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## **RUSSIA'S CRIMES AGAINST HUMANITY: PROBLEMS OF INVESTIGATION AND ACCOUNTABILITY**

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**ABSTRACT:** The article comprehensively addresses the profound issues of military crimes (often referred to as war crimes) committed by the Russian Federation on the sovereign territory of Ukraine in the context of its ongoing, full-scale military aggression. The sheer scale and scope of these violations necessitate a rigorous legal response. The article lists and examines several key international agreements and treaties that have been directly and flagrantly violated by the aggressor state. This typically includes core tenets of the Geneva Conventions of 1949 and their Additional Protocols, particularly those concerning the protection of civilians, wounded combatants, and prisoners of war, as well as provisions from the Rome Statute of the International Criminal Court (ICC). The article underscores that these violations are not merely isolated incidents, but are part of a discernible pattern of unlawful conduct. The central challenge explored is the crucial problem of upholding international humanitarian law (IHL) and ensuring the protection of human rights during the large-scale war waged against Ukraine. This discussion is framed by the specific difficulties inherent in conflict zones, such as targeting civilian infrastructure, indiscriminate attacks, and deliberate breaches of the principles of distinction and proportionality. The article considers practical strategies, where recommendations are formulated as to evidence collection regarding the military crimes committed by Russian troops on the territory of Ukraine. Effective evidence collection is paramount and must adhere to international legal standards to be admissible in court. Key methodologies discussed include forensic documentation, digital evidence preservation (e.g., satellite imagery, intercepted communications, social media footage), victim and witness testimonies, and the secure maintenance of chains of custody for physical evidence. The ultimate purpose of this meticulous documentation is articulated as follows: to use this evidence in the future to prosecute the state perpetrators of military crimes. This ambitious goal extends beyond individual accountability for soldiers to potentially holding the Russian state and its high-ranking leadership responsible before international tribunals, such as the ICC, the International Court of Justice (ICJ), or a specially created ad hoc tribunal. Therefore, the focus is on building robust legal cases that ensure justice for victims and reaffirm the principle that even in war there are rules that must be followed.

**KEYWORDS:** international humanitarian law, human rights protection, military crimes, evidence collection, international tribunals

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## **ZBRODNIĘ ROSJI PRZECIWKO LUDZKOŚCI: PROBLEMY ŚLEDZTWA I ODPOWIEDZIALNOŚCI PRAWNOMIĘDZYNARODOWEJ**

**ABSTRAKT:** Artykuł podejmuje pogłębioną analizę kluczowych zagadnień dotyczących zbrodni wojennych popełnionych przez Federację Rosyjską na suwerennym terytorium Ukrainy w kontekście trwającej agresji militarnej. Ogromna skala i zakres tych naruszeń wymagają zdecydowanej reakcji prawnej. Artykuł wymienia i analizuje kilka kluczowych międzynarodowych porozumień i traktatów, które zostały bezpośrednio

i rażąco naruszone przez państwo agresora. Dotyczy to zazwyczaj podstawowych założeń Konwencji Genewskich z 1949 r. i ich Protokołów Dodatkowych, w szczególności tych dotyczących ochrony ludności cywilnej, rannych żołnierzy i jeńców wojennych, a także postanowień Statutu Rzymskiego Międzynarodowego Trybunału Karnego (MTK). Artykuł podkreśla, że naruszenia te nie są jedynie odosobnionymi incydentami, lecz stanowią element dostrzegalnego wzorca bezprawnego postępowania. Głównym wyzwaniem jest kluczowy problem przestrzegania międzynarodowego prawa humanitarnego (MPH) i zapewnienia ochrony praw człowieka w trakcie wojny toczzonej przeciwko Ukrainie. Niniejsza dyskusja osadzona jest w kontekście szczególnych trudności właściwych obszarom objętym konfliktem zbrojnym, takich jak ataki na infrastrukturę cywilną, ataki o charakterze nieukierunkowanym oraz umyślne naruszenia zasad rozróżniania i proporcjonalności.. W artykule rozważono praktyczne strategie, formułując zalecenia dotyczące gromadzenia dowodów dotyczących zbrodni wojskowych popełnionych przez wojska rosyjskie na terytorium Ukrainy. Skuteczne gromadzenie dowodów ma kluczowe znaczenie i musi być zgodne z międzynarodowymi standardami prawnymi, aby mogło być dopuszczone w sądzie. Kluczowe omówione metodologie obejmują dokumentację kryminalistyczną, cyfrowe przechowywanie dowodów (np. zdjęć satelitarnych, przechwyconych komunikatów, nagrań z mediów społecznościowych), zeznania ofiar i świadków oraz bezpieczne utrzymanie łańcucha dowodowego dla dowodów rzeczowych. Ostateczny cel tej skrupulatnej dokumentacji został sformułowany następująco: wykorzystanie tych dowodów w przyszłości do ścigania państwowych sprawców zbrodni wojskowych. Ten ambitny cel wykracza poza indywidualną odpowiedzialność żołnierzy i obejmuje potencjalne pociągnięcie państwa rosyjskiego i jego wysoko postawionych przywódców do odpowiedzialności przed trybunałami międzynarodowymi, takimi jak MTK, Międzynarodowy Trybunał Sprawiedliwości (MTS) lub specjalnie utworzony trybunał ad hoc. Dlatego też nacisk położony jest na tworzenie solidnych podstaw prawnych, które zapewnią sprawiedliwość ofiarom i potwierdzą regułę, że nawet podczas wojny istnieją zasady, których należy przestrzegać.

**SŁOWA KLUCZOWE:** międzynarodowe prawo humanitarne, ochrona praw człowieka, zbrodnie wojskowe, gromadzenie dowodów, trybunały międzynarodowe

## INTRODUCTION

Since 2014, when Russia had occupied Crimea and started a proxy war in the Donetsk and Luhansk regions of Ukraine, human rights officials, law enforcement bodies, journalists, observers, and representatives of international humanitarian organizations have documented numerous violations by the Russian military of norms of international humanitarian law, as well as various international regulations.

After the full-scale invasion of Russian troops into Ukraine, the number of such facts has increased significantly. According to the data of media project Ukrainer, Russia violated more than 400 international treaties by its attack on Ukraine<sup>1</sup>. According to the Verkhovna Rada Commissioner for Human Rights Dmytro Lubinets, over 167,000 war crimes committed by Russian servicemen have been registered in Ukraine<sup>2</sup>.

Such a number of crimes suggests that this is part of Russia's general intention and policy aimed at destroying Ukraine. However, this fact is not reflected in the current litigations of the national judicial system. In their verdicts, the judges did not show the true picture of Russia's

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<sup>1</sup> *Which agreements Russia violated during the war in Ukraine*, <https://www.ukrainer.net/thread/viyna/zlochyny-rosii/page/3/> (20.04.2025).

<sup>2</sup> D. Goron, *In Ukraine, over 167 thousand Russian military crimes were recorded during the full-scale war*, Lubinets, 18.05.2025, <https://detector.media/infospace/article/240993/2025-05-18-v-ukraini-zafiksuvaly-ponad-167-tysyach-rosiyskykh-voiennykh-zlochyniv-za-chas-povnomasshtabnoi-viyny-lubinets/> (18.05.2025).

crimes against Ukrainians. As of early March 2025, Ukrainian courts had handed down only 111 verdicts in war crimes cases. This figure, despite the statements about the stability of the Ukrainian justice system, looks meager. Thousands of detectives are engaged in investigations and the cases are litigated in courts across the country. However, their effectiveness is low. First, the latter is caused by gaps in the Criminal and Criminal Procedure Codes, which do not allow for a comprehensive investigation of such a number of crimes.

## **MAIN TYPES OF CRIMES COMMITTED BY RUSSIA IN THE WAR AGAINST UKRAINE**

The most telling example of Russia's non-compliance with international law is its violation of the Budapest Memorandum (1994). Also, Russia does not abide by the Helsinki agreements (1975), which had to stipulate political and territorial agreements after the Second World War. Other international treaties that Russia has violated are the following:

- UN Charter (1945)<sup>3</sup>;
- UN Convention on Combating the Financing of Terrorism (1999)<sup>4</sup>;
- UN Convention on the Prevention and Punishment of the Crime of Genocide (1948)<sup>5</sup>;
- a body of conventions that regulate laws and rules of war (in particular, the The Hague and Geneva conventions)<sup>6</sup>;
- The International Convention for the Protection of All Persons from Enforced Disappearance (2006)<sup>7</sup>;
- Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)<sup>8</sup>;
- UN Convention on the Elimination of All Forms of Racial Discrimination (1965)<sup>9</sup>;
- UN Convention on the Law of the Sea (1982)<sup>10</sup>;
- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)<sup>11</sup>;
- Statute of the Council of Europe (1949)<sup>12</sup>.

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<sup>3</sup> United Nations Charter, Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression. <https://www.un.org/en/about-us/un-charter/chapter-7> (05.12.2025).

<sup>4</sup> International Convention on Combating the Financing of Terrorism (New York, 9 December 1999), <https://www.unodc.org/documents/treaties/Special/1999%20International%20Convention%20for%20the%20Suppression%20of%20the%20Financing%20of%20Terrorism.pdf> (05.12.2025).

<sup>5</sup> Convention on the Prevention and Punishment of the Crime of Genocide, [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf) (05.12.2025).

<sup>6</sup> The Main Sources of International Humanitarian Law: Customary IHL, Geneva Law, and Hague Law, <https://redcross.org.ua/en/news/2025/06/114563/> (05.12.2025).

<sup>7</sup> Ibidem.

<sup>8</sup> Ibidem.

<sup>9</sup> International Convention on the Elimination of All Forms of Racial Discrimination, [https://treaties.un.org/doc/Treaties/1969/03/19690312%2008-49%20AM/Ch\\_IV\\_2p.pdf](https://treaties.un.org/doc/Treaties/1969/03/19690312%2008-49%20AM/Ch_IV_2p.pdf) (05.12.2025).

<sup>10</sup> United Nations Convention on the Law of the Sea, [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf).

<sup>11</sup> European Convention on Human Rights, [https://www.echr.coe.int/documents/d/echr/convention\\_ENG](https://www.echr.coe.int/documents/d/echr/convention_ENG) (05.12.2025).

<sup>12</sup> Statute of the Council of Europe, <https://rm.coe.int/1680306052> (05.12.2025).

- Convention on the Rights of the Child (1989)<sup>13</sup>.

In conditions where the number of military crimes was constantly increasing and the time and personnel resources for their investigation were short, the Attorney General's Office in the month following the start of a full-scale invasion demanded that all 'force ministries' and the department create special work groups to collect and document the crimes committed by Russia against humanity. To correctly qualify crimes, determine the key subject of evidence and establish the main directions for collecting evidence by teams of experts and practitioners, the Office came up with the "standards for investigation of military crimes. General part" along with the first set of standards that were concerned with a specific type of crime. Namely, it was an "Illegal deprivation of freedom and torture". By the order of the Commander Air Force of the Armed Forces of Ukraine and by the corresponding order of the head of Kharkiv Air Force University, the Air Force created a working group which throughout 2022 systematically collected and provided evidence and facts of human rights violations during the full-scale war that the Russian Federation waged against Ukraine in areas of operation of subordinate military units<sup>14</sup>.

The most important rule of international humanitarian law is the protection of civilians during war, particularly during occupation. The Russian military cynically neglected that, as a rule, consciously shelling the civil infrastructure of Ukrainian cities and humanitarian corridors, as well as conducting massive shootings in the captured territories or forcing Ukrainian citizens to serve in the Russian army. The Russian occupiers arbitrarily killed and tortured civilians, raped women and children, shot doctors, clergymen, and journalists. In cities and towns surrounded or captured by Russian troops, there is no water, food, medicine, or electricity. The occupiers are shelling grocery bases, schools, hospitals, do not let humanitarian convoys in. They deprived entire regions of communication with the rest of the world and drove them to humanitarian disasters. This action constitutes a direct violation of the Geneva Conventions on protection of civilian populations during war and related requirements customary to international humanitarian law<sup>15</sup>.

A gross violation of the Treaty on Non-Proliferation of Nuclear Weapons, as well as International Conventions for the Suppression of Acts of Nuclear Terrorism and Conventional international humanitarian law, was attack and seizure of Chernobyl and Zaporizhzhia atomic power plants<sup>16</sup>. In addition to that, with the purpose of terrorizing the population and

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<sup>13</sup> Which agreements Russia violated during the war in Ukraine, <https://www.ukrainer.net/thread/viyna/zlochyny-rosii/page/3/> (20.04.2025); Convention on the Rights of the Child. Adopted 20 November 1989. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (05.12.2025).

<sup>14</sup> V. Korotkij, *Recording and documentation of Russian crimes: an important step towards finding guilty and towards their punishment*, 18.03.2023, <https://www.ukrainform.ua/rubric-ato/3684075-fiksacia-i-dokumentuvanna-rosijskih-zlociniv-vazlivij-krok-do-viavlenna-vinnih-ta-ih-pokaranna.html> (20.04.2025).

<sup>15</sup> The Main Sources of International Humanitarian Law: Customary IHL, Geneva Law, and Hague Law, <https://redcross.org.ua/en/news/2025/06/114563/> (05.12.2025); The Geneva Conventions of 1949 for the Protection of Victims of War, <https://www.ombudsman.gov.ua/uk/zhenevski-konvenciyi-pro-zahist-zhertv-vijni-1949-roku> (05.12.2025).

<sup>16</sup> International Convention for the Suppression of Acts of Nuclear Terrorism, [https://zakon.rada.gov.ua/laws/show/995\\_d68#Text](https://zakon.rada.gov.ua/laws/show/995_d68#Text) (05.12.2025).

undermining its morale, the Russians committed massive rocket and air attacks on the objects of energy infrastructure, shelling oil depots and gas pipelines in many regions across Ukraine. In June 2023, the occupiers blew up the Kakhovka reservoir dam, resulting in the flood. Thousands of homes, tens of thousands of people, were forced to evacuate or search for humanitarian relief. The crisis caused by such actions constituted an ecological threat to entire humanity.

It is an obligation of the warring party within the third Geneva Convention to respect and uphold the rights of prisoners of war. The norms of this international treaty prohibit physical and psychological torture and inhumane treatment of prisoners regardless of the actions they have committed in the past<sup>17</sup>. The POWs have the right to food, water and contact with relatives. Female military personnel in captivity must be held separately from men, they must have women's staff to supervise them, and their special sanitary, hygiene, and medical needs must be covered.

Russian invaders have repeatedly committed serious crimes against Ukrainian prisoners, which is a violation of the rules of war. For example, Russians shaved heads of Ukrainian female POW, forced them to undress, or to be standing all the time. They were humiliated in other ways, there were known cases of rape. According to UN reports, approximately 95% of prisoners suffered torture, of which 60% suffered torture of a sexual nature. As of November 1, 2024 in Ukraine there had been 326 war-related sexual violence crimes (WSVC) recorded. This figure includes officially recorded cases of rape, genital mutilations, forced balding, threats and attempts of rape, forced viewing of sexual abuse of loved ones. The victims were not only women; almost every third of them were men. 15 episodes were recorded in which minors were involved. But based on the experience drawn from other conflicts, we understand that the number of victims could be dozens of times higher. It is now impossible to assess the real scale of crimes due to lack of information from temporary occupied territories, due to lack of understanding of the issues of WSVC issues, or due to the reluctance of victims to come out and contact the law enforcement agencies. The last was mostly often explained by fear of re-traumatization and public condemnation, by concerns for the fate of loved ones who continue to remain under occupation<sup>18</sup>.

According to the Geneva Conventions, medical personnel must be able to perform their duties and wounded and sick must be able to receive medical assistance. From the beginning of full-scale intrusion, Russian military cynically inflicted attacks on medical facilities (as of the end of December 2024, Russian troops attacked and damaged 1938 medical objects that belonged to 715 health care facilities). In addition, on the front-line territories, they fully destroyed 297 more medical objects of 114 health care facilities. The largest losses occurred in hospitals in Kharkiv, Donetsk, Mykolaiv, Kyiv, Chernihiv, Dnipropetrovsk, Kherson, and Zaporizhia

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<sup>17</sup> The Geneva Conventions of 1949 for the Protection of Victims of War, <https://www.ombudsman.gov.ua/uk/zhenevski-konvenciyi-pro-zahist-zhertv-vijni-1949-roku> (05.12.2025); Basic provisions of Geneva conventions and of additional protocols to them. [https://blogs.icrc.org/ua/wp-content/uploads/sites/98/2023/11/0365\\_154-ebook.pdf](https://blogs.icrc.org/ua/wp-content/uploads/sites/98/2023/11/0365_154-ebook.pdf) (20.04.2025).

<sup>18</sup> S. Smulska, *Sexual violence as a weapon of Russia in the war against Ukraine*, 28.12.2024, [https://lb.ua/society/2024/12/28/652423\\_seksualne\\_nasilstvo\\_yak\\_zbroya\\_rosii.html](https://lb.ua/society/2024/12/28/652423_seksualne_nasilstvo_yak_zbroya_rosii.html) (18.05.2025).

provinces. Ambulances and paramedic teams arriving at the sites of attacks were deliberately targeted, and hundreds of medical workers were killed or wounded. These actions are in violation of the Geneva Conventions on the protection of civilian populations during war<sup>19</sup>

Hague and other specialized conventions impose restrictions on the methods and means of waging military conflicts. Some kinds of weapons are particularly dangerous because they inflict excessive physical injuries or act indiscriminately, which means that they destroy all life on their path. Russia used cluster bombs, thermobaric ‘vacuum’ bombs, anti-personnel mines in Ukrainian cities, which violated The Hague conventions and custom international humanitarian law.

The application by the Russian military in Ukraine of phosphoric ammunition and incendiary air bombs violates the Convention on specific types of ordinary munitions. There are suspicions of the use of chemical weapons against defenders of Mariupol and Izyum, which is a gross violation of the rules of the wars, in particular of chemical weapons conventions. All such facts have wide international publicity and certainly will become aggravating circumstances in international courts that will prosecute Russian military criminals.

The Geneva Convention of 1949 and customary international humanitarian law explicitly prohibit attacking civilian objects, placing military objects near civilians, and attacking sites of historical value<sup>20</sup>. Such historically valuable sites under the protection of the Hague Conventions on the protection of cultural values in the case of armed conflict, which Russians destroyed, are counted by hundreds. Bombing them is a direct violation of international humanitarian law. UNESCO has already counted hundreds of damaged cultural objects in Ukraine, and it requires Russia to immediately stop attacks on civilian objects in Ukraine.

In 1998, the Rome Statute of the International Criminal Court (ICC) was approved at a diplomatic conference held in Rome. The essence of this Statute is to establish the functions, jurisdiction, and structure of the ICC. The Rome Statute also determines the list of international crimes: genocide, crimes against humanity, military crimes, and crimes of aggression. The task of the ICC is to investigate those responsible for these crimes. Unlike The International Court of Justice of the United Nations, which establishes responsibility of states, the ICC holds individuals accountable who were suspected of committing international crimes. This is the only international court that has jurisdiction to condemn a head of state.

Russia was a signatory of the Rome Statute, but withdrew from the agreement in 2016. This happened the day after the ICC confirmed that the occupation of Crimea constituted an international armed conflict. However, the withdrawal from the agreement does not prevent the ICC from prosecuting crimes by Russian citizens on the territory of Ukraine. At the same time, quite a few countries reported on the necessity of an international tribunal for Russia’s war crimes in Syria, too. In that country, Russia was conducting a military operation using

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<sup>19</sup> Since the start of the full-scale war, the Russian Federation has damaged 1,938 facilities belonging to Ukrainian healthcare institutions and completely destroyed another 297, <https://zmina.info/news/z-pochatku-povno-masshtabnoyi-vijny-rf-poshkodyla-1938-ob%CA%BCyektiv-ukrayinskyh-medzakladiv-i-povnistyu-znyshhyla-shhe-297/> (05.12.2025).

prohibited weapons. Ostensibly, the fight was against terrorists, but effectively it was against the opposition of Bashar al-Assad and against the Syrian population. However, a withdrawal from an agreement does not prevent the International Criminal Court from prosecuting crimes by Russian citizens on the territory of Ukraine. For The Hague Court itself, it does not matter which country the perpetrator comes from or whether that country has ratified the Rome Statute. The trial of those responsible for international crimes committed by Russians in Ukraine to justice in foreign courts is possible thanks to the principle of universal jurisdiction. That means the right of every state to prosecute international crimes regardless of who committed them or where they were committed.

As part of collecting evidence for future ICC proceedings against Russian military criminals, the Ukrainian Helsinki Human Rights Union, Regional Human Rights Center, Center for Civil Liberties, Truth Hounds, Kharkov Human Rights Activist Group, and several other human rights defender organizations in Ukraine have already repeatedly provided evidence of crimes committed by Russian military in Ukraine since 2014<sup>21</sup>. Now, they actively continue to gather evidence and testimony from victims and witnesses of crimes committed since the start of the large-scale offensive in February 2022.

The crimes include intentional murders and corporal damage to civilians, kidnapping of people on captured territories, and forced export of them to Russia and Belarus, forced mobilization, torture, and inhuman treatment, attacks on civilian objects, destruction and damage to property, detention and hostage taking, attacks on warehouses storing humanitarian aid, attacks on humanitarian missions and corridors; destruction of food and water supplies and obstruction of humanitarian missions in their deliveries; shelling of inhabited settlements, deaths and injuries of people incurred by shelling, ecological disasters due to shelling; damage and destruction of historical monuments, hospitals, religious buildings, educational institutions, destruction of science and art; plunder of captured settlements; use of weapons prohibited by international agreements; rape and other forms of sexual violence; use of civilian objects or people as human shields; illegal detention and deprivation of freedom; use of maladjusted places as detention centers; encroachment on human dignity; mining territories, etc.

All the crimes listed above can be qualified as crimes against humanity and war crimes. They fall under the action of the Rome Statute and should be investigated by the International Criminal Court in The Hague.

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<sup>21</sup> T. Lichko, O. Shapoval, *What norms of international law is Russia violating by indoctrinating and militarizing Ukrainian children in the temporarily occupied territories (TOT)*, 07.05.2024, [https://lb.ua/blog/koalitsiia\\_ua5am/612056\\_yaki\\_normi\\_mizhnarodnogo\\_prava\\_porushuie.html](https://lb.ua/blog/koalitsiia_ua5am/612056_yaki_normi_mizhnarodnogo_prava_porushuie.html) (05.12.2025).

## THE PROBLEM OF RELIABLENESS FOR CRIMES AGAINST HUMANITY COMMITTED IN UKRAINE

The very fact of the Russian invasion into Ukraine is a crime of aggression according to the ICC and is a violation of the UN Charter. As long as the probable fact that Russia is committing genocide in Ukraine is known, experts are not unanimous in their opinions. Some believe that Russia did not kill enough civilians to qualify their acts as genocide. However, after the facts of military crimes in the deoccupied areas of Kyiv areas became public knowledge, and also after the infamous article issued by the Russian state news agency RIA Novosti, people have increasingly often started talking about genocide: on April 12, 2022 the US President Joe Biden had made the first declaration to that effect. At the same time, the world has not yet seen the consequences of the Russian blockade of the city of Mariupol, where, according to the testimony of local authorities, the death toll of peaceful residents could well be greater than 20,000 people due to actions of Russian troops.

On 28 February 2022, the International Criminal Court Prosecutor began an investigation of crimes committed by the Russian military, as well as offenses against humanity. The prosecutor received appeals from 39 countries about the situation in Ukraine<sup>22</sup>.

The court has been investigating these crimes committed on the territory of Ukraine since November 21, 2013, and the military and political leadership of Russia will inevitably be brought to justice. Putin has already been found guilty of military crimes in dozens of countries around the world with the requirement to investigate his crimes. Since the beginning of full-scale invasion, Russians have actively raised the topic of violation of the rights of prisoners of war in Ukraine through video publications with people in captivity. Sometimes Western media buy into their propaganda, and even respectable human rights organizations disseminate photos and videos of Russian soldiers who survived in Ukraine, which is a clear violation of the rights of the latter. In fact, the Geneva Conventions prohibit making prisoners objects of public curiosity. However, under the conditions of total informational blockades in Russia, the only way for the families of these survivors to know the fate of their loved ones would be through such videos. Such publications allow captives to contact their relatives, as well as to debunk Russian propaganda about non-participation of conscripts or of North Korean servicemen in the war against Ukraine. Russian propagandists mention the existence of international conventions and laws of war only when they want to blame Ukraine for their violations.

To discredit Ukraine, Russian propagandists create staged videos in which allegedly Ukrainian military abuse Russian prisoners of war. Ukraine has repeatedly stated that it adheres to the Geneva conventions and that these videos were all fake.

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<sup>22</sup> *Russians killed about 20,000 people in Mariupol – Zelenskyy*, <https://www.slovoidilo.ua/2025/01/25/novyna/suspilstvo/rosiyany-vbyly-mariupoli-20-tysyach-lyudej-zelenskyj> (05.12.2025).

As long as military crimes and offenses against humanity are concerned, not only personal but also collective responsibility is presumed, which means that the commander is responsible for the crimes of his subordinates. History knows many such examples<sup>23</sup>.

Ukrainian and foreign human rights organizations monitor and document international crimes committed by Russian occupiers during the war, and Ukrainian authorities along with those of other countries filed suits against the Russian Federation and its leadership with international courts. The first Ukrainian case against Russia with the International Court of Justice in 2017. In the lawsuit, our authorities declared two conventions: International Convention on Combating Financial Support of Terrorism (for supporting armed groups in Donbas, in particular through financing and supplying them with weapons) and the Convention on Elimination of all forms of racial discrimination (for harassing Ukrainians and Crimean Tatars in the occupied Crimea). Ukraine became the first state in the world to sue another state on the terms of the Convention on Combating the Financing of Terrorism.

In 2022, Ukraine submitted a second lawsuit to the International Court of Justice of the United Nations. This time, it was concerned with the violation of the Conventions on the prevention of the crime of genocide and its punishment. On 16 March 2022, the International Court of Justice in The Hague ordered Russia immediately to stop the invasion and not to resort to further military actions on the territory of Ukraine. Of course, it was the decision Russia ignored. However, international courts have many disadvantages, the main one being the duration of their litigation process. Processes can go on for many years. Often, the accused do not live to see their sentences. However, international tribunals for military criminals have important historical value because they shed light on historical events and the roles that high-ranking officials played in those crimes.

## CONCLUSIONS

Today, experts are talking about different models for the future trial of Russia. One of the models is to create a special international court that would function under the auspices of international agreement between the government of Ukraine and the United Nations. Another way is to create a separate special tribunal that would be supported by an agreement between several states. Under any court model, Russian military criminals operating at the highest levels of political and military leadership of the Russian Federation will receive just sentences and will be held fully responsible for their deeds.

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<sup>23</sup> The Nuremberg Tribunal of 1945–1946 was the first in history international tribunal that brought military criminals to justice. According to its results, the 19 Nazis were convicted (in general there were 24 of them under trial but some of them were convicted later and some even were acquitted). Depending on the gravity of crimes, the sentences varied: execution by hanging, life imprisonment or jail time of 20 to 10 years. The Tokyo Tribunal litigated the Japanese military crimes in the Second World War of 1946 – 1948. The 29 main Japanese military criminals were sentenced to death or prison. International Tribunal for former Yugoslavia worked from 1993 to 2017 and convicted 90 military criminals. There were also tribunals of Rwanda, Sierra Leone, Cambodia, East Timor, Lebanon, Kosovo – M. Sitnikov, *What awaits Putin: The history of international trials of war criminals*, 05.06.2022, <https://www.ukrainer.net/trybunaly/> (05.12.2025).

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