

# The Influence of Russia's Self-Perception through the Genocide of Ukrainians on International Legal Systems

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## ABSTRACT

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**Introduction:** The article reveals the ways of Russia's self-identification through the genocide of the Ukrainian people and analyses their impact on the system of international legal relations. The relevance of the study is related to the fact that after Russia's full-scale invasion and de-occupation of a part of our country, it was found that Russia resorted to targeted actions aimed at destroying our people. Therefore, it is essential to determine how the genocide of the Ukrainian people was carried out, what methods were used, and how this affected the people's ability to resist the invaders.

**Objectives:** The article reveals the ways of Russia's self-identification through the genocide of the Ukrainian people and analyses their impact on the system of international legal relations. The essence of the concept of "genocide" and the main characteristics of this term are described.

**Methods:** Given that the enemy continues the genocide of the Ukrainian people in the temporarily occupied territories, it is necessary to determine how such actions of the enemy are reflected in the system of international legal relations.

**Results:** The study identifies the reflection of the genocide of a people in the legal documents regulating the protection of human rights. The formation of the essence of the concept of "genocide" in the historical dimension is characterised. The main stages of the genocide of the Ukrainian people are identified. The ways of self-identification of Russia through the genocide of the Ukrainian people are analysed. The place of mass murder and torture in the genocide of the Ukrainian people is revealed. Sexual violence is identified as one of the main ways of committing genocide. The role of forced deportations in the loss of the nation's identity is analysed.

**Conclusions:** Attention is drawn to massive strikes and shelling, destruction as a factor in the formation of unfavourable living conditions for the population. The impact of Russia's methods of self-identification on the system of international legal relations is described. The role of courts and tribunals in holding war criminals accountable is characterised.

**Keywords:** war, genocide, armed aggression, extermination, legal acts, Russia, self-identification, Ukraine, Ukrainian people.

## INTRODUCTION

The Ukrainian-Russian war that began in 2014 has demonstrated that even in the civilised world, wars are still a common phenomenon that cannot be eradicated. When Russia launched its armed aggression, it first resorted to the destruction of civilians, thereby trying to frighten more Ukrainian citizens into submission to the enemy. Accordingly, the use of weapons, various types of violence, and the eradication of Ukrainian culture and language can be defined as comprehensive actions aimed at the genocide of the Ukrainian people. What is

important here is that the civilian population is not only physically destroyed but also destroyed on a psychological level so that the citizens of our state cannot identify themselves as a separate nation [1, p. 5].

In general, the concept of genocide has a long history. Many historical sources contain references to how one nation destroyed another, not only killing civilians but also destroying cultural monuments that could preserve information about a particular ethnic group. At the present stage, the term "genocide" is rarely used, which is more related to the understanding that there is no place for genocide in the modern civilised world (Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress).

The term "genocide" is mainly interpreted as "the partial or total destruction of a certain group of people" [2, p. 825]. It can also be defined as "a comprehensive plan of action that involves the destruction of various aspects of the life of a national group, leading to the destruction of the group itself" [3, p. 700]. In particular, during the genocide, such features of an ethnic group as language, religion, economic ties, social institutions, tradition, and culture are destroyed. Representatives of an ethnic group subjected to genocide cannot enjoy their freedoms and rights; they are deprived of their dignity, and they may also be deprived of their lives.

Even though international legal instruments regulate the conduct of war and genocide is unacceptable, even strict liability for crimes does not exclude the possibility that war criminals may carry out the destruction of other people. During the Second World War and after its end, conventions and resolutions were adopted at the international level that condemned genocide and determined the mechanism for prosecuting criminals involved in genocide [4, p. 21].

However, the outbreak of Russia's war against Ukraine has demonstrated that the existence of international legal acts condemning genocide and defining the coordination of the international community's actions to apprehend war criminals does not significantly affect the enemy's actions to destroy our people. All of this means that the study of how Russia identifies itself through the genocide of the Ukrainian people and the impact of these ways on the system of international legal relations is relevant and requires detailed consideration.

## LITERATURE REVIEW

The issue of ways of self-identification of Russia through the genocide of the Ukrainian people and their impact on the system of international legal relations has been studied by such researchers as Musienko [1], Ivchuk [5], Shaw [6], Snyder [7], Weisz [8]. They are convinced that the genocide of the Ukrainian people by Russia is being carried out in order to destroy Ukrainians as an ethnic group. At the same time, such actions affect the international legal system, as this is reflected in the transformation of legal acts that make the phenomenon of genocide impossible.

The scientist G. Weisz, in his work "Starvation genocide and the triumph of Raphael Lemkin. Rambam Maimonides", draws attention to the essence of the concept of "genocide" in general [8, p. 1]. He argues that a significant contribution to the understanding of the concept of "genocide" was made by the scholar Lemkin [9], who defined genocide as "the destruction of humanity combined with the destruction of cultural heritage". He established that genocide includes such aspects as the destruction of religious, cultural, ethnic, and national life. The researcher emphasised that the term "genocide" is a combination of Greek and Latin words that mean "murder of a nation".

The scientist identified starvation as one of the instruments of genocide as a means of subjugating the population. He also identified mass executions, in particular in concentration camps, as an effective means. Lemkin [9] also identifies the stages of genocide, including political (occupation of a country or part of it), social (destruction of the intelligentsia), biological (reduction of the birth rate), physical (mass murder of the population), and economic (confiscation of property).

Thus, researcher I. Ivchuk, in his work "The Concept of 'Genocide' as an International Crime and Peculiarities of Prosecution in the Light of the Armed Aggression of the Russian Federation against Ukraine", notes that despite the existing international acts regulating the prosecution of war criminals, genocide remains a typical phenomenon during the war [5, p. 687]. At the same time, after February 24 2022, due to Russia's full-scale invasion of Ukraine, the forms and signs of genocide expanded, which was enshrined in international conventions. This has allowed the practice of bringing those responsible for war crimes to justice to be formed

and allows a systematic formation of the legal position on the tribunal over Russia. There are already cases of detention of persons involved in the genocide of the Ukrainian people. However, it is tough to prove this due to the difficulties of forming an evidence base.

Scholar O. Musienko, in his work "The Evolution of the Russian (Putin's) Genocide of the Ukrainian People", emphasises that Russia started the war against the Ukrainian people first and only then against the Ukrainian army [1, p. 3]. At the same time, residential and critical infrastructure, social and educational institutions, and healthcare facilities are being destroyed. This leads to a humanitarian crisis, violations of human rights and freedoms, and loss of property. The human cost of the genocide of the Ukrainian people is a reflection of the true intentions of the Russian army, which seeks to destroy Ukrainians as a separate ethnic group. Also, cases of crimes against human dignity and health, which are also a form of genocide, are increasingly becoming known. In particular, after the liberation of several Ukrainian settlements from occupation, it became known that the Russian military massacred and maimed civilians, used physical and sexual violence against civilians, and violated human rights. There are also reports of forced deportations and the organisation of concentration camps in the temporarily occupied territories. This is not only a genocide against the Ukrainian people but also a reflection of Russia's disregard for international legal instruments and violation of any of its human rights and freedoms obligations.

Therefore, the existing scientific base is sufficient to conduct the study and allows it to be carried out by the requirements.

The study seeks to reveal the ways of Russia's self-identification through the genocide of the Ukrainian people and to analyse their impact on the system of international legal relations. The aim of the study is because Russia's full-scale invasion of Ukraine has drawn attention to the problem of preserving the rights and freedoms of civilians in the occupied territories of our country and the war zones and has also allowed us to talk about targeted actions aimed at destroying the Ukrainian people as an ethnic group.

### METHODOLOGY

The following research methods were used in the study: description, analysis and synthesis, generalisation, comparison, systematic, and content analysis. The method of description was used to reveal the essence of genocide as a phenomenon in history. The method of analysis and synthesis helped to identify the peculiarities of the genocide of the Ukrainian people as an ethnic group. The method of generalisation was employed to summarise the results of the study. The systematic method was utilised to reflect the development of the concept of "genocide of the Ukrainian people" in international legal practice. The content analysis was used to analyse the source base, which contains evidence of the genocide of the Ukrainian people by the Russian army in virtual space.

### RESEARCH RESULTS

After 2014, a part of Ukraine was occupied by Russian troops, which led to the fact that the population of our country and the international community did not receive enough information about what was happening in the annexed territories. It was difficult to prove the facts that testified to the genocide of the local population with the help of the evidence base, as the occupiers tried to prevent information leakage and the spread of evidence of their illegal actions. However, after February 24 2022, it was difficult to keep information under censorship, as the invasion became full-scale, a significant part of our country's territory was occupied or became a war zone, and rocket attacks became a daily occurrence. At the same time, both Ukrainians and foreigners witnessed the Russian aggression, which allowed us to talk about evidence of targeted actions aimed at the destruction of the Ukrainian people [10].

Incitement is the first stage of genocide. On the territory of a state that plans to attack another state, propaganda ideas begin to spread that glorify one nation while humiliating another. Moreover, such actions are carried out in advance so that the people can prepare and a sufficient level of hatred towards the other nation can be formed. Accordingly, the masses are involved, and the basis for international support is formed; in particular, agreements are made on the division of occupied territory or the supply of weapons in the future.

In the second stage, a particular intention to destroy another ethnic group is formed. For this purpose, the ideology, tactics and strategy of influencing the masses are developed in more detail, and a clear understanding

of the reasons and motives for such actions is formed. In particular, aspects such as how the genocide will be implemented, what resources will be involved, how many people will be physically killed, and what the nature of the perpetrators' actions will be are determined.

The third stage involves the actual implementation of the crime of genocide. This stage is the shortest compared to the previous one, as preparation takes longer than implementing the planned actions. In addition, if the international community intervenes, the genocide may take on a different character, or the number of victims may be reduced [11, p. 272].

Russia's actions on the territory of Ukraine after 2022 bear all the signs of genocide. For example, preparations for the destruction of the Ukrainian people have been underway for more than 10 years, as in the 2000s, provocative materials concerning the destruction of Ukrainian statehood and the armed seizure of the territory began to appear in the Russian media. At the same time, the Russian authorities presented this as the return of Ukrainian lands to their "home harbour" and the creation of a strong empire. The idea was spread among Russians that Ukrainians were inferior in status to Russians, so they had to be exterminated or turned into enslaved people. At the same time, the Russian authorities were building up their military capabilities and concluding arms supply agreements with other states [12, p. 3].

Already at the third stage, when Russia carried out a full-scale invasion, the plans for genocide were put into practice. This suggests that Russia has long planned to destroy the Ukrainian people and has been trying to destroy our statehood through various mechanisms. At the same time, various ways of self-identification of Russia through the genocide of the Ukrainian people have been used and continue to be used. This is demonstrated in Figure 1. Ways of Russia's self-identification through the genocide of the Ukrainian people.

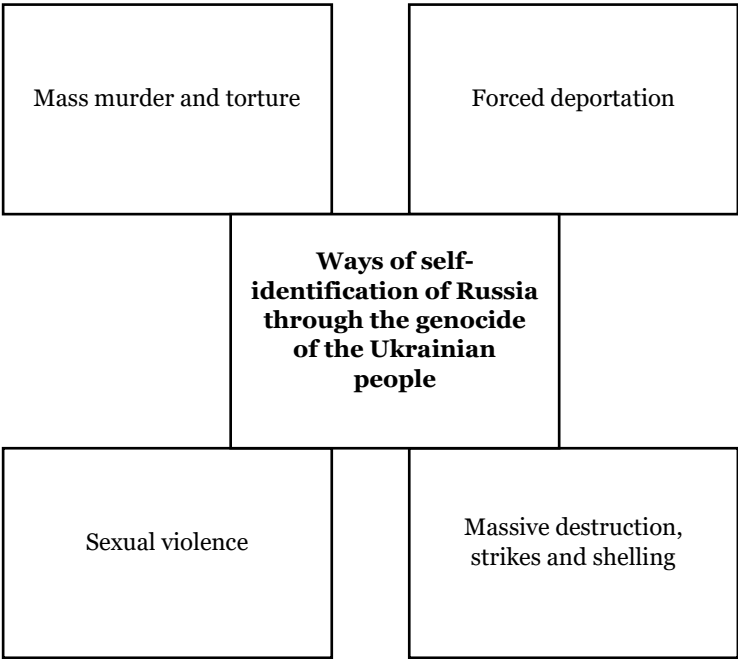


Figure 1. Ways of Self-Identification of Russia through the Genocide of the Ukrainian People

Source: [1]

The genocide of the Ukrainian people is evidenced by the fact that, according to the Convention on the Prevention and Punishment of the Crime of Genocide [13], genocide is the total or partial destruction of a national, ethnic, racial group, as well as the destruction of people based on religious beliefs. This is realised by killing the group, preventing the birth of children within the group, inflicting mental and physical trauma on members of the group, and creating an environment for the destruction of the group.

According to the Statute of the International Criminal Court, genocide is a crime that courts prosecute and requires trial by an international tribunal [14]. In addition, genocide is a gross violation of humanitarian law. Genocide is characterised by the fact that this crime against humanity is based on the intent to destroy a group of people or incitement to commit such a crime.

Mass killings and torture have become one of the main ways for Russia to demonstrate its physical superiority and readiness for brutal actions against Ukrainians. This is a way of intimidating the population because if a person knows that several people from his or her village have already been killed because of their civic position, he or she will not resist the occupation policy, as he or she understands that he or she can be killed too.

Some of the most famous cases of mass murder were the graves found after the de-occupation of Hostomel, Bucha, Irpin, Okhtyrka, and Trostianets. There are reports of mass graves in Mariupol. The occupiers often left bodies on the road, sidewalk, or another prominent places so that the residents of the settlement could see what could happen to them if they did not obey the occupying authorities.

The occupiers also made mass graves to conceal the number of dead. After de-occupation and the discovery of mass graves, the bodies were exhumed. Some of the bodies had traces of explosion damage, which may indicate death from rocket or other shelling. However, there were also bodies with bullet wounds, indicating that civilians were deliberately killed. Such graves could have had between 100 and 400 bodies buried, indicating mass killings, which is indicative of genocide.

Witnesses to the killings claim that the occupiers killed residents only because they were Ukrainians. Thus, they could kill a person who was just walking down the street and was unarmed, which indicates the targeted destruction of the Ukrainian nation. The Russian military also broke into civilian homes and killed people in their homes without giving any explanation. There have also been cases of the military shooting at civilian cars trying to leave the occupation [15].

In addition to mass murder, the Russians resorted to torture. Torture is a way of demonstrating physical superiority and showing that someone is more vital than another. Through torture, the Russian military enjoyed the suffering of the victim, with the ideological component being that the Russians were demonstrating that Russia was superior to Ukraine and that Russians were better than Ukrainians. In particular, the Russian military tied the hands of civilians and severely beat them, forced them to crawl on their knees, and inflicted knife and bullet wounds on them.

Torture is used to exert psychological pressure. A person cannot withstand physical pain, so he or she can take the enemy's position only to be able to survive. At the same time, the Russian military perceives this as a demonstration of their strength and superiority, realises their superiority, and perceives the victim's request for mercy as a demonstration of their divinity. Therefore, torture is a way to destroy a part of the ethnic group both physically and morally, as some will die from the injuries inflicted, while others will be afraid to speak out [16, p. 235].

Sexual violence is a form of genocide that directly affects human honour and dignity. Rape is a demonstration of power, dominance, and superiority over the victim. By doing so, the occupier demonstrates that he can do anything to his victim and that she will not be able to resist him. At the same time, this again shows the superiority of one nation over another, because actions of this nature are driven by the Russian military's desire to break the spiritual strength of the civilian population and influence the psychological state of victims.

Testimonies of sexual crimes committed by the occupiers were received in all occupied regions of our country. The victims were women, men and children. The facts of sexual violence are reported in front of other victims so that they understand what awaits them, as well as to worsen their morale. Accordingly, such actions are a way of waging war for the Russian army, as suppressing the psychological state is an opportunity for the occupier to influence the victim's self-identification as a representative of a particular nation.

According to the Russian military, sexual violence was committed against women in order to inflict psychological trauma on the victims, as well as to prevent them from having children in the future or from seeking intimate contact. In this way, genocide is committed by artificially worsening the demographic situation. That is, if fewer Ukrainians are born, it will be easier to defeat them.

Moreover, such violence can demoralise the victim for a long time. Therefore, cases of such acts are often reported by the victims' relatives, so it is impossible to establish the exact number of such cases. In addition, there is evidence of gang rape, pregnancies of underage girls, and coercion into intimate relations with threats of injury to relatives and children if they refuse.

Today, we can say that it is internationally recognised that sexual violence committed by the Russian military is an act of genocide against the Ukrainian people. This is because such actions are systematic, affect different population groups, are aimed at preventing births, and are carried out to inflict biological and moral harm on the victim [17, p. 80].

Forced deportation is also defined as a form of genocide against the Ukrainian people. Its essence is that the occupiers force people to leave their homes without possibly taking their belongings. Thus, the historical and geographical connection with their native places is lost, resulting in a person losing self-identification as a citizen. The houses of the expelled people are being moved into by Russians and people who are supportive of the occupation authorities, which forms a picture of a new society [18].

Officially, there are 1 million. Russian troops have deported 200,000 people [19]. These are both adults and children. The Russian authorities are separating families and resettling them in different territories so that people lose their identity, in particular, in remote areas of Russia. This is genocide, as there is forced displacement, forced deportation of children to Russia, and family separation. The Russian authorities use the term "evacuation" instead of deportation, which indicates criminal intent [20, p. 8].

Massive destruction, strikes and shelling are carried out not only to increase the number of human casualties but also to create conditions unfit for life. Thus, private homes, critical infrastructure, and educational and healthcare facilities are primarily affected. In particular, cities such as Kyiv, Mariupol, and Sumy have been hit hardest, with nearly 4 million people left homeless. In addition, civilians are at risk of death every day, which is evidence of genocide, as conditions are being created that make everyday life impossible. That is why the Russian military primarily destroys civilian infrastructure [21].

Massive destruction has all the signs of genocide, as there is a threat to civilian life, the usual environment is destroyed, the economy deteriorates, and the state suffers indirect losses. It creates conditions in which people are forced to leave their homes and seek safer places [22, p. 30].

Therefore, the genocide of the Ukrainian people, which is a proven fact, became the object of study by the international community, which could not but affect the system of international legal relations [5, p. 627]. A significant step towards the prosecution of perpetrators for acts of genocide committed on the territory of Ukraine since February 24, 2022, was the issuance by the International Criminal Court (hereinafter – the ICC) on March 17 2023, during the investigation, of an arrest warrant for Vladimir Putin and Maria Belova, who, according to the ICC, "is allegedly responsible for the crime of illegal deportation of the population (children) and illegal transfer of the population (children) from the occupied territories of Ukraine to the territory of Russia". The ICC defines the actions of the officials as a war crime of deportation, while if the existence of genocidal intent to destroy a national group is proved, such criminal acts can be qualified as an act of genocide, namely, by paragraph 5 of Article 2 of the Convention, as the forced transfer of children from one group to another for further assimilation in the territory of the Russian Federation [23, p. 23].

On April 7 2023, the Parliamentary Assembly of the Council of Europe adopted Resolution 2495, in which it recognised the arrest warrant issued by the ICC for Putin and Belova and supported the need to carefully record, collect and assess evidence of the crime of genocide, as provided for by the Rome Statute and the 1948 Genocide Convention. As stated in the document, "The Assembly supports the investigation and prosecution of the state policy of forced displacement and deportation of Ukrainian children by the Russian Federation, as well as potential actions by Ukraine before the International Criminal Court and the International Court of Justice" [24]. The issuance by the ICC of an arrest warrant for Russian officials for criminal acts of deportation of Ukrainian children and the recognition by the PACE of such actions as an act of genocide give reason to believe that the scenario of bringing perpetrators to justice for the crime of genocide can potentially be implemented, provided that particular intent is proved [14].

However, the steps taken to date at the international level, including the arrest warrant for Russian officials, statements by states and the PACE on the commission of acts of genocide on the territory of Ukraine, are not yet sufficient to bring the perpetrators to justice, as proving the commission of the crime of genocide by the military and political leadership and officials of the Russian Federation on the territory of Ukraine is complex and will require a solid evidence base to be presented to the tribunal.

### DISCUSSION

The question of the impact of Russia's ways of self-identification through the genocide of the Ukrainian people on the system of international legal relations is quite controversial. This can be explained by the fact that Russia is trying to destroy any facts confirming the deliberate extermination of the Ukrainian people. Accordingly, it is difficult to prove that the actions of the Russian military constitute genocide against the Ukrainian people.

In particular, Russia skilfully uses various facts to prove that their actions are not genocide, but simply necessary steps to conduct a military operation. In addition, when it comes to the war zone, it is difficult to collect information in this area due to constant shelling, the fear of the local population to tell the truth, and Russia's ability to quickly destroy evidence. Accordingly, there is a situation where the facts of genocide are present, but the other side can refute them.

At the same time, the available evidence base confirms that the actions of the Russian military are indeed aimed at the destruction of Ukrainians. Accordingly, this affects the creation of conventions and other legal documents that recognise the genocide of the Ukrainian people at the international level and are intended to ensure the legal detention of war criminals.

Therefore, this issue cannot be considered unambiguously today. After all, then there is a situation where there is allegedly all the evidence of genocide. Russia's coordinated actions fall under the concept of genocide. The legal framework is not ideal, which makes it difficult to prove the genocide of the Ukrainian people.

### CONCLUSION

Thus, the article has revealed the ways of Russia's self-identification through the genocide of the Ukrainian people and analysed their impact on the system of international legal relations. The following conclusions have been drawn from the study.

The essence of the concept of "genocide" is defined. It is established that genocide is the deliberate complete or partial destruction of a people, ethnic group, or group based on religious beliefs. This phenomenon has long existed in our history, but with the development of the civilised world, it has practically not been observed.

The article has described the preparation and implementation of the genocide of the Ukrainian people by the Russian military. The Russian military had been preparing for the genocide of the Ukrainian people for a long time. For years, Russians were told that they were superior and better than Ukrainians and that the destruction of other people was justified. During the implementation of the genocide, the physical destruction of the population or the demoralisation of civilians took place.

The article has considered the ways of self-identification of Russia through the genocide of the Ukrainian people. The ways of Russia's self-identification through the genocide of the Ukrainian people include mass murder and torture, sexual violence, forced deportation, massive shelling and missile attacks. This was done to demonstrate the superiority of the enemy over another nation, as well as to destroy the Ukrainian people purposefully.

The article has analysed the impact of the genocide of the Ukrainian people on the system of international legal relations. The genocide of the Ukrainian people resulted in changes to international legal acts which stipulated responsibility for crimes against the Ukrainian people. In particular, international bodies issued an arrest warrant for Vladimir Putin and Maria Belova, which demonstrates that the international community is ready to counteract genocide against other peoples.

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