

Warsaw Human Dimensions Conference Side Event: “Genocide in Ukraine: A Victim-Centered Approach and International Responsibility”

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Thank you very much. The Lemkin Institute for Genocide Prevention is honored to be here today with the courageous human rights advocates who are working tirelessly amidst an ongoing war and genocide in Ukraine.

Today I will be speaking on the importance of identifying genocide early in a conflict. This is something that the Lemkin Institute did concerning the Russian invasion of Ukraine about three weeks after the invasion began.

As so many of us know, genocide is usually only identified after the fact, when an armed conflict has ended, and the mass graves are exhumed. It is usually only identified in international courts of law, once they have been established, an indictment has been written, a trial has occurred, and a judicial decision has been made.

As we all know, this is far too late for the victims and the survivors. It is also far too late for the international community, for regional powers, for allies and potential allies, for human rights organizations, and for the press.

By the time genocide is determined by law, the tragedy has already been indelibly written into the history of the world. This means that opportunities to stop or mitigate the genocide have passed, and opportunities to rescue targeted populations have been missed.

While the post-conflict legal process is very important, its importance should not stand in the way of identifying genocidal patterns very early on, especially before a conflict starts. We at the Lemkin Institute do not believe that the man who coined the term genocide, and pressured the world to put it into law, the Polish Jewish jurist Raphael Lemkin, would ever have agreed with the current state of affairs, where the term “genocide” is only acknowledged when it is far too late to act.

At the Lemkin Institute we work in solidarity with threatened populations and the global grassroots to raise the alarm bells of genocide as early on as possible. We do this in an evidence-based fashion that in no way “waters down” the term – which is often the concern of those people who would like “genocide” to be determined only in courts of law, only when all the facts have been collected and verified. We know that there are empirical ways to identify genocidal patterns before there are atrocities on a massive scale.

We were already alarmed by the genocidal nature of Russian President Vladimir Putin’s speeches leading up to February 24. On March 3, I gave a lecture with two colleagues at Keene State College in which I warned about the genocidal framing of Putin’s language towards Ukraine and Ukrainians. One March 20, we at the Lemkin Institute issued our first Statement on Russia’s war in Ukraine, in which we called out evidence of genocidal intent.

In particular, we noted Putin's following three statements, made before the war:

1. "Since time immemorial, the people living in the southwest of what has historically been Russian land have called themselves Russians and Orthodox Christians. So, I will start with the fact that modern Ukraine was entirely created by Russia or, to be more precise, by Bolshevik, Communist Russia. This process started practically right after the 1917 revolution, and Lenin and his associates did it in a way that was extremely harsh on Russia — by separating, severing what is historically Russian land."
2. "Ukraine never had a tradition of genuine statehood."
3. "The Ukrainian authorities — I would like to emphasize this — began by building their statehood on the negation of everything that united us, trying to distort the mentality and historical memory of millions of people, of entire generations living in Ukraine."

These statements leave Ukrainians no way to continue living peacefully as Ukrainians. They imply genocide by denying the fact and the legitimacy of Ukrainians as such.

At the same time that we analyzed Putin's language for evidence of genocidal intent and genocidal implications, we were also paying close attention to the way that the Russian military was conducting the war. We used our Ten Patterns of Genocide model to surface those aspects of the war that were taking what we call "the shape of genocide."

We looked at shelling and bombing of civilian areas, the siege of Mariupol, which left civilians without access to basic necessities, the apparent intentional attacks on IDPs, and attacks on important civilian infrastructure, such as hospitals and schools.

Such wanton disregard for the safety and security of Ukrainian civilians, such hostility to evidence of peaceful Ukrainian life, combined with Putin's language and framing of the war, provoked us to issue our first statement.

Over the following two weeks, news of clearly genocidal acts began to come out of Ukraine.

We issued our second statement on April 9, in which we determined that the Russian military was clearly acting on Putin's genocidal aims and that Russia was in violation of the genocide convention.

In particular we focused on the high level of gang rape, enhanced cruelty, rape of children, and life force atrocities that target the visible and invisible bonds that make community life possible. In one reported instance, Russian soldiers found a family of three in their home. They killed the man and raped the woman for days in front of her child. In another case, Russian soldiers raped an 11-year-old boy while his mother was tied to a chair and forced to watch. These sorts of ritualized rapes and rape-murders are common atrocities during genocide.

We could confidently make these assertions because we believe that it is possible to "see" evidence of genocide before it occurs and as the process is taking shape. We use a Genocide Prevention

Toolbox that is open to all on our website and clearly explain how we go about determining threats of genocide when presented with certain fact patterns.

So, we were and are convinced by April 9 that Russia has the intent to destroy, in whole or in part, the Ukrainian group as such, and we asked the world to respond to the crisis with this genocidal dimension in mind.

Such a dimension calls out the importance of *rescue* as an act of prevention; it also alerts us to the need to fine tune our expectations, predictions, and policies towards a government and a military that is actively engaged in genocidal warfare.

Now, of course, we cannot ensure that genocide will ever be determined in a court of law. That is part of the important work that everyone here is doing. Genocide is very difficult to prove due to the “special intent” requirements, and many genocides, if they are ever tried at all, end up in convictions for war crimes and crimes against humanity instead.

Nevertheless, for many reasons, it is very important that societies and the world understand when a genocide is taking place.

It can aid in rescue efforts.

It can aid in policy during the genocide.

It can aid in plans for post-genocide reconstruction.

It can clarify moral and legal issues.

It can have everyone thinking about how we ended up with genocide in this specific case and how we can prevent the next genocide that might emerge out of similar geopolitical patterns.

Finally, it can help with gathering and organizing evidence in a way that is optimally positioned for future trials. To this end, the Lemkin Institute has teamed up with Bellingcat and the Regional Centre for Human Rights to code open-source information for evidence of genocide. We hope that this coding mechanism will become a general tool that can be used by governments and NGOs in future conflicts all over the world.

In the short term, we believe that documenting genocide as it is occurring is one way to honor and respect the dignity and the lives of the victims of genocidal crimes and express international solidarity with them.

Thank you very much. We at the Lemkin Institute stand in solidarity with you.