

## The Response of the International Community to the Genocide in Rwanda and the War in Ukraine

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**Abstract:** The present thesis aims to describe the response of the international community to the genocide in Rwanda, and to assess current actions in the context of the war in Ukraine. It defines what genocide is, how it happened in Rwanda, and what proves that the incidents in Ukraine can be referred to as genocide.

### 1. Preface

Genocide. A tragedy of thousands of people that the world is watching. The scale of atrocity makes it seem too remote and even unreal, and yet it happens even in the modern world. Despite the development of civilisation, as well as international regulations, it is not being prevented. On the contrary, it is carried out on an even larger scale with the use of new technologies. Roman Kuźniar pointed out that this is linked to the occurrence of the so-called “moral vacuum”. The main objective is to win in a conflict, and the use of force against civilians, violations of human rights and actions based on bestiality and cruelty are the norm and even a means to victory.<sup>1</sup>

The present thesis aims to describe the response of the international community to the genocide in Rwanda and to assess current actions in the context of the war in Ukraine.

<sup>1</sup> Roman Kuźniar, *Prawa człowieka. Prawo, instytucje, stosunki międzynarodowe* (Warsaw 2000), 287–89.

At this point, it is worth putting forward the thesis that the international community has been carrying out activities aimed at proving that since the beginning of the war in Ukraine, there have been a number of incidents that bear the hallmarks of genocide or are, in fact, genocide. In order to achieve this, a number of subsidiary questions are worth posing. What characterized the genocide in Rwanda? Are there any similarities with Russian actions regarding the war in Ukraine? What actions were taken by the international community concerning Rwanda and what actions are being taken in relation to the incidents in Ukraine?

In the present analysis, the comparative method, the dogmatic-legal method and the historical method were applied.

## 2. Genocide as a Concept in International Law

The term “genocide” was coined by Rafał Lemkin, who not only provided its characteristics but also began the process of criminalising it in international law.<sup>2</sup>

The main international legal regulation against genocide is the *Convention on the Prevention and Punishment of the Crime of Genocide*, which in Article II indicates:

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a) killing members of the group;
- b) causing serious bodily or mental harm to members of the group;
- c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) imposing measures intended to prevent births within the group.<sup>3</sup>

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<sup>2</sup> See: Rafał Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, D.C.: Carnegie Endowment for International Peace, 1944), 79–95, accessed June 19, 2023, <http://www.preventgenocide.org/lemkin/AxisRule1944-1.htm>; Ryszard Szawłowski, “Rafał Lemkin – twórca pojęcia ‘ludobójstwo’ i główny architekt Konwencji z 9 XII 1948 (w czterdziestolecie śmierci),” *Państwo i Prawo*, no. 10 (1999): 74.

<sup>3</sup> *Convention on the Prevention and Punishment of the Crime of Genocide* (Journal of Laws of 1952 No. 2, item 9), hereinafter referred to as the “Convention”.

In addition, Gregory Stanton described the first eight stages of genocide in 1996 and then, in 2016, distinguished 10 of them. They may occur simultaneously. Not all of them can function throughout, either. He emphasized that the response of the international community at each stage can lead to the prevention of genocide.<sup>4</sup> The first seven stages are the so-called “early warnings,” which include:

1. classification – the division of society into “us and them,” based on ethnicity, race, nationality or religion (e.g. Hutu, Tutsi);
2. symbolisation – the imposition of symbols, names specific to a particular group (e.g. the use of code terms in Burundi in the 1980s in relation to the prohibition of using the words “Hutu” and “Tutsi”);
3. discrimination – exploitation of position by the dominant group/state. The use of political power, laws and customs to deprive others of their rights;
4. dehumanisation – propaganda, defamation, hatred of the other group, treating its members in a way that demeans their dignity;
5. organisation – the organisation of genocide by the state or subordinate groups that are used for this purpose. This involves, i.a., the training of military troops or groups to commit it and also the purchase of weapons, espionage, arrests, murder of people suspected of not favoring a group, a party, or a person in power;
6. polarisation – separating groups, dismembering, inciting aggression, passing laws that give a sense of total domination, disarming the target group so that it cannot defend itself;
7. preparation – planning events, preparing equipment, armies, training the army, but also indoctrinating the population. Instilling fear in public opinion of the victim group with the idea: “If we don’t kill them, they will kill us”. Justifying genocide by the need for self-defence, to counter a rebellion;  
The subsequent three already point to the core phase:
8. persecution – identification of victims and their separation from the society. Frequent expropriation of property, robbery, order to wear

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<sup>4</sup> Dominika Drózdź, *Zbrodnia ludobójstwa w prawie międzynarodowym* (Warsaw: Wolters Kluwer Polska, 2010), 266.

certain symbols, deprivation of resources to sustain life. As the organisation Genocide Watch points out:

At this stage, a genocide emergency should be declared. If the political will of the great powers, regional alliances, the UN Security Council or the UN General Assembly can be mobilised, armed international intervention should be prepared, or heavy assistance should be provided to the victim group to prepare for its self-defence. Humanitarian assistance should be organised by the UN and private relief groups for the inevitable tide of refugees to come.

9. extermination – which becomes the mass killing legally called “genocide”, rape, dehumanisation of victims, destruction of cultural, religious property. At this stage, only rapid and overwhelming armed intervention can stop genocide. Genocide Watch already points here to the need for the UN forces to step in;
10. denial – always follows genocide. It lasts permanently. The perpetrators of genocides deny that they committed any crimes, dig up massive graves, dismember corpses, erase traces, and intimidate witnesses. They block possible investigations and blame the victims.<sup>5</sup>

### 3. Genocide in Rwanda

At the outset, it should be emphasized that the Belgians played a role in provoking the war and the ethnic conflict, which then resulted in genocide. They are the ones who are accused of dividing society into two tribes: Hutu and Tutsi, on the basis of allegedly distinctive physical criteria. Also, it was the Belgians who were responsible for fostering ethnic hatred and favoring the Tutsis, in whom they saw the stability of their power in the country. In 1932, they introduced the “proof of ethnic identity” by which tribal affiliations were distinguished.<sup>6</sup> Moreover, Tutsis were recruited to the staff through which the Belgians could manage their colony. This separation was justified by racist theories about superior and inferior populations.

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<sup>5</sup> David R. Arendale, *Online History Simulation: Contemporary Genocide Investigative Report Curriculum*, Genocide Investigative Report Revised May 11, 2019; Gregory H. Stanton, “The Ten Stages of Genocide,” Genocide Watch, accessed June 27, 2023, <http://genocidewatch.net/genocide-2/8-stages-of-genocide/>.

<sup>6</sup> Karolina Wierczyńska, *Pojęcie ludobójstwa w kontekście orzecznictwa międzynarodowych trybunałów karnych ad hoc* (Warsaw: Wydawnictwo Naukowe Scholar, 2010), 113–5.

The trigger point for the conflict was the shoot-down, on April 6, 1994, of a plane near Kigali airport with President Habyarimana on board. Hutu activists were blamed for his death, which allowed the event to be used as a pretext for launching the planned genocide. The first victims were politicians belonging to the Hutu tribe, including Prime Minister Agathe Uwilingiyimana, but also the soldiers protecting her as part of the UNAMIR operation.<sup>7</sup> Théoneste Bagosora, a direct supporter of the Hutu Power movement, took charge of the army. The successful propaganda resulted in the significant participation of civilians in the genocide. They were armed with machetes, knives and axes, which they used to murder their victims. The numerous murders were accompanied by violence, rape and robbery. It was not, however, a grassroots initiative in its nature, as it was the government that purchased about 600,000 machetes from China a year before the conflict began. Moreover, emotions and antagonism were stimulated by the *Radio of the Thousand Hills*, which in its broadcasts compared Tutsis to vermin to be exterminated.

In addition, on the air of the RTLM, the presenters indicated addresses where Tutsi would hide. The victims were also those Hutu who refused to participate in the genocide. The comparisons of Tutsi numbers before and after the massacre, lead to the conclusion that a specific ethnic group was the target of the attacks. According to the estimates, approximately 800,000 victims were killed within three months.<sup>8</sup>

Particularly genocidal acts were committed in the town of Butare, where, even though Tutsis accounted for around a quarter of the population there, only those who fled to Burundi survived. In the absence of a reaction of the international community, Paul Kagame (leader of the RPF), decided to restart the civil war. His troops reached Kigali and halted the extermination of the Tutsis. The fear of a counter-attack resulted in a mass escape of Hutus to the then Zaire (now Democratic Republic of Congo).

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<sup>7</sup> The mission is discussed in Chapter 3.

<sup>8</sup> Gérard Prunier, *The Rwanda Crisis. History of a Genocide, 1959–1994* (London: C. Hurst & Co., 1995), 265–6; Alison Des Forges, *Leave None to Tell the Story. Genocide in Rwanda* (New York: Human Rights Watch, 1999), 15; Tor Sellström and Lennart Wohlgemuth, *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience. Study 1. Historical Perspective: Some Explanatory Factors* (Uppsala: Overseas Development Institute, 1997), 5.

The group that decided to flee included the activists responsible for committing the genocide.<sup>9</sup>

#### 4. The Response of the International Community

The Convention recognizes genocide as a crime under international law. Its signatories have an obligation to counter it. Therefore, according to its provisions, the incidents in Rwanda should have triggered an immediate response, but the strongest UN states have not shown the will to engage militarily. This indicates that the above legal regulations remain apparent, and their implementation depends on the contracting states.

The first response of the international community to the worsening conflict in Rwanda was the establishment of the special mission UNAMIR. Its purpose was to help adhere to the Arusha Peace Agreements, which were intended to end the civil war between Hutu and Tutsi. However, as the Head of the Mission, General Roméo Dallaire, pointed out, it was underfunded, poorly staffed and ineffective in the context of the impending next escalation of the conflict.<sup>10</sup> Its expansion was not allowed by the Americans, due to events in Somalia, which affected the UN decision. Belgium, faced with the death of soldiers protecting Prime Minister Uwilingiyimana, decided to withdraw its troops from Rwanda, which significantly weakened UNAMIR. Despite appeals to the UNAMIR by General Dallaire to increase the peacekeeping mission's mandate, eventually, its forces were completely disempowered and reduced to 500 soldiers in order to focus only on protecting civilians, evacuating foreigners or undertaking negotiations.<sup>11</sup>

In this conflict, it is also important to emphasize the role played by France, which had cooperated with Rwanda since as early as the 1970s, incorporating it into the network of francophone states. Already during

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<sup>9</sup> Jacek Regina-Zacharski, *Rwanda. Wojna i ludobójstwo* (Warsaw: Wydawnictwo Naukowe PWN, 2013), 119.

<sup>10</sup> UNAMIR – United Nations Assistance Mission for Rwanda, proclaimed by Resolution 872 (1993), adopted by the Security Council at its 3288th meeting on 5 October 1993, accessed June 27, 2023, <https://digitallibrary.un.org/record/197341>.

<sup>11</sup> See: Walter Clarke and Jeffrey Herbst, "Somalia and the Future of Humanitarian Intervention," *Foreign Affairs* 75, no. 2 (1996); Marcin Wojciech Solarz, *Francja wobec Afryki subsaharyjskiej. Pozimnowojenne wyzwania i odpowiedzi* (Warsaw: Wydawnictwo Aspra, 2004), 236–8.

the civil war, the French financed and trained the Presidential Guard, thus sustaining the Habyarimana regime, disregarding the claims that the regime was responsible for torture, murder or the imprisonment of oppositionists. Human Rights Watch points out that the French government, during the genocide, supplied weapons to the Rwandan army in violation of an embargo imposed by the UN Security Council. France also evacuated some members of the Hutu Power. France even sent its troops as part of Operation “Turquoise” (authorized by the UN), which was officially supposed to be a humanitarian mission, but researchers indicate that its purpose was to sustain the regime and French interests.<sup>12</sup>

France, China and Russia were all able to block proposals for changes concerning UNAMIR because of internal interests, and the US President forbade his officials to use the term “genocide” in the context of Rwanda.<sup>13</sup>

#### 4.1. Establishment of the International Criminal Tribunal for Rwanda and the Gacaca Courts

After the end of the conflict, Rwanda faced an administrative problem. It asked the UN to help it bring to trial the criminals guilty of genocide. The UN Security Council proclaimed Resolution No. 955 of 8 November 1994, which established the International Criminal Tribunal for Rwanda. Its substantive jurisdiction covered the crime of genocide and the crime against humanity committed between January 1 and December 31, 1994.<sup>14</sup> Rwanda appealed for the jurisdiction to include the civil war period. The cases of Akayesu, Rutaganda, Musema and Bagilishema provided the basis for the trials of the perpetrators of the genocides of the 20th century. The Tribunal’s action was intended to be subsidiary in the event that Rwanda could not cope with bringing suspects to trial. The judicial system as a result of

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<sup>12</sup> See: Linda Melvern, *A People Betrayed. The Role of the West in Rwanda’s Genocide* (London–New York: Human Rights Watch, 2009); see also: Anna Rosiak, „Operacja „Turkus”, czyli blaski i cienie francuskiej misji humanitarnej w Rwandzie (VI–VIII 1994),” in *Czarny Łódź i świat arabski. Obrona pokoju czy interesów?*, ed. Bartłomiej Pączek (Gdynia: Akademia Marynarki Wojennej, 2013), 223–44.

<sup>13</sup> Aleksandra Spychalska, „Mechanizmy zbrodni ludobójstwa na przykładzie Rwandy,” in *Varia doctrinalia, praca zbiorowa*, ed. Łukasz Machaj (Wrocław: Prawnicza i Ekonomiczna Biblioteka Cyfrowa, 2012), 97–8.

<sup>14</sup> Reginia-Zacharski, *Rwanda*, 120; Solarz, *Francja*, 236–53.

the purges was, and still is, very weakened, trial backlogs were arising, and the prison infrastructure was overloaded. In the face of such a growing problem, it was decided to revert to the Gacaca people's court system. The trials consisted of local elders judging the defendants, who were given a punishment. The system, operating in this way, was implemented throughout the state in 2005, which caused considerable controversy in the international community. Attention was drawn to the violation of international standards for a fair trial, as the people's courts were staffed by individuals without legal training, family or friends of genocide victims, who were not impartial towards the accused.<sup>15</sup>

## 5. Has Genocide Taken Place in Ukraine?

On February 24, 2022, from the day Russian troops crossed the border of Ukraine, a large-scale war was launched at the borders of the European Union and NATO. The Budapest Memorandum,<sup>16</sup> as well as the Minsk Protocols of 2014 and 2015,<sup>17</sup> were thus violated. The war conducted by Vladimir Putin is ruthless, and its operations are frequently directed against civilians. The aim of the so-called "special operation" was de-Ukrainianisation. Apart from the physical elimination of Ukrainians, its goal was also the destruction of their sense of national distinctiveness, culture or language. Putin has repeatedly indicated that Russians and Ukrainians are one nation,

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<sup>15</sup> Reginia-Zacharski, *Rwanda*, 130–6; see: "Justice Compromised: The Legacy of Rwanda's Community-Based Gacaca Courts," Human Rights Watch, accessed June 23, 2023, <http://www.hrw.org/sites/default/files/reports/rwanda0511webwcover.pdf>; Katarzyna Głowacka, "Ludobójstwo w Rwandzie i jego polityczne konsekwencje," *Poliarchia* 4, no. 1 (2015): 39.

<sup>16</sup> The memorandum was intended to guarantee the security of Ukraine in exchange for the transfer of the nuclear weapons on its territory to Russia. See: *Ukraine, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America Memorandum on security assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons*, Budapest, December 5, 1994, accessed June 22, 2023, <https://treaties.un.org/doc/Publication/UNTS/Volume%203007/Part/volume-3007-I-52241.pdf>

<sup>17</sup> The agreements signed in Minsk on September 5, 2014 and February 12, 2015 aimed at ending the conflict in eastern Ukraine. Protocol on the results of consultations of the Trilateral Contact Group, signed in Minsk, 5 September 2014, <https://www.osce.org/home/123257>, <https://www.osw.waw.pl/pl/publikacje/analizy/2015-02-12/minsk-2-kruchy-rozejm-zamiast-trwalego-pokoju>.



challenging Ukraine's right to self-determination and calling Ukrainian authorities "fascists". The RIA Novosti agency even published a plan for the destruction of Ukraine, which included the elimination of the political elite and a new education of the population. In order to demonstrate that genocide has taken place, it is necessary to indicate not only the intentions but also their implementation.<sup>18</sup>

Due to Russia's strong political and economic position, the international community will not directly engage in the conflict and the military forces of other states or organizations will not help Ukraine to defend its sovereignty. Indirect actions, on the other hand, are sanctions imposed on the Russian state and its individual citizens, as well as the transfer of weapons to the fighting Ukrainian troops.<sup>19</sup>

International organizations, countries in the region and the general public all point out that Russia has committed genocide. Examples of its genocidal actions include the operations in Bucha, Irpin and Mariupol, where civilians were slaughtered, brutal beatings, rape or looting were committed, similar to the events in Rwanda, which have also been described as forms of genocide by the International Criminal Court. Their aim was to take revenge on, and intimidate, the population that resisted. This action is typical of the Russian army, which carried out its operations in a similar manner, for instance in Afghanistan.<sup>20</sup>

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<sup>18</sup> Emilia Świętochowska, „Ludobójstwo w Ukrainie? Hinton: Nie skupiamy się tylko na zabójstwach, Rosjanie robią też inne rzeczy [WYWIAD],” *Dziennik Gazeta Prawna*, April 22, 2022, accessed June 22, 2023, <https://www.gazetaprawna.pl/wiadomosci/swiat/artykuly/8406027,wojna-w-ukrainie-ludobojstwo-rosyjskie-wojska-zbrodnie-putin.html>.

<sup>19</sup> Jakub Majmurek, „Putinowi trzeba postawić jasną granicę. A „świat milczy, nie będzie retorsji” WP Wiadomości, April 24, 2022, accessed June 22, 2023, <https://wiadomosci.wp.pl/putinowi-trzeba-postawic-jasna-granice-a-swiat-milczy-nie-bedzie-retorsji-6763471080360768a>.

<sup>20</sup> Jude Sheerin, „Bucha 'Isn't a One-off Atrocity'” BBC News, April 4, 2023, accessed June 19, 2023, [https://theins.ru/news/249961](https://www.bbc.com/news/live/world-europe-60949706?ns_mchannel=social&ns_source=twitter&ns_campaign=bbc_live&ns_linkname=624a92984f71af55b4616b3a%26Bucha%20%27isn%27t%20a%20one-off%20atrocity%27%262022-0-04T06%3A57%3A46.716Z&ns_fee=0&pinned_post_locator=urn:asset:e8c9bf51-8aad-4494-bf2d-fb4ab35cd8d8; “Казни входили в план Путина по вторжению в Украину – глава британской разведки MI6 Ричард Мур,” The Insider, April 4, 2022, accessed June 19, 2023, <a href=).

Human Rights Watch described those cases in Ukraine and collected evidence to prove war crimes.<sup>21</sup> Forced relocation of the population to Russia was also repeatedly committed, access to drinking water, gas or food was cut off in besieged areas, and evacuation through humanitarian corridors was not allowed by opening fire on civilians trying to escape the line of fire through them.<sup>22</sup>

Faced with these incidents, neighboring states issued recognitions that genocide had occurred in Ukraine. The first state was Poland. On March 23, 2022, the Sejm adopted a resolution indicating that Russia had committed “war crimes, crimes against humanity and acts of genocide.”<sup>23</sup> Similar acts have been issued by Ukraine, Latvia, Estonia and Lithuania. Furthermore, the aforementioned Genocide Watch issued a warning on the threat of genocide.<sup>24</sup>

The next step for the recognition of Russian actions as genocide seems to be the establishment of a Joint Investigation Team (JIT). Apart from investigators from Ukraine, Poland, Lithuania, Latvia, Estonia and Slovakia, the Office of the Prosecutor of the International Criminal Court and the US Department of Justice have joined the cooperation. Its representatives indicated in the very first days that “the massive and systemic nature of the war crimes committed in the occupied territories of Ukraine bears the hallmarks of the persecution of Ukrainians as a national group.”<sup>25</sup>

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<sup>21</sup> “Ukraine: Apparent War Crimes in Russia-Controlled Areas. Summary Executions, Other Grave Abuses by Russian Forces,” Human Rights Watch, April 3, 2022, accessed June 19, 2023, <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>.

<sup>22</sup> This was emphasized by the International Federation for Human Rights: “Forcible Transfer of Ukrainian Population to Russia Constitutes a War Crime,” March 31, 2022, accessed June 27, 2023, <https://www.fidh.org/en/region/europe-central-asia/ukraine/forcible-transfer-of-ukrainian-population-to-russia-constitutes-a-war>.

<sup>23</sup> Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 23 marca 2022 r. w sprawie popełniania zbrodni wojennych i zbrodni przeciw ludzkości oraz łamania praw człowieka przez Rosję w Ukrainie; M.P. 2022 poz. 367

<sup>24</sup> “Genocide Watch Warning: Russian Invasion of Ukraine,” February 1, 2022, accessed June 19, 2023, <https://www.genocidewatch.com/single-post/genocide-emergency-update-ukraine>.

<sup>25</sup> “National Authorities of the Ukraine joint investigation team sign Memorandum of Understanding with the United States Department of Justice,” European Union Agency for

The International Criminal Court also launched an investigation into the situation in Ukraine “since 21 November 2013, thereby covering all past and present allegations of war crimes, crimes against humanity or genocide committed on any part of Ukrainian territory by any person.”<sup>26</sup> On March 4, 2022, the UN Human Rights Council established the International Commission of Inquiry on Ukraine to investigate violations of human rights and humanitarian law. The Commission has so far issued two reports in October 2022 and March 2023, which concluded that “war crimes, violations of human rights and international humanitarian law have been committed in Ukraine since 24 February 2022.”<sup>27</sup>

## 6. Conclusion

Despite international alliances, international law and bilateral agreements, armed conflicts continue to take place in the world in which civilians are the main victims. Genocides, war crimes or crimes against humanity are still part of our reality and are committed before the eyes of the civilised world. The incidents in Rwanda and Ukraine demonstrate that international society first calculates its own interests and only later does it take care of human lives. Despite declarations and legal and institutional instruments, interventions either are taken too late or are not strong enough to stop the aggressor.

The genocide in Rwanda was the most dramatic in the post-Cold War era. It became a meaningful symbol of inaction on the part of international organizations and major powers. The massacre, slaughter and death of thousands of people whose lives were put on the line against political interests were happening before the eyes of the whole world. Unfortunately,

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Criminal Justice Cooperation, March 4, 2023, accessed June 19, 2023, <https://www.eurojust.europa.eu/news/national-authorities-ukraine-joint-investigation-team-sign-memorandum-understanding-usa>.

<sup>26</sup> “Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation,” International Criminal Court, March 2, 2022, accessed June 23, 2023, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-receipt-referrals-39-states>.

<sup>27</sup> “A/77/533: Independent International Commission of Inquiry on Ukraine – Note by the Secretary-General,” United Nations, October 22, 2022, accessed June 19, 2023, <https://www.ohchr.org/en/documents/reports/a77533-independent-international-commission-inquiry-ukraine-note-secretary>.

it was not the last in the modern world. There is a war in Ukraine, and the Russians have committed numerous atrocities, rapes and murders of civilians that bear the hallmarks of genocide. They are based on hatred of this nation and a desire to eradicate its culture and national unity. The international community has already taken the first steps to prove the alleged acts, however, the very process is a long one, requiring time and collecting detailed evidence, which may allow the criminals to be judged in the future.

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