

# Russia's Genocide in Ukraine



**NOVEMBER 14, 2022**

**Briefing of the  
Commission on Security and Cooperation in Europe**

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## ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe [OSCE].

The membership of the OSCE has expanded to 57 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <[www.osce.org](http://www.osce.org)>.

## ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is an independent U.S. Government commission created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <[www.csce.gov](http://www.csce.gov)>.

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# **Russia's Genocide in Ukraine**

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**November 14, 2022**

## **Commission on Security and Cooperation in Europe Washington, DC**

The briefing was held from 11:05 a.m. to 12:41 p.m. via videoconference, Michael Hikari Cecire, Senior Policy Advisor, Commission on Security and Cooperation in Europe, presiding.

Mr. CECIRE: Good morning and welcome. My name is Michael Hikari Cecire and I am a senior policy advisor here at the United States Commission on Security and Cooperation in Europe, also known as the Helsinki Commission.

I am grateful for everybody tuning in today from all across the world. Your interest and consideration are so important

We gather virtually this morning to discuss the most grave of issues: Russia's campaign of genocide in Ukraine. There is perhaps no topic more horrifying or urgent than this, which is exactly why it must be raised and why action is so crucial. For many of us, the charges of genocide—of Russia's genocide in Ukraine, as weighty as it is, cannot be any clearer. Every day seems to bring fresh compounding evidence of Russia's genocidal intent and patterns of action: Mass graves and torture chambers that seem to pock-mark every liberated territory; homes, schools, hospitals, and kindergartens repeatedly and deliberately targeted by Russian firepower; civilians, including children and infants, herded into Russian so-called filtration—concentration camps—where they are sorted for either Russification or the Gulag or worse; and flagrant attacks against refugee and humanitarian convoys. If you care to look, these images repeat themselves throughout Ukraine. It is as safe a bet as any that newly liberated areas will bear the blistering scars of this genocide. Sure enough, mass graves and torture chambers have already been identified in the newly liberated areas of Mykolaiv and Kherson.

The physical evidence is shocking enough, but the Russian government's very public embrace of a campaign of terror and genocide is incredible to behold. The summer before the invasion, Russian dictator Vladimir Putin penned by his own hand a 7,000-word ahistorical screed denying the existence of Ukraine as a state and a nation, highlighting his eliminationist agenda for all the world to see. Even since then, government figures at every level have repeated this noxious and ridiculous denial of Ukrainian nationality, its false and deliberately dehumanizing rhetoric about de-Nazification, and outright even gleeful calls for mass killing and destruction. The official state mouthpiece, RIA Novosti,

even published in April a detailed plan laying out the intended destruction of the whole of the Ukrainian nation.

What is striking about this genocide is perhaps the clarity and openness with which it has been prosecuted. In terms of intent, the Kremlin could hardly have been clearer if they had announced their genocidal aims directly in a joint session of Congress. The pattern of action is startlingly predictable not just in Ukraine, but also in Russia's past colonial wars in Syria, Georgia, and Chechnya, where ethnic cleansing, deliberate and widespread targeting of civilians, torture, and rape were employed widely and purposefully as tools of their warfare.

Therefore, what can we do about it? For one, we can and should give Ukraine every tool that it needs to win its war against Russia's genocidal war of imperial conquest. The faster Russia loses, the faster its genocidal program is halted. However, also crucially, we—Congress, the U.S. government, and the world—must be willing to call this genocide for what it is. That brings us to the focus of this discussion today.

In June, our co-chairman, Representative Steve Cohen—who I believe joins us this morning—introduced House Resolution 1205, which would designate Russian atrocities in Ukraine as genocide. In July, Senator Risch introduced similar legislation in the Senate, Senate Resolution 713. Both resolutions draw on the definition of genocide in the 1948 U.N. Convention on the Prevention and Punishment of Genocide, to which the U.S. and Russia are both parties and is codified in U.S. law and establishes how Russia's actions in Ukraine appear to meet all five criteria of action and intent to constitute genocide. Please remember, only one must be in evidence for genocide to seem to exist. These resolutions deserve your support and adoption.

However, what can a nonbinding resolution do? In this case, speaking out is critical for multiple reasons. Ukraine's war for its homeland is not being won just because of Ukrainian materiel superiority, but because of the justness of its cause and the righteous morale of its people. For the United States, a friend and partner of the—and the most powerful country on Earth, to officially recognize the extent of Russia's horrors is tremendously meaningful to Ukraine and Ukrainians who still, despite their victories, endure the unendurable. Around the world, such a designation also demonstrates that we do not tolerate such heinous crimes. Calling out Russia's genocide demonstrates the gravity of the stakes not only for Ukraine and Europe but for the world. It can marshal further support for Kyiv, help sap Moscow's already-fraying relationships, and further isolate this repugnant totalitarian regime in the Kremlin. Here at home, these bipartisan, bicameral resolutions can help signal to the American people the true stakes in Ukraine, that Europe's security and the principles that undergird it is a bulwark for freedom around the world and under great threat by a regime that purposefully and unflinchingly engages in genocide for its own imperial and corrupt ends.

It is important, too, to emphasize that the 1948 Genocide Convention is not only about punishing genocide but preventing it. If we are to be true to our collective commitment to never again, we cannot stand by for months- or years-long legal adjudications to say what we already know to be true. This is not to undermine those legal investigations. They are absolutely important and authoritative. However, in the interest of prevention, a political declaration and congressional action are justifiable and essential.

This morning, we are joined by some of the most authoritative voices on this tragic issue, who will speak about this ongoing genocide, the evidence, and the case for congressional action. Before I introduce our luminous panel, I would like to first invite our co-

chairman, Representative Steve Cohen, to offer some opening remarks, if he is here. Mr. Co-chairman, have you joined us?

Representative COHEN: Unmute. Mute/unmute. Muted. I am unmuted. Therefore, I am here, I think. Hello? I am in, okay.

Thank you, Michael, for that wonderful opening. That set the clear stage for what we are going to be discussing and where we stand in Ukraine with the Russian actions. They are clearly and have been clearly a genocide. It is just a matter of the United States Congress taking the steps on the floor to pass it and later the United States State Department, which is not bound by what Congress does, to recognize it as well. They have certain concerns about calling this a genocide. I think they have more concerns about saying Russia is a terrorist country. There are diplomatic/political repercussions or factors that fall if you do declare that that come into play and they could be serious as far as trying to deal with Russia in the postwar peace era, which will come. However, I think it is necessary genocide that we declare it such because it is clearly been one.

Putin made it clear before the invasion that he wanted Ukraine not to exist. He would gone back and read some 1700s books and decided that Russia had had this great empire and they needed to have it again, and he wanted to be the person to present it to the Russian people. This is some process that he has—or plan that he is come up with based on history and his place therein. Well, his place therein is not going to be what he thought it was going to be. The Ukrainians have shown they are a fierce fighting people, that they love their country, that they love their independence, that they love freedom; and they were not going to put up with the Russian invasion, with Russian conquest, and with Russian control. Anybody who sees the folks in Kherson celebrating their independence, hugging the Ukrainian soldiers and expressing their relief and their joy at their freedom, it is been compared to Parisians celebrating after the Germans in 1944 were defeated by the Allied forces, entering Paris. It is so much like that.

It is something that if you are an American, truly American, you cannot help but understand that America stands for freedom and for supporting countries around the world who have been the victim of some totalitarian/authoritarian bully trying to take over their country and control them. We would not want to live without freedom. No one should live without freedom. America's support for Ukraine is based on that, and America's continued support is based on that. We must continue to give them the weapons to hold back the Russians who are on the other side of the river, who will come back. The war's not going to end.

However, Russia's shown that they do not have a military capable of winning this war. They have a missile system that is capable of hurting Ukraine's infrastructure and hurting the Ukrainian people, and that is what he wants to do, Putin. That is part of a genocide. He has taken children back to Russia and deprived them of the connections to their parents and their homeland. He has taken people into these camps and tried to brainwash them punish many of them and terrorize them. There are reports of rape, reports of attacks, and brutality in these filtration camps. They have committed war crimes in Bucha. In every city that has been freed by the Ukrainian army, war crimes have been reported and are being documented.

Therefore, we need to proceed with doing what is the right thing and declaring this a genocide, standing up to this genocide, and supporting freedom around the world. If you do not stand up in one place, it will come in another. The Russian army's shown its ability. We thought and believed that if they were successful in Ukraine they would go

to Moldova, they would go to Georgia, they might go to the Baltics, and they would continue this oppression, in Poland. Their military has shown they cannot go forward; they can only go a certain distance.

This is a crime against the Ukrainian people. It is a crime against the freedom-loving people of the world. It is also a crime against the Russian people and the Russian military because they were not prepared for this war, they did not want to go into this war, and Putin has used them as fodder for his own—his own desires and his own mission that he has formed in his mind of being the great Putin with the great Russian empire. This must not be allowed to continue.

Therefore, I thank all of our distinguished speakers. I thank our outstanding staff. I look forward to the remarks and continuing this discussion, and let us put it into policy. Thank you very much.

Mr. CECIRE: Thank you, Co-chair Cohen. I could not agree more. I should say your passion and leadership on this issue and Ukraine's survival has been so important. Therefore, thank you again.

Representative COHEN: You are welcome. Thank you.

Mr. CECIRE: I would like to now introduce our very distinguished panelists.

First, Professor Timothy Snyder is the Richard C. Levin professor of history at Yale University and a permanent fellow at the Institute for Human Sciences in Vienna. Dr. Snyder's work has appeared in 40 languages and has received a number of prizes, including the Emerson Prize in the Humanities, the Literature Award of the American Academy of Arts and Letters, the Václav Havel Foundation Prize, the Foundation for Polish Science Prize in the Social Sciences, the Leipzig Award for European Understanding, the Dutch Auschwitz Committee Award, and the Hannah Arendt Prize in Political Thought. His recent books include "Black Earth: The Holocaust as History and Warning," "On Tyranny: Twenty Lessons from the Twentieth Century," and "The Road to Unfreedom: Russia, Europe, and America."

Then we will hear from Ms. Maria Kurinna, who is a Ukrainian human rights advocate and a survivor of the Russian occupation in Luhansk in eastern Ukraine in 2014. Currently, she is the international advocacy manager of the Ukrainian NGO Human Rights Centre ZMINA, which is a founding organization of the 5 AM Coalition, which documents alleged war crimes and crimes against humanity, and holds perpetrators of abuses to account in connection with the Russian war on Ukraine.

Then Professor Eugene Finkel, who is Kenneth H. Keller associate professor of international affairs at Johns Hopkins University School of Advanced International Studies, where he works at the intersection of political science and history and is a respected Holocaust and genocide scholar. His research focuses on how institutions and individuals respond to extreme situations, mass violence, state collapse, and rapid change. His most recent book is "Ordinary Jews: Choice and Survival During the Holocaust" from Princeton University Press.

Finally, Professor Erin Rosenberg is a visiting scholar with the Urban Morgan Institute for Human Rights at the University of Cincinnati College of Law and an adjunct professor at the University of Cincinnati School of Law. Professor Rosenberg is also an attorney specializing in international criminal law and reparations, having worked at the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Court. She is a former senior advisor for the Center for the Prevention of Geno-

cide at the U.S. Holocaust Memorial Museum and was a leading contributor to a May 2022 multi-author expert-led report conducted by the New Lines Institute for Strategy and Policy and the Raoul Wallenberg Centre for Human Rights on Russia's breaches of the Genocide Convention in Ukraine.

Thank you all.

Professor Snyder, the floor is yours.

Mr. SNYDER: [Off mic.]

Mr. CECIRE: Sir, I believe you are muted.

Mr. SNYDER: Okay. Everyone missed my joke at the beginning, which was very funny. Thank you. Thank you, Representative Cohen. Thank you, Michael, for the invitation. I am very glad to be with my colleagues here on this panel.

I take it that we are—we are all clear on the—on the fact that genocide involves two parts. According to the 1948 Convention, there are five specific types of crime and there is the need to demonstrate intention.

I also take it that the crimes themselves are not really that much in dispute. I will list them very briefly, but what I want to really speak about is the issue of intent.

However, just to—just to make sure this is on the record, the first crime in the Genocide Convention is killing members of the group, which of course has happened: The war itself, the destruction of Mariupol, the death pits.

The second crime is serious bodily or mental harm: Bombing hospitals, bombing schools, torture.

The third crime is conditions of life, which, as Representative Cohen mentioned, is happening right now: The denial of water supplies, and the denial of power.

Measures intended to prevent births, that is the fourth crime. Ukrainian women are being specifically targeted for deportation and there is also evidence that systematic rape is intended—among many other horrors associated with that terrible crime, is intended to discourage Ukrainian women from giving birth in the future.

Then, finally, one which I find touchingly and painfully specific: The forcible transfer of children from one group to another group. The Russians, by their own count, have deported about 4 million Ukrainian citizens, about a tenth of the population, and they continually boast about deporting children. In other words, they continually boast that they are carrying out genocide.

This is true of that particular crime, but the thesis of my brief remarks here is going to be that it is startling that Russian authorities continually boast about crimes or gloat about crimes that, according to international law, are genocidal. As a historian, I can say—and I will be interested to see what Professor Finkel has to say—but as a historian, I would say that it is striking the contrast here, because in general regimes that carry out crimes that we would regard as genocidal try to hide them. Here, we have, as it were, the opposite approach, where it is been made utterly clear that the highest Russian authorities do not believe that Ukrainian people exist. Throughout the war, at essentially every level of government and media, there have been various kinds of expressions of intention.

What I would like to concentrate on just in these few minutes is the kinds of expression of intention because, of course, with genocide people are hesitant. People want to find a way to say it cannot be proven. They want to say: How can we look inside someone's

mind and know their intention? Of course, that is the wrong standard. That is too high of a standard. With that standard, there could be no criminal law or prosecution of any kind. What historians do—not so different from what lawyers and other kinds of experts do—is we find different categories of speech or expression that are genocidal. I am going to list just a few of these in the hopes that this will help clarify the issue.

The first I would mention is the historical. As Representative Cohen said, Mr. Putin takes the position that Ukraine never existed, that its existence is a kind of mistake. That is pre-genocidal language.

The second kind of speech is the colonial. Colonial actors routinely declare that other states and other nations do not exist. They say so in order to prepare the way to destroy them. Again, this is Mr. Putin over and over again.

A third kind of genocidal language is exceptionalism, when you say that the rules do not apply to you—as Mr. Putin did, for example, on September 30 during his speech about, “annexation,” when he asked who made these rules anyway, or as he is routinely done for the last decade or more claimed that Russia is a specific kind of civilization to which the rules do not apply. Of course, I think many of us would agree that one of the fundamental rules is the rule that you do not commit genocide.

A fourth kind of genocidal speech is apologism when you deny previous genocides. Therefore, for example, the parliament of the Russian Federation passed memory laws which makes it a crime to speak of specific crimes of Stalin. That habit of denying previous crimes is also an expression of intention to commit future ones.

The fifth example would be—which was also already mentioned—planning. The articles in RIA Novosti of February and April, both made clear that the notion was that the Ukrainian state would cease to exist, Ukrainian elites would be physically destroyed, and everything necessary would be done in order to tame what remained of the Ukrainian masses.

The sixth kind of genocidal speech is what I would call the openly exterminatory, and this we can find every day—practically every day, at least, on Russian state television which, as Mr. Putin himself says, is an organ of the Russian state expressing Russian state policy. That it is, and what Russian state television provides us day after day is hideously direct claims that the Ukrainians should cease to exist, should be obliterated, and should never have existed.

Next—as if we need more—the next category of genocidal speech, the seventh category, would be what I would call the dehumanizing, where on Russian media and elsewhere—and again, Russian media means state media—Ukrainians are equated with Nazis or with Satan or whatever it might be, with the clear intention of creating a politics of us and them where they are somehow below human.

Next is the conspiratorial, the idea that the people concerned are not really people because they only exist thanks to various conspiracies, in this case, Jewish and otherwise.

Finally, the last—the last category that I notice—and colleagues might notice other ones—is the escalators, which we know from history. When it turns out that the people that you say do not exist do exist and resist, this just becomes a rationale for killing more, for doing more. It never—it is never a reason to admit that you were wrong, that this people does exist. It is always a reason to do more.

Therefore, to close, what I would stress is that we in general can find an intent—in the problem of intent a way not to see a genocide. Extraordinarily, what the Russians

are doing, aside from the crimes themselves, is making that very difficult for us because they are providing a historically unprecedented, I think, level of very clear expression of genocidal intent all the time at all levels of government and media. Thank you very much.

Mr. CECIRE: Thank you so much, Professor Snyder, for those incredibly important and detailed points.

I would like to turn to Ms. Kurinna for her statement and for her remarks. I know she has some personal accounts to share with us all. Maria, the floor is yours.

Ms. KURINNA: Yes. Hello, distinguished guests. It is evening already in Europe.

Well, first of all, let me thank you for your efforts and emotion. It matters a lot for the whole Ukrainian nation that faced this genocidal war and fought it with dignity and perseverance. It is a very crucial step in terms of bringing perpetrators to justice in the future to follow this unspeakable impunity, and so that sets the example for other states as a free, democratic world to step in and act.

As a woman human rights defender who became so exactly because of Russian aggression, I cannot be grateful. Eight and five years ago and—eight-and-a-half years ago in my busy life, I was teaching the Japanese language in my university, Luhansk National Taras Shevchenko University. I dreamed of building a Japanese cultural center in my city of Luhansk. We successfully did this, and as you all know, now my city has been occupied for more than eight years.

Through the war, all the normalized states stopped in my region in eastern Ukraine. My mom has been a Ukrainian activist since I remember. Natalia Kurinna Harbina opened, together with her colleague, the first Ukrainian comprehensive school in Luhansk in the 1990s, exactly after the declaration of independence of Ukraine. Her dream was to reconnect Ukrainian children with their culture, language, history, and art so children could learn their mother tongue which was erased for decades in our region by the Soviet Union regime and the occupation.

My mom stood brave when the Orange Revolution began, and she, as the head of the polling station, had to face persecution and threat of death due to the fact she had joined the Orange Revolution back in 2004. One of the pro-Ukrainian—she also was one of the pro-Ukrainian party members, Solidarity Party at that time. Her colleague, a party member, was hung in the attic of a neighboring school to threaten the local community to be silent about the resistance.

She has been a role model for me. When the Euromaidan revolution began, I had no doubts I had to step in. I was young and free and truly believed we can win our democratic future in Ukraine. I did not expect that Russia would come to my land by tanks, bringing horror and atrocities to the civilian population in Donbas in 2014, although we continued until we started to receive life-threatening messages very often. The hostilities took place. There would be no electricity, water, or gas quite often, and then the street fights took place.

I decided to leave the city temporarily, though my parents last moment refused to leave our home with me. My dad took me to the train station, as it was dangerous for a young woman like me at that moment to move into the city alone. Later, I hated myself so much for that decision; only in a while, I found out what had happened with my mother. She stayed at home alone when we were—when we went to the station. I met her only when she finally managed to escape the occupation in July 2014. Her face was as white as chalk and she and she constantly clenched her fists, being unable to relax

her hands. I was shocked to see her in such conditions. She looked emotionally down. Tears could burst at any time. I found out that pro-Russian proxies, together with Russians, came to her, broke into our apartment, kidnapped her, put a sack on her head, and tortured her in some basement, threatening her with death. Later said if she did not stop her pro-Ukrainian activity in the city, they would find her family and kill her anywhere in Ukraine. We later being in Kyiv still received messages with threats again, saying they knew where we were and that we could be—we could not hide anywhere.

Therefore, what is genocide? It is one of the most serious international crimes which, unlike crimes against humanity, war crimes, is directed against an entire protected group. My compatriot, Raphael Lemkin, the author of the concept of the international crime of genocide, convinced the whole world that this is a separate, terrible crime. A separate national ethnic or religious group also has a right to protection. In the independent legal analysis of the Russian Federation's violation of the Convention on Genocide in Ukraine, prepared by a group of leading world experts, it is clearly stated that the Ukrainian national group in official interstate relations is recognized at the national and international levels, including by Russia. Therefore, this group is protected by the Genocide Convention.

What distinguishes genocide from other crimes? Their intention is to destroy this protected group as such, in whole or in part, even if there is about such an intention on the territory of a separate region, even if it is a separate settlement. Here is a list of forms and signs that may testify to the fact of committing genocide. By the way, there are relevant rules for national legislation and for international criminal law.

Therefore, one of the signs of genocide is the deprivation of life of members of such protected group, and we know that more than 1,226 children only were injured in Ukraine as a result of the full-scale armed aggression of the Russian Federation. According to the official information of the juvenile prosecutors, 422 children died, and more than 804 children were injured of various degrees of severity—from the February 24.

Another sign is causing civilians serious bodily harm. You all know about the torture of civilians, about civilians being injured during these aggressive acts. Another sign is creating living conditions for a group designed for its total or partial physical destruction. Recently we all witnessed specific targeting of critical power and water infrastructure in Ukraine to cause an energy crisis for people during severe winter, not to be able to survive in many, many settlements, cities, and towns. Another sign is reducing childbearing or preventing it in such a group. We all, unfortunately, heard about gender-based violence and rape in only women and men, and elderly people but also children in this war.

Another sign is the forcible transfer of children from one group to another. Our human rights organization that I represent, ZMINA Human Rights Centre, documented the effects of the forced deportation of children to the Russian Federation and to the temporarily occupied territory of Crimea, and newly controlled territory by the Russian occupying power. I also would like to pay attention to enforced disappearances. Our organization ZMINA documented more than 300 cases of enforced disappearances since February 24. That was a pre-determined methodology that was happening before in Crimea in eastern Ukraine, my motherland, to silence and to erase all possible dissent, all possible resentment, and to spread the atmosphere of fear in the temporarily occupied territories.

Therefore, I only have one question. What signs that I mentioned from the list above those representatives of the Russian Federation did not—have done on the territory of

Ukraine? They have done everything that I listed. I think for the U.S. to recognize this act as a genocide is crucially important because we really trust in American democracy and American society. I think America, as our truthful ally, can set this example for other democratic states to follow this example, to fight this impunity, and precisely name this crime as a genocide, because Russia could not win Ukraine on the battlefield.

Therefore, they would like to erase Ukraine as a nation, to erase our identity, to erase our culture, our history, pretending and saying, as Dr. Snyder said, that there was never such a nation in Ukraine, we did not exist, basically are not a nation, we do not have a history of identity and our language. Another last example I will provide is our partner organization, Crimea Human Rights Group, which consists of human rights experts from Crimea, recently conducted research investigating hate speech and instigation of crimes against Ukrainians in the media in Crimea.

They took 11 huge media that carried millions of the audience in Crimea. Basically, the majority of this media are state Russian media, controlled media. They detected that in 10 of the media out of 11, deliberately they were instigating hatred, of hate, towards Ukrainians, Ukrainian society, Crimean Tatars, and Ukrainians. They even created a special vocabulary, dictionary, of all those words—humiliating words and phrases that have been represented and imposed as propaganda for the majority of the population in Crimea.

I could say that there were cases where this Russian-controlled state media, were saying, I quote, that there should not be any place on the Earth where the Ukrainian flag can be put. Or Ukrainians are not a nation. Ukrainians are not people, not humans. They have to be all—they have to be all exterminated because they are all Nazis. They get also Nazis, so they also have to be exterminated, and that is why unfortunately we, as a human rights community, are not surprised that when the war started, when they came to Kyiv region for example, we witnessed how cruel the Russian Army was specifically—to civilians.

They were raping civilians. We know that there were cases of bodies extracted, burned bodies, and bodies with tied hands about their—to the back. We saw the—we know about the gender-based violence. Therefore, this army came to destroy us, to erase us, not only fight with our army, and that is why it is important to call these actions as they are. This is genocide of the Ukrainian nation. I am really grateful for this proactive initiative to start this discussion in the council here, Commission, and I thank you.

Mr. CECIRE: Thank you for sharing your story, Maria. You, and your family's courage, and that of your country is an inspiration to us all, and we really appreciate your time.

Dr. Finkel, I turn the floor to you.

Dr. FINKEL: Thank you. Thank you, Michael. Thank you, Representative Cohen. It is an honor to be here among such distinguished colleagues.

Now, to us on this panel—and we hope people watching us—it is pretty clear that what is happening in Ukraine is a genocide. However, in other parts of our society, in the media, among politicians, and even ordinary people who follow the war in Ukraine, it is still occasionally an open question. Is what we are witnessing in Ukraine a genocide? Because, after all, we do not see gas chambers or extermination camps, as in the case of the Holocaust. We do not see a very rapid, massive slaughter of civilians on the streets, in the fields, at roadblocks as we saw in Rwanda. Therefore, then is it a genocide if it is not Holocaust or Rwanda? Why not just call it a war crime a crime against humanity,

or an atrocity crime, and then just move on? That is the question that I am often getting. Why insist on this term, "genocide"?

My answer is that words matter, and labels matter. How we define this violence matters. It matters politically. It matters legally. It matters historically. It matters morally. In my view, there is no question that the genocide is happening in Ukraine, because genocide, as defined by the U.N. Convention for the Prevention and Punishment of the Crime of Genocide, is, in essence, not about numbers. It is first and foremost about an intent to destroy a protected identity group—ethnic group, national group, religious or racial. It is about the method that the perpetrator uses to destroy this group—physical violence and the previous speakers have already mentioned it, but also preventing births or transferring children from one group to another, with the goal to destroy, and the intent to destroy the group, even if not necessarily killing all members of the group.

Therefore, then, why Russian violence in Ukraine is a genocide? I will repeat several points that have already been made. However, it is pretty clear that it is a very coordinated and intentional attempt by the Russian forces and the Russian government to destroy Ukrainians as a national group, and that, I think, is what makes this genocide very different from other cases of genocide. It is not an attempt to destroy an ethnic group, racial group, or religious group. It is an attempt to destroy Ukrainians as a nation—as a group that has its own state, as a group that has its own language, its own identity, its own place in the world.

It is not just random, indiscriminate violence. We have plentiful evidence that it started it, premeditated it, intentionally. Previous speakers mentioned some of this evidence, and there is more. For instance, we know that for communities that Russian groups occupied, they came in ready with lists of people that had to be eliminated. Local leaders, intellectuals, teachers, activists. In other words, all those who were closely associated with the Ukrainian identity, regardless of whether they were combatants, or civilians in the past or in the present, and also their families. Therefore, everyone who was the active local-level marker of this Ukrainian identity in their communities had to be arrested, tortured, in many cases killed.

We also know very explicit policies to destroy Ukrainian education and Ukrainian culture, with the destruction of memorials, the deliberate targeting of museums, the center of culture, and burning of books, changing in curriculum. Several people also mentioned the transfer of a large number of Ukrainian children to Russia. However, that was the—that is done with the specific goal of not just transferring them to Russia but making them Russians. In other words, erasing their Ukrainian identity and turning them into Russians. Therefore, there is a very coordinated effort to destroy the Ukrainian national group as such.

The Russian authorities, as Professor Snyder mentioned, are also very open about that. That I personally find astonishing, because whenever I teach the definition of genocide, I start by saying, well, you know, the development is there but proving intent is almost impossible. You need to get into someone's head, or you need to find evidence of this intent. People who order genocide or people who engage in genocide usually know what they are doing and are well aware of the consequences. Therefore, finding this evidence to prove intent will be very hard, and to my astonishment, the Russian authorities are doing exactly the opposite.

In fact, they almost advertise their genocide. They do it on state media. They do it on social media. Leaders talk about that in their speeches, in their interviews, on their

Telegram channels, you name it. It is everywhere. However, more importantly, it also—it also goes down below the leaders. It is not just the leaders or the people on state TV who engage in this kind of discourse. We also know that it is—we also know that it is pretty common among people on the ground—soldiers, officers, or others. We have more than enough intercepted talks by the security services in Ukraine that show this mindset. It is not just that the violence on the ground is related to what leaders in Moscow said. No. There is a straight line between what is being said in and by the government in Moscow and how Russian soldiers behave. The violence, again, is not random.

Now, the—[inaudible]—Convention also counts as an obligation to prevent genocide. Unfortunately, in this case, we failed. We failed to prevent this genocide. It is already on the ground. However, nevertheless, we have a moral, political, and historical obligation not just to punish perpetrators but, even more importantly for the short term, to do our best to stop this genocide by using all the means that we have. For that, the definitions are important, and the legal documents and the resolutions that the Helsinki Committee is discussing are so important because it is the first but also necessary step to taking action to stop this genocide and to prevent it from becoming even worse and, hopefully, punish the perpetrators down the road.

Therefore, I think we as a society, citizens, and our representatives in Congress need to decide whether we're serious about never again. If we are, we need to find a solution. Or maybe we are just fine with again, and again, and again, because that is what happened. We cannot just sit back, wait, and after the war is over say: Yes, now we know. Now we have access to all the documents, it actually really was a genocide. That will not help people who are being targeted now because of their national identity, and it makes a mockery of our obligation to prevent genocide, an obligation that we took upon ourselves when the U.S. codified the U.N. convention.

Therefore, the most appropriate time to act, I think, was not even yesterday, but nine months ago. We did not do that yesterday. We did not do it nine months ago. However, at the very least we can do it today. Thank you.

Mr. CECIRE: Thank you so much for that, and for sharing your expertise with us, Dr. Finkel.

Professor Rosenberg, thank you for joining us as well. Can you give us an international law perspective on this?

Mr. ROSENBERG: Well, thank you, Michael. Can everyone hear me? Okay. Well, good morning. It is really an honor to be here with you today. I would like to, before I give my remarks, just thank the Helsinki Commission, Co-Chairman Cohen, and, of course, you Michael, and the Commission staff, for organizing this incredibly important and timely briefing. It is also an honor to be here with my esteemed co-panelists.

In my remarks this morning, I want to focus on just two issues—first, whether there is a legal case to be made that the Russian Federation's actions in Ukraine should be recognized as genocidal. Second, whether it is appropriate for Congress to make such a recognition, as put forward in House Resolution 1205 and the comparable resolution in the Senate. As I hope will be clear from my remarks, these two issues are obviously inter-related.

With respect to the first issue, whether Russia's actions in Ukraine can be classified as genocide, the straightforward answer is "yes." I think we have heard already from my co-panelists a lot of the legal explanation of that. However, let me just briefly go through

it. As we have heard, genocide under the Genocide Convention is defined as one of the five underlying acts that must be committed to intent to destroy in whole or in part a national, ethnic, racial, or religious group, as such.

Therefore, taking each of these different elements, first, based on the jurisprudence of the International Court of Justice, which was actually first articulated outside of the context of genocide and was then adopted by the International Criminal Tribunal for the former—or I am sorry—for Rwanda, the targets of Russia’s actions, the people of Ukraine, qualify as a protected group under the Genocide Convention. They qualify as a national group, one of the protected groups.

As Dr. Finkel has pointed out, I very strongly agree that some of the hesitancy that we are seeing in the, I would say, academic—in the legal community is because this is unusual. We are not used to seeing genocides more recently that engage with the question of a national group. It is more common both in terms of an internal conflict—which is different from what we see here, in terms of an international conflict—but also in terms of it not being a minority ethnic or religious group within a country’s own population that is being targeted.

Second, just to be very clear, based on the publicly available evidence we know that Russia has committed several of the underlying acts set out in the Genocide Convention. However, as my co-panelists have pointed out and as many legal scholars have pointed out, the issue of whether or not underlying acts of genocide have occurred is not really often the key question in an inquiry as to genocide. It is important to understand that these acts absent genocidal intention are, nonetheless, international crimes in their own right.

Therefore, it is not—it is not so much the question of the underlying acts themselves. The question is whether they are, as required under the Genocide Convention, accompanied by the requisite *mens rea*, the mental intent. Meaning, whether they are committed with the intent to destroy in whole or in part the Ukrainian people. As Professor Snyder, all of my co-panelists for that matter, have already spoken to, and so I will not belabor the point, Russia’s genocidal intent can be inferred—and I do want to underscore that point, that this is an inference which under—in terms of how one determines genocidal intent, genocidal intent can be inferred from public statements that can be made.

Statements made by not only elected officials but also the state media, that specifically identifies the characteristic of Ukrainian-ness, the characteristic of the protected group, as being an inherent threat that must be eliminated or destroyed in terms of labeling Ukrainian—the Ukrainian-ness of Ukrainian people as Nazis or as satanic. Now, one point that I want to be clear about is that intent, under the Genocide Convention, must be—the intent must be to destroy the group physically or biologically. Not to destroy the group’s identity or culture alone. This is often referred to in the debates under the law as the question of cultural genocide.

The point that I would like to make clear because I think this is often misunderstood, is that it is not that attacks on a group’s identity, culture, language, et cetera, are irrelevant. They are actually incredibly relevant. It is simply that they do not qualify on their own as an underlying act of genocide, the *actus reus*. However, what they are, are evidence of the *mens rea*. They are, in fact, the evidence of genocidal intent. Therefore, as Dr. Finkel was discussing, the revisions of school curriculum, that what we are now hearing from Kherson of the mass imprisonment of those who were speaking Ukrainian, the attacks on Ukrainian identity, cultural property—these are all things that indicate the

genocidal intent when matched with the underlying acts set out in the Genocide Convention.

In closing, on this point, I just want to highlight that in addition to the New Lines Institute's report, for which I was the principal legal advisor, I would highly recommend that all of your listeners look at the new article recently published in the Journal of Genocide Research, by Professors Iryna Marchuk and Dr. Aloka Wanigasuriya, which sets out really very strongly a fantastic legal analysis.

I see that I am running over, so I just want to say very briefly on this second point that I have said that there is a case to be made, and my co-panelists have said that there is a case to be made, that what—Russia's actions in Ukraine qualify as genocide. I want to be very clear that I am not speaking in a courtroom, and Congress is not a judicial body. This is very important to understand when we say that I can be qualified. I would strongly encourage members of Congress and the executive body not to try to mimic or meet the standards that are applied in judicial proceedings in order to consider what Russia is doing as genocide within a legislative, policy-oriented context.

I think it is inappropriate, and I also think it is not possible. There are incredibly important due process and fair trial rights issues that cannot be replicated in the context of either a congressional or a State Department analysis. However, that does not mean that the executive or legislative bodies have no role to play. Quite to the contrary. The Genocide Conventional requires that the prevention of genocide, including halting genocide if it has started, falls on states, not on courts. That means that the fact that this is a legal issue cannot mean that Congress cannot consider it. That would make no sense.

The way to prevent the ongoing genocide, the way to halt it, is through legislative and policy acts that this Congress will take. Therefore, in that sense, in terms of whether or not there is sufficient evidence to consider what Russia is doing to be genocidal, I would say absolutely. I think it is important, as Dr. Finkel has said, that when Congress is considering what acts to take to halt this genocide, to protect the Ukrainian people, it recognizes what is happening, in order to best formulate the most appropriate responses. Thank you very much.

Mr. CECIRE: Thank you, Professor Rosenberg, for that powerful and persuasive intervention. It is very much appreciated.

We will now move to the Q&A portion of the event for those registered and watching on Webex. I ask that you please use the Q&A feature to ask a question. It can be accessed by clicking the bottom—the three dots on the bottom right, which will bring up a menu. There is a Q&A box that will populate after you lick it, and based on that, we will get to as many of you as we can.

While folks are doing that, I would like to now give the privilege of place to Representative Cohen to ask the first questions, if he has any. Co-Chairman Cohen. We will give Mr. Cohen a moment. I do have one question that I have here that I think is—you know, we, the entire group, may be addressing in some form. Something we hear a lot sometimes about—is why we focus on Ukraine, among so many other atrocities and genocides, some of which have been acknowledged by the U.S. government, like against the Uyghur people, the Rohingyas of Myanmar, and the Yazidis of Syria and Iraq, as well as other atrocities that have received less scrutiny in places like Tigray or Yemen. How do you respond to that? How do you respond to this question of why are we focusing on Ukraine, and perhaps not as much on some of these other types of atrocities?

Dr. Rosenberg, perhaps you can begin with that.

Mr. ROSENBERG: Oh. Sorry, I did not mean—yes, I will. Thank you, Michael, for that question.

I think—let me just say this, I think that there are incredibly legitimate and important criticisms that have been raised about what does and does not receive attention. On the other hand, I think that there are important distinctions and different contexts that actually need to be recognized and that in some ways this criticism sort of flattens and does not take into account the various specifics of each context.

Therefore, let me say, for example, as someone who has worked on the Tigrayan situation, I think that it is important to recognize that the efforts in terms of the conflict, in terms of the investigations, are being led by the African Union, by the United Nations, and that this is very much at the request of the Ethiopian government and the regional countries. I think that that is different from Ukraine and the United States, just to use that as one example, where Ukraine—the Ukrainian government has welcomed the support and interventions of the United States of America.

Therefore, I think that there is a need to understand that, yes, this is a very valid criticism, but it is not the United States. Let us be a little bit humble and not quite so U.S.-centric, that it must always be in the lead, that it must always be the one to reach decisions. There are a number of situations where it is at the request of the communities themselves that other takes the lead. That includes, for example, in terms of obviously quite problematic—and we could talk about that on a different session—but ASEAN, for example, in terms of what is happening with the genocide against the Rohingya. Therefore, I just—I think that it is more complex and nuanced than a sort of flat evaluation that just says, why do we not treat each the same?

Mr. CECIRE: Thank you for that.

Professor Snyder, I see your hands up.

Mr. SNYDER: If I could, let me just add three points. The first I want to make is that I want to acknowledge the—I want to acknowledge the assumption of the question, which is that genocide is a matter of principle. Therefore, we should, as scholars or as lawyers, be able to acknowledge genocide wherever we see it—in the past, in the present, or in the future. The five crimes and the understanding of intention give us an analytical tool that allows us to identify, as the questioner quite rightly says, cases of genocide all around the world.

I think what distinguishes this case from others, that my view, is actually different. It goes to a point that Evgeny Finkel made. Ukraine is a state which has been attacked by another state, and the genocide which is taking place is taking place during a war of aggression. This means that there is an instrument that can be applied here that is almost never available, and that is the support of the state that is being attacked. In almost all of the cases that we might mention, you know, the case that I work on historically, for example, is the Holocaust, there is no state that you can directly help. There is no state that you can directly help.

In this case, we are in an unusual situation where the Ukrainian state is functional and more, and therefore we have remedies which we can apply. This makes it no less tragic that there are not remedies in other places. Of course, we should search for them. However, the fact of Ukrainian statehood means that we not only know that the Ukrainians want us to help, but we are able to help them directly.

The third point that I would make is that I think there is a way, actually, in which this works the other way. Namely, it is not always the case that the perpetrator of the genocide has such an effective worldwide propaganda apparatus as the Russian Federation does. I would suggest that actually, the argument may work in the other direction, that we have been rather slow to understand what is, in fact, a rather obvious case of genocide in Ukraine because this genocide is being perpetrated by a state with television networks and internet penetration all around the world, which has served to muddy the issue and supply the kind of, you know, whataboutism arguments, and to divert blame, and to do all kind—perform all kind of other mechanisms.

That is also historically new. That is very 21st century. Other states that have perpetrated genocides have not had that kind of technological influence and that kind of propaganda apparatus. Therefore, I would actually turn the question around and suggest that we would have—we might have come to these conclusions about Ukraine much more quickly had it not been for the special kinds of imperial power that the Russian Federation happens to exercise.

Mr. CECIRE: Thank you, Professor Snyder.

Maria, I see your hand is up. Please go ahead.

Ms.KURINNA: Yes. Thank you, Michael. I will just add because my colleagues are very clear, and I could not be more agree. I just added a couple of things. First of all, there were about 16 million Ukrainians displaced internally and externally during this war. It is an immense number in the modern history of the world. I think this is one thing that has to be taken into account, the scale of the tragedy that is happening. Another thing is that in terms of the possibility of collection of evidence that a lot of actors have been doing now, because of this digital world that we are living in now we basically have one of the best opportunities to document properly and store properly a lot of evidence of crime for Russians, and other crimes here.

We have all the possibilities to do it, and we know the mechanisms. Certain organizations from the Ukrainian human rights community united in the coalition Ukraine 5:00 a.m. and are doing this from the second world—from the second day of aggression. We know that a lot of experts have been sent from different states to help us to document evidence. Therefore, I think it can actually state this precedent for the first time to properly respond to this genocide, and I would say this can bring more justice to the world because Russia has not committed all these human rights violations not only in Ukraine.

It all started in Chechnya, it later happened in Georgia. I would agree that the world was slow. Ukrainian human rights community has been trying to convey and urging all these eight years that there will be escalation if the crimes are tolerated, that happened in Donbas and in Crimea. There would be a huge escalation, and it happened. Therefore, now we have to act. Otherwise, you see that every wave, from Chechnya, then Georgia, then Ukraine, now Crimea, eastern Ukraine, and the whole Ukraine. There was with each stage there was an escalation. Therefore, if we do not stop this regime, it could proceed to the Baltic states, to Poland, and we will see another level of atrocities happening, and we, Ukrainians, want this to stop on us. Thank you.

Mr. CECIRE: Thank you so much for that.

Dr. Finkel, go ahead.

Dr. FINKEL: Thank you. Therefore, quite a lot of what I want to say has already been said by my co-panelists, but I think the question is, on the one hand, valid. Though the

answer should be it is not that we are focusing too much on Ukraine, but that we are not focusing enough on other cases. Second, even though the question is valid, it is also an invitation to do nothing. The implication is that if we fail here and fail there, and fail in some other place, then there is no reason for us to do anything else in Ukraine. I fully agree with what my co-panelists said.

However, if we are serious about starting somewhere and doing something, after so many failures, Ukraine precisely because we have a state ready to cooperate, and it is in the case of a state war. It is relatively easy to stop. You do not need boots on the ground. You do not need classic intervention. Essentially what Ukraine is asking for is just weapons. Therefore, it makes it much easier to stop. Therefore, if we are serious about prevention and about intervention, that is the place to start, because otherwise, it is not that we will suddenly decide that we are going to do it elsewhere. No, the implication is that we are not going to do it anywhere.

Mr. CECIRE: Thank you for that.

We have another question which is somewhat related to this idea about our obligation. What would the obligations of a declaration mean for Congress or the United States government? I mean, these are nonbinding resolutions. I have made the case that this is—has a very important symbolic and even material element but, you know, from your perspectives what might those be? Maybe we can start with Professor Snyder, who is willing to jump in.

Mr. SNYDER: Happy to jump in, with the qualification that, you know, I am not in the legislative branch so I will just say a couple of very, I think, pretty obvious things. The first is—and, again, now I am just echoing and amplifying Professor Finkel's remarks—the first thing is that we have a policy instrument to stop genocide in this case. We actually have many. However, the most direct is arming the Ukrainian state, and historical factors have aligned in such a way as to make this—I do not want to use the word "easy," but less difficult than other genocide preventions might have been. Therefore, I would assume that as we recognize that—as we recognize this as genocide, that policy instrument which allows Ukrainians to de-occupy their own territory, becomes all the more justified and urgent.

I mean, for me, again, echoing colleagues, it is very important that we understand this war as Ukrainians do, which is not just to stop something which is—which is awful, but to enable Ukrainians to begin their life again as a people. In other words, what we are trying to—when you stop a genocide, you are not just doing something that you are required to do. You are also opening up possibilities for people to live as a people, and defining the moral terms clearly I think helps very much with that. Therefore, I think that is the main—that is the main point that I would make. That this clarifies—this clarifies the purpose.

Mr. CECIRE: Thank you. Would any of our other panelists like to address that as well? I think that was quite clear.

Another good question that is—that is it come up is this idea that pro-Russian propagandists will often employ an argument that Ukraine is somehow of a quote, a proxy war between NATO and Russia as if it nullifies responsibility to protect or to prevent a genocide. Of course, this is, you know, pretty ridiculous on its face, particularly as the Russians have abandoned any pretense to proxy in this case, among other things. However,

what is the—you know, what is the counterargument here, from your perspectives? Maybe, Dr. Finkel, you could lead off with this one.

Dr. FINKEL: Thank you. Therefore, my argument is that it does not matter one way or the other, okay? Whether it is a proxy war or it is not a proxy war, genocide is a crime against civilians, and we clearly see one side has engaged in this crime against civilians with the intent to destroy a group. Therefore, it does not really matter. It can be a proxy war. It cannot be a proxy war. I do not think that we should engage in this discussion in this specific context. It is just not the place and not the time.

Mr. CECIRE: Thank you.

Maria.

Ms. KURINNA: Yes. I pretty much agree with my colleague. I just would like to say that, yes, always we have to emphasize that it is very—it is senseless, you know, to counter these messages that Russian propaganda creates. It is we just do not have to pay attention to this, first of all, because it is propaganda. They can create any possible narratives that do not comprehend reality. However, I fully agree that these are actions that target regular civilians, not the army only, and that—well, basically, a lot of civilian infrastructure are more targeted than actually military infrastructure. As the U.S. was a part of the Budapest Memorandum, saying that they are guarantors of Ukrainian sovereignty when Ukraine agreed to become a non-nuclear state, I think it is also part of the responsibility of—from the American side to step in.

The second thing I would say is that if it were a proxy war, then why—and Ukraine is not a subject, but an object—we were not defeated in three days, why are our people resisting so successfully for eight and a half months, and why our institutions do work even better, do function even better, than before war? We now operate as a fully responsible state in terms of reforms. We have wartime, but we still continue reforming a lot of sectors in Ukraine. This is a sign of our— of us being a subject, not an object. Therefore, yes. I think this can combat this narrative that we are kind of some proxy state, or whatever, yes. Thank you.

Mr. CECIRE: Thank you.

Professor Snyder.

Mr. SNYDER: Yes. Agreeing with my—agreeing with the co-panelists, I would just like to add another point here. The argument from proxy war, which I agree with Maria is wrong and I also agree with Evgeny it is irrelevant, may in fact—may in fact go to the question of intention in an unexpected way. When you claim that someone else is a proxy, that is one more way of denying their subjectivity, in other words, their existence. When you claim that someone is acting only on behalf of someone else, what you are saying is that they do not really exist.

I would point out that this has a rather long and disastrous history. When the Germans killed the Jews in Eastern Europe, they claimed that the Jews who were physically present were proxies for a larger conspiracy. Even though it might seem that the people who were present did not exercise any power, the fact that they were proxies for a larger power structure around the world made it legitimate to kill them. Therefore, this proxy argument, I would suggest, is not innocent, and it actually may be, if anything, relevant to our conversation in this sense of it tends to demonstrate intent.

Mr. CECIRE: Thank you. That is very interesting.

Another question that has come up. This genocide seems very clear and apparent to me, to this panel, and to many other experts. Yet, even with such evidence available to us, the question is often raised why are not there more open and public discussions about this genocide? Even Russian atrocities and war crimes in Ukraine, even if one has not yet gotten to a place where they are comfortable calling it a genocide, are—and these war crimes are well-documented, and widely accepted as such in the international community. Even they seem to have received somewhat less attention and interrogation than one would think. Therefore, why is this? Is it just too early? You know, it is kind of only been eight, nine months? Or does it have something to do with the conflict being in the global north, or something else? I mean, what could be the reason for that?

Maybe I will ask Dr. Rosenberg to start us off there.

Mr. ROSENBERG: Thank you. I am not a doctor, just to be clear. [LAUGHS.] No, I think that there is an interesting thing going on here in some ways that has to do with Ukraine's very successful defense of itself that has—that has surprised people. I think that this actually, in terms of the way this question is formulated, particularly when it comes to genocide, has in some ways made people uncomfortable classifying international crimes because I think there is a tendency to think of crimes when we are thinking more of the unprotected, vulnerable civilian population that is—does not have a military force accompanying it.

That is something that is very unusual. My other panelists have mentioned this already. It is very unusual in terms of the situation in Ukraine, that there is the Ukrainian military and it is being very, very successful. Therefore, I think that there is some hesitancy to speak about crimes, though I do not know that I totally agree with the premise that it is not discussed. I mean, I do actually think that it is fairly discussed.

However, I would just—maybe just to close on this—I actually think that the fact that the Ukrainian military is having such a successful counteroffensive is incredibly important, linked to the question of genocide and linked to the question of the House resolution and Senate resolutions, and why they need to pass. Because it is incredibly urgent from a policy perspective that we understand the counteroffensive as a prevention/protective measure for the Ukrainian people from the continuation of genocide.

Therefore, it is linked to all other budgetary, appropriation, et cetera, decisions that will come before the Congress. Therefore, I think it is actually—in terms of understanding the urgency of supporting Ukraine's military right now, to ensure that they are able to continue to liberate occupied areas and their own people, that we understand this—as this question sort of relates to—as explicitly tied to preventing and halting the crime of genocide, crimes—war crimes, and crimes against humanity that are occurring right now. Thank you.

Mr. CECIRE: Thank you so much. Would any of our other panelists like to weigh in on this question?

Therefore, we also have an interesting question from the eminent scholar, Dr. Greg Stanton from Genocide Watch. That organization has endorsed this legislation and has been a great advocate for genocide awareness and action, prevention. His question is actually maybe most directly to you, Professor Rosenberg, in that he asks about the International Court of Justice's decision in the Bosnia and Croatia versus Serbia cases. He notes that they seem to have confused individual and state intent and claimed that if any intent besides genocide can be found, the state cannot be found to commit genocide.

Individual intent, he writes, and state intent are quite different. States do not have mens rea because states do not have minds. This is why declarations of intent by state leaders, coupled with systematic patterns of state actions, are the way to prove state intent, as we have discussed today. States always have more than one intent for their actions. How can the ICJ overcome its confusion in the Bosnia and Croatia cases, so that it finds that Russia is committing genocide against Ukraine? Maybe this is for our legal counsels who are watching as well. [LAUGHS.]

Mr. ROSENBERG: Well, I mean, look, the—Professor Stanton’s critiques of the ICJ are shared by many within the legal and academic communities, who study the ICJ’s jurisprudence. I do not think that—in a way, I think—let me say it this way. Obviously, international criminal law, individual criminal liability, ICJ, and state responsibility—the Genocide Convention, of course, relating to both, right, and state responsibility as well as calling for criminal prosecution of individuals—that this jurisprudence that is being referred to is, you know, being developed, as courts do, as cases come before it, as they consider the various cases under the Genocide Convention.

I think that that speaks in some ways why we need to understand that the sort of vibrancy and life of the obligation of the present of Article 1 of the Genocide Convention does not rest with courts, right? Because this is a perfect example of the sort of, like, very legalistic arguments—that will play out over the next year and potentially a decade at the International Court of Justice. Potentially at some point, the International Criminal Court will address the question of genocide. It has not come before the ICC yet, only our ad hoc tribunals have dealt with it.

I do not have an answer to the question about what the ICJ should do. However, what I can say is that I think the United States Congress, I think that the Biden administration, should and are required under—you know, as a signatory of the Genocide Convention—to consider their obligations, right, from a state perspective, of what they should do now. We will allow the sort of international law community and jurisprudence to develop at the pace that it will. However, you know, the question of what is happening in Ukraine is not abstract. It is not theoretical. It is real, and it requires real, concrete policy actions now to stop it. Which means that our attention should not be on the International Court of Justice.

Mr. CECIRE: Another good question that has been raised—it has been—has Russia’s nuclear arsenal played a role in maybe tampering with some of our willingness to call this out for what it is? Or maybe the better way to put this is: How has Russia’s status as a nuclear power maybe rounded down the type of discussion that we are having about this conflict, and maybe influenced the way we are thinking about, you know, what is the appropriate means of responding? I will let Professor Snyder speak first.

Mr. SNYDER: I am sure others will want to speak as well. However, I would just make the very general point that the categorization of Russia as a great power or as a superpower, which is often done on the basis of its nuclear arms. It does throw the conversation off, and did throw the conversation off, into a highly unproductive direction. Because there are people—there are people in the world, many of whom for reasons that are mysterious to me call themselves realists, who make the claim that because they—you know, they, from their offices, or whatever—regard a country as belonging to a different class, this class of great power or superpower. That country, therefore, should be judged according to some kind of mysterious physics in which because they are big, they have more weight, and what they are going to try to get they always get.

The thing about this school of thought is that it is not realistic at all. Great powers generally lose wars. The majority—the smaller country has won most of the wars since the Second World War. Any historian will say, wars are also highly unpredictable and contingent, and anyone who had forgotten that, you know, can just look upon this war as an example of how pretty much everyone who looked at it got it—got it wrong. Therefore, my point is that this classification of Russia as a great power, which is a kind of—you know, a kind of consequence of people focusing on nuclear weapons, gave credence to the people who said all the talk about ethics and law is nonsense, all that matters is the, “real world,” right?

Therefore, that would be my response, that we paid too much attention to the people who were seeing this very abstractly and at a distance, and who tried to enforce their very unreal version of, “realism” on the rest of us. That does tend to delay a discussion about what actually is real, which are human beings and the fates that they suffer, and the ways that suffering can be prevented—really prevented, in the real world, as it actually is.

Mr. CECIRE: Thank you so much.

Dr. Finkel.

Dr. FINKEL: Thank you. I fully agree with Professor Snyder, his classification of quite a few of my colleagues in political science, and their views of the world. I think that Russia having nuclear weapons probably had more effect on distracting us from the discussion about the genocide and about the war crimes, rather than having much of an effect on the discussion, because—and that could then go back to the point that you asked earlier about why it has been reported less now. I do not think it has been reported less, but there has—but the focus is still not on human beings on the ground, but on what Putin might or might do next, whether there will be a nuclear war, whether there will be the use of tactical strategic weapons. That does drive the discussion in a certain direction, away from what is going on, on the ground. In terms of what—and on that I might somewhat disagree with Professor Snyder. I have not seen that much, you know, of an effect of Russia having nuclear weapons on the willingness to call a spade a spade among people who are willing to make this determination. Therefore, I will stop here.

Mr. CECIRE: Thank you. Thank you.

Professor Rosenberg.

Mr. ROSENBERG: Yes, thank you. I very much agree with what Dr. Snyder and Dr. Finkel have said. I want to add something from a different angle, though, in thinking about this really through a prevention lens. I find the conversation about Russia’s nuclear weapons to be counterproductive, in the sense that the idea of modifying or limiting response to international wrongful acts because of a country having nuclear weapons incentivizes all countries in future conflicts to threaten to use nuclear weapons. I find very shortsighted the way that these sort of realist conversations are going on, as if somehow by accommodating Russia or by limiting, you know, responses to Russia’s actions in Ukraine because they have nuclear weapons, that the lesson that Russia will take from this is I will not use nuclear weapons again. In fact, it is quite the opposite, right?

Picking up on the point that Maria has made in several of her interventions, which I think is really important, is to think about Russia’s behavior not just in terms of Ukraine, but much more broadly. In terms of Eastern Europe. In terms of the former Soviet states. I truly believe that there is a very bad message being sent to every country

that has nuclear weapons and every country seeking to have nuclear weapons, that these can be effectively used as a threat to get whatever, you know, results that it is that you want. I think that is a very bad, counterproductive prevention approach.

Mr. CECIRE: Thank you, Professor Rosenberg.

Maria, go ahead.

Ms. KURINNA: Yes. Well, I agree with my co-panelists. I just also would like to say that I totally agree that we have to talk more and pay attention more to people's destinies. As a representative of a community that has been occupied for so many years, I still have connections with the people on the ground in eastern Ukraine and in Crimea. I can reassure people who are listening to us that there are Ukrainians and Crimean Tatars who have been waiting for Ukraine to liberate its territories all these years. As you probably saw, this incredible news from Kherson. People were hiding Ukrainian and European Union flags somewhere in the corner of their houses. It is actually a risk of their life.

We know that people were killed having only, like, you know, the stripes of Ukrainian bracelets with Ukrainian colors of the flag. Therefore, can you imagine for these people how much it is to have this hope that one day world finally will pay attention to their tragedy and help Ukraine win this war as fast as possible? As a representative of this part of Ukrainian society, I know so many friends and colleagues of mine who have undergone these torture chambers just being reported from occupied territories or showing this articulate pro-Ukrainian position. Therefore, I think we have to talk about this more, about these personal stories, about these waves of enforced disappearances of local community leaders.

By the way, I think it is also important to stress that Crimea, with all this level of atrocities in Ukraine after February 24, Crimea has faced a huge crackdown in terms of the human rights situation. It is overshadowed by the news from Ukraine, which is understandable, but it does not diminish what is happening in the peninsula. Currently, people are scared to talk to each other about their Ukrainian identity. They are scared to talk about how they wait for Ukraine, even with their children, because they understand that children are—I mean, they are small, they can talk about their parents' attitude to kindergarten and in school, and the next day FSB will come with searchers to your family.

We currently know that people were arrested and detained just because they were listening to Ukrainian songs at a wedding, or the person was listening to Ukrainian music and filming this and putting this on a Facebook, page. Some people got through interrogations—went through interrogations putting a like on some posts about Ukraine. Therefore, it is an atmosphere of total fear in the Crimean Peninsula. Russia made it deliberately to silence all possible opposition. They detained recently one of the last citizen journalists in Crimea. You know that all free journalism was expelled from Crimea, and some journalists were detained.

For example, our colleague, Iryna Danilovich, was contributing to our nonprofit media at ZMINA Human Rights Centre. She has been detained. She faced enforced disappearance, and she has been detained—since April 29. We did not know for 11 days what had happened to her. It was - she was held incommunicado, and later we found out via her lawyer that she was held in the basement of the FSB building in Simferopol and forced to go through a lie detector. She was not fed. She was forced to actually sign some blank papers and in potential promise of exchange for her release, of her freedom. How-

ever, then she was accused of some fake crimes that she had in her handbag 200 grams of explosives. Therefore, now she can face six or eight years of imprisonment, just reporting truthful information about human rights violations in Crimea.

These people do not deserve such treatment. Russia wanted to silence everything that was going on because of their crimes. They are doing forced mobilization. They are striking Ukraine from Crimea. It was a pretty deliberate strategy to silence Ukrainians and the Crimean Tatar community there. Therefore, we have to remember about this. Thank you.

Mr. CECIRE: Maria, thank you so much for bringing that up. I think the plight of Crimea and the Crimean Tatar people is so important. If anything, I would add to that the way this war is so directly tied to Russia's legacy, and present, of violent colonialism, which is, you know, quite expressed in Ukraine, but also very much so within the borders of the Russian Federation itself. Where we have Buryats and Tatars and North Caucasians and Dagestanis who were sent and mobilized and sent to the front, and dying in vastly disproportionate numbers compared to ethnic Russians, particularly from Moscow and St. Petersburg. I think that this is part of the same—the same story in a lot of ways.

Professor Snyder, I saw your hand was up. I wanted to give you the last word if you would still like to.

Mr. SNYDER: I think that what Maria said would be the appropriate last word. I think the way to maybe bring it together with the question is just to add this remark. I think that—well, look, as a historian let me just make a kind of curious remark. The word "holocaust" until the late 1980s meant nuclear holocaust. It is only in the last few decades that the word "holocaust" has acquired the meaning that we now take for granted, that is the Holocaust of the European Jews. I note that juxtaposition because I think there is a kind of psychological purpose when Mr. Putin and others speak of nuclear war.

That is to suggest that we might be the victims and not the Ukrainians. I think in that way, it does affect the conversation because in Germany and in the U.S., two countries where people have been trained to think about the exchange of nuclear weapons as being something that could happen, it pushes a button and it allows us to think, well, maybe we are the real victims. Maybe we should be worried about us. Whereas, in fact, we are safe and it is just a play. It is a psychological play, and we have to resist it. We have to realize that—you know, we have to realize that we are not the victims here, that the victims are actually the Ukrainians.

Therefore, I think that is a way that this is related and that, you know, this imaginary fear that we have—if we yield to it, it can suppress our energy and direct us away from the things that are actually happening—this genocide which is actually happening in the real world—which we can actually do something about right now. Therefore, thank you, Maria, and thank you to everyone.

Mr. CECIRE: Thank you. Thank you, Professor Snyder. We are now officially over time, but I would like to thank our tremendous panel of experts for their expertise and advocacy. I would like to thank all of our viewers, and everyone in the audience, for your engagement, the great questions, and the interest. I urge everybody to support House Resolution 1205 and Senate Resolution 713 and to help hold Russia to account for its genocidal war. These resolutions, of course, are not the end-all on their own. Far from it. However, they are, I believe, a very necessary reckoning.

Thank you all for joining and have a good week. Slava Ukraine [GLORY TO UKRAINE].  
[Whereupon, at 12:41 p.m., the briefing ended.]





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