

Preface

On February 24, 2022, Russian armed forces began the next stage of aggression against Ukraine, which was preceded by the annexation of Crimea in 2014 and the start of military operations in two parts of Ukraine's eastern oblasts – Donetsk and Lugansk. Russia officially maintained that its armed forces were not involved in the operations in Ukraine, although it was proven and widely known that in both incidents Russia's armed forces (without any identification symbols) and military equipment were involved. On February 24, 2022, Russia began the next phase by moving to active bombing (using air force and warships), this time of practically the entire territory of Ukraine. It also deployed its armed forces to other oblasts: Kharkov, Kherson, Kiev, Zaporozhye, Sumy and Chernihiv. Russia's boldness in launching and conducting armed aggression against another sovereign state results not only from unjustified territorial claims and state interests, but also from the low effectiveness of available international mechanisms, in particular international judiciary. Ukraine has achieved some success before the International Court of Justice (hereinafter – ICJ), including an ICJ Order of 16 March 2022, in which the ICJ ordered Russia, as an interim measure, to immediately halt military operations and cease any further hostilities on the territory of Ukraine. Despite the order Russia has not ceased its armed aggression, and since the ICJ issued the order of interim measures, Ukrainian authorities have been discovering mass graves of their citizens in reclaimed territories. The discovery of mass graves of residents of cities and towns temporarily occupied by Russia, and other evidence gathered so far, allow one to conclude that the Russian side is responsible for crimes against the civilian population

that meet the criteria of the most serious crimes under international law. Russia's conduct is contrary to all standards applicable in international relations, and the crimes committed against the civilian population require immediate action to bring those responsible to justice. Therefore, it is necessary to consider the existing standards in the area of prosecuting the crime of genocide and examine their usefulness in the context of the crimes committed in Ukraine.

The present issue of *The Review European and Comparative Law* contains eight articles devoted directly to the problem of the crime of genocide in the context of the current situation in Ukraine.

In accordance with Article II of Convention on the Prevention and Punishment of the Crime of Genocide, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, i.e.: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group living conditions calculated to cause its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group. The authors of the presented articles analyze the current situation in Ukraine in the context of individual elements of the definition.

Firstly, the concept of genocide is presented in a historical aspect by comparing previous actions that have been recognized by the international community as the crime of genocide or meet its criteria (Mišo Dokmanović "Lessons Learned from the Holocaust and the Contemporary Genocide"; Krzysztof Masło, "When Is Genocide a Crime of Genocide? The Holodomor and the Katyn Massacre as a Crime of Genocide"; Magdalena Maksumiuk, "The Response of the International Community to the Genocide in Rwanda and the War in Ukraine"). Secondly, an attempt has been made to demonstrate that Russia's actions are aimed at complete or partial destruction of the Ukrainian nation (Volodymyr Pylypenko, "Russian Genocide in Ukraine as an Attempt to Destroy the Ukrainian Nation"; Pavlo Fris, "Psychological and Ideological Basis of Collaboration in the Conditions of Russian Aggression in Ukraine") and its national identity (Joanna Siekiera, "Between Genocide and War Crime – Legal-Cultural Analysis of the Russian Aggression in Ukraine"; Aleksandra Głowczewska, Dominika Zawadzka-Klonowska, "Inter Arma Silent Musae". Destroying Museums,

Historical Buildings, and Monuments During the War in Ukraine as War Crimes Within the Meaning of International Law”). The last element of the definition, analyzed in more detail in this issue of *The Review European and Comparative Law* is the problem of „forced transfer of children of members of the group” and, in the case of Ukraine, abduction of Ukrainian children and their deportation deep into the territory of Russia (Iryna Kozak-Balaniuk, *Acts Committed by Russian Citizens in Ukraine after February 24, 2022 that May Constitute the Crime of Genocide*).

We are deeply convinced that the papers published in this issue constitute an important contribution to the current discussion in the context of Russia’s aggression against Ukraine.

