, available at: <https://surl.li/ghrmgx>

69 Ukraine: Alarming Rise in Executions of Captured Ukrainian Military Personnel, United Nations Human Rights, 03.02.2025, <https://surl.li/uufmxt>

70 Suspilne News, The United Nations Records 79 Executions of Ukrainian Prisoners of War, 3 February 2025, available at: <https://surl.li/bbbalw>

eight proceedings concerned 57 servicemen; in 2023, eight proceedings concerned 11 servicemen; in 2024, 39 proceedings concerned 149 servicemen; and in 2025, 20 proceedings concerned 51 servicemen.

The United Nations has assessed that such conduct could only be sanctioned at the highest levels of authority in the Russian Federation, including the President. These executions are fuelled by cultural hatred towards opponents and are also intended to exert psychological pressure⁷¹.

EXTRAJUDICIAL EXECUTIONS AND DEATHS OF PRISONERS OF WAR RESULTING FROM TORTURE AND ILL-TREATMENT IN PLACES OF DETENTION. According to information made public by the Ukrainian Parliament Commissioner for Human Rights, Dmytro Lubinets, 109 officially confirmed executions of Ukrainian prisoners of war were recorded in 2024 alone, twice the number documented in the preceding two years⁷².

The most extensive killing of Ukrainian prisoners of war in detention occurred on the night of 28–29 July 2022 at Penal Colony No. 120, located approximately five kilometres east of Olenivka in the Russian-occupied part of Donetsk oblast⁷³. An explosive weapon struck a barracks in what appears to have been a premeditated act, killing 53 Ukrainian prisoners of war who had defended Azovstal in Mariupol and injuring more than 130 others.

The cumulative pattern of documented incidents, their increasing frequency, and the absence of effective response by Russian authorities indicates **tolerance of, or authorisation for**, such acts at the highest level.

Causing Serious Bodily or Mental Harm to Members of the Group

The infliction of serious bodily or mental harm on members of a protected group constitutes a separate form of the crime of genocide under the Genocide Convention and the Rome Statute.

⁷¹ LB.ua, UN Investigator: Russian Leadership Orders the Killing of Ukrainian Soldiers Who Surrender, 21 May 2025, available at: <https://surl.li/vnkwtf>

⁷² Zmina, Executions and Torture of Ukrainian Prisoners of War: How Perpetrators Are Prosecuted and What Will Help Ensure Justice, 31 January 2025, available at: <https://surl.li/hnsmpf>

⁷³ United Nations, Ukraine, Treatment of Prisoners of War and Persons Hors de Combat in the Context of the Armed Attack by the Russian Federation against Ukraine: 24 February 2022 – 23 February 2023, 24 March 2024, available at: <https://surl.li/ccoyuik>

TORTURE OF UKRAINIAN PRISONERS OF WAR IN PLACES OF DETENTION. According to the United Nations Human Rights Monitoring Mission in Ukraine, more than 95 per cent of Ukrainian prisoners of war held by the Russian Federation have been subjected to torture. Prisoners are reportedly tortured during their first interrogation, including by means of electric shocks⁷⁴.

United Nations entities, Ukrainian human rights organisations, and Human Rights Watch have conducted hundreds of interviews with former prisoners of war. The testimonies collected indicate that physical and psychological torture is widespread and aimed at destroying detainees' sense of dignity and identity. The Russian Federation holds thousands of Ukrainian prisoners of war in deplorable conditions, depriving them of adequate food, medical care, and basic hygiene⁷⁵.

TORTURE OF CIVILIAN DETAINEES IN PLACES OF DETENTION IN THE RUSSIAN FEDERATION AND TEMPORARILY OCCUPIED TERRITORIES. According to the OHCHR Special Report of 23 September 2025, torture and other forms of cruel, inhuman or degrading treatment or punishment, including sexual violence, are widely and systematically inflicted by the Russian Federation on civilian detainees.

More than 92 per cent of the 216 released civilians interviewed since June 2023 provided consistent and detailed accounts of torture or ill-treatment while in detention. Those affected included men and women (144 men, one boy, and 54 women). In addition, 101 interviewees reported witnessing torture or ill-treatment of other detainees.

OHCHR concluded that Russian authorities have subjected detained Ukrainian civilians to torture and ill-treatment on a widespread and systematic basis, including through inhuman conditions of detention.

Released civilians described a wide range of methods of torture and ill-treatment. Frequently reported methods included beatings with various objects (batons and sticks), electric shocks applied to different parts of the body, mock executions, kicking, threats of killing or violence against the detainee or their relatives, various stress positions such as walking in a bent position and prolonged kneeling on concrete, and humiliation, including forced singing of the Russian anthem and patriotic songs. Many detainees were subjected to multiple forms of torture or ill-treatment during their detention.

74 Office of the Ukrainian Parliament Commissioner for Human Rights, Over 95% of Ukrainian Prisoners of War Have Been Subjected to Torture in Russia – UN Data, 9 August 2024, available at: <https://surli.cc/jpcyje>

75 Human Rights Watch, Systematic Torture of Ukrainian Prisoners of War in Russia, 11 December 2025, available at: <https://surli.li/ugyagk>

Interviewees also reported sexual violence in detention: 49 men, 25 women, and one boy experienced rape, electric shocks to the genitals or breasts (nipples), beatings while naked, forced nudity, threats of sexual violence, and other forms of sexualised humiliation.

OHCHR concluded that these acts were intentionally inflicted for the purpose of causing severe pain and suffering.

Interviewees consistently described appalling conditions of detention. OHCHR identified 115 places of detention where conditions amounted to inhuman and degrading treatment; in some cases, such conditions may qualify as torture.

Released civilians reported insufficient or nutritionally inadequate food in at least 87 places of detention. Medical care was described as inadequate. Detainees also reported unsanitary conditions, including lack of proper hygiene, insufficient bedding, excessive heat or cold, limited access to fresh air, overcrowded cells, and restrictions on access to toilets⁷⁶.

Further information on the circumstances of the detention of civilians in occupied territories and their treatment in places of detention is available in the analytical publication *Walk a Tightrope and Survive. Filtration and Illegal Detention of Ukrainian Civilians in the Occupied Territories of Ukraine* by LRHRC Alternative⁷⁷.

Deliberately Inflicting on the Group Conditions of Life Calculated to Bring About its Physical Destruction in Whole or in Part

The deliberate creation of living conditions calculated to bring about the physical destruction of a civilian population constitutes one of the forms of the crime of genocide expressly provided for in the Convention on the Prevention and Punishment of the Crime of Genocide and in the Rome Statute.

Accordingly, calls to bombard civilian objects and destroy civilian infrastructure with the aim of inflicting suffering and intolerable living conditions on the civilian population

⁷⁶ United Nations Human Rights Monitoring Mission in Ukraine, Treatment of Civilians Deprived of Their Liberty in the Context of the Armed Attack by the Russian Federation against Ukraine, 23 September 2025, available at: <https://surl.li/ghrmgx>

⁷⁷ Luhansk Regional Human Rights Centre Alternative, Walk a Tightrope and Survive. Filtration and illegal detention of Ukrainian civilians in the occupied territories of Ukraine, available at: <https://surl.li/ejjaks>

constitutes criminal conduct, including incitement to genocide. Set out below are selected statements by pro-Kremlin propagandists advocating intensified attacks against the civilian population of Ukraine.

Andrey Gurulyov, a deputy of the State Duma of the Russian Federation, stated during the programme 60 Minutes on the television channel Rossiya-1: *"We need to find a way to cut Ukraine off from heating, electricity and water supply. We can do this, and we should say so openly. If you want to use Western weapons, then be prepared for collapse"*⁷⁸ (04.07.2022).

*"The lack of electricity means the lack of water, refrigeration, and sewage. The city of Kyiv, a week after losing electricity, will be flooded with filth, with a clear threat of an epidemic. [...] That means we immediately predict flows of refugees towards the western border, correct? That is also the collapse of the country, and it is quite effective. Therefore, I assume this should be continued; it will have a very good effect"*⁷⁹ (20.10.2022).

Vladlen Tatarsky, a Z-blogger, stated: *"Even in defence, infrastructure must be destroyed — hospitals will not function, more khokhly will die on operating tables"*⁸⁰ (13.09.2022).

Boris Chernyshov, Deputy Chairman of the State Duma of the Russian Federation, declared: *"They [residents of Ukraine] will sit without gas, without electricity, without anything because if the Kyiv regime has chosen the path of war criminals, then they must freeze and rot there. When infrastructure facilities are hit daily, when the civilian population [...] faces intolerable conditions for living in winter — ambulance services cease to function, the elderly die, children die"*⁸¹ (18.11.2022).

78 Andrey Gurulyov, Telegram, There Is No Need to Fear That Lend-Lease Will Significantly Strengthen the Armed Forces of Ukraine in a Few Months, 4 July 2022, available at: <https://t.me/agurulev/1723>

79 Russian lawmakers advocate freezing and starving Ukrainian civilians, turning them into refugees. Russian Media Monitor, 20.10.2022, <https://surl.lu/gdnqlw>

80 Denys Kazanskyi, Telegram, Russian Mercenary and Military Correspondent Vladlen Tatarsky (real name Maksim Fomin) Calls for Strikes against Ukraine's Civilian Infrastructure, 13 September 2022, available at: <https://t.me/kazansky2017/4120>

81 Gordon, "They Will Be Left without Gas, without Electricity, without Anything": Kuleba Calls on the International Community to Ban Russian Television for Incitement to Genocide, 20 November 2022, available at: <https://surl.li/kouvfg>

DELIBERATE ATTACKS ON SHELTERS, EVACUATION ROUTES AND HUMANITARIAN CORRIDORS. Russian forces have systematically and deliberately attacked shelters and evacuation routes as part of their military strategy, resulting in the killing of civilians in besieged areas and in territories where hostilities are ongoing⁸².

Throughout the full-scale invasion, Russian forces have never agreed to or facilitated a “green corridor” for the evacuation of civilians from areas of active hostilities within Ukraine. On the contrary, Russian forces have employed, and continue to employ, a tactic of deliberately firing upon vehicles in which local residents attempt to flee combat zones. Numerous instances have been documented of civilians being shot while attempting to evacuate on foot or by bicycle⁸³, even where vehicles or individuals were marked with a white flag.

Whereas, at the outset of the full-scale invasion, such attacks were carried out from established military positions, the evolution of means and methods of warfare and the extensive use of unmanned aerial vehicles have led to numerous documented incidents of vehicles and civilians attempting to evacuate being targeted by FPV drones. This demonstrates the intentional nature of such conduct, as drone operators are able, through live video transmission, to identify whether a person is a combatant or a civilian. Such acts lack any conceivable military justification and form part of a policy of intimidation, forced confinement of the civilian population in occupied territories, and the deliberate creation of a humanitarian catastrophe⁸⁴.

Russian forces have also widely practised so-called “mopping-up” operations targeting the civilian population in areas of hostilities, including the shooting of Ukrainian civilians, particularly men sheltering in buildings or basements from shelling⁸⁵.

At the end of 2025 and the beginning of 2026, incidents were documented in which Russian UAVs attacked trains operated by Ukrainian Railways transporting civilians, connecting frontline communities with relatively safer areas and frequently serving as

82 New Lines Institute, An Independent Legal Analysis of the Russian Federation's Breaches of the Genocide Convention in Ukraine and the Duty to Prevent, May 2022, available at: <https://surl.lt/lbnsyf>

83 National Police of Ukraine, Vehicles Carrying Civilians Attempting to Evacuate Came under Fire: The National Police Establish Witnesses to Russian Terror in Kyiv Oblast, 19 July 2024, available at: <https://surl.li/exofap>

84 Sumy Today, In Sumy Oblast, Russian Forces Killed Two Civilians Attempting to Evacuate, 27 January 2026, available at: <https://surl.li/hsoqtu>

85 Dmytro Lubinets, Telegram, Cruelty Knows No Bounds: Russians Likely Killed Seven Civilians in Pokrovsk, 29 December 2025, available at: https://t.me/dmytro_lubinetzs/10710

means of evacuation from areas of active hostilities⁸⁶.

Another tactic employed by Russian forces has been to permit civilians in areas of hostilities to evacuate only towards temporarily occupied territories or to the territory of the Russian Federation, where they are subjected to filtration procedures, arbitrary detention, extrajudicial executions⁸⁷, forced displacement and deportation⁸⁸.

In further violation of the laws and customs of war, Russian forces have deliberately destroyed, using heavy-calibre weapons, buildings serving as shelters for civilians in areas of active hostilities, even where such buildings bore written markings indicating their civilian character ("people here", "children", etc.). The most striking example is the destruction, on 16 March 2022, of the Mariupol Drama Theatre by a powerful aerial bomb. The building was being used as an air raid shelter, and the word "CHILDREN" had been written in large letters on the ground outside. The exact death toll remains unknown, with estimates ranging from 300 to 600 persons⁸⁹.

Russian forces thus not only carry out deliberate killings, but also deter civilians from any attempt to evacuate or seek safety from hostilities. Given that these individuals are effectively besieged and trapped by circumstances, such conduct creates conditions calculated to bring about their destruction.

DESTRUCTION OF CRITICAL AND SOCIAL INFRASTRUCTURE. In besieged cities, the Russian armed forces have operated according to a similar brutal pattern: first striking water supply, electricity and communications infrastructure, and subsequently targeting medical facilities, grain storage sites and humanitarian aid distribution centres. This indicates a military strategy and policy aimed at deliberately creating lethal conditions for Ukrainians. Consistent and deliberate attacks on healthcare facilities have also been documented. These coordinated actions, directed at depriving Ukrainian civilians of essentials for survival and subjecting them to devastating conditions, demonstrate that

86 Kharkiv Human Rights Protection Group, Hunting Civilians: Russian Drones Attack a Passenger Train in Kharkiv Oblast and Minibuses in Zaporizhzhia Oblast, 27 January 2026, available at: <https://surl.li/ccpxer>

87 Luhansk Regional Human Rights Centre Alternative, Walk a Tightrope and Survive. Filtration and illegal detention of Ukrainian civilians in the occupied territories of Ukraine, 2025, available at: <https://surl.li/ejjaks>

88 Luhansk Regional Human Rights Centre Alternative, Lost Roots. Forced Displacement and Deportation of Ukrainian Citizens from the Temporarily Occupied Territories of Ukraine, 2025, available at: <https://surl.li/ygduga>

89 Radio Svoboda, "And Then There Was an Explosion": New Testimonies on the Russian Airstrike against the Mariupol Drama Theatre, 15 March 2025, available at: <https://surl.li/xjdond>

such sieges are calculated to bring about physical destruction⁹⁰.

During hostilities and occupation, the Russian Federation has deliberately razed cities — destroying residential buildings, commercial premises, social and municipal infrastructure, transport routes and other elements constituting the urban environment. In doing so, it has pursued a **policy of urbicide** aimed at creating chaos, weakening the economy and destroying cultural heritage. Such conduct may be characterised not merely as violations of the laws of war, but as part of a systematic policy of depriving the civilian population of the basic conditions necessary for survival.

LARGE-SCALE DESTRUCTION OF HOUSING. The ongoing Russian aggression has resulted in the most extensive destruction of residential housing stock and urban infrastructure in Europe since the Second World War. The sustained shelling of cities with missiles and artillery constitutes an integral component of the methods and means of warfare employed by the Russian Federation. This has led to widespread destruction of residential housing in cities and settlements, particularly those located in proximity to the frontline.

Numerous Ukrainian settlements have already been razed to the ground in the course of occupation by the Russian Federation, and additional settlements continue to disappear daily as hostilities persist. Mariupol, Bakhmut, Soledar, Avdiivka, Marinka, Volnovakha, Popasna, Rubizhne and Siverskodonetsk — cities of the Donbas region — have been destroyed entirely or almost entirely (between 80 and 100 per cent). Dozens of other cities in Donetsk and Luhansk oblasts have sustained destruction ranging from 30 to 80 per cent. Such localities have been subjected to total devastation as a result of civilian deaths and the displacement of those who survived. This, in turn, has resulted in mass homelessness among the remaining population and has generated a profound social catastrophe in occupied cities.

As of November 2024, direct losses to the housing sector amounted to nearly USD 60 billion. This constitutes the single largest category of direct losses, accounting for more than one third of the total amount. The total number of destroyed or damaged residential properties stands at approximately 236,000 buildings, including 209,000 private (individual) houses; 27,000 multi-storey residential buildings; and 600 dormitories. In total, approximately 1.4 million households (around 3.4 million persons) have been left without housing or with damaged housing⁹¹.

90 New Lines Institute, An Independent Legal Analysis of the Russian Federation's Breaches of the Genocide Convention in Ukraine and the Duty to Prevent, May 2022, available at: <https://surl.lt/lbnsyf>

91 Kyiv School of Economics, Report on Direct Infrastructure Damage Resulting from Russia's Military Aggression against Ukraine as of November 2024, February 2025, available at: <https://surl.li/mveoyh>

The number of damaged residential buildings continues to increase as a result of ongoing active hostilities in the territories of Kharkiv, Luhansk, Donetsk, Zaporizhzhia, Kherson, Sumy and Dnipropetrovsk oblasts, as well as in temporarily occupied territories of Ukraine, and across other parts of the country due to regular missile strikes.

CONFISCATION OF HOUSING FROM UKRAINIAN CITIZENS IN TEMPORARILY OCCUPIED TERRITORIES. Occupation authorities are implementing a policy of large-scale redistribution of private property in temporarily occupied territories, which includes physically preventing Ukrainian citizens who have left such territories from accessing their own homes, as well as the “nationalisation” of their housing and the housing of those who remain but are unable to prove ownership in accordance with the requirements imposed by the occupation authorities.

The possession of a passport of a citizen of the Russian Federation is mandatory for the conduct of any real estate transactions. At the same time, Ukrainian citizens who have left temporarily occupied territories and attempt to return in order to re-register their property encounter systematic denial of entry to the territory of the Russian Federation. Entry into the territory of the Russian Federation for Ukrainian citizens without a Russian passport is permitted only through a single border crossing point — Sheremetyevo International Airport.

The majority of Ukrainian citizens attempting to enter the territory of the Russian Federation are denied entry. Documented cases indicate that such entry bans may be imposed for periods of 50 or even 100 years. The only document provided to the individual concerned is a notification of ban on entry with reference to a legal provision concerning a threat to security, without any explanation of the underlying reasons, thereby rendering the appeal procedure practically ineffective.

Until December 2025, Ukrainian citizens retained the possibility of issuing a power of attorney at consular offices of the Russian Federation abroad in favour of a citizen of the Russian Federation, authorising the latter to conduct transactions concerning immovable property located in temporarily occupied territories. However, this — effectively the sole mechanism available to protect property in temporarily occupied territories from being declared ownerless and subsequently nationalised — was eliminated following the adoption on 29 December 2025 of **Presidential Decree No. 1006** “On Amendments to Presidential Decree of the Russian Federation of 24 December 2024 No. 1103 ‘On the Peculiarities of State Registration of Legal Entities Located in the Territories of the Donetsk People’s Republic, the Luhansk People’s Republic, Zaporizhzhia Oblast and Kherson Oblast, and State Registration of Rights to Immovable Property’”.

This Decree establishes, until 1 January 2028, a prohibition on notarial acts certifying powers of attorney issued by citizens of so-called unfriendly foreign states for

representation in matters related to transactions involving immovable property located in the aforementioned regions, the state registration of rights to such property, and the performance of other legally significant acts⁹².

In addition, on 15 December 2025, President of the Russian Federation Vladimir Putin signed **Law No. 1052810-8** "On Amendments to Certain Federal Constitutional Laws (Concerning the Extension of a Number of Temporary Provisions Aimed at the Integration of the Reunified Subjects into the Economic, Financial and Legal System of the Russian Federation)". Pursuant to this law, occupation administrations in parts of Donetsk, Luhansk, Kherson, and Zaporizhzhia oblasts occupied by the Russian Federation were granted the authority to appropriate "ownerless" housing. Housing may be declared "ownerless" where the owner "cannot be identified" or in the absence of "valid documents" confirming ownership.

Such property is subject to confiscation by the Russian occupation administration. Should the owner reappear, monetary compensation may be provided, but only if the individual holds Russian citizenship. This provision remains in force until 2030⁹³.

The law does not establish clear criteria under which housing may be declared "ownerless", thereby granting occupation structures broad discretionary powers to determine which properties are subject to confiscation. As a result, not only those who were forced to leave due to the war, but also individuals who continue to reside in occupied territories are placed at risk. Experts note that this mechanism creates the conditions for the systematic appropriation of Ukrainian property⁹⁴.

Although this law does not introduce a fundamentally new practice, but rather consolidates at the federal level measures that the Russian Federation has implemented for years in temporarily occupied territories⁹⁵, it formalises and legitimises the established practice of confiscation and redistribution of property belonging to Ukrainian citizens in such territories, thereby demonstrating the deliberate and systematic nature of the policy

92 Embassy of Russia in Denmark, Facebook, In Connection with the Decree of the President of the Russian Federation of 29 December 2025 No. 1006, 27 January 2026, available at: <https://surl.li/etmkmo>

93 Radio Svoboda, Putin Signs Law on the Appropriation of 'Ownerless' Housing in Occupied Territories of Ukraine, 16 December 2025, available at: <https://surl.li/ciztvj>

94 RBC-Ukraine, Russia Legalises Mass Appropriation of Housing in Occupied Territories, 10 December 2025, available at: <https://surl.li/pboyvf>

95 Zmina, Russia Legalises Mass Appropriation of Ukrainians' Housing in Temporarily Occupied Territories: Human Rights Defenders Explain the Consequences, 22 December 2025, available at: <https://surl.li/jpigok>

pursued by the Russian Federation in this sphere.

“Nationalised” housing is used to accommodate occupying military personnel, to house officials arriving from the Russian Federation to serve in occupation administrations, and to improve the living conditions of collaborators and individuals loyal to the occupation authorities. In rare cases, “nationalised” housing is allocated to persons whose homes were destroyed during hostilities.

Furthermore, on the sites of destroyed buildings located on valuable land plots, occupation authorities construct new residential complexes, flats in which are sold under mortgage arrangements. Against the backdrop of widespread impoverishment of the local population, such flats are purchased by individuals arriving from the Russian Federation. Local residents whose homes were destroyed continue to reside in ruins or, at best, in accommodation belonging to others.

POPULATION REPLACEMENT. In temporarily occupied territories, a deliberate policy aimed at altering the demographic composition of the population is being implemented by the Russian Federation through a wide range of instruments employed by the occupation authorities. This is achieved both through coercive measures and through inducements, including *(most of these systemic instruments employed by the occupation authorities have been described in detail in previous publications of the Luhansk Regional Human Rights Centre Alternative)*:

- ➔ filtration procedures, expulsion, and deportation of Ukrainian citizens deemed disloyal to the occupation authorities⁹⁶;
- ➔ forced transfer and deportation of Ukrainian citizens, including children, from temporarily occupied territories⁹⁷;
- ➔ forced passportisation;
- ➔ deprivation of property rights, nationalisation, and redistribution of housing belonging to Ukrainian citizens in temporarily occupied territories;
- ➔ physical denial of access and prohibition of entry for Ukrainian

⁹⁶ Luhansk Regional Human Rights Centre Alternative, Walk a Tightrope and Survive. Filtration and illegal detention of Ukrainian civilians in the occupied territories of Ukraine, available at: <https://surl.li/ejjaks>

⁹⁷ Luhansk Regional Human Rights Centre Alternative, Lost roots. Forced Displacement and Deportation of Ukrainian Citizens from the Temporarily Occupied Territories of Ukraine, January 2025, available at: <https://surl.li/ygduga>

citizens into temporarily occupied territories;

- ➔ incentivising citizens of the Russian Federation to resettle in temporarily occupied territories through preferential mortgage rates of 2 per cent per annum for the purchase of real estate in such territories (compared with average mortgage rates of 8–10 per cent in the Russian Federation)⁹⁸;
- ➔ adoption and implementation of state programmes of the Russian Federation aimed at attracting managerial personnel and employees of medical and educational institutions to temporarily occupied territories⁹⁹;
- ➔ recruitment of students from economically depressed regions of the Russian Federation to study at higher education institutions located in temporarily occupied territories¹⁰⁰;
- ➔ the enforced separation of residents of temporarily occupied territories from Ukraine and their former compatriots through the blocking of electronic information resources and the creation of a digital ghetto in such territories¹⁰¹;
- ➔ the creation of conditions in which the survival of Ukrainians in temporarily occupied territories is possible only upon renunciation of Ukrainian identity or, at a minimum, its concealment¹⁰²;
- ➔ other methods.

Such a comprehensive policy results in the creation of living conditions incompatible

98 Luhansk Regional Human Rights Centre Alternative, Life in the Ruins. Humanitarian situation in the Russian-occupied territories of Ukraine (access to housing), October 2024, available at:

<https://surl.li/rbmwnx>

99 Luhansk Regional Human Rights Centre Alternative, Forced Reality. Humanitarian situation in the Russian-occupied territories of Ukraine (access to food, water and medical services), November 2024, available at: <https://surl.li/qgkrby>

100 Luhansk Regional Human Rights Centre Alternative, Hostages to the System: Education under Occupation, December 2024, available at: <https://surl.lu/acpram>

101 Luhansk Regional Human Rights Centre Alternative, The Subscriber is Out of Reach. Creating a Digital Ghetto in the Temporarily Occupied Territories of Ukraine, September 2025, available at: <https://alterpravo.org.ua/vidannya/>

102 Luhansk Regional Human Rights Centre Alternative, Russification and the Eradication of Ukrainian Identity in Temporarily Occupied Territories of Ukraine, March 2025, available at: <https://surl.lu/kmicge>

with the continued existence of the Ukrainian people / Ukrainian nation in temporarily occupied territories and leads to the effective displacement of Ukrainian citizens therefrom. Simultaneously, citizens of the Russian Federation — ethnic Russians and representatives of other nationalities — are resettled in these territories, resulting in an alteration of the demographic composition and rendering the return of Ukrainians increasingly unattainable.

Acts Intended to Prevent Births within the Group

The prevention of births within a protected group constitutes a distinct form of the crime of genocide under the 1948 Convention and the Rome Statute and encompasses both direct acts and the deliberate creation of social, medical, and security conditions under which the birth and upbringing of children becomes impossible or is contingent upon forced displacement from the group.

SEXUAL VIOLENCE. The scale of reports concerning sexual violence and rape in territories occupied by the Russian Federation indicates the widespread and systematic character of acts committed by Russian forces, including gang rape, the rape of parents in the presence of their children and vice versa, and sexual slavery. Rape and sexual violence may constitute multiple acts of genocide, including measures intended to prevent births within the group, and may result in well-documented long-term physical and biological harm. The full scale of sexual violence committed in the course of this war will become known only over time and is likely never to be fully ascertained¹⁰³.

DENIAL OF REGISTRATION OF PREGNANT WOMEN AND REFUSAL TO PROVIDE OBSTETRIC CARE IN THE ABSENCE OF A RUSSIAN PASSPORT. In temporarily occupied territories, numerous cases have been documented in which representatives of health-care institutions, acting upon instructions from

Russian occupation administrations, refuse to register pregnant Ukrainian women who do not hold a passport of the Russian Federation. As a result, such women are deprived of access to medical supervision and social benefits. At the same time, the passportisation of

103 New Lines Institute, An Independent Legal Analysis of the Russian Federation's Breaches of the Genocide Convention in Ukraine and the Duty to Prevent, May 2022, available at: <https://surl.it/lbnsyf>

the expectant mother automatically results in her child being recognised as a “Russian”¹⁰⁴.

Forcible Transfer of Children from One Group to Another

The forcible transfer of children from one national group to another is expressly defined by the Convention and the Rome Statute as a form of the crime of genocide, irrespective of whether it is carried out through physical deportation or through the forced alteration of citizenship and identity.

At the same time, the transfer of children from one national group to another does not in itself constitute genocide; it amounts to genocide only where such transfer is carried out with the intent to destroy the group, in whole or in part. A number of public statements by individual public figures provide evidence that the Russian Federation indeed possesses such genocidal intent.

Sergey Mardan, commentator of Komsomolskaya Pravda radio, stated: “These children, who from birth were brainwashed into being made ‘Ukrainians’, must be carefully and systematically re-educated. The children must be raised as normal Russian people and Russian citizens, and must not, at public expense, be nurtured in longing for a ‘lost Ukrainian paradise’. [...] Any family in Russia that now demands Ukrainian language lessons for its children is a cell of ‘Ukrainian ISIS’¹⁰⁵ (30.03.2023).

Maryana Naumova, war correspondent of Channel One, stated: “Well, those [Ukrainian civilians killed during the war] have families, they have children. And if these children remain under the control of the existing Ukrainian regime, if NATO and various Western advisers operate there, then in a few years new people will grow up with hostility at the genetic level. Therefore, what has been started must be brought to

¹⁰⁴ Ukrinform, Pregnant Ukrainian Women without Russian Passports Are Not Registered in Temporarily Occupied Territories – Centre for National Resistance, 8 July 2024, available at: <https://surl.li/eqlprd>

¹⁰⁵ Mardan, Telegram, If Children Who Arrived in Russia from Ukraine, the LPR, the DPR, Zaporizhzhia and Kherson Oblasts Wish to Study the Ukrainian Language, 30 March 2023, available at: <https://t.me/mardanaka/13790>

completion, and for many years we must work with [Ukrainian] children — offer them certain benefits and opportunities for development in the Russian world, reprogramme them, so to speak”¹⁰⁶ (15.10.2023).

PHYSICAL DEPORTATION OF CHILDREN FROM TEMPORARILY OCCUPIED TERRITORIES TO THE RUSSIAN FEDERATION. According to data from the competent authorities of Ukraine, *as of December 2025, 19,546 children had been deported from temporarily occupied territories to the Russian Federation.* This figure reflects only those cases in respect of which applications were submitted to the National Information Bureau, which maintains records of forcibly transferred and deported persons, by parents, relatives, witnesses or local authorities concerning the deportation or forced transfer of a child, and which have been officially verified.

In reality, the number of deported Ukrainian children may be significantly higher. The Russian Federation persistently refuses to provide Ukraine or other international actors with any data concerning transferred children and effectively obstructs verification of the actual number of deported children¹⁰⁷.

*Further information on the deportation of children from temporarily occupied territories to the Russian Federation is available in the analytical publication **Lost Roots. Forced Displacement and Deportation of Ukrainian Citizens from the Temporarily Occupied Territories of Ukraine by the Luhansk Regional Human Rights Centre Alternative***¹⁰⁸.

IMPOSITION OF RUSSIAN CITIZENSHIP ON ALL NEWBORNS IN TEMPORARILY OCCUPIED TERRITORIES. All children born in temporarily occupied territories are, by default, considered citizens of the Russian Federation by the occupation administrations. This severs the symbolic link between the children and the identity and citizenship of their parents.

FORCED ASSIMILATION OF CHILDREN THROUGH PROPAGANDA AND RUSSIFICATION. Children and youth constitute the primary targets of Russian propaganda in temporarily

106 YouTube channel Marianna Naumova, “A Situation Similar to That between Hamas and Israel Could Be Repeated Here,” Says War Correspondent Marianna Naumova, 15 October 2023, available at: <https://surl.lu/ascvdt>

107 Carina Ödebrink, Special Rapporteur and Member of Parliament (Sweden), OSCE PA Parliamentary Support Group for Ukraine, Abduction and Deportation of Ukrainian Children by Russia, 2025, available at: <https://surl.li/jzmvni>

108 Luhansk Regional Human Rights Centre Alternative, Lost roots. Forced Displacement and Deportation of Ukrainian Citizens from the Temporarily Occupied Territories of Ukraine, December 2024, available at: <https://surl.li/qihept>

occupied territories, as this category is central to the formation of future loyalty to the occupation authorities. Such propaganda is embedded so deeply that the prescribed narratives become integrated into the personal identity of children and firmly entrenched in their worldview. Although no physical relocation of children from one group to another occurs, as children in temporarily occupied territories do not change their place of residence and remain with their families, a forced transformation of their identity (together with that of their parents and other adults) is taking place, thereby effecting their assimilation into another group.

This approach corresponds to the contemporary interpretation of the Convention, pursuant to which the forcible transfer of children may occur not only through physical removal but also through forced assimilation and the destruction of group identity.

Further information on the operation of Russian propaganda aimed at altering the identity of children in temporarily occupied territories is available in the analytical publication *Constructing the Russian Reality. Russian Propaganda in the Temporarily Occupied Territories of Ukraine* by the Luhansk Regional Human Rights Centre Alternative¹⁰⁹.

109 Luhansk Regional Human Rights Centre Alternative, *Constructing the Russian Reality. Russian Propaganda in the Temporarily Occupied Territories of Ukraine*, May 2025, available at: <https://surl.lt/zfvayb>

Analytical Conclusions

GENOCIDE AS PHYSICAL DESTRUCTION. The existing international legal framework on genocide is grounded in the understanding of this crime as the intentional and *primarily physical* and biological destruction of one of the protected groups. This formulation represents a compromise reached among States participating in the drafting of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. At the same time, the original conception of the crime advanced by Raphael Lemkin, who coined the term “genocide”, was significantly broader and encompassed a wider range of protected groups, including political and social groups, as well as a broader spectrum of forms of the crime, notably cultural genocide.

INDICATORS OF GENOCIDE IN CRIMES COMMITTED BY THE USSR IN UKRAINE. Crimes committed by the Soviet Union against the Ukrainian people / Ukrainian nation in the first half of the twentieth century, including the Holodomor, contain substantial indicators of genocide. However, individual criminal responsibility for those crimes cannot presently be established, as they were committed prior to the adoption of the foundational 1948 Convention.

THE NEED TO ESTABLISH THE COMMISSION OF GENOCIDE BY THE RUSSIAN FEDERATION IN CONNECTION WITH ITS ARMED AGGRESSION AGAINST UKRAINE. The evidence currently available indicates that Russian authorities and military forces are committing grave crimes in Ukraine against the Ukrainian people. These atrocities frequently constitute war crimes and also crimes against humanity. Such crimes, however, do not automatically amount to genocide, which is defined by a specific set of legal elements set out in the 1948 Genocide Convention and the Rome Statute. Nevertheless, the international community is under an obligation to respond to such crimes. The analysis of empirical data collected in the course of this publication demonstrates not isolated incidents of ill-treatment or isolated crimes, but a systematic and coordinated policy implemented through the armed forces of the Russian Federation, occupation administrations, law enforcement agencies, the judicial system, and educational and

medical institutions in the temporarily occupied territories of Ukraine.

Proceedings are currently pending before the International Court of Justice concerning the establishment that Ukraine did not commit genocide in the Donbas in 2014–2021. The legal assessment of acts committed by the Russian Federation in connection with its armed aggression against Ukraine from the perspective of the existence or absence of genocide will require a separate application (or an amendment to the existing application by way of a new claim) and distinct judicial proceedings.

FEATURES OF THE RUSSIAN STRATEGY FOR THE DESTRUCTION OF UKRAINIANS AS A GROUP PROTECTED BY THE CONVENTION.

A principal difficulty in establishing the commission of genocide in Ukraine lies in the fact that the Russian strategy is only partially directed towards the physical or biological destruction of Ukrainians. The temporarily occupied territories of Ukraine have become the primary locus for the implementation of this strategy, where the absence of effective international oversight enables the Russian Federation to systematically introduce practices aimed at the destruction of Ukrainian identity and the coercive imposition of an alternative national-political identity.

The less visible dimension of this strategy is directed at the destruction of the national and political identity of Ukrainians and its replacement with a Russian worldview. In this manner, the Ukrainian national-political group is targeted not only through physical destruction but also through coercion of individuals to renounce their identity under threat of physical violence or moral and psychological pressure.

Monitoring materials and analytical publications concerning life in the temporarily occupied territories of Ukraine are not merely descriptive but also evidentiary in nature, as they enable the identification of patterns, scale and logical consistency in the actions of the occupation authorities of the Russian Federation across different regions and over time. Such an aggregate of facts is critically important for establishing the existence of special intent — the defining element of the crime of genocide.

ABSENCE OF EFFECTIVE INTERNATIONAL LEGAL MECHANISMS FOR THE CESSATION OF GENOCIDE.

Practice demonstrates that while the international community has developed mechanisms for the prosecution of those responsible for genocide, it lacks effective mechanisms for the cessation of genocide.

Recommendations

International and Ukrainian human rights and civil society organisations should continue monitoring, documenting and systematising crimes committed by the Russian Federation in connection with its armed aggression against Ukraine for potential use in proceedings before the International Court of Justice or other judicial institutions and for the substantiation of Ukraine's claim of genocide against the Ukrainian people.

Further documentation should prioritise the temporarily occupied territories of Ukraine as the principal locus of the implementation of genocidal practices, in particular in the areas of housing, health care, education, demographic policy and the forced alteration of identity.

Expert and civil society organisations should continue analysing genocidal rhetoric emanating from the Russian Federation and collecting evidence of support for an ideology of genocide against the Ukrainian people among the Russian political elite.

At the political and diplomatic levels:

- promote the recognition by foreign parliaments of acts committed by the Russian Federation in connection with its armed aggression against Ukraine as exhibiting indicators of genocide against the Ukrainian people;
- continue examining and analysing the possibility of Ukraine filing a separate application before the International Court of Justice and the International Criminal Court seeking recognition of acts committed by the Russian Federation in connection with its armed aggression against Ukraine as genocide against the Ukrainian people and holding those responsible individually criminally liable;
- compile a list of States exercising universal jurisdiction and examine the possibility of Ukraine filing a separate application before their judicial authorities seeking recognition of acts committed by the Russian Federation in connection with its armed aggression against Ukraine as genocide against the Ukrainian people;
- develop proposals for the expansion of provisions of the national

legislation of Ukraine concerning the crime of genocide, in particular with regard to the extension of protected groups and possible forms of commission;

- examine the experience of Italy concerning the criminalisation of acts of cultural genocide and assess the need to incorporate analogous provisions into the national legislation of Ukraine;
- explore the expansion of the interpretation of genocide under Ukrainian and international law to include cultural genocide and the forced alteration of identity;
- deepen analysis of the role of various state institutions of the Russian Federation and occupation administrations in the implementation of genocidal policy, with a view to demonstrating coordination between military, civilian and quasi-judicial structures as evidence of Russian state intent to destroy the Ukrainian nation;
- take measures to establish a network of study centres or other platforms in third countries, particularly in Europe, for conducting interdisciplinary research on genocide in the context of the armed aggression of the Russian Federation against Ukraine;
- support development of expert narratives concerning acts of genocide committed by the Russian Federation in the context of its armed aggression against Ukraine;
- inform the United Nations Office on Genocide Prevention and the Responsibility to Protect, as well as the Special Adviser of the Secretary-General for the Prevention of Genocide, of specific indicators of genocide in acts committed by the Russian Federation in connection with its armed aggression against Ukraine.