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## 1. Background

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There is much discussion on whether Russia is committing genocide in Ukraine. Experts agree that there are clear violations of international law, atrocities are happening, crimes against humanity are apparent, and violence is escalating. Whether this has tipped over into genocide, is, as yet, unclear, with experts in genocide differing in position. The difficulty comes down to assessing INTENT to destroy the group.

This [BBC article](#) gives a good summary of the main arguments, which are also summarized below, with links to relevant content.

## 2. What's happening in Ukraine?

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- 2.1 As of 18th April 2022, the UN Office of the High Commissioner for Human Rights has recorded [4,890 civilian casualties in the country: 2,072 killed and 2,818 injured](#). Most of the civilian casualties recorded were caused by the use of explosive weapons with a wide impact area, including shelling from heavy artillery and multiple launch rocket systems, and missile and air strikes. OHCHR believes that the actual figures are considerably higher.
- 2.2 Human Rights Watch has documented [summary executions, and rape of Ukrainian women](#) by Russian soldiers.
- 2.3 There are reports of [forcible relocation](#) of Ukrainians citizens, including children, from Ukraine to Russia.
- 2.4 More than [5 million people](#) have fled Ukraine since the beginning of the conflict.
- 2.5 There appear to be evidence of Ukrainian soldiers mistreating Russian prisoners of war. See HRW [article here](#). The alleged abuse by Ukrainian soldiers appears to be by small-scale, and the Ukrainian authorities have stated that if proved, will be punished.
- 2.6 The alleged abuse by Russian military appears widespread and is escalating. The Russian state position is blanket denial. Meanwhile, Russia has [shutdown Human Rights Watch](#) and other international NGOs in its territory.
- 2.7 The International Criminal Court dispatched a team to investigate war crimes and crimes against humanity from all sides of the conflict, on March 4<sup>th</sup>.

### **3. Genocide, Crimes Against Humanity, and War Crimes**

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**3.1 GENOCIDE**, as codified by the [1948 Genocide Convention](#) under Article II is:

‘Any of the following acts **committed with intent to destroy**, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.’

GENOCIDE CAN OCCUR DURING CONFLICT OR IN PEACE-TIME.

**3.2 CRIMES AGAINST HUMANITY**, as laid out in Article 7 of [The Rome Statute of the International Criminal Court](#) are crimes such as murder, extermination, rape, enslavement, persecution and other inhumane acts of a similar character intentionally causing great suffering or serious injury, committed as part of a **widespread or systematic attack** directed against any civilian population, **with knowledge of the attack** – see [UN definition here](#).

**3.3 WAR CRIMES**, as laid out in Article 8 of [The Rome Statute of the International Criminal Court](#) are serious breaches of the Geneva Convention and other international humanitarian law, committed against civilians or enemy combatants during an international or domestic armed conflict. These can include intentionally directing attacks against civilians and civilian objects, causing great suffering, torture, and other inhumane treatment, taking hostages, attacking undefended places, intentionally launching an attack knowing it which could cause incidental loss of life and environmental damage outweighing the anticipated military advantage. See [UN explanation here](#).

**3.4 The key differences are:**

- Genocide requires a specific target group
- Genocide involves intent to destroy the target group
- Crimes against humanity can be committed against any civilian population, regardless of its affiliation or identity, the only intent is to commit any of the acts listed (although persecution also requires discriminatory intent)
- War crimes can be committed against diverse victims, both military and none.
- Both genocide and CAH can occur during conflict or peacetime. War crimes can only occur during conflict.

#### **4. Is Russia Committing Genocide in Ukraine?**

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- 4.1 Ukrainian President Volodymyr Zelenskyy has stated genocide is happening. He bases this on the targetting of a children’s hospital on 9<sup>th</sup> March, 2022.
- 4.2 Philippe Sands, QC, International Human Rights Lawyer, argues that the President is using it in a [political, not legal, sense](#). He argues that Russia may be conducting the crime of aggression (which is punishable in the International Criminal Court).
- 4.3 [Associate Professor, Eugene Finkel](#) (International Law, Johns Hopkins University) argues that what is happening is genocide, arguing that initial invasion and actions were colonial, not genocidal, but shifted during the conflict. Clear evidence of the shift appeared in an article by Russian State-owned news agency RIA Novosti on April 3rd, titled “What Should Russia do With Ukraine?”. The article states that Ukraine “is impossible as a nation state”, the elite “need to liquidated”, and ultimately this would “inevitably mean de-Ukrainianization.” Ass. Prof Finkel argues this is a ‘clear, actionable statement of intent by a state agency.’ Read Ass. Prof. Finkel’s article [What’s happening in Ukraine is genocide. Period.](#), here, and read his twitter threads explaining his position in depth [here](#) and follow up thread [here](#).
- 4.4 Distinguished Professor Alexander Laban Hinton (Director of Center for the Study of Genocide and Human Rights, Rutgers University) argues that there is [significant risk that Russia will commit genocide](#), however, whether the legal threshold for that has been met, is unclear. Read Professor Hinton’s Op-ed for the LA Times - [Warcrimes or Genocide?](#); and listen to him interviewed on [What is Genocide and Has the Legal Threshold Been Crossed in Ukraine](#).
- 4.5 Dr. Jonathan Leader Maynard (International Politics, Kings University) states that while it is clear atrocities are happening, and there seems to be a growth of genocidal ideology and rhetoric amongst Russian elite, there is no clear evidence of this being applied to policy-making or planning, therefore, genocide cannot be proved at present. This could change. Read Dr. Maynard’s article [Is Genocide Occurring in Ukraine](#), for Just Security, and his twitter threads explaining his position in more depth [here](#). and [here](#).

#### **5. Assessing if this is Genocide**

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- 5.1 It is clear that crimes against humanity and war crimes are occurring.
- 5.2 There is increasing evidence of genocidal rhetoric from Russian political leadership and people in power. It is unclear, as yet, whether that is spilling over in to lines of command, however, it is likely to be influential, and could amount to genocide. However, as yet, this is not proved, and there is no legal determination of genocide.
- 5.3 The International Criminal Court dispatched a team to investigate war crimes and crimes against humanity from all sides of the conflict, on March 4th. They will investigate all allegations, and consider evidence from all sides.
- 5.4 Russia is not a party to the ICC. Although they signed the Rome Statute in 2000, they never ratified the agreement, and withdrew in 2016. Therefore, it is unlikely they will comply with the court. They could, however, be tried in domestic courts, or, potentially, through the UN, via special tribunals, similar to those conducted for the former Yugoslavia and Rwanda.

## **6 What Can the UK do to Prevent Genocide and Further Atrocities?**

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**6.1 The situation is critical. At the very least, crimes against humanity and war crimes are evident. Russia may be conducting the crime of aggression. There is a serious risk of genocide, if it is not already occurring.**

6.2 The UK has a significant and important role to play, and has the potential to lead the international community on this. The UK has already shown support to Ukraine. As a permanent member on the UN Security Council, and as a founding member of NATO, the UK is well placed to lead the way on interventions to stop the conflict escalating further, to stop ongoing atrocities, and to prevent further atrocities and genocide.

### **We must:**

1. Fulfil our existing obligations to the UN Genocide Convention and the UK International Criminal Court Act;
2. Act swiftly through trade, defence, foreign and domestic policies, including sanctions, as well as other support;
3. Support international organisations such as the ICC to resource and undertake investigations;
4. Provide safe routes to refuge for all people fleeing the conflict and related violence regardless of identity;
5. Integrate existing commitments to international peace efforts (e.g. the UN Security Council, NATO, the International Criminal Court, the Responsibility to Protect) with domestic and foreign policy to help stop the conflict, and prevent further atrocities;

### **As a long-term strategy, to prevent genocide we must:**

1. Monitor at risk countries, and act swiftly when risk factors are identified ([through trade, defence, foreign and domestic policies](#));
2. Embed atrocity-prevention, in addition to poverty relief, as a core purpose of UK Aid, with an emphasis on strengthening civil society upstream prevention initiatives;
3. Ensure UK personnel overseas are trained in recognising and reporting on early warning signs;
4. Create a government-wide genocide and atrocity prevention strategy that straddles domestic and foreign policy;
5. Commit to creating and undertaking tribunals and courts to try suspects of genocide in the UK.

## **7. Further reading/listening**

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- European Centre for R2P (ECR2P) [blog Series on the crisis in Ukraine](#).
- Council on Foreign Relations, Global Conflict Tracker updated [figures for Ukraine](#).
- Rape as a [weapon of war](#) in Ukraine.
- Reliefweb forced displacement and its history in Ukraine [analysis](#).
- Ukraine [conflict updates](#) from Institute for the Study of War.