

## Executive Summary

*(Quote)*

Russia's ongoing aggression against Ukraine, and the resulting mass atrocities against Ukrainian civilians, have been made possible by years of intense and escalating propaganda of hate designed to justify and facilitate Russia's territorial conquest of parts of Ukraine and the subjugation or removal of civilians who oppose becoming part of the "Russian World". With this Article 15 Communication, FIDH and its partners draw attention to virulent hate speech that denigrates and calls for violence against Ukrainians based on their belonging to the Ukrainian nation and political views, arguing that it amounts to the crime against humanity of persecution under Article 7(1)(h) of the Rome Statute. The Filing Parties request that this crime be investigated and prosecuted by the ICC in order to punish those responsible, address the systemic causes of discriminatory violence, and to prevent its recurrence.

This Communication focuses on the responsibility of five prominent Russian public figures, as direct perpetrators of persecution, who have played the leading role in the dissemination of discriminatory hate speech targeting Ukrainians on the basis of their political views: **Vladimir Solovyov, Margarita Simonyan, Dmitry Kiselyov, Dmitry Medvedev, and Sergey Mardan**. The alleged perpetrators are only a representative group of a larger state-sponsored incubator of hatred; they were selected based on their positions of influence and the gravity, frequency, and reach of their statements.

In addition to the five individuals involved in the dissemination of hate speech, the submission also substantiates the responsibility of **Alexey Gromov**, the First Deputy to the Chief of Staff of the Presidential Executive Office, who is either responsible for ordering the commission of speech acts under Article 25(3)(b) of the Rome Statute or, at the very least, for failing to prevent them as a superior within the meaning of Article 28(2).

The propaganda techniques employed by the alleged perpetrators are horrifyingly reminiscent of those used in historical atrocities against groups perceived as enemies, such as Jews during the Holocaust, Tutsis during the genocide in Rwanda, and Croats or Bosnian Muslims during the wars in the former Yugoslavia. The parallels are stark: like Julius Streicher, who "infected the German mind with the virus of anti-Semitism" in his newspaper "Der Stürmer", Ferdinand Nahimana and Jean-Bosco Barayagwiza, founders of Radio Télévision Libre des Mille Collines, who referred to Tutsis as "cockroaches", or influential politician Vojislav Šešelj, who declared ominously that "[t]here is no room for Croats in Hrtkovci", the alleged perpetrators have used today's infinitely more potent media tools to "poison" the minds of Russians with hate, distrust and fear of those civilian Ukrainians that support Ukraine's separate political path. They have provided the justification and impetus to the Russian soldiers to detain, torture, kill, or forcibly transfer those Ukrainians who display loyalty to the Ukrainian state or refuse to collaborate with the occupying power, depriving them of their right to security, human dignity and self-determination, and perpetuated the climate of approval of these atrocities among the general Russian population.

### **Key Findings**

The alleged perpetrators, leveraging their high professional and social status as well-known journalists, politicians and media managers, have continuously and repeatedly propagated rhetoric intentionally designed, as a matter of state policy, to incite discriminatory hatred and violence against Ukrainians who stand for the independence of Ukraine and its distinct political course from Russia. They have exploited various platforms, including state-controlled TV channels, radio, press, as well as leading social media, to instill hatred, distrust and fear of these Ukrainians in the minds of millions of their viewers and listeners, knowing full well that Russian forces have been waging a war of aggression and territorial conquest in Ukraine and that their propaganda amounts to, in the words of Margarita Simonyan, "a weapon like any other".<sup>1</sup>

Using a context-adjusted methodology that draws on established international norms and jurisprudence, as spelled out in **Section III** of the Communication, the Filing Parties have analysed 526 hours of

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<sup>1</sup> Lenta.Ru, 'I won't pretend that I am objective: Interview with Margarita Simonyan', available at <https://lenta.ru/articles/2013/03/07/simonyan/>, accessed on 22 May 2024.

programming and pre-selected over 300 statements made by the alleged perpetrators to identify the most vile speech acts that meet the criteria for hate speech as a discriminatory persecution. These criteria, elaborated in **Section V** of the Communication, require that the speech acts amount to a severe deprivation of human rights similar in gravity to other crimes against humanity. The gravity requirement could be inferred from the cumulative acts of persecution and the context in which the speech was made, the explicit and implicit calls for violence, the use of dehumanising, abusive and offensive language, the extent of its dissemination, and its influence. A complete list of the 316 statements qualified as hate speech is provided in Annex C.

This analysis, beginning in **Section VI** of the Communication, shows that the perpetrators have committed the following types of speech acts, which amount to discrimination in fact:

- expressly **calling for violence** against Ukrainians, such as by advocating “real terror” against them, casually advising the audience that “the most correct thing would be to burn them alive”, or advocating for the “complete destruction of Ukraine”;
- **dehumanising and denigrating Ukrainians** who regard themselves as belonging to the Ukrainian nation, distinct and separate from Russia, by labelling them with extremely derogatory terms such as “worms”, “zombies”, “scoundrel”, “filth”, “dirt”, “scum”, “blisters”, “Nazis”, and “satanists”;
- **spreading false and distorted narratives**, including by portraying Ukrainians as Nazis, suggesting that Russians and Ukrainians are one people, that there is no Ukraine or that Ukrainians, as such, do not exist, claiming that Ukrainians are brainwashed by “the West” into opting for greater separation from Russia, or asserting that the Ukrainian “state ideology is hatred for everything Russian”; and advancing conspiracy theories and accusations in a mirror, including that Ukrainians have repressed and even committed genocide against Russians and Russian-speakers in Eastern Ukraine;
- to disguise or intensify their language, depending on the purpose, the alleged perpetrators have systematically relied on manipulative **linguistic techniques** such as intense metaphors, neologisms (“denazification”) or euphemisms (“liberation”).

In order to ascertain their gravity, the above acts were analysed in light of the historical and socio-political context in Ukraine and Russia, particularly the policies that have shaped Russia’s narratives for the past ten years of the war in Ukraine and the accompanying violence. **Section IV** thus provides background information essential to understanding the significance of certain language used and the drivers of Russia’s war of “denazification”. For instance, Russia has extensively used “politics of memory” to distort historical narratives since the Maidan Revolution and the onset of the armed conflict in East Ukraine in 2014. These pivotal moments marked Ukraine's definitive turn towards European integration and a condemnation of its Soviet past. In response, Russian authorities and state media began a concerted campaign to manipulate public perception of the events, branding the Revolution of Dignity a “Nazi coup” endangering Russian speakers in Crimea and Donbass. The armed conflict in Ukraine has been framed as a continuation of the Soviet Union’s fight against Nazi fascism during the Second World War, laying the groundwork for the subsequent so-called “denazification” and the reference to democratically-oriented Ukrainians as “Nazis”.

Through repackaging and repetition, the main narratives have been regurgitated so many times that arguably every household within reach of Russian media has been impacted, including in Russia and Russia-occupied territories of Ukraine. The alleged perpetrators have played a key role in these efforts under the direction of the Presidential Administration, through state-owned or state-controlled media. Much like Otto Dietrich, the Press Chief of the Nazi regime, **Alexey Gromov** has personally shaped core propaganda narratives and dictated specific content circulated through traditional media, including television, radio, and print. Specifically, he has been responsible for the conduct of weekly meetings with the heads of traditional media where he has dictated the main narratives to be disseminated, and has been instrumental in the issuance of so-called Talking Points – directives on how to report on main political events – several samples of which are included in the confidential Annex X to this Communication. Gromov’s involvement in orchestrating or permitting the spread of such harmful rhetoric highlights the systematic nature of the propaganda campaign and its alignment with state policy.

Following the directive to publicly justify Russia's wanton aggression, deportation of children, annexation of territories and unlawful "filtration" practices aimed at weeding out and neutralizing any Ukrainian patriots, the alleged perpetrators have scaled up efforts to portray Russia as the victim and ordinary Ukrainians as subhuman, neo-Nazis or satanists committing genocide against Russians. These efforts have manifested themselves on the battlefield, showing the effectiveness and linkage between acts of propaganda and contemporaneous violence. This Communication refers to numerous instances of Russian servicemen committing acts of arbitrary arrests and torture of Ukrainian activists, civic leaders, and ordinary civilians, accusing them of being or supporting "Nazis". One victim of torture recalled seeing a truncheon decorated with stickers labelled "denazification" in the corner of the interrogation room. As a consequence of speech acts and the accompanying context of violence, ordinary Ukrainians have been facing the stark choice of either "accepting" they are Russian, including formally by taking up a Russian passport or collaborating with the Occupying Power, or being involuntarily "liberated" or "cleansed", undermining their rights to security, self-determination and human dignity. For these reasons, the Filing Parties submit that the crimes discussed in the Communication fall within the territorial jurisdiction of the Court and meet the gravity, and "severity" of deprivation of human rights standards.

As detailed in **Section VI** of the Communication, each perpetrator has carried out their activities with intent and with full knowledge that their rhetoric coincided with the ongoing widespread and systematic attack against the civilian population of Ukraine. The speech acts contributed to this attack. Their high-ranking positions and expertise, close ties with the authorities and the content of the speech indicate their awareness and deliberate discriminatory targeting of Ukrainians, fulfilling the legal requirements for the crime of persecution under Article 7(2)(g) of the ICC Statute and as spelled out in **Section V** of this Communication. The Filing Parties respectfully submit that this information warrants further investigation by the Prosecutor's Office under Article 15 of the Rome Statute.