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The Russian Leadership's Brutality in Fighting Wars

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1. Introduction

As documented by Ukrainian and international institutions, the Russian Federation's military forces are conducting their invasion of Ukraine with brutality and disregard for civilian casualties. The United Nations ('UN') Independent International Commission of Inquiry has found "evidence that, in the context of their full-scale invasion of Ukraine, Russian authorities have committed a wide array of violations of international human rights law and international humanitarian law, as well as war crimes". These included indiscriminate attacks on civilians and civilian objects, illegal detention of civilians, torture, wilful killing, rape and sexual violence, and the transfer of children. The evidence indicated that Russian authorities commit torture in a widespread and systematic way.[1]

In this paper, I place such brutality in a wider historical context. When considering methods of warfare during the Afghan and Chechen wars and the wars in Georgia, Syria and Ukraine, a pattern of systematic abuse can be discerned, particularly related to attacks on civilians and civilian objects, and torture.

The primary response of the Russian government to criticism has been to deny that its forces commit war crimes and to allege that Ukraine is committing extensive war crimes. However, I argue that Russian authorities are aware that they breach international humanitarian law, often resulting in war crimes, but hold the view that their methods are acceptable for Russia to prevail in military conflict. The Russian leadership sees waging aggressive wars as a legitimate and necessary means, supplementing political and legal ways, to promote Russia's interests.

Actors devoted to upholding international humanitarian law should confront this view. The goal should be to put political, legal and economic pressure on Russia's leadership to stop seeing war as a legitimate way to pursue

[1] Second mandate report of the Independent International Commission of Inquiry, UN Doc. A/HRC/55/66, 18 March 2024, para. 99 (https://www.legal-tools.org/doc/9i02xhok/). The Commission's third mandate report of 11 March 2025, UN Doc. A/HRC/58/67, corroborated the systematic character of the violations (https://www.legal-tools.org/doc/te8v1f2o/).

Russia's interests. Given Russia's permanent seat at the UN Security Council, its leaders should be challenged to uphold their responsibilities under international law in words and deeds.

The often-used reference by Russia's leaders to alleged Western violations of international law as a justification or context for their illegal policies does not stand the test. Even if one agrees with the Russian leader's negative portrayal of Western countries' and North Atlantic Treaty Organization's ('NATO') expansion into former Soviet spheres of influence, this cannot justify the violations of international law.

Such argumentation will surely not be enough to persuade Russian authorities to change course. It should be supplemented by 'harder measures', such as accountability, sanctions and defensive military means in line with international law. However, alternative argumentative routes may also be available if Russian authorities do not respond to international law arguments.

Estimates indicate that great powers like Russia have participated in about 70 per cent of all inter-state wars during the last 500 years. This overrepresentation also holds for the post-World War II era. France, the United Kingdom, the United States and the Soviet Union-Russia have participated in more international conflicts than any other countries.[2]

Thus, a strong political and moral case should be made to confront the current Russian leadership's narrow construction of Russia's interests. As a great power, Russia can potentially promote humankind's *common* interests effectively. Over time, such a paradigm shift in the Russian leadership's approach to international politics would benefit both the Russian people and the wider world community.

There is ample evidence that human rights violations and international crimes feed further conflict, instability and brutality – internally and internationally. There is therefore a need for far-reaching reforms regarding the Russian military's approach to upholding international humanitarian and human rights law.

Broader reform must also face the repressive past and Russia's current course. Current and future Russian leadership should endeavour to redefine Russia's role in regional and global politics. This may seem unrealistic in the

[2] Steven Pinker, *The Better Angels of Our Nature: A History of Violence and Humanity*, Penguin Books, London, 2012, p. 223.

short term, but this is where realism and idealism converge in the longer term.

Western powers have a significant role to play in such shifts. They must ensure that they uphold international law standards themselves and contribute to a new security order in Europe that is not solely built on military strength and deterrence.

2. Approach to International Law

Following the end of the Cold War, the international community *de facto* recognized Russia as the continuation state of the Soviet Union, although with different borders and populations. Legally, Russia assumed all the treaties, other international obligations and the rights of the Soviet Union. Consequently, Russia was bound by international humanitarian law treaties ratified by the Soviet Union, as well as customary international law, which protects civilians, civilian objects, cultural, religious and health sites, and prohibits torture in all circumstances.[3]

On the political front, however, the political elites, the military and the still powerful intelligence community had to adapt to a new and complex situation. Fourteen new independent former Soviet states had been established, having equal rights with Russia and no longer subordinate to Moscow. A further complicating factor was the substantial Russian minorities in the new states, a legacy of Soviet policies to move Russians into non-Russian parts of the Union.[4] Also, the controversial Soviet border demarcations, such as between Armenia and Azerbaijan, Transnistria in Moldova, and South Ossetia and Abkhazia in Georgia, led to conflicts. The internal military conflict in Chechnya during the 1990s and 2000s resulted from failing policies to manage independence aspirations.

Russia reacted to these conflicts by conducting so-called 'peacekeeping', 'anti-terror', or 'special military' operations. However, the lack of genuine diplomatic efforts to solve the underlying issues resulted in a string of 'frozen conflicts' and non-recognized territories, giving Russia a pretext to

[3] For an overview of the international humanitarian law treaties binding on the Russian Federation, see International Committee of the Red Cross, "Russian Federation" in the International Humanitarian Law Database (available on its web site).

[4] For an overview of Soviet internal migration policies, see Olga Chudinovskikh and Mikhail Denisenko, "Russia: A Migration System with Soviet Roots", Migration Policy Institute, 18 May 2017.

intervene when conflicts escalated, such as in Georgia in 2008 and Ukraine in 2014.

Before the Soviet Union collapsed in December 1991, but after Ukraine's Parliament declared its independence in August 1991, Russian President Boris Yeltsin threatened Ukraine's leadership that its departure from the Soviet Union would open the question of the legitimacy of its borders, especially concerning Crimea and the Donbas.[5]

Concern over the Soviet nuclear arsenal located in Ukraine led, however, to the signing of the 1994 Budapest Memorandum by Ukraine, Russia, the United Kingdom and the United States.[6] It provided that the parties "respect the independence and sovereignty and the existing borders of Ukraine". At the same time, Ukraine acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and gave up its arsenal of such weapons. Other legal arrangements regulated the control of Soviet military installations, including the Black Sea Fleet at Sevastopol on the Crimean Peninsula.

After independence in 1991, Russia seemed willing to strengthen its adherence to international law. The 1993 Constitution's Article 15(4) gave international norms preference in the internal legal system:

> The universally recognised norms of international law and international treaties and agreements of the Russian Federation shall be a part of its legal system. If an international treaty or agreement of the Russian Federation fixes other rules than those envisaged by law, the rules of the international agreement shall be applied.[7]

Russia's willingness to access international law was evident in its membership in the Council of Europe in 1996 and ratification of the European Convention on Human Rights in 1998. However, it failed to implement the

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5 Jeffrey Kahn, "Consistency and Change in Russian Approaches to International Law", *Articles of War*, Lieber Institute, West Point, 9 March 2022.

6 Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, 5 December 1994 (https://www.legal-tools.org/doc/g4ix4psw/). Russia and Ukraine ratified several bilateral treaties that dealt with border issues in the years following the signing of the Budapest Memorandum. However, the Russian leadership was unwilling to finally "settle its borders with Ukraine and acknowledge its territorial integrity as an independent state," as starkly illustrated by their interpretation of the 2014 Minsk I and 2015 Minsk II agreements, Kataryna Wolczuk and Rilka Dragneva, "Russia's longstanding problem with Ukraine's borders", Chatham House, 24 August 2022.

7 Constitution of the Russian Federation, 12 December 1993 (https://www.legal-tools.org/doc/7b9c57/).

systemic reforms needed to adhere to its provisions, resulting in unprecedented pending cases and judgments against it. At the same time, Russia increasingly engaged in military conflicts, systematically disregarding international norms, culminating in its expulsion from the Council of Europe on 16 March 2022.[8]

In addition to Russia's conduct of wars, a few other developments stand out, indicating Russia's unwillingness to accept international mechanisms that could control the state and its officials' adherence to international norms.

Russia did sign the International Criminal Court ('ICC') Statute on 13 September 2000, about half a year after Vladimir Putin was elected President for the first time. Still, it withdrew its signature on 16 November 2016 after an ICC ruling that Russia's activity in Crimea amounted to an "ongoing occupation" and that the 2014 takeover had been an armed conflict between Russia and Ukraine, falling under the ICC's jurisdiction.[9] Another factor in its withdrawal may have been the ICC Pre-Trial Chamber I's decision on 27 January 2016 to authorize an ICC investigation related to the 2008 war in Georgia.[10]

Unlike the European Court of Human Rights, the ICC prosecutes *individuals*, weakening the Kremlin's ability to protect its officials from accountability. President Putin's strong reactions against the 2012 United States and later Western Magnitsky (targeted) sanctions against government officials illustrate how seriously he takes individual accountability as a threat to his governance model, including accepting officials' violations of international norms.[11]

The Russian leadership's withdrawal of the ICC Statute signature and Russia's exclusion from the Council of Europe can thus be seen as the final blows to any hope that international law could prevent Russian authorities' aggression and breach of human rights and humanitarian law.

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8 As of September 2022, 17,450 applications against Russia were pending before the European Court of Human Rights, see Council of Europe, "Russia ceases to be party to the European Convention on Human Rights", press release, 16 September 2022.

9 "Russia withdraws from International Criminal Court treaty", *BBC News*, 16 November 2016.

10 ICC, Situation in Georgia, Pre-Trial Chamber I, Decision on the Prosecutor's request for authorization of an investigation, 27 January 2016, ICC-01/15-12 (https://www.legal-tools.org/doc/a3d07e/).

11 Keith Brown, "The US doesn't need to wait for an invasion to impose sanctions on Russia – it could invoke the Magnitsky Act now", *The Conversation*, 18 February 2022.

The following sections discuss significant characteristics of Russia's violations of international humanitarian law in the wars it has fought, followed by reflections on explanations of the systematic lack of compliance and how the international community should react.

3. Afghanistan (1979–1989)

On Christmas Eve, 1979, Soviet forces attacked Kabul and other targets in Afghanistan. The aim was to support a Soviet-friendly communist government that had taken power the previous year by a coup and to quell an insurrection. Soviet forces remained in Afghanistan for the next 10 years, suffering close to 14,000 killed, without winning the war. In 1989, they left behind a precarious pro-Soviet regime and an ongoing civil war. The regime fell in 1992, and the group that in 1996 took control of the capital, Kabul, was the Taliban.[12]

The Soviet Union was militarily, technologically and numerically superior to its Afghan counterpart. But that was not enough to win on the battlefield. The Soviet forces numbered over 100,000 soldiers but could not control areas outside the major cities and main roads. Soviet warfare, therefore, involved extensive terror bombing of villages and mining of the agricultural regions to weaken the resistance.

Even if the Afghan Mújahidín movement initially had trouble dealing with the Soviet Union's modern weapons, this gradually changed as they received military training, weapons, money and equipment from the United States through neighbouring Pakistan. Realizing it could not win, the Soviet leadership at the time agreed to negotiate a peace deal and leave.

The war caused enormous suffering to the civilian population, and between one and two million people may have lost their lives. In addition, more than five million Afghans fled to Pakistan and Iran. The Soviets initially thought that they were aiding the Communist leadership in Kabul in confronting a limited insurgency. Another problem was that the Soviet Army

[12] For an overview of the war and its military implications, see Robert M. Cassidy, *Russia in Afghanistan and Chechnya: Military Strategic Culture and the Paradoxes of Asymmetric Conflict*, Strategic Studies Institute, United States Army War College, 2003.

was set up to fight big conventional wars with tanks, artillery, and phase lines, not to deal with an evasive guerrilla such as the Afghan Mújahidín.[13]

Lacking in strategy and training to deal decisively with the low-tech but agile *mújahidín*, Soviet operations aimed at terrorizing the population into abandoning areas of "intense resistance and withdrawing support for the guerrillas. The methods and weapons employed – deliberate destruction of villages, high altitude carpet bombing, napalm, fragmentation bombs, and the use of booby-trapped toys – testify to the intent of the Soviet military's effort to terrorize the Afghan civilian population".[14] Estimates indicate that more than 80 per cent of the casualties inflicted by the Soviet military in some areas were civilians.[15]

4. The Wars in Chechnya (1994–1996 and 1999–2009)

The military conflicts between the Russian Federation and Chechen forces were marred by war crimes committed by Russia's military and, to a lesser degree, Chechen forces. Strategies and methods of warfare that failed in Afghanistan still guided the Russian military operations in Chechnya, including instilling an atmosphere of fear and terror among the civilian population. Instead of adopting a counter-insurgency approach of separating the guerrillas from the population by winning hearts and minds, they tried to "extirpate the population with artillery fires and technology".[16]

During the First Chechen War, Russian forces committed indiscriminate bombings of civilian areas, summary executions of prisoners of war, torture and extrajudicial killings of civilians suspected of supporting Chechen separatists.[17] An infamous example is the massacre in the village of Samashki

[13] *Ibid*. p. 9. In military terminology, a 'phase line' is a recognizable terrain feature or a designated line (often drawn on a map) that serves as a reference point for coordinating military operations.

[14] *Ibid*.

[15] Alex Alexiev, *The War in Afghanistan: Soviet Strategy and the State of the Resistance*, Rand, Santa Monica, 1984, pp. 2–3.

[16] Cassidy, 2003, p. 24, see *supra* note 12.

[17] Authoritatively accounted in Oleg Orlov and Alexander Cherkasov, *Россия–Чечня: цепь ошибок и преступлений* [*Russia–Chechnya: A chain of mistakes and crimes*], 2nd ed., Human Rights Centre Memorial, Moscow, 2010.

in April 1995. Russian forces shelled Samashki for three days before entering and massacring large parts of the civilian population.[18]

In the Second Chechen War, Russian forces were accused of war crimes such as indiscriminate attacks on residential areas, enforced disappearances, torture and extrajudicial executions.[19] They conducted indiscriminate shelling of the Chechen capital of Grozny in October 1999, resulting in an estimated 140 killed civilians. Other cities, towns and villages were attacked in similar ways.[20]

Residents of the Chechen Republic were subjected to systematic and arbitrary detentions, conducted during broad, indiscriminate punitive sweep operations commonly referred to as '*Zachistka*', as well as through targeted or large-scale military operations. The *Zachistka* often involved the complete blockade of populated areas, and the mass detention of residents based on gender and age (typically targeting men of combat-ready age). Acts of torture, murder, enforced disappearances, persecution and widespread looting frequently accompanied these operations.

Despite the involvement of hundreds of officers in the commission of these crimes, only a minimal number were held criminally responsible by Russian authorities.[21] Most of the perpetrators, including commanders and superiors, remained unpunished.

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[18] Sergey Kovalev *et al*., *Всеми имеющимися средствами: Результаты независимого расследования Наблюдательной миссии правозащитных общественных организаций в зоне вооруженного конфликта в Чечне* [*By all available means: Results of an independent investigation by the Observation Mission of human rights public organizations in the armed conflict zone in Chechnya*], Human Rights Centre Memorial, Moscow, 1995.

[19] Human Rights Watch, "Worse Than a War: "Disappearances" in Chechnya – a Crime Against Humanity", March 2005. For searchable information about human rights violations and war crimes, see the web site of the Natalya Estemirova Documentation Centre ('NEDC'), run by the Norwegian Helsinki Committee ('NHC') in co-operation with Russian and international human rights organizations, and using the Investigation Documentation System (I-DOC) by the Centre for International Law Research and Policy's department Case Matrix Network ('CILRAP-CMN'). The NEDC collection, *inter alia*, includes information about 17,085 disappearances in Chechnya and neighbouring regions (https://www.nedc-nhc.org/en/webidoc-search/).

[20] Human Rights Watch, "Evidence of War Crimes in Chechnya", 2 November 1991.

[21] Ostap Golubev, Vladimir Malykhin and Alexander Cherkasov, *A chain of wars, a chain of crimes, a chain of impunity: Russian wars in Chechnya, Syria and Ukraine,* Memorial Human Rights Defence Centre, 2023, pp. 34–35.

There were also reports of shootings at refugee convoys and massacres, such as in Alkhan-Yurt in December 1999.[22] Russian forces pillaged and raped civilians and killed dozens of people in the town, which had about 9,000 inhabitants before the war.[23]

Another infamous example was the Komsomolskoye massacre in March 2000, where a group of 72 Chechen combatants had surrendered after the end of brutal fighting, which had killed many civilians who were used as human shields.[24] The combatants either died or disappeared after they were detained.[25] Mary Robinson, the UN Commissioner for Human Rights at the time, asked for an international investigation, but the UN never authorized it due to Russian diplomatic pressure.[26]

In April 2009, the Federal operation in Chechnya ended, and the responsibility for dealing with the insurgency was transferred to the local police. Three months later, the exiled leader of the separatist government, Akhmed Zakayev (1959–), called for a halt to armed resistance against Chechen authorities, marking the official end of the war.

The death toll of the Chechen wars is unknown, with estimates ranging from tens of thousands to more than 200,000. The pre-war population was only around one million, underlining the pervasive civilian deaths caused by the war, even if one relies on the lowest estimates. Russian forces were also essentially destroying the whole infrastructure in Grozny and other cities.[27]

It should be added that while the war ended in 2009, that did not result in the end of human rights violations. The human rights situation in Chechnya remains precarious under the leadership of Ramzan A. Kadyrov (1976–),

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22 Michael Wines, "Chechen Refugee Convoy Machine-Gunned, Leaving 14 Dead", *New York Times*, 4 December 1999.

23 Peter Bouckaert, Rachel Denber and Alexander Petrov, *"No Happiness Remains": Civilian Killings, Pillage, and Rape in Alkhan-Yurt, Chechnya*, Human Rights Watch, New York, 2000.

24 Aage Borchgrevink, "I russisk militærdoktrine er sivile legitime mål" ["In Russian military doctrine, civilians are legitimate targets"], *Aftenposten*, 26 March 2022.

25 Owen Matthews, "Four Days in Hell", Newsweek, 2 April 2000.

26 "Mary Robinson Treated Harshly, Snubbed by Putin", in *Monitor*, vol. 6 (2000), no. 67, The Jamestown Foundation, 4 April 2000.

27 An estimate by Russian experts indicates that 30,000-50,000 Chechens were killed during the first war, and additionally, 6,000 Russian service members were lost. The second war resulted in 15,000-25,000 Chechens killed, 3,000-5,000 disappeared, and 6,000 Russian service members killed. See Golubev, Malykhin and Cherkasov, 2023, p. 5, see *supra* note 21.

who also plays a vital role in supporting Russia's invasion of Ukraine with troops and military equipment.

5. Georgia (2008)

The 2008 conflict between Russia and Georgia was the first time independent Russia fought outside its territory. It was marked by numerous reports of war crimes committed by Russian forces. One of the most serious allegations was ethnic cleansing in the Georgian region of South Ossetia, where Russian troops took part in forcibly removing Georgian civilians from their homes and engaged in acts of violence against them.[28]

There were reports of indiscriminate bombing of civilian areas by Russian forces, including the use of cluster bombs.[29] Human rights organizations reported attacks on civilian targets, such as schools, hospitals and Georgian cultural heritage sites.[30] Additionally, there were reportedly incidents of rape, torture, robbery and destruction of property.[31]

After the war, Russia maintained control of Georgia's Abkhazia and South Ossetia regions. Serious human rights violations continue. People living near the occupation line have been subjected to abductions, torture and killings, particularly in areas surrounding the barbed-wire fences installed by Russian forces. Russian authorities also engaged in campaigns of 'Russification', including by providing Russian passports to residents.[32]

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[28] Sabrina Tavernise and Matt Siegel, "Looting and 'ethnic cleansing' in South Ossetia as soldiers look on", *The Age*, 16 August 2008.

[29] Luke Harding, "Onslaught halted, but not before a fifth day of bombardment", *The Guardian,* 13 August 2008. Human Rights Watch, "Georgia: International Groups Should Send Missions. Investigate Violations and Protect Civilians", 18 August 2008.

[30] Manana Tevzadze *et al.*, *Report on the Implementation of International Humanitarian Law with regard to the Protection of Cultural Heritage in the Occupied Tskhinvali Region, Georgia,* Blue Shield, Georgia, 2013.

[31] Aage Borchgrevink, "10 years without justice", NHC, Oslo, 18 August 2018. Human Rights Watch, 18 August 2008, see *supra* note 29.

[32] Daro Sulakauri, "Bordering Georgia's breakaway regions, villagers fear Russia's next steps", *Reuters*, 8 December. For an overview of human rights problems in Abkhazia, South Ossetia and other disputed territories in Eastern Europe, see Gunnar M. Ekelove-Slydal, Adam Hug, Ana Pashalishvili and Inna Sangadzhiyeva (eds.), *Disputed Territories, Disputed Rights: How to address human rights challenges in Europe's grey zones*, The Foreign Policy Centre, September 2019.

6. Ukraine: Crimea and Donbas (2014–2021)

The occupation and annexation of Crimea by Russian forces and the war in Donbas have been marked by core international crimes committed by Russian military forces and proxies. While most war crimes and crimes against humanity were committed during the active phase of the conflict (2014–2015), crimes committed against the local populations have been widespread and systematic up to the present. The full-scale invasion from 24 February 2022 resulted in a new crime surge.

War crimes include shelling of civilian areas, extrajudicial executions and the use of prohibited weapons. One of the most infamous bombardments of civilian areas was the 24 January 2015 attack on the city of Mariupol, which saw 120 rockets launched, resulting in 31 dead and more than 100 wounded.[33] Russia also targeted schools, hospitals, water lines and other infrastructure.[34]

Neither Russia nor Ukraine has signed up to the Convention on Cluster Munitions, and both parties have used such munitions.[35] However, on 3 July 2023, Ukraine unilaterally pledged not to use cluster bombs on Russian territory, restricting its use of United States cluster bombs only "to break through the enemy defence lines".[36] In a comment, President Putin denied that Russia had been using cluster munitions despite evidence to the contrary, and underlined that Russia had its own "sufficient stockpile".[37]

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[33] International Partnership for Human Rights, "Investigation of the Shelling of Mariupol on 24 January 2015: Report of a Civic Solidarity Platform field mission for war crimes documentation", 13 February 2015.

[34] Illia Ponomarenko, "Civilians wounded amid shelling in Ukraine's Krasnohorivka", *Kyiv Post*, 28 May. "Ukraine crisis: Shell hits hospital in Donetsk, several dead and wounded", *ABC News*, 4 February 2015.

[35] Human Rights Watch, "Ukraine: Widespread Use of Cluster Munitions. Government Responsible for Cluster Attacks on Donetsk", 20 October 2014. The 30 May 2008 Convention on Cluster Munitions (https://www.legal-tools.org/doc/7600a8/) entered into force on 1 August 2010 after 30 states had ratified it. As of June 2025, there are 111 States Parties and 12 Signatories. The US has not acceded to the Convention (see "States Parties and Signatories by region" in the web site of the Convention).

[36] "Ukraine vows not to use cluster bombs in Russia", *Reuters*, 8 July 2023.

[37] Elise Morton and Felipe Dana, "Putin warns Ukraine against using US-supplied cluster bombs, saying Russia has its own 'sufficient stockpile'", *Associated Press*, 16 July 2023.

There were reports of systematic torture, enforced disappearances and persecution based on political beliefs.[38] Russian authorities subjected Ukrainian prisoners of war and civilian captives to torture and inhuman treatment in a systematic manner, amounting to war crimes and crimes against humanity.[39]

Different from other conflicts, Russia targets the cultural heritage of Ukraine, destroying historical monuments and ruins, religious institutions and museums.[40] Additionally, sexual violence, including rape and sexual slavery of women and girls, was committed by Russian-backed separatists in the conflict zone.[41]

7. Syria (2015–2024)

Russia entered the Syrian civil war on 30 September 2015. Before this, Russia had provided political and military support to the Assad regime since the conflict began in 2011. The direct military involvement in 2015 marked a significant escalation, with Russian airstrikes targeting various opposition groups and the Islamic State.

While Russian ground forces were limited and did not take part in ground battles, except for the private Wagner group, patterns soon emerged that Russian air attacks exacerbated the humanitarian crisis and violated international law. Violations included indiscriminate bombings of civilian areas, targeting civilian infrastructure, the use of unguided and cluster munitions, and the dissemination of disinformation and propaganda campaigns.

[38] Office of the UN High Commissioner for Human Rights, "Briefing Paper: Enforced disappearances in the autonomous republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation", 31 March 2021. Amnesty International, "Public statement: Harassment and violence against Crimean Tatars by state and non-state actors", 23 May 2014; "Abductions and Torture in Eastern Ukraine", 2014; and "New evidence of summary killings of Ukrainian soldiers must spark urgent investigations", 9 March 2015.

[39] Amnesty International, see previous footnote, and "Russia/Ukraine: ill-treatment of Ukrainians in Russian captivity amounts to war crimes and crimes against humanity", 4 March 2025.

[40] Halya Coynash, "Ukraine takes vital move to fight Russia's destruction of cultural heritage in occupied Crimea", Kharkiv Human Rights Protection Group, 4 May 2020 and, by the same author, "Russia vandalizes and plunders UNESCO World Heritage site at Chersonese in occupied Crimea", Kharkiv Human Rights Protection Group, 19 October 2021.

[41] Volodymyr Shcherbachenko, Ganna Ianova and Olexandr Pavlichenko, *Unspoken Pain: Gender-based violence in the Conflict Zone of Eastern Ukraine*, Justice for Peace in Donbas, Warsaw, 31 May 2017.

The Airwars research project has estimated that Russian strikes killed between 4,300 and 6,400 civilians and wounded between 6,500 and 10,200.[42]

Russian airstrikes caused massive destruction to residential buildings and civilian infrastructure, allegedly amounting to war crimes. There were attacks on schools, hospitals and civilian homes.[43] Attacks on health facilities were reportedly deliberate and systematic.[44] Syrian and Russian authorities carried out a so-called 'double tap strike', bombing a site a second time as ambulances and rescue workers rushed to rescue the survivors.[45] Cluster munition was widely used by Russian and Syrian forces, causing numerous civilian casualties and targeting areas with no apparent military objectives.[46]

As in Ukraine and other conflicts, Russia conducted widespread disinformation efforts to shape the narrative of the conflict and influence international perceptions, which lacked any commitment to truth and consistency. The Russian state news channels *RT* and *Sputnik News* focused on a mix of 'infotainment' and disinformation rather than adhering to fact-checked journalism, often misquoting credible sources.[47]

8. The Full-Scale Invasion of Ukraine (24 February 2022–)

Russia's full-scale invasion of Ukraine is the most significant military attack on a European state since World War II. It represents a clear breach of the UN Charter, as stated in UN General Assembly resolutions with overwhelming support.[48] A special tribunal to hold to account "those individuals who

[42] Golubev, Malykhin and Cherkasov, 2023, p. 14, see *supra* note 21.

[43] Amnesty International, "Syria: Russia's shameful failure to acknowledge civilian killings", 23 December 2015.

[44] Physicians for Human Rights, "Interactive Map: Attacks on Health Care in Syria" (available on its web site).

[45] Syrian Network for Human Rights, "Syrian-Russian Alliance Forces Target 31 Civil Defence Vital Facilities", 15 July 2019.

[46] Human Rights Watch, "Russia/Syria: Daily Cluster Munition Attacks: Increased Use of Widely Banned Weapon", 8 February 2016, and Emma Graham-Harrison, "Russian airstrikes in Syria killed 2,000 civilians in six months", *The Guardian*, 15 March 2016.

[47] Keir Giles, "Russia's 'New' Tools for Confronting the West: Continuity and Innovation in Moscow's Exercise of Power", Chatham House, March 2016. Christopher Paul and Miriam Matthews, "The Russian "Firehouse of Falsehood" Propaganda Model: Why It Might Work and Options to Counter It", in *Perspective*, Rand, 11 July 2016.

[48] Aggression against Ukraine, Resolution UN Doc. A/Res/ES-11/1, 2 March 2022 (https://www.legal-tools.org/doc/x65cmr/), condemns Russia's military aggression in the strongest terms, and demands that Russia immediately cease the use of force and completely

bear the greatest responsibility for the crime of aggression against Ukraine" is to be set up by an agreement between Ukraine and the Council of Europe.[49]

In addition, Ukraine is supported by an unprecedented international mobilization to document and prosecute war crimes. Actors include, among others, the ICC, the Joint Investigation Team, European and other democratic states, the UN Independent International Commission of Inquiry on Ukraine, the Organization for Security and Cooperation in Europe ('OSCE'), and Ukrainian and international civil society organizations. There is substantial international support for Ukrainian authorities investigating war crimes, although the stop in United States support by the Trump administration has led to a significant reduction.

This mobilization for justice by Western countries, including support for the ICC investigation, may be interpreted as politically motivated.[50] However, it may also be seen as a belated realization that the impunity for Russian war crimes committed in Chechnya, Georgia, Syria and Ukraine is an essential part of the problem. Russian and international human rights groups have for years argued that the lack of accountability for Russian war crimes has enabled and even encouraged disregard for international law and Russia's brutal engagement in Ukraine.[51]

The most prevalent categories of war crimes and crimes against humanity committed by the Russian authorities in Ukraine are the following.[52]

1. Crimes against civilians, which include arbitrary detentions in temporarily occupied territories, executions, enforced disappearances, torture, sexual violence, and other forms of inhuman treatment.[53]

withdraw its military forces from Ukraine's internationally recognized borders. 141 states voted in favour of the resolution, five against, and 35 abstained.

[49] Council of Europe, "Ukraine and the Council of Europe sign Agreement on establishing a Special Tribunal for the Crime of Aggression against Ukraine", press release, 25 June 2025.

[50] For a call to avoid perceived or real 'double standards', see the Coalition for International Criminal Justice's Steering Group Statement no. 2: "Beyond Ukraine: International Justice Without Double Standards", 11 November 2022 (https://www.legal-tools.org/doc/q22ney/).

[51] Golubev, Malykhin and Cherkasov, 2023, see *supra* note 21, and Oleksandra Matviichuk, "Two years on: Breaking the cycle of impunity for Russian war crimes", Foreign Policy Centre, 23 February 2024.

[52] The categorization is based on the reporting by the Independent International Commission of Inquiry on Ukraine, reports by the OSCE under the Moscow Mechanism, ICC documents, documentation by the NHC and its Ukrainian partners, and scholarly literature.

[53] The third mandate report of the Independent International Commission of Inquiry on Ukraine of 11 March 2025, see *supra* note 1, concluded that "Russian authorities committed enforced

2. Indiscriminate or deliberate attacks on residential buildings, schools, hospitals, shelters, civilian infrastructure and on civilians.[54]
3. Forced deportations and abductions, which include thousands of civilians and children who have been forcibly deported to Russia.[55]
4. Mistreatment and execution of prisoners of war.[56]
5. The use of prohibited weapons in populated areas, such as gas grenades. Cluster munitions, which many states have stopped using, are used by Russia and Ukraine. However, Ukraine has pledged to use it in a restricted way, "to break through the enemy defence lines" only on Ukrainian territory.[57]
6. Destruction of cultural heritage, including attacks on churches, museums, and historical sites.[58]
7. Environmental war crimes, causing "widespread, long-term and severe damage to the natural environment", such as destruction of forests, water pollution, dam destruction, soil and air contamination.[59]

While categories 3, 6 and 7 are, if not unique, much more frequent in Russia's war against Ukraine, there is strong continuity in Russia's crimes against civilians, deliberate or indiscriminate attacks, mistreatment of prisoners of war and the use of prohibited weapons throughout Russia's engagement in previous wars.

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disappearances and torture as crimes against humanity. Both were perpetrated as part of a widespread and systematic attack against the civilian population and pursuant to a coordinated state policy".

54 Documented in the second mandate report of the Independent International Commission of Inquiry on Ukraine of 18 March 2024, see *supra* note 1, and in its 28 May 2025 Conference Room Paper: "They are hunting us": systematic drone attacks targeting civilians in Kherson, UN Doc. A/HRC/59/CRP.2, 28 May 2025 (https://www.legal-tools.org/doc/o5elctwn/).

55 This is documented in the third mandate report of the Independent International Commission of Inquiry of Ukraine, see *supra* note 1.

56 This is documented in the Independent International Commission of Inquiry on Ukraine's second and third mandate reports, see *supra* note 1.

57 Ministry of Foreign Affairs of Ukraine, "Statement by the MFA of Ukraine regarding the facts of the Russian Federation's violation of the Chemical Weapons Convention", 14 February 2025. Human Rights Watch, "Cluster Munition Use in Russia-Ukraine War, 29 May 2023, and *World Report 2025*, chapter on Ukraine.

58 Kateryna Danishevska and Roman Kot, "Nearly 500 Ukrainian cultural sites damaged by Russia – EU Commissioner", *RBS-Ukraine*, 25 June 2025.

59 "The environmental situation in Ukraine in 2025: how the war affected the environment", *Ukrainian National News Agency*, 5 June 2025, and Tim Schauenberg, "Could Russia be prosecuted for environmental war crimes?", *Deutsche Welle*, 20 August 2024.

9. Why Such Brutality?

In the conflicts discussed above, Russia conducted large-scale offensives by air force and artillery in populated areas. In Ukraine, missile attacks and drones have been increasingly used, often directed at civilian objects and infrastructure. Such attacks were usually followed by ground forces or allied ground forces, who committed widespread war crimes against the civilian population.

With a few exceptions, reports documenting war crimes in Ukraine fail to document the continuity and similarity of Russia's violations of human rights and humanitarian law in Afghanistan, Chechnya, Georgia, Syria and Ukraine. Nor do they discuss the reasons behind the brutality.

Some factors can help explain the brutality and guide efforts to address it. The following description of factors is not intended to provide an exhaustive list. Instead, it contains a preliminary discussion that should be extended to include more factors and details.

9.1. The Impunity Factor

As noted above, the lack of accountability for the core international crimes committed by Russian authorities in previous wars is undoubtedly an essential factor in explaining the brutality of the Russian authorities in Ukraine. Even though foot soldiers were replaced, some commanders were the same throughout the described wars, like Sergey Surovikin (1966–), Igor Strelkov (Girkin, 1970–) and Aleksandr Dvornikov (1961–), bringing with them "three decades of unpunished violence". The destruction of Mariupol was reminiscent of the destruction of Grozny, and the 'filtration camps' that Mariupol residents had to pass through inherited the 'filtration system' in Chechnya.[60]

Russian courts and military prosecutors have rarely pursued cases against their personnel. Investigations were often suspended without explanation or never opened at all. Even if Russia had become a member of the Council of Europe during the Second Chechen War, and the judgments by

[60] Golubev, Malykhin and Cherkasov, 2023, p. 4, see *supra* note 21. In the following, I draw on insights from this report. See also The Reckoning Project, *Propaganda, Impunity, Destruction, and Nothing but Recurrence: Russia's Violations of International Law in Chechnya, Syria, and Ukraine. A Report by The Reckoning Project to the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence Regarding the Russian Federation*, 9 September 2024.

the European Court of Human Rights concerning cases from Chechnya required Russian authorities to conduct criminal investigations, very few cases ended with convictions.

During the Chechen wars, not a single senior officer was convicted for airstrikes on civilian areas or massacres. Not one of the top commanders has been punished for the criminal acts of their forces during any of the previous wars discussed above.[61]

This pervasive impunity signals to commanders and soldiers alike that, provided they obey superior orders, there will be no consequences for violating human rights or humanitarian law.

9.2. Harsh Military Culture Fed by Conflicts

Russia's conduct should also be seen in light of its history of warfare. Shaped by Soviet-era strategies and sustained by years of violent conflict, Russia has developed a military culture where violence, most of the time, goes unchecked, including the institutionalized mistreatment of young recruits ('*dedovshchina*').[62] Russian authorities accept losses of their soldiers in Ukraine at levels unsustainable from a military perspective.[63] Political choices and the absence of accountability have reinforced this culture. It is not just a case of history repeating itself, but a cycle where violence and impunity feed each other.[64]

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[61] *Ibid.*, endnote no. 54, p. 39, provides an overview of the few cases that ended in convictions in Russian courts.

[62] Since the 1980s, mothers of soldiers have organized to fight for better treatment of recruits. However, their often-dissenting voices on military culture and conflicts have been weakened. Juliana Fürst, "Soldiers' Mothers Have Long Been a Thorn in the Kremlin's Side", *The Moscow Times*, 8 March 2024. For more information about '*dedovshchina*', see Julius Strauss, "Murderers and Torturers – Why Are Russian Troops so Bestial?", Center for European Policy Analysis, 18 March 2025.

[63] Estimates indicate that Russia had lost up to 800,000 soldiers, including killed and wounded personnel, at the beginning of 2025. Yurri Clavilier and Michael Gjerstad, "Combat losses and manpower challenges underscore the importance of 'mass' in Ukraine", *Military Balance Blog*, International Institute for Strategic Studies, 10 February 2025.

[64] For a compelling account of how the Putin regime has evolved into an aggressive actor internationally and a repressive actor internally, based on a mentality, a few fundamental values, thoughts and ideas such as 'conservatism', 'anti-Americanism', the importance of a state that is powerful internally and internationally, 'control', 'order', and 'loyalty', see Brian D. Taylor, *The Code of Putinism*, Oxford University Press, 5 July 2018.

Since the Soviet invasion of Afghanistan, followed by the two wars in Chechnya and military interventions in Georgia, Syria and Ukraine (and, recently, in a few African countries), Russia has remained engaged in conflicts for much of its post-Soviet history. This enduring mobilization has necessarily left a significant imprint on its armed forces – it would be miraculous if it had not. The norms that govern behaviour in combat have become harsher, and violence has, over time, come to be regarded less as a last resort and more as an acceptable method.

Judgments by the European Court of Human Rights confirm the importance of this factor. One of the most illustrative is the *Isayeva v. Russia* judgment, which concerns the use of heavy artillery and aviation bombing of the Chechen town of Katyr-Yurt from 4 to 7 February 2000, resulting in at least 363 civilians being killed, with many more injured. The judgment concludes that Russian commanders failed to take sufficient precautions to protect civilians. Their actions had, nevertheless, been found to be in line with the military doctrines of the Russian Federation's army by Russian experts and investigators.[65]

The attack involved heavy aerial bombardment, including the use of vacuum bombs and high-explosive aviation bombs (FAB-250 and FAB-500), in a densely populated area with about 25,000 civilians. The Court noted in paragraph 133 of the judgment that no derogation had been entered under Article 15 of the European Convention on Human Rights. Hence, the operation had to be judged against a normal legal background. It ruled that the Russian military operation violated the European Convention on Human Rights' Article 2 on the right to life, emphasizing the Federal Forces' failure to inform the civilians and lack of measures to protect civilian lives.

A revealing part of the judgment refers to the Russian investigation and conclusions by a group of Russian military experts that the commander in charge of the operation had acted as he should have according to the Army Field Manual and the Internal Troops Field Manual. They concluded that the decision to involve aviation and artillery was correct and well-founded. The conclusion was reinforced by referencing Article 19 of the Army Field Manual: "The commanding officer's resolve to defeat the enemy should be firm and accomplished without hesitation. Shame on the commander who, fearing

[65] European Court of Human Rights, Former First Section, *Case of Isayeva v. Russia*, Judgment, 24 February 2005, Application No. 57950/00 (https://www.legal-tools.org/doc/585c07/).

responsibility, fails to act and does not involve all forces, measures, and possibilities for achieving victory in a battle".[66]

Such guidelines take on a practical form within the military. Commanders moving from one theatre of war to another adhere to norms, doctrines and behavioural patterns not checked by independent scrutiny based on international standards. Strict top-down discipline coexists with a permissive attitude towards excessive use of violence. In such a setting, war crimes are not anomalies; they are symptoms of an entrenched system.

This may indicate a systemic and prescribed disregard for protecting civilians during army operations.

9.3. A Clausewitzian Approach to Warfare

Another factor, lowering the threshold for waging brutal wars, is that Russia's political elite (not unlike elites in some other major powers) continues to see war as a legitimate supplementary tool to promote Russia's interests, along with non-violent political and legal means. Civilian suffering is treated as an unfortunate by-product of strategic goals.[67] Since 2000, Russian authorities have prioritized counter-terrorism and patriotism to legitimize their increasingly repressive policies internally and aggressive policies externally. The authorities have presented a mutually exclusive choice between individual freedoms on one side and national security on the other. Repeatedly, security prevailed.

In the same period, the official memory of war was reshaped. Past wars were no longer remembered with mourning or moral caution, but increasingly celebrated. World War II, once commemorated with the phrase 'never again', was recast as a source of pride. The message could be interpreted as 'it could be repeated'.

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66 *Ibid*., para. 97.

67 This Clausewitzian approach, seeing war as the continuation of politics by other means, is described by Jacques Baud, *The Russian art of war: How the West led Ukraine to Defeat*, Max Milo, Paris, 2024. In the minds of the Russian leadership, Baud explains, the invasion of Ukraine is "all about turning operational successes into strategic successes, and strategic successes into political successes". The political aim was to neutralize the threat to "the population of the Donbass following Volodymyr Zelensky's decision of March 24, 2021, to reconquer Crimea and the Donbass". While Baud's analysis has much to disagree with, his observations on Russia's approach to using military means may be accurate.

This shift was not limited to symbols and slogans. It also shaped legal and institutional practice. The Kremlin has consistently avoided formally declaring war in its primary operations. This is not an uncommon contemporary practice, but it still has consequences. The campaigns in Chechnya were framed as the 'restoration of constitutional order', Georgia was labelled a 'peacekeeping mission', and Ukraine was named a 'special military operation'. These classifications were not incidental. They allowed the government to build a rhetoric of justification that bypassed both international legal norms and domestic scrutiny.[68]

A selective historical narrative, glorification of war, as well as a holistic view of war as part of the legitimate toolbox to promote Russia's interests, may have contributed to creating a fertile ground for excessive use of force.

9.4. Distorting Realities and Law

While denying that Russian forces commit war crimes, Russian leaders remain eager to point to alleged war crimes committed by their enemies. In this way, they vindicate the importance of humanitarian law, while exonerating Russian forces, confusing the contents of the law, and insisting on enemy abuse as the problem.

During the Chechen wars, crimes committed by Chechen insurgents were energetically prosecuted,[69] creating a system of 'selective impunity' or 'double standards', a system in which the state investigates its enemies while shielding its forces. This tradition, which is not unique to Russia, has been continued in Ukraine, where Russia repeatedly accuses Ukrainian forces of war crimes while denying its own.[70]

The background of this confusing strategy is that some of the most prevalent war crimes Russia commits in Ukraine are an integral part of Russia's strategy to win the war and achieve its goals. An example may be the targeted missile attacks on Ukraine's power grid. In addition to destroying infrastructure, the goal of the attacks may have been to make civilian life intolerable, to undermine morale and ensure that many civilians would leave Ukraine.

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68 Golubev, Malykhin and Cherkasov, 2023, p. 10, see *supra* note 21.

69 *Ibid*., p. 34.

70 The overwhelming majority of documented crimes are attributed to Russian Forces; however, the UN and international human rights organizations also found credible evidence of war crimes committed by Ukrainian forces, particularly in the treatment of prisoners. "Report reveals significant rise in civilian casualties and rights violations in Ukraine", *UN News*, 30 June 2025.

An influx of Ukrainian migrants entering Europe was thought to exert pressure on other countries and weaken their support for Ukraine.[71]

Russia admitted in meetings at the Ministerial Council of the OSCE that it is targeting Ukraine's energy infrastructure. The Russian representative justified the actions by claiming that Russia degrades facilities that support Ukraine's military-industrial complex. This is, however, not an acceptable justification under international humanitarian law, which is based on the principles of distinction, proportionality and precaution to protect civilians and civilian objects. The UN Human Rights Monitoring Mission in Ukraine found that Russia's attacks likely violated all three principles.[72]

Admittedly, it is not always easy to determine whether attacks on civilian objects that may additionally serve military purposes, such as energy infrastructure, constitute war crimes. The NATO bombing campaign against Serbia from 24 March to 9 June 1999 resulted in some 500 civilian deaths and substantial destruction of civilian objects. The campaign's targets included "military-industrial infrastructure and government ministries and some potential problem categories such as media and refineries". Still, an expert committee recommended that "no investigation be commenced by the OTP [Office of the Prosecutor of the UN International Criminal Tribunal for the former Yugoslavia]" relating to the NATO bombing campaign or incidents occurring during the campaign.[73]

The key question to be assessed in such cases is whether the attacks effectively contributed to military action. To be legal, the destruction caused must have offered a definitive military advantage. If they aim to terrorize the civilian population or the disadvantages are disproportionate to the military advantage, the attacks may be deemed as war crimes.

Based on such criteria, the UN Independent International Commission of Inquiry on Ukraine concluded that Russia's "barrage of attacks on energy-related installations in Ukraine" (with hundreds of long-range missiles and

[71] Fredrik Wesslau, "There Must Be a Reckoning for Russian War Crimes", *Foreign Policy*, 20 February 2024.

[72] OSCE Ministerial Council, "Russia's deliberate attacks against Ukraine's energy infrastructure seek to punish Ukrainian civilians: UK statement to the OSCE", 7 November 2024. UN Human Rights Office of the High Commissioner, "Attacks on Ukraine's Energy Infrastructure: Harm to the Civilian Population", Bulletin, September 2024, p. 11.

[73] Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, 30 April 2004, paras. 55 and 91 (https://www.legal-tools.org/doc/83feb2/).

drones) from 10 October 2022 were "disproportionate and that they constituted the war crime of excessive incidental death, injury, or damage".

The attacks on power plants and critical infrastructure for electricity transmission affected millions, and the objective was to disrupt the energy system of the entire country. Because of this widespread and systematic character, the attacks may also have amounted to "a crime against humanity of other inhumane acts", according to the Commission. It added, however, that further investigations are needed to "clarify if their accumulated impact becomes comparable […] to one of the enumerated acts of crimes against humanity, and to what extent the policy was directed against the civilian population".[74]

Another example is the killings and torture of civilians in Bucha, Izium, Mariupol, Balakliia and other temporarily occupied Ukrainian towns.[75] These were not isolated cases, and the purpose was to harass the local populace, frighten them into obedience, and eliminate any opposition to Russian control. In other words, these war crimes were part of the overall operational strategy, as can also be seen in the previous wars. The consistency of Russian attacks on civilians and civilian objects across the conflicts suggests that they are seen as an acceptable evil in Russia's war strategies.[76]

Another widely criticized action by Russian authorities is the deportation of thousands of Ukrainian children to Russia. Contrary to Russian claims, this may not have been motivated by security concerns for children living in a war zone. The deportations may instead be part of efforts to erase their Ukrainian identity by educating them in the Russian language, culture, and worldview ('Russification'). In this way, the deportations may be designed to reach Russia's broader goals in Ukraine, which include weakening any sense of Ukrainian national identity.[77]

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[74] First mandate report of the Independent International Commission of Inquiry, UN Doc. A/HRC/52/62, 15 March 2023, paragraphs 40–43 (https://www.legal-tools.org/doc/8bfgaj/)

[75] For well-researched reporting on Russia's crimes committed against civilians in a lesser-known Ukrainian town temporarily occupied by Russia, see Ana Pashalishvili, "Arbitrary detention and torture: Balakliia under Russian Occupation, from 3 March to 8 September 2022", NHC, Oslo, 14 August 2025 (https://www.legal-tools.org/doc/ehptwf9a/). The report is based on documentation by the Ukrainian organization Truth Hounds and analysis of documentation stored in the NHC Ukraine database, using the I-DOC system of CILRAP-CMN.

[76] The Reckoning Project, 2024, p. 8, see *supra* note 60.

[77] The ICC has issued arrest warrants against President of the Russian Federation Vladimir V. Putin and Commissioner for Children's Rights in the Office of the President of the Russian

Russia's violations against civilians can thus be seen as an example of the thinking that the goal justifies the means. Russian authorities are aware that they breach international humanitarian law, often resulting in war crimes, but hold the view that their methods are justified for Russia to prevail.

Over time, Russian authorities have messaged their troops that violations will not be punished – that they may even be encouraged: what Western experts are targeting as Russian war crimes are, in fact, not war crimes. And if they are war crimes, we are still right. What we are doing is in line with Russia's military doctrines and standards of warfare and is necessary to achieve our goals.

9.5. Lack of Training and Experience, and Operational Breakdowns

Not all of Russia's war crimes may result from operational plans, manuals, doctrines and the unchecked pursuit of political goals – some result from inexperienced and untrained soldiers, and a breakdown of command structures.

Soon after Russia began the full-scale invasion of Ukraine, command structures in the Russian army seemed to have weakened. Soldiers were young and inexperienced and hardly understood the purpose of the operations they were part of. Supply chains were exhausted, and lines of communication failed. A power vacuum may have developed behind the Russian troops as they withdrew from areas around Kyiv, and serious acts of violence, including summary executions, torture and sexual violence, occurred in this lawless area.[78]

In places like Bucha, Irpin and Izium, civilians encountered troops who had no explicit orders, just a gun, fear and wrath. Houses were looted. There were shootings on the street. According to investigators, some of these

Federation Maria A. Lvova-Belova for these deportations, categorizing them as "the war crime of unlawful deportation of population (children) and that of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation (under articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute)", see ICC, "Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova", press release, 17 March 2023 (https://www.legal-tools.org/doc/ux75v4/).

[78] Human Rights Watch, "Ukraine: Apparent War Crimes in Russia-Controlled Areas: Summary Executions, Other Grave Abuses by Russian Forces", 3 April 2022.

crimes were conducted by 'rogue' troops acting in defiance of command, out of fear or fury.[79]

Neither lack of discipline nor untrained or inexperienced soldiers are an excuse. Traditions of cruelty within the Russian armed forces – going back to Tsarist times, being kept through Soviet times, and surviving the reforms that independent Russia's armed forces have undergone – do not excuse soldiers who so clearly break with standards of humanitarian law.

You do not need to be trained in humanitarian law to realize that it is wrong to kill civilians or to torture anyone. These are violations of principles of humanity, which everyone knows about. Also, in such situations, where command structures break down, the leadership of the Russian Federation still bears responsibility. They must initiate measures to protect civilians and ensure that discipline is restored.

9.6. Dehumanizing the Enemy

Like in other conflicts, we see rhetoric and propaganda from the Russian leadership and state media that dehumanize the Ukrainian leadership and people. The dehumanizing narratives follow a pattern rooted in propaganda techniques, psychological manipulation and historical precedent.

The denial of Ukraine as a separate cultural and linguistic entity is part of Putin's justification of the attack, pointing to Ukrainians as Russians who have been 'misled' and 'corrupted' by the West. Depiction of the Ukrainian leadership as 'Nazis' and the 'special military operation' as a 'denazification' campaign is also part of efforts to justify the war. President Putin has used this narrative repeatedly, including on the first day of the full-scale invasion.[80]

The narrative also includes ethnic characterizations and dehumanizing language, seeking to justify violence against Ukrainians. *RIA Novosti* and other Russian state media published content that portrayed Ukrainians as rats, pigs or hyenas, using artificial intelligence technology.[81]

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[79] Strauss, 18 March 2025, see *supra* note 62.

[80] Eline Treyger *et al*., "Hate and Dehumanization in Russia's Narrative on Ukraine", *Research Brief*, Rand, 6 February 2025.

[81] EUvsDisinfo, "How Russia uses AI to dehumanise Ukrainians", 7 February 2025.

Ukrainians are portrayed as threats to Russian identity. This includes accusations that Ukraine was committing or planning genocide against ethnic Russians in Eastern Ukraine.[82] The propaganda depicts Ukraine and the West in dark and apocalyptic ways, in contrast with sunlit portrayals of Russia, creating a moral dichotomy between 'us' and 'them'.[83]

Several top leaders and TV personalities, such as Dmitry Medvedev (former President and Deputy Chairman of the Security Council of Russia), Vladimir Solovyov (famous TV presenter) and Margarita Simonyan (Editor-in-Chief of *RT* and *Rossiya Segodnya*), take part in spreading the narratives, which are further disseminated by an extensive network of supporters on social media in Russia, Europe, the United States and globally.

This is not unique to Russia's war against Ukraine. We see similar techniques and language during the Chechen wars, including dehumanizing language and imagery. Chechens were often depicted as barbaric, violent, uncivilized and terrorists, aimed at instilling fear in the Russian public and reducing empathy for civilian casualties.[84]

10. How to Address the Brutality

The overview presented above of human rights violations, war crimes and crimes against humanity reportedly committed by Soviet and Russian authorities in the main wars it has fought during the last 45 years leaves out many specific instances of crimes. The material is overwhelming, including documentation by reputable international organizations such as the UN, the Council of Europe and the OSCE. Russia's war against Ukraine is likely to become the best documented military conflict ever. There is vast documentation of international crimes committed in the Chechen and Syrian wars as well. However, a problem remains that the documentation is stored in various locations, and comparative analysis is often lacking.

Therefore, *comprehensive* documentation projects are needed to gather, digitize and analyse documentation from different theatres, showing the con-

[82] Tregyer *et al.*, 6 February 2025, see *supra* note 80.

[83] Propastop, "The Art of Dehumanization: Russia's Use of AI to Attack Ukrainians", 18 February 2025.

[84] Bryan Glyn Williams, "Grozny and Aleppo: a look at the historical parallels", *The National*, 24 November 2016.

tinuity of war plans, commanders and crimes, including the purposeful attacks on civilians and civilian objects.[85] Such projects should be widely publicized, proving to Russian authorities that the crimes will not be forgotten but form essential parts of the enduring narratives of the conflicts.

Comprehensive documentation across war theatres is but a first step. Cases must also be prosecuted. Most prosecutions will take place in Ukraine, and support will continue to be needed from other states to ensure high quality and sufficient resources. International justice efforts by the ICC and individual states that exercise universal jurisdiction are still required to provide maximum legitimacy for the accountability for Russia's brutality. Even if just a few cases are heard internationally, they can send a vital message that the international community does not tolerate such crimes and the suffering of victims.

Human rights cases submitted to the European Court of Human Rights and UN treaty bodies may also play a significant role. These bodies are experienced in weighing evidence and assessing abuses in terms of human rights violations. Even after Russia's expulsion from the Council of Europe and its cessation to be bound by the European Convention on Human Rights on 16 September 2022, numerous human rights cases against Russia remain to be decided, including cases submitted by Ukrainian citizens.

A landmark European Court of Human Rights Grand Chamber ruling was delivered on 9 July 2025 in the case of *Ukraine and the Netherlands v. Russia*.[86] It found Russia responsible for grave violations of Convention rights, including extrajudicial killings, torture and arbitrary detentions in temporarily occupied parts of Eastern Ukraine, suppression of the Ukrainian language, unlawful deportation of Ukrainian children, and the shooting down of the Malaysia Airlines Flight MH17 in July 2014.[87]

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[85] The NHC runs comprehensive documentation projects with local and international partners in the North Caucasus and Ukraine. Discussions are underway to develop a more comprehensive documentation project that includes human rights violations across the whole Russian territory and analyses Russia's human rights crimes in foreign territories.

[86] European Court of Human Rights, Grand Chamber, *Case of Ukraine and the Netherlands v. Russia*, Judgment, 9 July 2025, Applications nos. 8019/16, 43800/14, 28525/20 and 11055/22 (https://www.legal-tools.org/doc/5opql7/). The Legal Summary of the judgment is available in a separate document (https://www.legal-tools.org/doc/mddzbfdj/).

[87] Legal experts have hailed the judgment for several reasons, including how "the Court consistently interprets the Convention obligation in light of International Humanitarian Law. The Court held that it will consider the relevant provisions of international humanitarian law where relevant in determining the scope of the guarantees under the Convention (para 429)", Jasmine

The ongoing establishment of a Special Tribunal for the Crime of Aggression against Ukraine in the framework of the Council of Europe, the Register of Damages, and other measures to repair and rebuild Ukraine are all steps in the right direction. States in Europe and the wider international community must support these measures. Victims in other conflicts where Russian actors have committed crimes should, however, not be forgotten.

The history of Russia's brutal treatment of civilians entails many lessons. Most importantly, justice should never be traded away for political expedience. Had European and other democratic states stood up for the victims in Afghanistan, Chechnya, Georgia and Syria more resolutely, Russia would likely have felt more constrained in its calculations whether to attack Ukraine.

As stated by the Reckoning Project, "the impunity Russia has enjoyed for its violations of international law in Chechnya and Syria has paved the way for its violations in Ukraine. Russia has evaded accountability for decades. Consequently, the international community has failed to deter Russia from carrying out further violations. The evidence suggests that impunity enables repetition".[88]

Russia's wars are a problem for Europe and the wider world community of states. That is why states outside of Europe should join the fight against impunity and help put pressure on Russia to change its approach to excessive use of force. Some democratic states fail to support Ukraine against Russia's aggression, arguing that they, as a principle, stay away from taking sides in conflicts. This form of neutrality is not sustainable, as vital UN Charter principles are at stake. A permanent member of the Security Council getting away with such patterns of international crimes, including the crime of aggression, war crimes, and crimes against humanity, makes the world less secure for everyone.

However, in the end, the Russian human rights and democracy movements must play the most prominent role in addressing Russian brutality in armed conflicts. They are working for another Russia and are eager to ensure

Sommardal, "Ukraine and the Netherlands v. Russia – A Tour de Force in Applying the Convention as Part of International Law", *ECHR Blog*, 11 July 2025. For a detailed analysis, see Marko Milanović, "The European Court's Merits Judgment in Ukraine and the Netherlands v. Russia: As Good as It Gets (Almost)", *EJIL: Talk! Blog of the European Journal of International Law*, 10 July 2025.

[88] The Reckoning Project, 2024, p. 26, see *supra* note 60.

that past mistakes of overlooking Soviet and Russian crimes will not be repeated. Even repressed for years by the Putin regime, there remains a substantial civil society and opposition capacity both inside Russia and in exile. Together with civil society and victims' groups in the affected countries, and with sufficient support from democratic states and international institutions, they can contribute to rebuilding democracy and reforming the state away from brutality.[89]

The Russian people must participate in this quest for accountability. Future generations will have to pay the costs of the war, in terms of a weakened economy and reparations to Ukraine, but also engage in processes to revalue human life. The 'cheapening of human life' may be the most important consequence of the brutality of the Russian leadership.[90]

Overcoming the moral fallout will surely take enormous efforts over several generations.

11. Conclusion

Scholarly and political debate about the background for Russia's invasion of Ukraine remains divided. Scholars like Richard Sakwa describe the failure of Western countries to accommodate Russian security interests after the end of the Cold War as an essential part of the background.[91] Others, like Timothy Snyder, Anne Applebaum and Michael McFaul, point to Russia's war as imperialist and even genocidal, a broader authoritarian challenge to liberal democracy, and Putin's overreach after two decades of Russian progress.[92]

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[89] For a discussion of transitional justice measures needed in Russia, see: Nikolai Bobrinsky, Stanislav Dmitrievsky and Domitilla Sagramoso (eds. of the English version), *Between Revenge and Oblivion: A Transitional Justice Concept for Russia*, NHC and Norwegian Institute of International Affairs, Oslo, June 2024. For a plan for the first 100 days of transition after Putin, see "100 Days After Putin: Package of Solutions for the Transitional Government", Memorial Human Rights Centre (available on its web site).

[90] The points made by Noa Sattath on how Israel can overcome the dehumanization of Palestinians may prove valid points for Russia as well, see Noa Sattath, "In the Not-so-distant Future, Israel Will Have to Reckon With Its War Crimes in Gaza", *Haaretz*, 21 July 2025.

[91] Richard Sakwa, *The Lost Peace: How the West Failed to Prevent a Second Cold War*, Yale University Press, New Haven and London, 2023.

[92] Sashko Shecvhenko, "Defeating Russia Is the Best Thing We Could Do for Russia: Historian Timothy Snyder on the Ukraine War", *RadioFreeEurope*, 7 August 2024. Anne Applebaum, "The Ukraine War Can't End Until Russia Stops Fighting", *The Atlantic*, 2 October 2024. Andrew Stanto, "Putin Throwing Away Two Decades of Success in Ukraine War: Former Diplomat", *Newsweek*, 31 December 2022.

Regardless of such conflicting views, I argue that Russia must confront its use of war to achieve political aims and its brutality in fighting wars. Russia's wars violate fundamental principles of international law, and their brutality leads to further brutalization of inter-state and internal affairs. As a permanent UN Security Council member, Russia is responsible for upholding the Charter's security system.

International law arguments have failed to persuade Russia's leadership to change course. Western countries have concluded that their response must be to strengthen their military capabilities to defend themselves and support Ukraine's war of self-defence. In the longer term, however, comprehensive security arrangements must be re-established to prevent wars and lay the foundation for a new order of security and co-operation in Europe.

The legacy of the 1975 Helsinki Final Act is far too important to be forgotten. The OSCE, which is based on the Act, has been unable to prevent Russia's breach of its principles. However, these principles – respecting states' territorial integrity, sovereignty and human rights – must obviously be part of any future security arrangement.

It is uncertain how long the Putin regime will last and how the transition to another government will be. What is certain is that efforts to strengthen respect for international law should be intensified, including holding violators to account and arguing that Russia's broader interests as a great power point in the same direction. Using military means to pursue political aims is self-defeating, a lesson that other major powers, such as China and the United States, should also learn.

Russia's leaders must end the excessive use of force in their brutal wars.

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The Russian Leadership's Brutality in Fighting Wars

Gunnar M. Ekeløve-Slydal

Russia's invasion of Ukraine has been marked by allegations of brutality and serious violations of international humanitarian law. According to the United Nations and other international institutions, members of Russian forces have committed war crimes and crimes against humanity, including indiscriminate attacks on civilians and civilian infrastructure; illegal detention and torture; arbitrary killings, rape, and sexual violence; and unlawful transfer of children.

This paper discusses whether the alleged crimes are isolated incidents or part of a recurring pattern in several conflicts involving Russian armed forces – in Afghanistan, Chechnya, Georgia and Syria. Russian authorities consistently deny committing war crimes, while accusing Ukrainians of such violations. The paper suggests that Russian leaders are aware of the conduct by the members of their armed forces, but that they consider such methods acceptable to secure perceived national interests.

The modern history of Russia's treatment of civilians in armed conflict offers lessons. Importantly, justice should not be traded for political expedience. Had European and other democratic states stood up more resolutely for victims in Afghanistan, Chechnya, Georgia and Syria, Russian actors may have felt more constrained when considering whether to attack Ukraine.

Brutalization of armed conflict is a real problem for the world community as a whole. States should reinforce their efforts against impunity for victimization of civilians, putting pressure on government leaders who allow excessive use of force in armed conflict. Neutrality in the face of crimes against civilians is not sustainable, as vital United Nations Charter principles are at stake. This is even more important if citizens of permanent members of the United Nations Security Council are suspected of such crimes, as they make the world less secure for everyone.

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