

HUMAN STORIES

WAR AND ACTIVISM

Russia-Ukraine War Chronicles



OLEKSANDR PAVLICHENKO

“There must be a clear understanding that in order to protect yourself from such wars and such aggression in the future, you need to punish the criminal today”

Oleksandr Pavlichenko, head of the Ukrainian Helsinki Human Rights Union, the largest all-Ukrainian coalition of human rights NGOs, talks about how the work of the organization has changed since the beginning of a full-scale war, why it is important to document war crimes, and what historical experience will be useful in creating a future international war tribunal in Ukraine. The “Tribunal for Putin” initiative to date has more than 27 thousands documented facts of war crimes since February 24, qualified in accordance with the Rome Statute.

“Human Stories” is a format where the floor is given to the representatives of civil society who play active role in countering the consequences of Russia's invasion of Ukraine.

Now there are several large associations of NGOs that have been documenting since February 24 this year. As for the UHHRU, we have been working with documenting war crimes since 2014. In 2015 we created a documentation center with 4-6 permanent employees, and a database of facts of crimes that were carried out in Crimea and in the occupied territories. In December 2021, we transferred this base to the Peacebuilding Center, our joint project with the Ministry of Reintegration. This was an important stage in the creation of an all-Ukrainian center for documenting all crimes committed during the war and the beginning of the unification of various databases with documented materials on such crimes.

Our database already contains more than 27 thousand facts of war crimes, on which we received first-hand information and continue to receive it from “field missions”, from contacts with victims who seek legal assistance.

Starting from the first days of the full-scale invasion of Russian troops, we set the task of resuming the documentation process. Moreover, it was very important that the organizations create a single base. The UHHRU initiated the coalition of Ukrainian NGOs in order to create a single platform and documentation base, and thus the P'yata Ranku coalition was created (*February 24, 5 am - the time the full-scale war began - ed.*). We actively began to work in this coalition, ensuring the coordination of the work of all

participating organizations in two areas - documentation and legal assistance. Later, together with two large organizations - KHRG (Kharkov Human Rights Group) and CCL (Center for Civil Liberties), we created the Tribunal for Putin initiative, and from the end of March we began to work actively in this initiative, introducing all documented facts into a single database, which were collected by our documenters. At the moment, our database already contains more than 27 thousand facts of war crimes, on which we received first-hand information and continue to receive it from “field missions”, from contacts with victims who seek legal assistance.

We constantly emphasize that the war began in 2014, and let me remind you that more than 300 appeals were filed with the International Criminal Court alone with evidence of the facts of war crimes committed by Russia. And these are not isolated crimes. Our organization filed 8 appeals to the ICC. And one of such appeals united several specific facts of killings, for example, prisoners of war, and other serious crimes that are a violation of international humanitarian law and fall under the jurisdiction of the ICC investigation. This huge array of crimes should not be overwritten and erased by new crimes. Because the perpetrators are the same.

Those who gave orders and started the war in 2014, they are today the initiators of crimes and must be held accountable for all the crimes they committed, and the ICC has jurisdiction for this.

Therefore, we are now talking about the 2nd phase of a full-scale invasion and documentation of crimes that are associated with a Russian invasion. For us, the task is not only to document, but also to provide possible legal assistance, both consulting and preparation of materials to national or international instances, to law enforcement agencies.

Now the main issues of consultations are related to the war – the destruction of property, torture, kidnapping, death.

Now UHHRU continues to operate a network of 30 receptions, in which all applicants are provided with free legal assistance, the employees of these legal aid desks work in the same way as documenters, collecting material on the ground and replenishing the base for documentation. Now the main issues of consultations are related to the war – the destruction of property, torture, kidnapping, death. We assist our clients with filing complaints with law enforcement agencies, which helps to record the very fact of the violation and gives the applicants the appropriate procedural status and implies the possibility of obtaining proper payments or other compensation in the future. UHHRU also helps those who are imprisoned or captured in Russia, without being in the status of prisoners or combatants. I will not talk about the progress of this work here, but we were

able to get important results and achieve liberation.

Now we, as human rights activists and documenters, are especially closely cooperating with the state. The Office of the Attorney General has established a "Department of War", increasing the number of prosecutors who work to investigate war crimes and cooperate with representatives of the ICC in investigating crimes that fall under their jurisdiction. A few weeks ago, we made the documented materials available to the Attorney General's office, gave them access and all the possibilities to use it.

We have studied the experience of all international tribunals, starting with the Nuremberg one, since they all vary greatly in terms of success, scheme of work and results. The best option for Ukraine would be the Tribunal for the former Yugoslavia, which served as a prototype for the International Criminal Court. But, alas, it is far from perfect, and I cannot say that the results of the Yugoslav Tribunal are satisfactory. The work of the tribunal, which has lasted for 20 years, also raises the question of how fair or effective justice is in relation to a conflict that was long overdue. We are unlikely to be satisfied if Putin can only be brought to justice in the 2040s or 2050s. And again the question arises of the effective restoration of justice through the punishment of those responsible for war crimes.

The creation of any tribunal requires several conditions: it will be almost impossible to create it if you imagine that Russia will win the war. So, the Soviet Union escaped punishment for its crimes during the Second World War, although they were. This is an example of how unpunished evil then develops and continues to spread evil further. The same will happen if there is a truce with compromise terms. Russia will demand "security guarantees" that will rule out any tribunal.

The process of global verbal confirmation that such a trial must take place, and that Russia is an aggressor and a terrorist state that deserves to be prosecuted, is already underway.

We need the consolidation of diplomatic efforts at the global level. There must be a clear understanding that in order to protect oneself from such wars and such aggression in the future, the criminal must be punished today, but this must be done with a proper legal instrument and in compliance with all civilized rules. The process of global verbal confirmation that such a trial must take place, and that Russia is an aggressor and a terrorist state that deserves to be prosecuted, is already underway. At the autumn session in 2022, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on the need to create such an accountability body. The Parliamentary Assembly of the NATO countries – 30 states – also adopted a resolution that Russia is a terrorist state and that its activities in this context should be investigated. The EU adopts a resolution establishing such an investigative body.

That is, we are now approaching the fact that this task is already being formulated at the diplomatic level, which must be materialized at the level of a specific institution, which will

need both appropriate rules and an appropriate mandate.

The main condition is that Russia must admit defeat and agree that it extradites war criminals in the same way as it was, for example, with Serbia, which agreed to extradite Milosevic. Then the process of punishing guilty criminals and restoring justice will be realistic.

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