

# Russian War Crimes Against Ukraine

## The Breach of International Humanitarian Law by the Russian Federation

Third Edition  
August 2023



**RUSSIAN WAR CRIMES AGAINST UKRAINE:  
THE BREACH OF INTERNATIONAL HUMANITARIAN LAW BY THE RUSSIAN FEDERATION**

**THIRD EDITION**

August 2023

**LEAD WRITERS:** Kelly Adams, Mia Bonardi, Victor Andrei Ivan, Phoebe Juel, Alexandra Lane, Bryan Sicard

**CONTRIBUTORS:** Alan F. Dowling, Alexa Thein, Anchal Saxena, Andrina A. Kirst, Annika M. Stimac, Anthony Emmi, Areesha Shahid, Avery Walke, Bradley Balach, Caela A. Provost, Caroline Atlas, Daniel Bonsangue, Dessi-Ann Yetman, Elizabeth Broderick, Frank H. Stolba III, Harper Fox, Ian Braddock, Irlanda Hernandez, Jason Barnes, Jenny Cowan, Jodi Green, Joel Shambaugh, Julia Jacovides, Julie Yang, Kajol Raju, Kate Metzger, Katherine Marsh, Knut Helge Kirkhus, Lauren Rawlins, Lindsey K. Griffin, Madeleine Kay McDaniel, Maggie Mabie, Makhno Dunn, Maria Pobedinsky, Marjoria Romeyn-Sanabria, Meghan Stamps, Miguel Andrés Cruz, Natalie Kempton, Omar T. Hajajra, Richard Selwood, Sage Grant, Sallie Moppert, Sarah Joan Scott, Shane A.G. Pimentel, Shelly Feldman, Spencer Luckwitz, Sydney Krause, Theresea Barrett, Todd Jones, Yuree Nam, Нікіта Куніцин, Юлія Соломаха, Sergii Boryug, Ганна Свириденко, Kristina Mysenko, Valeriia Liamzienko, Polina Klykova, Volodymyr Lezhnin, Павло Тодорович, Юрій Сторожук, Валерія Якимчук, Maryna Kovtun-Salnikova, Ann Orzhekhovska, Nataliia Krynytska, Nataliia Volchenko, Anna Zubar, Леонід Мельніков, Olena Ustymenko, Amaliia Abdullaieva, Daryna Maksymchuk, Maksym Iatsyna, Yana Grygorenko, Yaroslav Mandrykin, Юлія Брусско, Anastasiia Pavlyk, Tetiana Berezhna, Mariana Antonovych

**EDITORS:** Mia Bonardi, Professor David M. Crane, Professor Sara Dillon, Kate Powers

**COVER ART:** Aaron Ernst

**UKRAINE ACCOUNTABILITY PROJECT, 2023**

**LEADER:** Professor David M. Crane, Former Chief Prosecutor, Special Court for Sierra Leone

**EXECUTIVE DIRECTOR:** Alexandra Lane

**DIRECTORS:** Bryan Sicard, Victor Andrei Ivan

**UBA Liaison:** Lotta Lampela

**ATTORNEY ADVISOR:** Mia Bonardi

**FACULTY ADVISOR:** Professor Sara Dillon

The Ukraine Accountability Project (UAP) is building a case against Vladimir Putin but is documenting, analyzing, and investigating all events individually and objectively. The UAP primarily works with the Geneva Conventions, the Rome Statute of the International Criminal Court, and the Criminal Code of Ukraine.

The UAP creates documentation products in a narrative and graphical format, as well as a quarterly and annual trend analysis of ongoing crimes. Furthermore, the UAP publishes issue-specific white papers. Its clients include Transnational NGOs, the United Nations, the U.S. Department of State, and the Public Interest International Law & Policy Group (PILPG).

The Ukrainian Bar Association (UBA), the New York State Bar Association (NYSBA), and their volunteers have provided invaluable support to the UAP. Their involvement and contributions enhanced this paper and the UAP is greatly appreciative.

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## EXECUTIVE SUMMARY

This document will primarily cover the commission of war crimes and crimes against humanity by the Russian Federation from 24 February 2022 to 14 June 2023. The basis of this report is founded upon open-source research and evidence collection by an inter-collegiate investigative team from across the US, collecting reports, photographic, and video evidence of crimes perpetrated in Ukraine. The contents of this document will provide the reader with a brief, but important, historical overview of Ukraine and its relationship with the Russian Federation. In addition, it will articulate the international legal mechanisms of accountability, identify individuals most responsible for the commission of crimes in Ukraine, and provide a series of representative charges to be used in an international criminal tribunal. For the reader's reference, Appendix B contains a command-and-control diagram produced by the Global Accountability Network's Ukraine Accountability Project and its dedicated researchers. In its conclusion, this paper calls upon the international community to not remain silent or idle, but to respond to the call for justice and accountability by utilizing the available international accountability mechanisms, as the Russian Federation is openly committing crimes of aggression, war crimes, and crimes against humanity.

In addition, this document contains appendices that provide the reader more detailed information regarding the Russian Federation's criminal activity in Ukraine. Appendix A contains six crime narratives that our team analyzed as the most egregious to date along with a legal analysis of relevant international law that has been violated. Appendix B is a comprehensive dossier detailing the command-and-control structure of the Russian political and military senior leadership. This dossier lists the individuals responsible for the atrocities in Ukraine, and documents relevant information surrounding their responsibility and complicity.

Appendix C is a GAN-UAP white paper detailing considerations for establishing a special tribunal in Ukraine. Appendix D is the GAN-UAP proposal for a Resolution by the United Nations General Assembly and accompanying proposal for a Statute of a Special Tribunal for Ukraine on the crime of aggression. Appendix E contains the Seven Steps for the Set up for a Special Tribunal for Ukraine on the Crime of Aggression.

Notably, there are omissions from this document that are deserving of discussion and further analysis. The efforts of the Global Accountability Network's Ukraine Accountability Project do not end here. This is only the Third Edition, and the Ukraine Accountability Project will continue its investigations and analyses of crimes committed in Ukraine.

## I. INTRODUCTORY REMARKS BY PROFESSOR DAVID M. CRANE\*

*Only the dead have seen the end of the war.* George Santayana

The historian John Keegan said that the history of mankind is the history of war, and the history of war is the history of mankind. With that, mankind has placed limits to the carnage of conflict with a set of laws to protect those found on the battlefield such as the wounded and sick, prisoners of war, and especially civilians in and around the conflict. Failure in those protections puts an armed force in legal jeopardy under the violations of international humanitarian law, specifically the laws of armed conflict.

For decades, after the horror of two world wars, the world came together united, setting down a charter of United Nations who agreed to settle their disputes peaceably, resorting to force as a last resort. Through a series of conventions, treaties, and protocols, international humanitarian law sought to limit the scourge of war and to protect peoples around the world. It seemed at the beginning of the new century, twenty-two years ago, conventional conflict was a thing of the past. To control the dirty little wars that flared up from time to time, mankind used the laws of armed conflict to ensure a limitation of the extent of the damage that conflicts bring.

Despite all this, these dirty little wars proliferated with all parties ignoring the law that governs conflict. The result was the creation of a general set of accountability mechanisms that held those who perpetrated conflict by ignoring the set laws accountable. Under the concept that the rule of law is more powerful than the rule of the gun, mankind developed an ability to hold heads of state, dictators, thugs, and their henchmen accountable under law. It seemed hopeful that laws governing conflict and international criminal law would reign in the beast of impunity. It was not to be.

An unanticipated rise of populism and nationalism has caused a political circumstance that has seen the international rule of law and the paradigm of the United Nations principle of peace questioned and weakened. In an apparent age of the strongman, nations have turned inward, and tyrants used this geopolitical moment to strengthen their positions domestically and regionally. Such a tyrant, Vladimir Putin, President of the Russian Federation, clings to the false hope of a risen Soviet Union has seized on this moment to take the Ukraine in whole or in part back to Russia where he claims it belongs. This is a false premise, and the result of this deluded vision is an illegal invasion of a sovereign nation's territorial integrity. An act of aggression, an international crime.

This act of aggression has resulted in an international armed conflict not seen since the 1940's. The conduct of the invading Russian armed forces has been reprehensible, particularly the intentional targeting of protected persons and places. These are war crimes and crimes against humanity. Vladimir Putin, as head of those armed forces and the commanders, should be held accountable for bearing the greatest responsibility for these international crimes.

This paper will lay out the facts and circumstances, for the first time in a considered way, these international crimes. It is an initial review with a continued subsequent effort to capture all of the alleged crimes perpetrated by Russian Federation armed forces. The methods used in this review are based on tried-and-true procedures used by the world's

first hybrid international criminal court, the UN Special Court for Sierra Leone, to account for the crimes of another sitting head of state, President Charles of Taylor of Liberia. He was arrested, indicted, tried under law, and found guilty of aiding and abetting the murder, rape, mutilation, and maiming of around 1.2 million human beings.

We have done this once before and we can do it again with the International Criminal Court prosecuting the alleged war crimes and crimes against humanity and a United Nations backed Special Court for Ukraine, the world's second hybrid international war crimes tribunal. Its mandate to prosecute those who bear the greatest responsibility for the aggression against Ukraine must include President Vladimir Putin. You will see the beginning of that effort in this paper, which aims to show clear evidence of international crimes committed by Russian Federation armed forces and a sample indictment of Vladimir Putin for all of the international norms he has violated.

## II. THE RUSSIAN FEDERATION'S INVASION OF UKRAINE

The Russian Federation invaded Ukraine on 24 February 2022, with the stated goal to “demilitarise and de-Nazify the nation.”<sup>1</sup> On the day of the attack, President Vladimir Putin called the invasion a “special military operation,”<sup>2</sup> and these words were circulated as propaganda domestically in Russia.<sup>3</sup> Grounded in these baseless claims and state-sponsored lies, Russia invaded Ukraine seeking a quick surrender.<sup>4</sup> However, they were met by Ukrainian President Volodymyr Zelenskyy leading the defense of the nation with a call on Ukrainians to take up arms.<sup>5</sup>

The Russian government invaded Ukraine on three fronts: through Belarus, the east of Ukraine, and the south of Ukraine.<sup>6</sup> Since the first day of invasion, Russia has continued its attacks not just on the Ukrainian military, but its civilian population as well. There have

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<sup>1</sup>\* Professor David M. Crane, author of *Every Living Thing: Facing Down Terrorists, Warlords, and Thugs in West Africa--A Story of Justice*, was the founding Chief Prosecutor of the Special Court for Sierra Leone from 2002 to 2005 after being appointed by Secretary General of the United Nations, Kofi Annan. He served with the rank of Under-Secretary General and indicted the President of Liberia, Charles Taylor, the first sitting African head of state in history to be held accountable. Prior to this position, he served over 30 years in the US government. He holds a J.D. from Syracuse University, a M.A. in African Studies and a B.G.S. in History from Ohio University.

Paul Kirby, *Why has Russia invaded Ukraine and what does Putin want?*, BBC NEWS <https://www.bbc.com/news/world-europe-56720589> (last visited 29 Mar. 2022).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Alexander Marrow, *Ukraine's Zelenskyy calls on citizens to fight, promises weapons*, REUTERS (24 Feb. 2022), <https://www.reuters.com/world/europe/ukraines-zelenskyy-calls-citizens-fight-promises-weapons-2022-02-24/>.

<sup>6</sup> James Hookway & Yaroslav Trofimov, *What is Happening in Ukraine and Why Russia is invading*, WSJ (17 May 2022), <https://www.wsj.com/articles/ukraine-russia-war-invasion-whats-happening-11646157211>.

been reports of war crimes committed by the Russian government, including the shelling of an orphanage,<sup>7</sup> a maternity hospital,<sup>8</sup> and a children's hospital.<sup>9</sup>

Consequently, the international response has become increasingly harsh towards Russia since the initial invasion. Economic sanctions against the Russian government and the Russian oligarchs have crippled the Russian war-fighting effort.<sup>10</sup> For example, Russian banks have been blocked from engaging in global transactions, causing its economy to take a hit.<sup>11</sup> As a result, Russian forces seem to be experiencing a shortage of small arms and munitions, considering their recent purchase of these supplies from North Korea.<sup>12</sup> In contrast, the US and European nations are providing international support in the form of military equipment to the Ukrainian government.<sup>13</sup>

As a result, the 'quick and easy' takeover of Ukraine has become an intense grind akin to the trench warfare of the First World War.<sup>14</sup> In response, Russia has resorted to human wave tactics and indiscriminate bombardment of military and civilian positions with little success.<sup>15</sup> Meanwhile, the Ukrainian armed forces have managed to expel Russian forces from the Kyiv Oblast and regain key, previously lost territory through irregular war and shipments of western arms.<sup>16</sup> At the time of writing, the conflict currently stands at a slogging stalemate as Ukrainian and Russian forces battle for control of the city of Bakhmut.<sup>17</sup>

Throughout most of its modern history, Ukraine's nationhood has been in peril time and time again.<sup>18</sup> From Stalin's starvation of 3 million Ukrainians to Putin's invasion of the Donbas territories (2014), Ukraine is no stranger to attacks on its nationhood.<sup>19</sup>

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<sup>7</sup> Jen Kirby & Jonathan Guyer, *Russia's war in Ukraine, explained*, VOX (6 Mar. 2022),

<https://www.vox.com/2022/2/23/22948534/russia-ukraine-war-putin-explosions-invasion-explained>.

<sup>8</sup> *Ukraine war: Three dead as maternity hospital hit by Russian air strike*, BBC NEWS (10 Mar. 2022), <https://www.bbc.com/news/world-europe-60675599>.

<sup>9</sup> Tim Lister et al., *Mariupol children's hospital bombing one of many attacks on medical facilities since Russian invasion*, WHO says, CNN (10 Mar. 2022), <https://www.cnn.com/2022/03/10/europe/russia-invasion-ukraine-03-10-intl/index.html>.

<sup>10</sup> Hookway & Trofimov, *supra* note 6.

<sup>11</sup> Kirby & Guyer, *supra* note 7.

<sup>12</sup> Julian E. Barnes, *Russia Is Buying North Korean Artillery, According to US Intelligence*, THE NEW YORK TIMES (5 September, 2022) <https://www.nytimes.com/2022/09/05/us/politics/russia-north-korea-artillery.html>

<sup>13</sup> Hookway & Trofimov, *supra* note 6.

<sup>14</sup> *Echoes Of World War I Highlighted In Mud, Shattered Trees Of Ukraine*, RADIO FREE EUROPE RADIO LIBERTY (2 Dec. 2022) <https://www.rferl.org/a/ukraine-mud-world-war-1-russia-invasion/32157465.html>

<sup>15</sup> Andreas Kluth, *Russia's 'Human Wave Attacks' Are Another Step Into Hell*, The Washington Post (14 Feb. 2023) [https://www.washingtonpost.com/business/russias-human-wave-attacks-are-another-stepinto-hell/2023/02/14/574e7202-ac27-11ed-b0ba-9f4244c6e5da\\_story.html](https://www.washingtonpost.com/business/russias-human-wave-attacks-are-another-stepinto-hell/2023/02/14/574e7202-ac27-11ed-b0ba-9f4244c6e5da_story.html)

<sup>16</sup> Jim Garamore, *Ukraine's Success Was a Surprise Only to the Russians*, DEPARTMENT OF DEFENSE NEWS (13 September 2022) <https://www.defense.gov/News/News-Stories/Article/Article/3157239/ukraines-success-was-a-surprise-only-to-the-russians/>

<sup>17</sup> Olena Harmash, *Ukraine says Bakhmut battle is grinding down Russia's best units*, REUTERS (10 Mar. 2023) <https://www.reuters.com/world/europe/ukraine-scorns-russian-missile-strikes-civilians-defence-bakhmut-holds-2023-03-10/>

<sup>18</sup> Olga Tokariuk, *Ukraine Won't Surrender (Apologies to Certain Europeans)*, CEPA (16 Mar. 2022), <https://cepa.org/ukraine-wont-surrender-apologies-to-certain-europeans/>.

<sup>19</sup> *Id.*



Ukrainians are fighting back with the memory of previous Russian atrocities and oppression still festering as open wounds.<sup>20</sup> Yet, these efforts will not be enough to fully resolve this ongoing conflict. The international system of justice must step up and fulfill its role as a mechanism of accountability. Without it, the painful and brutal history of the Ukrainian occupation will continue unabated, leaving democracy and justice around the world in peril.

### III. HISTORICAL BACKGROUND PRECEDING THE RUSSIAN FEDERATION'S INVASION OF UKRAINE

#### A. Brief Description

Ukraine is a country in Eastern Europe that regained its independence in 1991 following the dissolution of the Soviet Union.<sup>21</sup> The use of “the” before “Ukraine” is a rejected usage by the Ukrainian government in its Declaration of Independence and Constitution and in western media.<sup>22</sup> The capital of Ukraine is Kyiv (the Russian “Kiev” pronunciation and spelling are also rejected).<sup>23</sup> The word “Ukraine” means “borderland”.<sup>24</sup> Ukraine borders Russia to the east and northeast; Belarus to the north; and Poland, Slovakia,

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<sup>20</sup> *Id.*

<sup>21</sup> Chrystyna Lapchak, *Independence: Over 90% Vote Yes in Referendum; Kravchuk Elected President of Ukraine*, UKRAINIAN WEEKLY (8 Dec. 1991),

[https://www.ukrweekly.com/archive/1991/The\\_Ukrainian\\_Weekly\\_1991-49.pdf](https://www.ukrweekly.com/archive/1991/The_Ukrainian_Weekly_1991-49.pdf).

<sup>22</sup> *Resolution On Declaration of Independence of Ukraine*, VERKHOVNA RADA OF UKR.,

[http://static.rada.gov.ua/site/postanova\\_eng/Rres\\_Declaration\\_Independence\\_rev12.htm](http://static.rada.gov.ua/site/postanova_eng/Rres_Declaration_Independence_rev12.htm) (last visited 19 Mar. 2022); *The Constitution of Ukraine*, VERKHOVNA RADA OF UKR.,

<https://zakon.rada.gov.ua/laws/show/en/254к/96-вп#Text> (last visited Mar. 19, 2022); Tom Geoghegan,

*Ukraine or the Ukraine: Why do some country names have ‘the’?*, BBC NEWS MAG. (7 Jun. 2012),

<https://www.bbc.com/news/magazine-18233844>; Adam Taylor, *Why Ukraine Isn’t ‘The Ukraine,’ And Why That Matters Now*, BUS. INSIDER (9 Dec. 2013), <https://www.businessinsider.com/why-ukraine-isnt-the-ukraine-and-why-that-matters-now-2013-12>;

Katy Steinmetz, *Ukraine, Not the Ukraine: The Significance of Three Little Letters*, TIME (5 Mar. 2014), <https://time.com/12597/the-ukraine-or-ukraine/>;

Franklin Foer, *It’s Not ‘The’ Ukraine*, ATLANTIC (17 Feb. 2022),

<https://www.theatlantic.com/ideas/archive/2022/02/defending-ukraine/622063/>.

<sup>23</sup> Steinmetz, *supra* note 22; Jerome Socolovsky, *Kyiv or Kiev? Why people disagree about how to pronounce the Ukrainian capital’s name*, NPR (25 Jan. 2022),

<https://www.npr.org/2022/01/25/1075357281/how-do-you-pronounce-kyiv>; Mark Rice-Oxley, *How to pronounce and spell ‘Kyiv’, and why it matters*, THE GUARDIAN (25 Feb. 2022),

<https://www.theguardian.com/world/2022/feb/25/how-to-pronounce-and-spell-kyiv-kiev-ukraine-and-why-it-matter>; Ruby Mellen, *It’s Ukraine, not ‘the’ Ukraine. And Ukrainians want you to get it right*, WASH. POST (1 Oct. 2019),

<https://www.washingtonpost.com/world/2019/10/01/its-ukraine-not-ukraine-ukrainians-want-you-get-it-right/>.

<sup>24</sup> *Ukraine*, ONLINE ETYMOLOGY DICTIONARY, <https://www.etymonline.com/word/ukraine> (last visited 19 Mar. 2022) (explaining “from Russian or Polish *Ukraina*, literally “border, frontier,” from *u-* “at” + *krai* “edge.” So Ukraine is regarded as the southern frontier of Poland or Russia.”); Steinmetz, *supra* note 22 (explaining “Ukraine’s name is thought to come from the Slavic word for borderland”).

and Hungary to the northwest. To the southwest, it borders Romania and Moldova, and its coastline stretches along the Sea of Azov and the Black Sea (See Figure 1). The Dnieper River flows through the center of Ukraine (See Figure 1).



Figure 1, Image Credit: Encyclopædia Britannica

## B. Eurasian Chernozem Belt

The Eurasian Chernozem Belt—a rich, fertile soil high in humus, phosphorus, and phosphoric acids—runs across two-thirds of Ukraine.<sup>25</sup> In addition to Ukraine, the Eurasian Chernozem Belt also cuts across parts of Croatia, Serbia, Bulgaria, Romania, Russia, and Siberia.<sup>26</sup> The USAID notes that “[w]ith over 41 million hectares of agricultural land covering 70 percent of the country, agriculture is Ukraine’s largest export

<sup>25</sup> Stepan Pozniak, *Chernozems of Ukraine: past, present and future perspectives*, 70 SCIENDO 193,193 (2019) (explaining “‘Chernozem’ is a Ukrainian word and has a national meaning. It is often used in everyday life, folklore and even in poems. In the soil nomenclature of various countries and international World Reference Base for Soil Resources (IUSS Working Group WRB 2015), the term is used without a translation.”); *Soils of Ukraine*, ENCYCLOPEDIA BRITANNICA (last visited 19 Mar. 2022), <https://www.britannica.com/place/Ukraine/Soils>; Marques Hayes, *What Is The Central Black Earth Region Famous For?*, WORLDATLAS (18 Sept. 2017), <https://www.worldatlas.com/articles/what-is-the-central-black-earth-region-famous-for.html>.

<sup>26</sup> *Earth from Space: Chernozem cropland*, EUR. SPACE AGENCY (7 Sept. 2012), [https://www.esa.int/Applications/Observing\\_the\\_Earth/Earth\\_from\\_Space\\_Chernozem\\_cropland](https://www.esa.int/Applications/Observing_the_Earth/Earth_from_Space_Chernozem_cropland); Marques Hayes, *supra* note 21.

industry.”<sup>27</sup> Ukraine is the ninth-largest wheat exporter in the world, the seventh-largest barley exporter, and the third-largest sunflower seed exporter.<sup>28</sup> The flag of Ukraine, consisting of equal horizontal stripes of blue over yellow, is a nod to its fertile soil because it represents “blue skies over golden wheat fields.” (See figure 2).<sup>29</sup>



*Figure 2, Image Credit: WorldAtlas*

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<sup>27</sup> *Private Sector on the Frontlines of Land Reform to Unlock Ukraine’s Investment Potential*, USAID (20 Jan. 2022), <https://www.usaid.gov/ukraine/news/private-sector-frontlines-land-reform-unlock-ukraines-investment-potential>.

<sup>28</sup> *Wheat Exports by Country in 1000 MT*, INDEX MUNDI, <https://www.indexmundi.com/agriculture/?commodity=wheat&graph=production> (last visited 19 Mar. 2022); *Corn Exports by Country in 1000 MT*, INDEX MUNDI, <https://www.indexmundi.com/agriculture/?commodity=corn&graph=exports> (last visited 19 Mar. 2022); *Barley Exports by Country in 1000 MT*, INDEX MUNDI, <https://www.indexmundi.com/agriculture/?commodity=barley&graph=exports> (last visited 19 Mar. 2022); *Sunflowerseed Oil Exports by Country in 1000 MT*, INDEX MUNDI, <https://www.indexmundi.com/agriculture/?commodity=sunflowerseed-oil&graph=exports> (last visited 19 Mar. 2022).

<sup>29</sup> *Flag of Ukraine*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/topic/flag-of-Ukraine> (last visited 19 Mar. 2022); *WHAT IS THE HISTORY AND MEANING BEHIND THE UKRAINIAN FLAG*, OFF. WEBSITE OF UKR., <https://ukraine.ua/stories/ukrainian-flag-day/> (last visited Mar. 19, 2022); Amanda Holpuch, *US flag makers are rushing to fill orders for Ukrainian flags*, N. Y. TIMES (3 Mar. 2022), <https://www.nytimes.com/2022/03/03/us/ukraine-flag-sales.html>.

Foreign investment has often targeted Ukraine for its fertile soils.<sup>30</sup> However, since 2001, there has been a moratorium “prohibiting transfers of a major part of agricultural land.”<sup>31</sup> Therefore, most agricultural companies, regardless of their shareholders’ residency (Ukrainian or foreign), do not own agricultural land and must lease from individual landowners. On 31 March 2020, the Ukrainian Parliament passed the law, starting 1 July 2021, allowing Ukrainian citizens to purchase agricultural land and, starting 1 January 2024, allowing Ukrainian companies owned by Ukrainian shareholders to purchase agricultural land.<sup>32</sup> Under the law, “[f]oreigners and companies with foreign shareholders or beneficiaries cannot purchase agricultural land (whether directly or through a Ukrainian company) and will get this right only if a national referendum decides so.”<sup>33</sup> However, a substantial part of Ukraine’s most productive agricultural land is located in its eastern regions, which is currently under Russian attack. (See Figure 3).<sup>34</sup>

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<sup>30</sup> John Vidal, *Fears for the world’s poor countries as the rich grab land to grow food*, THE GUARDIAN (3 Jul. 2009), <https://www.theguardian.com/environment/2009/jul/03/land-grabbing-food-environment>; Laetitia Van Eeckhout, *Ukraine: forgotten granary of Europe*, GUARDIAN (20 July 2010), <https://www.theguardian.com/world/2010/jul/20/ukraine-grain-farming-exports>. See also Oane Visser, *Persistent farmland imaginaries: celebration of fertile soil and the recurrent ignorance of climate*, 38 AGRIC. AND HUM. VALUES 313, 313 (2021).

<sup>31</sup> *Doing Agribusiness in Ukraine: Legal Guidance for Foreign Investors*, MINISTRY OF AGRARIAN POL’Y & FOOD OF UKR. 19 (July 2021); Bate Toms, *Ban on farmland sales to foreigners risks starving Ukraine of investment*, ATL. COUNCIL (21 Apr. 2020), <https://www.atlanticcouncil.org/blogs/ukrainealert/ban-on-farmland-sales-to-foreigners-risks-starving-ukraine-of-investment/>.

<sup>32</sup> *Id.*

<sup>33</sup> *Doing Agribusiness in Ukraine: Legal Guidance for Foreign Investors*, *supra* note 27.

<sup>34</sup> Alex Smith, *A Russia-Ukraine War Could Ripple Across Africa and Asia*, FOREIGN POL’Y (22 Jan. 2022), <https://foreignpolicy.com/2022/01/22/russia-ukraine-war-grain-exports-africa-asia/>.

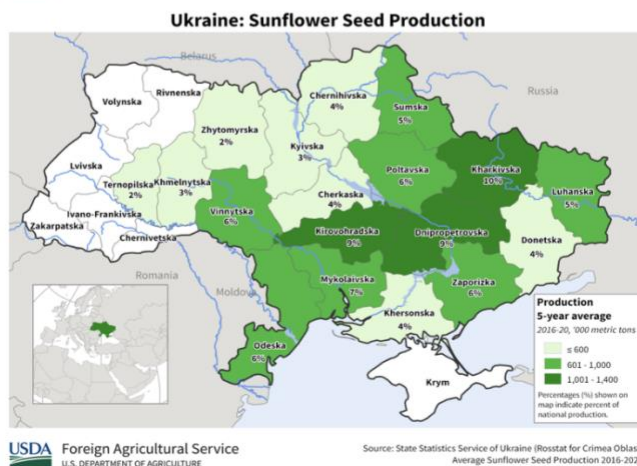


Figure 3, Image Credit: USDA Foreign Agricultural Service

## C. Soviet-Era Ukraine

### 1. Holodomor

It is one of the unique tragedies of Ukrainian history that, despite being blessed with some of the most fertile soils in the world, Ukraine also endured one of the worst famines in modern history. Between 1931 and 1934 Ukraine suffered an excess mortality of 3.9 million people: deaths caused by starvation, malnutrition, exhaustion, disease, and execution<sup>35</sup>. This event which would subsequently be called the *Holodomor*, “a term derived from the Ukrainian words for hunger—*holod*—and extermination—*mor*.” The earliest deaths were a direct result of the Soviet Union’s efforts to collectivize its agricultural system during the First Five Year Plan, 1928-1932.<sup>36</sup> The rapid industrialization of the Soviet Union required a reliable source of food which Stalin and his advisers believed could only be guaranteed by collectivizing the countryside into state-run farms. This collectivization would also have the benefit of bringing the somewhat more autonomous rural areas under the more direct physical and ideological control of the state and, in Ukraine and Belarus, to secure the Soviet Union’s western border.

Many rural Ukrainians actively resisted these efforts, seeing no benefit in giving up their culture, independence, and meager property for the promise of a nebulous Soviet ideal. Peasants were pitted against peasants: those who spoke against collectivization, who refused to voluntarily join the collectivization movement, or who had a little more material wealth than their neighbors – a cow and calf, perhaps, or a horse – were branded *Kulaks* (in Ukrainian: “куркуль” “*Kurkul*’”<sup>37</sup>) and persecuted. Eventually, the term would be elasticized to fit almost anyone viewed as a threat to the state or its agents. By 1930, parts of Ukraine were in active revolt.<sup>38</sup> Some of this resistance was described in state police reports as being explicitly Ukrainian nationalist and counter-revolutionary, although it is difficult to know whether these reports were accurate or instead a regurgitation of what leaders in Moscow wanted to hear.<sup>39</sup> Certainly, there was a growing conviction among Stalin and his lieutenants that the Ukrainian identity was a threat. The Soviets responded to this by mass deportations of so-called *Kurkul*’ and their families. At least 75,000 were deported from Ukraine that year to remote parts of the Soviet empire<sup>40</sup> with the total number deported during the Five-Year Plan estimated to be 300,000.<sup>41</sup> Under this pressure, resistance shifted to more passive methods. Peasants slaughtered their livestock rather than

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<sup>35</sup> Anne Applebaum, *Red Famine: Stalin’s War on Ukraine* xxvi (2017); *Demographic Research: Holodomor: The Real Number of Its Victims and Evidence of Its Man-Made Nature*, Harv. Univ., <https://gis.huri.harvard.edu/demographic-research> (last visited 24 Mar. 2023) (noting that in 1933, Ukraine had a total mid-year population of 29.6 million).

<sup>36</sup> Timothy Snyder, *Bloodlands: Europe Between Hitler and Stalin*, 24-25 (2010)

<sup>37</sup> Serhii Plokyh, *The Gates of Europe, A History of Ukr.* 249 (2021).

<sup>38</sup> Id. Plokyh notes that in March 1930 there were “more than 1,700 peasant revolts and protests” and “In regions...bordering Poland, whole villages rose up and marched towards the border.” For further detail see Snyder and Applebaum.

<sup>39</sup> Applebaum, *supra* note 35, at 152-153.

<sup>40</sup> Plokyh, *supra* note 37, at 250.

<sup>41</sup> Snyder, *supra* note 36, at 27.

hand them over to the collective. They produced enough food for themselves and their communities, but no more, and some left their villages permanently for what they hoped would be a more secure life in the city.<sup>42</sup>

In response, Moscow increased the pressure. 1931 saw the first “collectivized” harvest in Ukraine. It was not a success; natural and man-made factors combined to produce grain yields that could not meet Moscow-set quotas which led to food shortages across the Soviet Union.<sup>43</sup> But rather than acknowledging the disruption caused by collectivization<sup>44</sup> and adjusting internal agricultural policies, export policies, or quotas, the Soviet leadership instead decided that the shortfall was a deliberate effort by *Kurkul’s*, Ukrainian nationalists, and other counter-revolutionaries to steal food from the Soviet people.<sup>45</sup> Moscow ensured that grain quotas would be met by any means necessary including confiscation of household stores and, most ominously, of seed grain held in reserve for the next season’s sowing. Hungry peasants, already struggling, began to starve, and, with no means to plant a crop, their misery only deepened. They could neither feed themselves nor grow the grain to meet the state’s quotas.

By early 1932, many regions of Ukraine were in active famine. Stalin’s response to this crisis was to intensify the search for “thieves” and “saboteurs” and, ultimately, to recast the desperate search for food by hungry people into a direct assault on the state. In discussions with his Minister of Agriculture, Lazar Kaganovich, Stalin developed the theory that socialism required the absolute protection of “state property”, which included agricultural commodities.<sup>46</sup> Therefore, withholding any commodity, even if but a handful of grain to keep oneself or one’s children alive, was tantamount to an attack on the entire nation, an act of treason which merited death. This theory aligned with Stalin’s festering concern that Ukraine was the Soviet state’s most vulnerable point, and yet the keystone to the USSR’s survival. Ukraine had to be permanently secured and made, in Stalin’s words, “a real fortress of the USSR, a truly model republic.”<sup>47</sup> Therefore, on 7 August 1932, an edict codifying the absolute protection of state property was passed, and its enforcement began almost immediately.<sup>48</sup> Cadres were sent into the countryside to search for hidden grain and to execute or exile for a minimum of 10 years, anyone presumed to have taken it.

In December 1932, at a politburo meeting on grain procurement Stalin placed the blame for the continuing quota shortfalls on the Ukrainian party leadership and their failure to prevent the “bourgeois nationalist elements”<sup>49</sup> from disrupting production and enforcing the party’s demands. In his eyes, Ukrainians could not be trusted to run Ukraine.

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<sup>42</sup> Plokhy, *supra* note 37, at 250.

<sup>43</sup> Applebaum, *supra* note 35, at 164-165.

<sup>44</sup> Which included a lack of draft animals, or tractors to replace them, derangement of the agricultural calendar by the collectivization process and unrealistic orders from Moscow, the loss of many of the best and most skilled farmers to deportation, and a lack of motivation to work on the part of those who remained. Snyder, *supra* note 36, at 33,

<sup>45</sup> Snyder, *supra* note 37, at 34; Applebaum, *supra* note 35, at 163-166.

<sup>46</sup> Plokhy, *supra* note 36, at 252.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

Consequently, beginning in November and December 1932, Ukrainian party cadres were purged, the Ukrainian People's Commissar for Education, Mykola Skrypnyk, was driven to suicide,<sup>50</sup> and Ukrainian artists, intellectuals, teachers, and scholars were targeted. The use of the Ukrainian language was equated as a matter of policy with Ukrainian nationalism and thereby with efforts to wreck the state.<sup>51</sup> Even the standard Soviet Ukrainian dictionary, developed by Skrypnyk, was banned, and a letter of the alphabet was purged from use to align the language more closely with Russian.

Many of those who managed to survive 1932 died in 1933-34. Already weakened by the hunger and terror they had suffered over the previous years; the survivors could not endure the new punitive regime enforced on them by Kaganovich and the Soviet Minister for the Interior, Vyacheslav Molotov.<sup>52</sup> Under this system, the survivors could either hand over all their agricultural commodities and starve or hold back enough grain to keep themselves and their families alive or to plant the next season and be subject to execution. Villages and collective farms which could not meet their quotas were blacklisted, denied not only the means to plant future crops and the right to engage in trade, but also the necessities of life such as cloth, heating fuel and salt.<sup>53</sup> Internal border controls and passports were also instituted which prevented Ukrainians, first, from leaving the Republic, and, then, from moving from their villages or collective farms to the relatively better conditions in Ukrainian cities.<sup>54</sup> While other parts of the Soviet Union suffered famine, Ukrainians were deliberately imprisoned within their famine state. By the end of 1934, one in every eight Ukrainians had died of hunger<sup>55</sup> while their cultural, educational, spiritual, and linguistic institutions were systematically dismantled and criminalized. This "destruction, not of individuals only, but of a culture and a nation," was cited explicitly by Raphael Lemkin as the "classic example" of the term he coined – genocide.<sup>56</sup>

From 1933 until 1991, the Soviet Union refused to recognize that a famine even took place in Ukraine. However, seventeen United Nations member countries and the Vatican City now recognize the Holodomor as genocide, including the US, Australia, Canada, and Poland.<sup>57</sup>

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<sup>50</sup> *Id.*

<sup>51</sup> Applebaum, *supra* note 35, at 213-218.

<sup>52</sup> Ploky, *supra* note 36, at 253.

<sup>53</sup> Applebaum, *supra* note 35, at 194-195.

<sup>54</sup> Applebaum, *supra* note 35, at 202-204.

<sup>55</sup> Ploky, *supra* note 36, at 253.

<sup>56</sup> Applebaum, *supra* note 35, at xxvii

<sup>57</sup> *Id.* at xxviii (explaining "the Soviet state destroyed local archives, made sure that death records did not allude to starvation, even altered publicly available census data in order to conceal what had happened."); Alya Shandra, *See which countries recognize Ukraine's Holodomor famine as genocide on an interactive map*, EUROMADIAN PRESS (24 Nov., 2018), <https://euromaidanpress.com/2018/11/24/see-which-countries-recognize-ukraines-holodomor-famine-as-genocide-on-an-interactive-map/> (also including Colombia, Ecuador, Estonia, Georgia, Hungary, Latvia, Lithuania, Mexico, Paraguay, Peru, Portugal, and Ukraine).



## 2. Chernobyl

The Chernobyl Nuclear Disaster was the worst nuclear power plant disaster in history.<sup>58</sup> On 26 April 1986, the Chernobyl nuclear plant in northern Ukraine (about 80 miles north of Kyiv) exploded, releasing 400 times more radiation than the atomic bomb dropped on Hiroshima. (See Figure 4).<sup>59</sup> On 27 April, 45,000 residents of the nearby town of Pripyat were evacuated.<sup>60</sup> While the Soviet government tried to keep the nuclear disaster a secret, the radioactive fallout was devastatingly conspicuous to the international community.<sup>61</sup>



Figure 4, Image Credit: UKTF Team

After 206 days, an initial Sarcophagus was erected above the disaster site to contain further radiation.<sup>62</sup> In 2017, this Sarcophagus was replaced by a new “tomb” that took two decades to make.<sup>63</sup> The new tomb is the biggest object humans have ever moved—Bigger than Wembley Stadium and taller than the Statue of Liberty—and it will entomb the disaster site for 100 years. (See Figure 5).<sup>64</sup>

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<sup>58</sup> ADAM HIGGINBOTHAM, *MIDNIGHT IN CHERNOBYL: THE UNTOLD STORY OF THE WORLD’S GREATEST NUCLEAR DISASTER* (2019); SERHII PLOKHY, *CHERNOBYL: THE HISTORY OF A NUCLEAR CATASTROPHE* (2018). See *Chernobyl*, HIST. (24 Apr. 2018), <https://www.history.com/topics/1980s/chernobyl>.

<sup>59</sup> *Id.*

<sup>60</sup> SVETLANA ALEXIEVICH, *VOICES FROM CHERNOBYL* (2006); KATE BROWN, *MANUAL FOR SURVIVAL: A CHERNOBYL GUIDE TO THE FUTURE* (2020); *Chernobyl*, *supra* note 58; *Chernobyl Accident 1986*, WORLD NUCLEAR ASS’N, <https://world-nuclear.org/information-library/safety-and-security/safety-of-plants/chernobyl-accident.aspx> (last updated Apr. 2022).

<sup>61</sup> See *Chenobyl*, *supra* note 58.

<sup>62</sup> Christian Borys, *A vast new tomb for the most dangerous waste in the world*, BBC (3 Jan. 2017), <https://www.bbc.com/future/article/20170101-a-new-tomb-for-the-most-dangerous-disaster-site-in-the-world>; *Chernobyl*, *supra* note 58.

<sup>63</sup> Borys, *supra* note 62.

<sup>64</sup> *Id.*



*Figure 5, Image Credit: BBC*

On 24 February 2022, Russian forces took control of all the facilities of the Chernobyl nuclear plant.<sup>65</sup> The control levels of the gamma radiation dose rates in the Chernobyl exclusion zone were exceeded—likely due to “disturbance of the top layer of soil from the movement of a large number of heavy military machinery through the exclusion zone and an increase of air pollution.”<sup>66</sup> On 9 March 2022, the Chernobyl nuclear plant lost connection to the grid. On 14 March external power was restored and the plant was reconnected to Ukraine’s electricity grid.<sup>67</sup> By 31 March, all Russian soldiers had left the Chernobyl nuclear plant.<sup>68</sup>

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<sup>65</sup> *Ukraine: Russia-Ukraine War and Nuclear Energy*, WORLD NUCLEAR ASS’N, (1 Mar. 2023), <https://world-nuclear.org/information-library/country-profiles/countries-t-z/russian-military-operation-and-ukraine-s-nuclear-p.aspx>; *Chernobyl Accident 1986*, *supra* note 60.

<sup>66</sup> *Id.* See *Chernobyl Accident 1986*, *supra* note 60. See also *Unprotected Russian soldiers disturbed radioactive dust in Chernobyl’s ‘Red Forest’, workers say*, REUTERS (29 Mar. 2022), <https://www.reuters.com/world/europe/unprotected-russian-soldiers-disturbed-radioactive-dust-chernobyls-red-forest-2022-03-28/>; @visegrad24, TWITTER (30 Mar. 2022, 5:53 PM), <https://twitter.com/visegrad24/status/1509287796065845250?s=20&t=75AqZ6G9wTNulxQILew2Yw>.

<sup>67</sup> *Ukraine: Russia-Ukraine War and Nuclear Energy*, *supra* note 65; *Chernobyl Accident 1986*, *supra* note 60.

<sup>68</sup> *Ukraine Nuclear Power Operator Says All Russian Forces Have Left Chernobyl*, RADIOOFFREEEUROPE RADIOFREELIBERTY (1 Apr. 2022) <https://www.rferl.org/a/chernobyl-russian-forces-leave/31780044.html>

### 3. Ukraine Declaration of Independence

Ukraine declared its independence from the Soviet Union on 24 August 1991.<sup>69</sup> From the end of August through December, the Communist Party of Ukraine was dissolved, its property was nationalized, and the KGB was banned.<sup>70</sup> Party and ideological pluralism was established, and “all individuals living on the soil of the Ukrainian socialist republic were granted citizenship in the emerging independent state.”<sup>71</sup> The Constitution of Ukraine was adopted on 28 June 1996.<sup>72</sup> Following the post-Soviet democratization of Ukraine, the country has existed as an independent and sovereign state.<sup>73</sup> However, Russia’s recent aggressive actions in Ukraine are threatening its independence and sovereignty.<sup>74</sup> The annexation of Crimea (2014), the war in the Donbas that left portions of Luhansk and Donetsk in the hands of Russian-backed separatists, and the current Russian invasion of Ukraine are just a few examples.<sup>75</sup>

### 4. The Denuclearization of Ukraine

In the aftermath of the dissolution of the Soviet Union, four of the former soviet republics inherited nuclear missiles from their predecessor: Kazakhstan, Russia, and Ukraine.<sup>76</sup> Diplomatically, Russia had declared itself the true successor of the Soviet Union, and it took over the Soviet Union’s seat on the UN Security Council and assumed all diplomatic obligations of its predecessor. As a result, Kazakhstan and Belarus were quick

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<sup>69</sup> *Resolution On Declaration of Independence of Ukraine*, VERKHOVNA RADA OF UKR., [http://static.rada.gov.ua/site/postanova\\_eng/Rres\\_Declaration\\_Independence\\_rev12.htm](http://static.rada.gov.ua/site/postanova_eng/Rres_Declaration_Independence_rev12.htm) (last visited 19 Mar. 2022); Mykhailo Minakov, *Three Decades of Ukraine’s Independence*, WILSON CTR. (13 Sept. 2021), <https://www.wilsoncenter.org/blog-post/three-decades-ukraines-independence>; Nikola Antonov, *Ukraine Declares Independence, Sets Referendum*, WASH. POST (25 Aug. 1991), <https://www.washingtonpost.com/archive/politics/1991/08/25/ukraine-declares-independence-sets-referendum/ee9266e3-dd83-4568-b7e5-40715ca0c77a/>.

<sup>70</sup> Minakov, *supra* note 69.

<sup>71</sup> Minakov, *supra* note 69.

<sup>72</sup> *The Constitution of Ukraine*, *supra* note 22.

<sup>73</sup> Minakov, *supra* note 69; Alexander J. Motyl, *Ukraine’s Democracy Is (Almost) All Grown Up*, FOREIGN POL’Y (28 Aug. 2019), <https://foreignpolicy.com/2019/08/28/ukraines-democracy-is-almost-all-grown-up/>; Brian Mefford, *Ukraine at 30: Europe’s frontline democracy*, ATL. COUNCIL (6 July 2021), <https://www.atlanticcouncil.org/blogs/ukrainealert/ukraine-at-30-europes-frontline-democracy/>. Oksana Huss & Oleksandra Keudel, *Ukraine: Executive Summary*, FREEDOM HOUSE, <https://freedomhouse.org/country/ukraine/nations-transit/2021> (last visited 19 Mar. 2022).

<sup>74</sup> *Id.*

<sup>75</sup> Minakov, *supra* note 69; Tamara Qibawli et al., *Why Donbas is at the heart of the Ukraine crisis*, CNN NEWS (21 Feb. 2022), <https://www.cnn.com/2022/02/19/europe/donbas-ukraine-russia-intl-cmd/index.html>.

<sup>76</sup> John-Thor Dahlburg, *Ukraine Votes to Quit Soviet Union: Independence: More than 90% of voters approve historic break with Kremlin. The president-elect calls for collective command of the country’s nuclear arsenal*, LA TIMES (3 Dec. 1991) <https://www.latimes.com/archives/la-xpm-1991-12-03-mn-504-story.html>.

to turn over its nuclear arms, but Ukraine refused to do so for a while. Unlike Kazakhstan and Belarus, Ukraine feared its new neighbor: Russia.

For the newly independent Ukraine, the greatest danger to Ukrainian sovereignty was Russia. Russian nationalists had long declared Ukraine as rightful Russian land, and they saw Ukrainians to be Russians in all but name. Furthermore, the “transfer” of Crimea during the Soviet period to Ukraine created friction between the newly independent states.<sup>77</sup> In essence, upon its birth, Ukraine had to contend with the possibility that its existence may be quite short-lived. In this environment, the Ukrainians had ample reason to hold onto their inherited nuclear arms as a deterrent, but this in turn posed several additional problems.

The most immediate problems were financial: the cost of maintenance and the lack of launch codes. Like most of the former Soviet republics, Ukraine’s first few years of existence were marked by economic turmoil and instability, and this lack of funds presented pressing problem for Ukrainian government. First, nuclear arms require considerable financial investments for maintenance, safety, and use.<sup>78</sup> Failure to adequately meet the needs of these arms can, at best, result in a non-functioning arm or, at worst, cause a nuclear catastrophe. In the United States, for example, there was the 1980 Damascus Titan missile incident where a nuclear missile was inadvertently set off by a maintenance worker when he accidentally dropped a socket wrench into a fixture of the missile.<sup>79</sup> This triggered a series of events in which the missile was launched, but the warhead miraculously did not detonate.<sup>80</sup> If even the United States, which has always devoted a considerable amount of its budget to defense spending, could have that close of a call, then the prospects did not look great for Ukraine when it came taking of these nuclear arms. The last thing Ukraine needed was another Chernobyl. The second financial aspect dealt with the missiles’ launch codes: the Ukrainian government did not have them. Russia had inherited all of the Soviet Union’s archives and secrets, which included those codes, and Russia was inclined to hand them over to Ukraine.<sup>81</sup> Now, the Ukrainian government could have eventually reverse-engineered the codes, but, like with maintenance, that process would require considerable financial investment.<sup>82</sup> Once again, the Ukrainian government would have struggled both to make these ends meet and to explain to their citizenry what public funding was being diverted towards. In essence, Ukraine inherited a powerful nuclear deterrent that could also likely cause harm to the country itself.

On the diplomatic front, Ukraine’s nuclear weapons did not endear it to the powers of the international community. The danger and destruction of a nuclear war means that

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<sup>77</sup> Serhii Ploky, *The Russo-Ukrainian War: The Return of History*, 70 (2023)

<sup>78</sup> Mariana Budjeryn, *Was Ukraine’s Nuclear Disarmament a Blunder?*, 179 *WORLD AFFS.* 2, 9-20 (2016).

<sup>79</sup> *Titan II Missile Explosion (1980)*, *ENCYCLOPEDIA OF ARKANSAS* (last updated 18 Jul. 2023) <https://encyclopediaofarkansas.net/entries/titan-ii-missile-explosion-2543/>; *This American Life: Human Error in Volatile Situations*, *CHI PUB. RADIO* (20 Dec. 2017) <https://www.thisamericanlife.org/634/human-error-in-volatile-situations>.

<sup>80</sup> *Id.*

<sup>81</sup> Alexander A. Pikayev, *Post-Soviet Russia and Ukraine: Who can push the Button?*, *THE NONPROLIFERATION REV.* (1994)

<https://web.archive.org/web/20140808054400/http://cns.miis.edu/npr/pdfs/pikaye13.pdf>.

<sup>82</sup> *Id.*

the international community often does not look favorably upon states which attempt to acquire nuclear arms, and this rings especially true for the powers that already possess nuclear arms. For the United States, Russia, and the United Kingdom, the potential for another nuclear armed nation did not sit well. Whatever they may have thought of Ukraine, none of these powers enjoyed the prospect of the potential competition that a nuclear Ukraine could present as (except for the United Kingdom and the United States) no nuclear power has ever viewed another nuclear power as anything but a rival. This problem was further compounded by the fact that the Soviet Union had stationed so many nuclear arms in Ukraine, that Ukraine had suddenly become the state with the 3<sup>rd</sup> largest arsenal in the world.<sup>83</sup> For most of these nations, the list of nuclear powers was (and is) big enough as it was (and is). Consequently, compared to other former Soviet bloc nations, Ukraine faced greater difficulties in diplomatic negotiations due to its inherited arms.<sup>84</sup>

The situation presented a perfect Catch-22: the nuclear weapons were necessary to preserve Ukrainian sovereignty, but they could destroy Ukraine economically or literally. The arms may not have been operational, but, regardless, many in the international community were uncomfortable and unkeen to deal with another nuclear armed state. From this standpoint, there was no right path for Ukraine, but the international community came forward with a solution.

Assessing the situation, the international community came to the realization that the only reason for Ukraine to retain these arms was the purpose of maintaining its sovereignty in the event of a Russian invasion. To that end, the solution was simple: if Russia could guarantee the sovereignty and integrity of Ukraine, then Ukraine should surrender its nuclear arms. The solution was put forward to both parties, and they agreed to the proposal: regardless of any Russian claims or ideals, Russia would forever respect the sovereignty and integrity of Ukraine. Hence, on 5 December 1994, Russia, the United States, and the United Kingdom signed an agreement in which each state pledged to preserve Ukrainian sovereignty.<sup>85</sup> Ukraine handed over the nuclear weapons, and Russia abided by this agreement until 2014.

#### **D. Russia-Ukraine War**

In 2004, Viktor Yushchenko became the first president of Ukraine who was not a part of the Communist Party.<sup>86</sup> He was a member of the Our Ukraine–People’s Self-

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<sup>83</sup> John-Thor Dahlburg, *Ukraine Votes to Quit Soviet Union: Independence: More than 90% of voters approve historic break with Kremlin. The president-elect calls for collective command of the country’s nuclear arsenal*, LA TIMES (3 Dec. 1991) <https://www.latimes.com/archives/la-xpm-1991-12-03-mn-504-story.html>.

<sup>84</sup> Serhii Plokhyy, *The Russo-Ukrainian War: The Return of History*, 64-70 (2023).

<sup>85</sup> Mary Louise Kelly & Kat Lonsdorf, *Why Ukraine gave up its nuclear weapons — and what that means in an invasion by Russia*, NPR (21 Feb. 2022) <https://www.npr.org/2022/02/21/1082124528/ukraine-russia-putin-invasion>.

<sup>86</sup> APPLEBAUM, *supra* note 35, at 350-1.

Defense Bloc party that ran on an anti-corruption platform.<sup>87</sup> His opponent, Viktor Yanukovich, was backed by the Kremlin.<sup>88</sup> During Yushchenko's presidential campaign, he suffered an assassination attempt via dioxin poisoning that ultimately disfigured his face.<sup>89</sup> Although an investigation did not uncover the culprit, many (including Yushchenko) suspected the Kremlin due to Yushchenko's anti-Kremlin position, the fact that dioxin used was only manufactured in the US, Russia, and the UK, and the other common poisonings of opponents of the Kremlin.<sup>90</sup> Despite this attempt, Yushchenko continued campaigning.<sup>91</sup>

However, on 31 October 2004, the election results declared Yanukovich the winner.<sup>92</sup> The clearly rigged election enraged the Ukrainian public. Citizens took to the streets to protest the election results wearing orange—Yushchenko's campaign color—in what came to be known as the Orange Revolution.<sup>93</sup> On 23 November 2004, the Orange Revolution signaled an end to speech suppression in Ukraine and an increase in its alignment with a European identity, separating them further from Russia.<sup>94</sup>

The Orange Revolution consisted of approximately 500,000 people, including Ukrainian youths, marching in Kyiv's Independence Square.<sup>95</sup> This location, commonly known as the Maidan, has been host to most major political protests in Ukraine since 1989.<sup>96</sup> Through the movement of the Orange Revolution, the Ukrainian people slowly began to take back their long-lost political power for the first time in modern history.<sup>97</sup>

This influence becomes most apparent in the Ukrainian public's response to the Kremlin's support of its chosen candidate, Yanukovich.<sup>98</sup> President Vladimir Putin traveled to Kyiv on the day before the election to advise Ukrainians on the importance of voting for Yanukovich. However, these efforts only served to further exacerbate the Ukrainian citizens' negative sentiments towards the Kremlin.<sup>99</sup> Consequently, shortly after

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<sup>87</sup> *The Orange Revolution and the Yushchenko presidency*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/place/Ukraine/The-Orange-Revolution-and-the-Yushchenko-presidency#ref986651> (last visited 28 Mar. 2022).

<sup>88</sup> *Id.*

<sup>89</sup> *Id.* (noting that he made a full recovery after the attack).

<sup>90</sup> Roman Kupchinsky, *Ukraine: Mystery Behind Yushchenko's Poisoning Continues*, RADIOFREEEUROPE RADIOFREELIBERTY (18 September 2006) <https://www.rferl.org/a/1071434.html>; *Factbox: Kremlin foes who have suffered mysterious fates*, Reuters (3 September 2020) <https://www.reuters.com/article/us-russia-politics-navalny-mystery-factb/factbox-kremlin-foes-who-have-suffered-mysterious-fates-idUSKBN25U13P>

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *The Orange Revolution and the Yushchenko presidency*, *supra* note 77.

<sup>94</sup> Peter Dickinson, *How Ukraine's Orange Revolution shaped twenty-first century geopolitics*, ATLANTIC COUNCIL (22 Nov. 2020), <https://www.atlanticcouncil.org/blogs/ukrainealert/how-ukraines-orange-revolution-shaped-twenty-first-century-geopolitics/>.

<sup>95</sup> *Id.*

<sup>96</sup> Serhy Yekelchik, *Why the Maidan? How the Square Became a Place of Civic Action*, HARVARD UNIVERSITY UKRAINIAN RESEARCH INSTITUTE (17 Mar. 2022) <https://huri.harvard.edu/news/why-maidan-how-square-became-place-civic-action>

<sup>97</sup> Dickinson, *supra* note 84.

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

the Orange Revolution ended, the Supreme Court of Ukraine (the Ukrainian Parliament) ordered a recount of the votes, despite the wishes of Yanukovich supporters.<sup>100</sup> After the recount, Yushchenko was officially declared the winner.<sup>101</sup>

For these reasons, the Orange Revolution can be said to have helped liberate Ukraine, especially from the influence of the Kremlin. Consequently, the Revolution also indirectly contributed to the Kremlin tightening its hold over its own Russian population and reasserting its influence over the Russian-speaking of Ukraine.<sup>102</sup> This culminated in the establishment of various Pro-Kremlin movements and organizations such as Nashi, a youth movement that has drawn comparisons to the Hitler Youth. In contrast to the Orange Revolution, Nashi's intent was to establish an unbreakable relationship between the younger generation and the Russian government.<sup>103</sup> The success of the Kremlin's renewed efforts would ultimately set the stage for Euromaidan.

### 1. Revolution of Dignity/Maidan Revolution/Euromaidan

The election of Viktor Yushchenko on 26 December 2004 brought with it the hope that Ukraine was finally turning away from the corruption and authoritarianism of the post-Soviet world and moving towards a closer relationship with the West.<sup>104</sup> Unfortunately, those hopes were soon shattered due to factionalism, a challenging economic environment, and changes to the Ukrainian constitution demanded by supporters of Yushchenko's predecessor, Viktor Yanukovich. These changes sharply limited the powers of the President and heightened political rivalries at the expense of effective reform.<sup>105</sup>

After his re-election in 2010, Yanukovich quickly undid all of the constitutional changes that his supporters had used to hamstring his political rival Yushchenko. Moreover, he added new powers for his own benefit—both politically and personally.<sup>106</sup> He took control of the courts and the Supreme Council and turned the police and the state security service (the SBU) into agents of his regime rather than servants of the State.<sup>107</sup> In 2011, he had his most prominent opponent, former Prime Minister Yulia Tymoshenko, tried, convicted, and imprisoned on corruption charges related to an unfavorable gas deal with Russia.<sup>108</sup> He also manipulated election laws and elections to ensure that his defeat in 2004 could not be repeated.<sup>109</sup> At the same time, Yanukovich continued making economic overtures toward the EU even as he personally enriched himself and his family at the

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<sup>100</sup> *Viktor Yushchenko*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/biography/Viktor-Yushchenko> (last updated 19 Feb. 2022).

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Dickinson, *supra* note 84.

<sup>104</sup> SERHII PLOKHY, *THE GATES OF EUROPE, A HISTORY OF UKR.* [Kindle Edition] at 454 (accessed 25 Mar. 2023).

<sup>105</sup> *Id.* at 460

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> Bohdan Harasymiw, *Euromaidan Revolution*, INTERNET ENCYCLOPEDIA OF UKR., <http://www.encyclopediaofukraine.com/display.asp?linkpath=pages%5CE%5CU%5CEuromaidanRevoluti.on.htm> (last visited 20 Mar. 2022).

expense of the country.<sup>110</sup> By late 2013, Ukraine was on the verge of economic default due in part to the transfer of over \$70 billion into foreign accounts controlled by Yanukovich, his family, and his allies.<sup>111</sup>

As economic default loomed and the national mood turned sour, Ukrainians turned toward the EU for relief.<sup>112</sup> On 28 November 2013, two long-negotiated agreements signifying political association and economic integration, the Association Agreement and the Deep and Comprehensive Free Trade Agreements, were to be signed in Vilnius, Lithuania.<sup>113</sup> These agreements would open the country to badly needed foreign investment and allow for free trade of Ukrainian goods across the EU. They would also serve as a bulwark against Russian efforts to turn Ukraine back to its sphere of influence.<sup>114</sup> Many Ukrainians—particularly students, professionals, and city-dwellers—believed that their future lay with Europe and the West, not in a return to the lesser status of a Russian vassal state – Malorossia “Little Russia.”<sup>115</sup> When Yanukovich announced a suspension of the agreements a week before the signing, Ukrainians were enraged and some took to the streets.<sup>116</sup>

The protests began with a Facebook post by Mustafa Nayyem on 21 November 2013, calling for students to assemble in Kyiv’s Independence Square – the Maidan.<sup>117</sup> The students and their supporters demanded that the agreements continue. However, while Yanukovich attended the EU summit, he refused to sign the agreements.<sup>118</sup> Protests grew and clashes with the police intensified on the outskirts of the Maidan.<sup>119</sup> On 30 November, the Berkut, a special operations unit of the Ukrainian Ministry of the Interior, attempted to clear the protesters from the square. However, the operation was so violent that it incensed the entire nation.<sup>120</sup>

What had once been a limited protest became a national movement.<sup>121</sup> Over 700,000 people attended a rally in the Maidan on the next day. The protest area was turned into an encampment with barricades, a mechanism of self-government, logistical support, and militia modeled on the Cossacks of Ukrainian history.<sup>122</sup> The Maidan protesters were unaligned and comprised a broad coalition of political, economic, and cultural views and perspectives.<sup>123</sup> This ranged from pro-democracy groups to nationalists connected with far-right political movements. Ukrainians from all walks of life came out to protest.

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<sup>110</sup> *Id.*

<sup>111</sup> PLOKHY, *THE GATES OF EUROPE*, *supra* note 111, at 460.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> PLOKHY, *supra* note 111, at 461.

<sup>117</sup> Harasymiw, *supra* note 116.

<sup>118</sup> Harasymiw, *supra* note 116.

<sup>119</sup> Harasymiw, *supra* note 116.

<sup>120</sup> Eric Sof, *Once Upon a Time Was BERKUT*, <https://special-ops.org/berkut-ukraine> (last viewed 20 Mar. 2023). (It is noteworthy that the Berkut in Crimea appear to have acted en masse as Russian agents when the Russian Army invaded Crimea in Feb. 2014.)

<sup>121</sup> Harasymiw, *supra* note 116.

<sup>122</sup> Harasymiw, *supra* note 116.

<sup>123</sup> PLOKHY, *supra* note 111, at 461.



The Berkut made another effort to clear the square on 11 December but were successfully rebuffed. Two days later, Yanukovich made overtures to the leaders of the movement. He offered amnesty for detained Maidan participants in exchange for the identification of the government security officers who took part in the worst of the violence.<sup>124</sup> At the same time, he also concluded a deal with Russia for \$15 billion in economic aid, a renegotiation of gas prices, and the lifting of an existing blockade on Ukrainian imports.<sup>125</sup> These two decisions had the potential to resolve the political crisis in Yanukovich's favor. However, a video of journalist and activist Tetiana Chornovol's brutal beating outside of Kyiv enflamed the nation once more. On 29 December, the protesters presented the Manifesto of the Maidan, which called for international sanctions against Yanukovich, his family, and his allies.<sup>126</sup> Mass demonstrations closed out the year as over half a million people filled the Square on New Year's Day.<sup>127</sup>



Figure 6, Image Credit: Atlantic Council

All government efforts to discredit, disrupt, and disperse the protests failed. In response, Yanukovich directed the Supreme Council to pass a sweeping package of laws that criminalized anything connected to the Maidan protests on 16 January 2014. The new laws limited free speech, privacy, and due process to such a degree that even his Chief of Staff resigned in protest.<sup>128</sup> This development marked a new phase of the Maidan movement and pushed the protests quickly toward revolution.<sup>129</sup> With covert Russian backing, the Ukrainian government forces became increasingly violent: beating and shooting protesters indiscriminately.<sup>130</sup> They abducted the wounded from hospitals for

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<sup>124</sup> Harasymiw, *supra* note 116.

<sup>125</sup> Harasymiw, *supra* note 116.

<sup>126</sup> Harasymiw, *supra* note 116.

<sup>127</sup> Harasymiw, *supra* note 116.

<sup>128</sup> Harasymiw, *supra* note 116.

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

detention, torture, and execution. At the time, Yanukovich continued offering small concessions, including the installation of two opposition politicians in the government. Nevertheless, the aggressive actions of his security forces belied any promises that he made.<sup>131</sup> The conflict culminated in a battle on the Maidan and in nearby government buildings from 18 - 20 February. At Yanukovich's direction, government security forces and police, including the SBU and the Berkut, backed by snipers killed 60 people.<sup>132</sup> This mass shooting and the threat of additional international sanctions was too much for the Supreme Council. With mediation from representatives from Poland, Germany, France, and a special envoy from Russia, both sides reached an agreement on 21 February. The Ukrainian government would reinstate the 2004 Constitution, suspend the Interior Minister who controlled the SBU and the Berkut, and free former Prime Minister Yuliia Tymoshenko.<sup>133</sup> By the time the agreement concluded, Viktor Yanukovich was on the run. He moved first to Kharkiv and then to Crimea before turning up in Russia to announce that he was still the President of Ukraine.<sup>134</sup> The Supreme Council disagreed and declared that he had abandoned his office.<sup>135</sup> They scheduled new elections for May 2014.

The exact numbers are uncertain but over 100 protesters and at least 13 police and security officers were killed during the Euromaidan or Revolution of Dignity.<sup>136</sup> They were all subsequently enshrined in the national memory as the "Heavenly Hundred." The Revolution stands as a statement of Ukrainian independence and identity and a belief in the rule of law. Consequently, it is likely not a coincidence that Russia seized Crimea outright and instigated Russophone separatist movements in Luhansk and Donetsk shortly after Yanukovich's departure.<sup>137</sup> Indeed, President Putin himself claimed that he made the decision to "return" Crimea to Russia on 22 February when Yanukovich was still in transit to Moscow.<sup>138</sup> Without a compliant Ukrainian government to facilitate his ends, President Putin would have to turn to more aggressive options.<sup>139</sup>

## 2. Crimea

Just as Ukraine has been a borderland for more than a millennium, the Crimean Peninsula has also seen successive waves of invasion and settlement. Ukraine's geographical domination of the Black Sea and the mouths of several large rivers (the Dnipro, Dniester, Don, Danube, and Kuban) made it an attractive target for regional powers hoping to control trade. Its mountains offered a refuge for remnants of earlier cultures seeking safety. Moreover, the Mediterranean climate on its coast drew colonists hoping to

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<sup>131</sup> *Id.*

<sup>132</sup> PLOKHY, *supra* note 111 at 461.

<sup>133</sup> Harasymiw, *supra* note 116.

<sup>134</sup> Harasymiw, *supra* note 116.

<sup>135</sup> Harasymiw, *supra* note 116.

<sup>136</sup> *Five Years After Euromaidan: Justice for The Victims 'Still Not Even In Sight'*, RFE/RNL (19 Feb. 2019, 18:25 GMT), <https://www.rferl.org/a/ukraine-maidan-justice-victims-amnesty-fifth-anniversary/29779358.html> (last visited 20 Mar. 2023).

<sup>137</sup> PLOKHY, *THE GATES OF EUROPE*, *supra* note 111, at 462-464.

<sup>138</sup> PLOKHY, *supra* note 111, at 462-464.

<sup>139</sup> PLOKHY, *supra* note 111, at 462.

take advantage of its agricultural and economic opportunities.<sup>140</sup> Mongols and Turkic Tatars were the final major wave of settlers prior to the modern era. By the mid-15<sup>th</sup> Century, they dominated the peninsula as the Khanate of the Crimean Tatars.<sup>141</sup> They sacked Kyiv in 1482.<sup>142</sup> For the next 300 years, they would shift their allegiance between the Ottoman Empire, the Hetmanate (representing Ukrainian Cossacks), Muscovy, and Muscovy's successor, Russia, which annexed Crimea in 1783.<sup>143</sup> The Russians hoped to cement control of their new territory and encouraged colonization. By 1917, Crimea was a multi-ethnic region of Tatars, Ukrainians, Russians, Greeks, Germans, Jews, Armenians, and Bulgarians. The first three groups made up the largest percentages of the population.<sup>144</sup>

Following the 1917 Russian Revolution, Ukraine declared its independence from Russia and attempted to claim Crimea as Ukrainian territory.<sup>145</sup> The Crimeans signed an agreement with the provisional Ukrainian government that would give Crimea status as an autonomous region within the Ukrainian National Republic.<sup>146</sup> However, when the Bolsheviks took over Ukraine in 1919, they designated Crimea as an Autonomous Soviet Socialist Republic ("ASSR") under the Russian Soviet Federated Socialist Republic.<sup>147</sup> This status as an ASSR was initially beneficial to the Tatar population in the 1920's. The Tatar language and culture were promoted and given special status in the region similar to the promotion of the Ukrainian language and culture in the Ukrainian SSR.<sup>148</sup> However, the Soviet Union's cultural policies in Ukraine and Crimea reversed dramatically in the 1930's with the rise of Stalin.<sup>149</sup> Under his rule, the Soviets aggressively pursued Russification. In Crimea, the new policy meant that Russian became the language of advanced schooling and government. This policy was detrimental to Ukrainian and Tatar speakers, ultimately leading to the persecution of the Tatar people.<sup>150</sup> This persecution led some Tatars and Ukrainians in Crimea to welcome German occupation during WWII. Some individuals even actively collaborated with the Germans, assisting not just with the occupation but also the extermination of Crimea's Jewish population.<sup>151</sup>

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<sup>140</sup> Volodymyr Kubijovyč et al., *Crimea*, INTERNET ENCYCLOPEDIA OF UKR., <http://www.encyclopediaofukraine.com/display.asp?linkpath=pages%5CC%5CR%5CCrimea.htm> (last visited 20 Mar. 2023). (As early as the 6th century BCE, the Greeks were building city-states on the Crimean coast. In the ensuing eight centuries, Scythians, Romans, Goths, Huns, Byzantines, Khazars, Venetians, Genoese, Armenians, Jews, and Slavs (under the Kyivan Rus) would all claim or settle parts of Crimea.)

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> Bohdan Kravtsiv & Volodymyr Kubijovyč, *Russification*, INTERNET ENCYCLOPEDIA OF UKR. (1993), <http://www.encyclopediaofukraine.com/display.asp?linkpath=pages%5CR%5CU%5CRussification.htm>.

<sup>149</sup> *Id.*

<sup>150</sup> J. Otto Pohl, *The Deportation and Fate of the Crimean Tatars*, INT'L COMM. FOR CRIMEA, <https://iccrimea.org/scholarly/jopohl.html> (last visited 20 Mar. 2023).

<sup>151</sup> Kubijovyč et al., *supra* note 130.

When the Soviets took Crimea, the Tatars were collectively declared a traitor population and forcibly removed from their homeland to controlled settlements in Siberia and Uzbekistan.<sup>152</sup> Of the roughly 240,000 people removed from Crimea, substantial numbers died. The estimates range from as low as 20% to as high as 50% within 5 years.<sup>153</sup> This number also includes Germans, Bulgarians, Armenians, Greeks, and the Jewish Krymchak people who survived the Nazi death squads. The survivors and their descendants were subsequently barred from returning to Crimea. Although the Tatar were officially exonerated as a group in 1960, the USSR refused to recognize them as a unique ethnicity. Instead, they were seen only as former inhabitants of Crimea, and the USSR left in place the 1956 decree forbidding their return home.<sup>154</sup> Prior to the Soviet Union's fall and after Mikhail Gorbachev's Perestroika reforms allowed for Tatar return, only 1.5% of the Crimean population was Tatar.<sup>155</sup>

In the late 1940s, the Soviets began resettling Crimea with a mixture of Russians and Polish Ukrainians.<sup>156</sup> In 1954, Crimea was transferred from the RSFSR to the Ukrainian SSR.<sup>157</sup> Shortly after the transfer, work began on the North Crimean Canal to bring much needed water from the Dnipro River to the peninsula.<sup>158</sup> The resulting network of canals, reservoirs, locks, and pumps supported multiple cities, particularly those on the drier south coast of Crimea, and extensive agriculture operations.<sup>159</sup> Notably, the canal begins in the Kherson Oblast, not in Crimea. Thus, control of the water flow remained in Ukrainian hands after the 2014 invasion of Crimea.<sup>160</sup> Ukraine subsequently dammed the canal after Russia refused to pay for the use of the water.<sup>161</sup>

Russification efforts continued in Ukraine and Crimea after Stalin's death with some degree of success.<sup>162</sup> In 1989, the majority of people in Crimea identified themselves as Russians and Russian speakers.<sup>163</sup> Despite this, however, the vote for Ukrainian independence on 1 December 1991 passed in the region by 54%.<sup>164</sup> With independence, larger numbers of Tatars also began to return. By the mid-1990s, it is estimated that close to 250,000 Tatars had made it back to Crimea where they began to rebuild their culture.<sup>165</sup>

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<sup>152</sup> *Id.*

<sup>153</sup> Pohl, *supra* note 157.

<sup>154</sup> *Id.*

<sup>155</sup> *Ethnic Composition of the Crimea, 1979 and 1989*, INTERNET ENCYCLOPEDIA OF UKR., [http://www.encyclopediaofukraine.com/picturedisplay.asp?linkpath=pic\C\R\Crimia\\_Table4.jpg](http://www.encyclopediaofukraine.com/picturedisplay.asp?linkpath=pic\C\R\Crimia_Table4.jpg) (last visited 20 Mar. 2023).

<sup>156</sup> Kubijovyč et al., *supra* note 155.

<sup>157</sup> *Id.*

<sup>158</sup> Ihor Stebelsky, *North Crimean Canal*, INTERNET ENCYCLOPEDIA OF UKR., <http://www.encyclopediaofukraine.com/display.asp?linkpath=pages%5CN%5CO%5CNorthCrimeanCanal.htm> (last visited 20 Mar. 2023).

<sup>159</sup> *Id.*

<sup>160</sup> *Id.*

<sup>161</sup> *Id.* (On 26 Feb. 2022, after securing control of the region, the Russian military blew up the dam, reopening the flow of water from the canal.)

<sup>162</sup> Kravtsiv & Kubijovyč, *supra* note 155.

<sup>163</sup> *Ethnic Composition of the Crimea, 1979 and 1989*, *supra* note 145.

<sup>164</sup> Kubijovyč et al., *supra* note 130.

<sup>165</sup> Pohl, *supra* note 157.

However, these efforts were disrupted by the 26 February 2014 Russian invasion.<sup>166</sup> After the initial seizure of the Crimean Parliament, Russia moved quickly. With the aid of a small pro-Russian separatist party that previously had only 4% of the vote and turncoat police and security forces, they engineered a Russian annexation referendum in mid-March 2014.<sup>167</sup> The groups favoring annexation claimed that 97% of voters supported their efforts.<sup>168</sup> In the district of Sevastopol, they even reported a pro-Russian vote of 123% of registered voters. Following the referendum, Vladimir Putin asked the Duma (the Russian legislature) to formalize Russia's annexation of Crimea on 18 March 2014.<sup>169</sup> Since the annexation, Russian state security forces have arrested leaders of the Crimean Tatar community and banned them from returning to their homeland.<sup>170</sup>

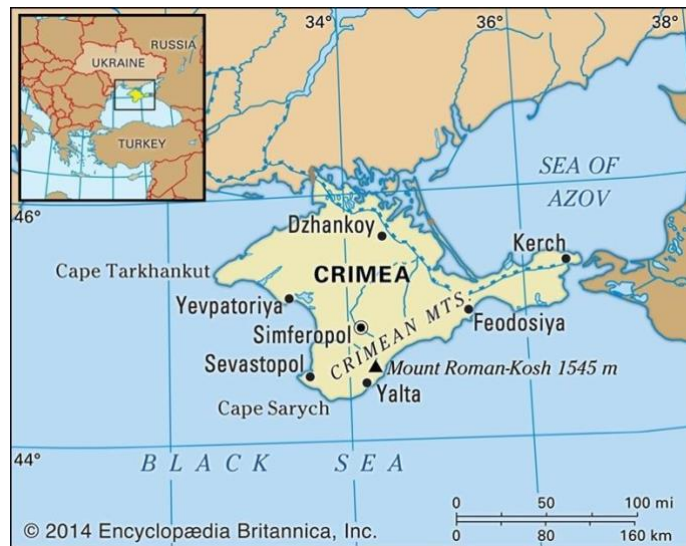


Figure 7, Image Credit: Encyclopedia Britannica

### 3. The Donbas

The other region through which the Russian state has exercised its aggressive influence is the Donbas. Utilizing the cultural ties of the Donbas's significant Russian-speaking minority and the recent turmoil from the Revolution of Dignity, Russia has used the Donbas as an entryway for destabilizing Ukraine. To that end, an overview of the region is merited.

<sup>166</sup> PLOKHY, *THE GATES OF EUROPE*, *supra* note 111, at 463-464.

<sup>167</sup> *Id.*

<sup>168</sup> *Id.*

<sup>169</sup> *Id.*

<sup>170</sup> Press release, Institute for Democracy in Eastern Europe, *IDEA Condemns Forced Exile of Crimean Tatar Leaders* (25 Oct. 2017), <https://idee.us.org/idee-condemns-forcible-expulsion-of-crimean-tatar-leaders/>.

*Id.*

The word Donbas comes from the words Donets Basin. It is a region located in south-eastern Ukraine that carries its own historical, cultural, and economic value.<sup>171</sup> The region borders both Ukraine and Russia.<sup>172</sup> It contains two provinces called Donetsk and Luhansk.<sup>173</sup> The region also includes the common day cities of Mariupol, Donetsk, and Luhansk. The region was predominantly used for a coal-steel industry in the early 1900s.<sup>174</sup> Notably, over the span of 60 years, the population grew rapidly from 700,000 to approximately 7 million people.<sup>175</sup>



Figure 8, Image Credit: The Interpreter

Unlike other parts of Ukraine, the Donbas is not known for its agricultural output, but for its coal and related industrial output. Consequently, over the centuries, the Russian Empire and its successor, the Soviet Union, imported many Russian workers into Donbas to develop and work in the burgeoning coal mines there. These factors, along with the Donbas' close proximity to Russia developed the region in several unique ways.

First, the region became one of the few industrial heartlands of Ukraine. As a result, historically the wage pay in the Donbas was significantly better than the surrounding regions.<sup>176</sup> Furthermore, during Holodomor, the region did not suffer as much from deprivations of the famine as other parts of Ukraine did due to a lower development and reliance upon the local agricultural industry.<sup>177</sup>

<sup>171</sup> *Donets Basin*, LEXICO, <https://www.dictionary.com/browse/donets> (last visited 28 Mar. 2022).

<sup>172</sup> Bill Hutchinson & Patrick Reeve, *What are the Ukraine 'separatist' regions at the crux of the Russian Invasion*, ABC NEWS (4 Mar. 2022, 5:08 AM), <https://abcnews.go.com/International/ukraine-separatist-regions-crux-russian-invasion/story?id=83084803#:~:text=The%20Donbas%20contains%20two%20provinces,Moscow%20armed%20and%20helped%20establish.> (last visited 20 Mar. 2023).

<sup>173</sup> *Id.*

<sup>174</sup> HIROAKI KUROMIYA, *FREEDOM AND TERROR IN THE DONBAS: A UKRAINIAN-RUSSIAN BORDERLAND, 1870S - 1990S* 14 (2002).

<sup>175</sup> *Id.* at 17.

<sup>176</sup> APPLEBAUM, *supra* note 35, at 27.

<sup>177</sup> *Id.*

Second, the Donbas became a representation of the ways that the Russian state (whether its modern form or as the Soviet Union) has tried to destroy the Ukrainian identity. During the time of the Soviet Union, a central figure in this process was Stalin's successor, Nikita Khrushchev. Khrushchev grew up in Donbas and identified himself as a proletarian instead of a Ukrainian because of the ethnicity's peasant and agricultural connotations.<sup>178</sup> As a result, during the Great Terrors, from the years 1937 – 1938, Stalin and Khrushchev planned to purge the Ukrainian Communist Party and kill the idea of Ukrainian nationalism and the identity entwined with it.<sup>179</sup> Consequently, after the purge ended in 1940, the region was devastated, and the people had to rebuild from scratch. The region was revitalized in the 1960s. Most of the population chose to speak Russian in order to pursue more opportunities, and the Ukrainian language became known as a "backwards language."<sup>180</sup> By the 1980s, the idea of the Ukrainian national movement was almost obsolete with only some activists still advocating within the cities.<sup>181</sup> The majority of Russians and Donbas Ukrainians thought of Ukraine as a Russian province by that point.<sup>182</sup> It was only with the revitalization of Ukrainian nationalism in the late 80s and early 90s that this changed.

Third, and perhaps most importantly, the Donbas developed a sizable Russian population which tied it more to its neighbor than other parts of Ukraine. Ukrainian was (and still is) spoken in the Donbas, but, proportionally, there are more Russian speakers in the Donbas than the average Ukrainian province. For example, in 2001, Russian was the primary language of 74.9% of the Donetsk Oblast and 68.8% in the Luhansk Oblast.<sup>183</sup> Consequently, Russia (as with all of the provinces with sizable Russian speakers in former USSR republics) has held a special interest in the Donbas, and, through the Donbas, Ukraine would face its most open and blatant example of Russian meddling in the region.

In the immediate aftermath of Euromaidan, local militias formed and rose up in the Donbas to take over the region, declare the province's independence from Ukraine, and align it with Russia.<sup>184</sup> The militias had a significant part of the population's support, but they initially faced numerous setbacks in their engagements against the Ukrainian army.<sup>185</sup> However, the militias received support from Russia in the form of small arms and Russian mercenaries.<sup>186</sup> This stalled the sudden conflict into a stalemate and on-and-off again frozen conflict zone until the Russian invasion of Ukraine in 2022.<sup>187</sup>

During the initial phases of the invasion, Russian forces were able to easily overrun and occupy the Donbas in part due to the already existing conflict and from assistance of local militias. These militias would come to fight alongside Russian forces and assist them

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<sup>178</sup> *Id.* at 292.

<sup>179</sup> *Id.* at 291-2.

<sup>180</sup> *Id.* at 292.

<sup>181</sup> *Id.* at 293.

<sup>182</sup> *Id.*

<sup>183</sup> "State Statistics Committee of Ukraine – English version – Results – General results of the census –& Linguistic composition of the population". <http://2001.ukrcensus.gov.ua/eng/results/general/nationality/>.

<sup>184</sup> PLOKHY, *THE GATES OF EUROPE*, *supra* note 111 at 466-67.

<sup>185</sup> *Id.* at 468-469.

<sup>186</sup> *Id.*

<sup>187</sup> *Id.*

in both their occupation of the Donbas and other regions.<sup>188</sup> For example, during the Russian occupation of Iziium, there were reports that some of the Russian soldiers present there were actually part of these militias due to their accents.<sup>189</sup> If so, this could make them potentially complicit in the atrocity crimes committed by Russian forces at Iziium including (but not limited to) torture, sexual violence, and mass executions.<sup>190</sup> Recently, Russian forces have begun to fully integrate these militias into the armed forces of the Russian state.<sup>191</sup>

However, the tide has turned since the initial invasion, and the Donbas is currently split between both the Ukrainian and Russian armies. As of the time of writing, one of the most brutal battles of the war continues to rage on in the city of Bakhmut in the Donbas.<sup>192</sup> The city has been reported to be razed and depopulated of most of its civilians, and this battle is seen as a crucial set piece for the outcome of the war and, consequently, control of the Donbas.<sup>193</sup>

#### IV. INTERNATIONAL LEGAL FRAMEWORK OF ACCOUNTABILITY

As the modern world became more interconnected and the international public became more aware of the horrors and destruction caused war and bad state actors, an international legal framework emerged in order to set standards for which actors to comport and hold violators of the standards accountable for their actions. The current international framework of accountability is based in the Geneva Conventions

##### A. History of the Geneva Conventions

Swiss businessman Henry Durant is widely credited as the father of modern international humanitarian law due to his work in founding the International Committee of the Red Cross (“ICRC”) after witnessing the brutality of war on the battlefield in Solferino, Italy, in 1859.<sup>194</sup> Durant’s work led to the creation of the first iteration of the Geneva Convention of the Wounded on the Field of Battle (“Geneva I”) in 1864. The first iteration of Geneva I contained ten articles providing for the protection of hospitals, medical

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<sup>188</sup> The Kyiv Independent News Desk, *ISW: Russia formally integrates proxy militias from eastern Ukraine into Russian military*, THE KYIV INDEPENDENT (21 Feb. 2023) <https://kyivindependent.com/isw-russia-formally-integrates-proxy-militias-from-eastern-ukraine-into-russian-military/>

<sup>189</sup> *Ukraine: Russian Forces Tortured Iziium Detainees*, Human Rights Watch (19 Oct. 2022) <https://www.hrw.org/news/2022/10/19/ukraine-russian-forces-tortured-izium-detainees>.

<sup>190</sup> *Id.*; *Ukraine: Mass graves in Iziium is a macabre reminder of the cost of Russian aggression*, Amnesty International (16 Sep. 2022) <https://www.amnesty.org/en/latest/news/2022/09/ukraine-mass-graves-in-izium-is-a-macabre-reminder-of-the-cost-of-russian-aggression/>.

<sup>191</sup> *Supra* note 195.

<sup>192</sup> Andrew E. Kramer, *The Final Blocks: Inside Ukraine’s Bloody Stand for Bakhmut*, THE NEW YORK TIMES (12 Apr. 2023) <https://www.nytimes.com/2023/04/12/world/europe/bakhmut-ukraine-russia.html>.

<sup>193</sup> *Id.*

<sup>194</sup> *Summary of the Geneva Conventions of 1949 and Their Additional Protocols*, AMERICAN RED CROSS (Apr. 2011), [https://www.redcross.org/content/dam/redcross/atg/PDF\\_s/International\\_Services/International\\_Humanitarian\\_Law/IHL\\_SummaryGenevaConv.pdf](https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf).



workers, and medical aid during times of armed conflict.<sup>195</sup> These humanitarian protections for injured combatants were first expanded in 1906, and again in 1929 in the aftermath of World War I—with changes to Geneva I and the creation of the original Geneva Convention Relative to the Treatment of Prisoners of War (“Geneva III”).<sup>196</sup>

Despite these changes, the atrocities committed during World War II exposed major gaps in the international humanitarian legal framework.<sup>197</sup> Consequently, and with significant input from both states and the ICRC, Geneva I<sup>198</sup> and III<sup>199</sup> were updated and two new treaties were drafted.<sup>200</sup> The two new conventions included the Geneva Convention on the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (“Geneva II”)<sup>201</sup>, and the Geneva Convention Relative to the Protection of Civilian Persons in the Time of War (“Geneva IV”).<sup>202</sup> All four Geneva Conventions entered into force on 21 October 1950, and were widely adopted by States throughout the 20th Century.<sup>203</sup> Two additional protocols to the Geneva Conventions were drafted and adopted in 1977, and one final protocol was drafted and adopted in 2005.<sup>204</sup> Since all four Geneva Conventions as well as the First and Second Protocols, have been widely adopted their principles can be applied as customary international humanitarian law.<sup>205</sup>

## B. The Conventions

### 1. Object/Purpose of the Conventions

The Geneva Conventions are intended to provide protections to medical personnel, prisoners of war, injured or surrendering members of the armed forces, and civilians or other non-combatants. These protections apply during times of international and non-international armed conflict as well as in times of peaceful occupation.<sup>206</sup> Each Convention

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<sup>195</sup> *Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. Geneva, 22 August 1864*, INT’L COMM. OF THE RED CROSS (last visited 31 Mar. 2022), <https://ihl-databases.icrc.org/ihl/INTRO/120>.

<sup>196</sup> *Convention relative to the Treatment of Prisoners of War. Geneva, 27 July 1929*, INT’L COMM. OF THE RED CROSS (last visited 31 Mar. 2022), <https://ihl-databases.icrc.org/ihl/INTRO/305>.

<sup>197</sup> *The Geneva Conventions of 1949: origins and current significance*, INT’L COMM. OF THE RED CROSS (last visited 31 Mar. 2022), <https://www.icrc.org/en/doc/resources/documents/statement/geneva-conventions-statement-120809.htm>.

<sup>198</sup> See Geneva Convention I.

<sup>199</sup> See Geneva Convention III.

<sup>200</sup> *Geneva Conventions and their Additional Protocols*, Legal Info. Inst. (last updated 10 Jun. 2019), [https://www.law.cornell.edu/wex/geneva\\_conventions\\_and\\_their\\_additional\\_protocols](https://www.law.cornell.edu/wex/geneva_conventions_and_their_additional_protocols).

<sup>201</sup> See Geneva Convention III.

<sup>202</sup> See Geneva Convention IV.

<sup>203</sup> The Conventions were ratified by 74 States in the 1950s, 48 States during the 1960s, 20 States during the 1970s, 20 States during the 1980s, 26 States during the 1990s, and by 7 States in the 2000s, bringing the current total of ratifications to 194 States; *cf. supra*, note 163.

<sup>204</sup> *Supra*, note 190 (168 States have ratified the First Protocol, and 177 States have ratified the Second Protocol).

<sup>205</sup> See Theodor Meron, *The Geneva Conventions as Customary Law*, 81 *The American J. of Int’l L.* 348, 348-70 (1987).

<sup>206</sup> Geneva Conventions common art. 2 & 3.

contains specific provisions that provide a minimum standard of treatment that governs the conduct of State parties during the course of any armed conflict or occupation. This minimum standard of treatment generally requires State parties to treat all protected persons with dignity. For example, State parties cannot subject captured protected persons to any type of mutilation, torture, or other humiliating treatment. Moreover, State parties cannot take hostages, kill surrendering opponents, perform extrajudicial killings, or interfere with humanitarian aid or civilian evacuation routes.<sup>207</sup>

## 2. Protected Persons Under the Conventions

Each of the Geneva Conventions provides specific protections to a different category of persons who may be at risk during an armed conflict or peaceful occupation. Geneva Convention I provides protections for sick or wounded members of armed forces and ad hoc militia groups. Geneva Convention II provides protections for members of the armed forces who are sick, injured, or shipwrecked during an armed conflict.<sup>208</sup> Shipwrecked means a wreck or forced landing by either a sea vessel or aircraft.<sup>209</sup>

Geneva Convention III provides protections for prisoners of war. Geneva Convention IV provides broad protections for any person who is not protected by Geneva Conventions I, II, or III.<sup>210</sup> Geneva Convention IV further states that protected persons who are “wounded and sick,” as well as “expectant mothers,” are granted “particular protection and respect.”<sup>211</sup> In essence, the Geneva Conventions protect every individual impacted by an armed conflict or peaceful occupation except healthy, uninjured, and uncaptured individuals who are members of the armed forces or other ad hoc militias.

## 3. Selected Protections Within the Conventions

### a) Hospital Protections

Each of the four Geneva Conventions contains multiple provisions providing specific protections to hospitals, ad hoc medical facilities, medical personnel, and medical transport equipment. Geneva Convention I provides these protections in Articles 19 – 37 which include prohibiting State Parties from targeting, bombing, destroying, or otherwise attacking established hospitals and ad hoc medical facilities, medical transport, and medical personnel that have been established to provide medical care to wounded and sick members of armed forces.<sup>212</sup> Geneva II provides these same general protections to hospital ships, and to other medical assistance provided to sick and wounded soldiers on the high seas.<sup>213</sup>

Geneva Convention IV expands this prohibition on attacks on hospitals to civilian hospitals. Under Article 18 of Geneva Convention IV, civilian hospitals and medical facilities—including maternity hospitals—“may in no circumstances be the object of attack”

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<sup>207</sup> See generally Geneva Conventions.

<sup>208</sup> See Geneva Convention I, art. 12; Geneva Convention II, art. 13.

<sup>209</sup> See Geneva Convention I, art. 12.

<sup>210</sup> See Geneva Convention III, art. 4; Geneva Convention IV, art. 4

<sup>211</sup> Geneva Convention IV, art. 16.

<sup>212</sup> See Geneva Convention I, arts 19-37.

<sup>213</sup> Geneva Convention II, arts. 22-40.

and “at all times be respected and protected by the Parties to the conflict.”<sup>214</sup> Civilian medical facilities can only be lawfully attacked if they are used to “commit, outside their humanitarian duties, acts harmful to the enemy.”<sup>215</sup> Providing medical service and other care to troops is not considered “harmful to the enemy.” Even if a civilian hospital is engaging in qualifying harmful conduct, a State Party must first provide a warning to a civilian hospital before stripping it of its protection.<sup>216</sup> State Parties are also required to refrain from targeting or otherwise attacking medical transport units.<sup>217</sup>

#### b) Humanitarian Protections

The Geneva Conventions all have provisions that require State Parties to treat all protected persons with a general standard of care. Geneva Convention I contains multiple provisions detailing the level of care that State Parties must provide to injured and sick members of armed forces, including providing a sufficient level of food, water, shelter, medical care, and refraining from any type of discrimination.<sup>218</sup> Further, Geneva Convention I prohibits State Parties from engaging in medical experimentation, torture, or other degrading or humiliating treatment and requires State Parties to record and identify any enemy individuals who may fall under their care or control.<sup>219</sup> Geneva Convention II requires this same level of treatment for members of armed forces on the high seas. Geneva Convention III requires this same level of treatment for prisoners of war.<sup>220</sup> Geneva Convention IV requires State Parties to take reasonable measures to protect civilians from the impact of military operations and requires states to provide a heightened level of human treatment.<sup>221</sup> This level of protection for internees includes access to sufficient food, water, shelter, and medical care. State Parties must permit internees to engage in religious and other important cultural practices, maintain humane working conditions for internees, and permit internees a certain level of contact with individuals outside of the internment.<sup>222</sup>

#### 4. Application of the Convention by International Tribunals

The Geneva Conventions have been used in a wide array of international litigation, including contentious cases in front of the International Court of Justice and international arbitral tribunals, and in international criminal litigation. In *Armed Activities on the Territory of the Congo*, the Democratic Republic of Congo (“DRC”) alleged multiple breaches of the Geneva Conventions by Uganda. The DRC allegations included killing, injuring, and despoiling DRC nationals of their property. Further, the DRC alleged Uganda failed to take adequate measures to prevent violations of human rights in the DRC by persons under its jurisdiction or control, and by failing to punish persons under its

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<sup>214</sup> Geneva Convention IV, art. 18.

<sup>215</sup> Geneva Convention IV, art. 19.

<sup>216</sup> Geneva Convention IV, art. 19.

<sup>217</sup> Geneva Convention IV, art. 21,22.

<sup>218</sup> Geneva Convention I, arts. 12-18.

<sup>219</sup> Geneva Convention I, art. 16.

<sup>220</sup> Geneva Convention II, art. 12-18; Geneva Convention 12-16.

<sup>221</sup> Geneva Convention IV, arts. 13-26, Part III.

<sup>222</sup> See Geneva Convention IV, arts. 83 – 116.

jurisdiction or control for having committed the above acts.<sup>223</sup> The Court found that, among other things, the failure of the Ugandan forces to distinguish between combatants and non-combatants during the course of the armed conflict constituted a breach of the Geneva Conventions and of international humanitarian law.<sup>224</sup> Similarly, the Court found that Uganda's shelling of medical facilities, religious buildings, educational buildings, and civilian escape routes constituted a breach of the Geneva Conventions and of international humanitarian law.<sup>225</sup>

The Geneva Conventions were central to the *Eritrea v. Ethiopia* arbitration. The commission found that both countries to the arbitration violated the Geneva Conventions and international humanitarian law. The Commission found multiple breaches on each side of the conflict, including breaches for conduct involving both civilians and prisoners of war. The Commission found Ethiopia violated multiple articles of Geneva Convention IV—by unlawfully expelling Ethiopian nationals of Eritrean descent who did not hold dual citizenship, and for the inhuman conditions of deportation on convoys to Eritrea.<sup>226</sup> Further, the commission found Eritrea violated Article 35 of Geneva Convention IV for failing to ensure that some Ethiopian nationals who were lawfully expelled were allowed the opportunity to collect their personal property.<sup>227</sup> Notably, the Commission found additional Geneva Convention IV violations by Eritrea for its unlawful detainment of Ethiopian nationals as well as the unsanitary conditions, denial of due process, and frequent abuse of Ethiopian nationals.<sup>228</sup>

### C. Overview and Jurisdiction of the International Criminal Court

The International Criminal Court ("ICC") was established in 1998 by the Rome Statute, and acts as a permanent international criminal tribunal under which individuals who commit or attempt to commit war crimes, crimes against humanity, genocide, and crimes of aggression may be prosecuted and held accountable for their conduct.<sup>229</sup> Under the Rome Statute, the ICC can exercise jurisdiction when (1) one of these four core international crimes are committed and (2) the crimes were committed by a State party national, (3) in the territory of a State party or in a State that has accepted jurisdiction of the Court.<sup>230</sup> Alternatively, the ICC may exercise jurisdiction where crimes are referred to the ICC Prosecutor by the UN Security Council pursuant to the resolution adopted in Chapter VII of the UN Charter.<sup>231</sup>

The Prosecutor may begin an investigation before issuing a warrant if the crimes were referred by the UN Security Council or if a State Party requests an investigation for

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<sup>223</sup> *Dem. Rep. Congo v. Uganda*, Judgment, ICJ Reports 2005 ¶¶ 68.

<sup>224</sup> *Id.* at ¶ 76.

<sup>225</sup> *Id.*

<sup>226</sup> *Civilian Claims, Eritrea's Claims 15, 16, 23 & 27-32 between the State of Eritrea and the Federal Democratic Republic of Ethiopia*, Eritrea-Ethiopia Claims Commission, 17 Dec. 2004.

<sup>227</sup> *Id.*

<sup>228</sup> *Id.*

<sup>229</sup> Rome Statute art. 5.

<sup>230</sup> Rome Statute art. 12.

<sup>231</sup> Rome Statute art. 13.

crimes that appear to have been committed within the jurisdiction of the Court.<sup>232</sup> Otherwise, the Prosecutor must seek authorization from a Pre-Trial Chamber to begin an investigation *proprio motu* (on its own initiative) based on information on crimes within the jurisdiction of the Court.<sup>233</sup> If the Pre-Trial Chamber considers that there is a reasonable basis to proceed with an investigation, and that the case appears to fall within the jurisdiction of the Court based on the criteria listed above, it shall authorize the investigation.<sup>234</sup>

#### **D. Crimes Against Humanity**

Article 7 of the Rome Statute details the scope of the potential crimes against humanity that may be charged by the Prosecutor. A crime against humanity is defined as any of the listed acts as part of a “widespread or systematic attack directed against any civilian population, with knowledge of the attack.”<sup>235</sup> This statute requires proving knowledge to find someone guilty of a crime against humanity, but this element does not require that the perpetrator had actual knowledge of the attack, details of the plan, or policy of the state organization.<sup>236</sup> In order for the Prosecutor to successfully charge an individual with a crime against humanity under Article 7, the Prosecutor must establish that the conduct was committed as part of a “widespread or systematic attack directed against a civilian population” pursuant to a State policy, and that the perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.<sup>237</sup>

Crimes against humanity that fall within the jurisdiction of the ICC include murder, extermination, enslavement, forced deportation, imprisonment, torture, rape and other sex crimes, persecution, enforced disappearance, apartheid, and other inhuman acts “of a similar character.”<sup>238</sup> Article 7 of the Rome Statute, as well as the Rome Statute Elements of Crimes supplement, provide further clarification on what types of conduct constitute crimes against humanity. For example, a charge of enslavement under Article 7(1)(c) must include the exercise of “the right of ownership” over a person, which includes human trafficking.<sup>239</sup> Likewise, in order for the Prosecutor to successfully charge an individual with enforced disappearance under Article 7(1)(i), the Prosecutor must establish that the individual intended to remove the disappeared persons from “the protection of the law for a prolonged period of time.”<sup>240</sup>

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<sup>232</sup> Rome Statute art. 14.

<sup>233</sup> Rome Statute art. 15.

<sup>234</sup> Rome Statute art. 15.

<sup>235</sup> Rome Statute art. 7(1)

<sup>236</sup> ICC Elements Art. 8(2)

<sup>237</sup> See Rome Statute art. 7(2)(a).

<sup>238</sup> Rome Statute arts. 7(1)(a)-(k).

<sup>239</sup> Rome Statute art. 7(2)9c) (However, this crime must also satisfy the element regarding the existence of a widespread attack on a population, and therefore a non-State organization conducting human trafficking for financial reasons would likely not fall under the scope of art. 7(1)(c)).

<sup>240</sup> Rome Statute art. 7(2)(h).

Since its establishment, the Prosecutor has charged and tried multiple individuals for violations of Article 7 of the Rome Statute. In *The Prosecutor v. Germain Katanga*, the Prosecutor charged Germain Katanga, the Commander of the Force de résistance patriotique en Ituri (FRPI) and Brigadier-General of the Armed Forces of the Democratic Republic of Congo (FARDC) with crimes against humanity arising from a February 2003 attack on Bogoro—a village in the Ituri district of the DRC.<sup>241</sup> The Prosecutor alleged that Katanga and his co-perpetrators directed this attack against civilians to completely destroy Bogoro and its predominantly Hema civilian population by engaging in widespread killing and imprisonment, destroying civilian homes, raping civilian women and girls, and preventing civilians from fleeing.<sup>242</sup> The FRPI also pillaged the property mainly of Hema civilians of Bogoro after the attack, and abducted women and girls from Bogoro making them “wives” of FRPI combatants.<sup>10</sup> Among other things, Katanga was charged as an accessory to murder under Article 7(1)(a) and was found guilty.<sup>243</sup> Katanga was sentenced to twelve years in prison for his crimes.<sup>244</sup>

The Appellate Court’s acquittal of Jean-Pierre Bemba Gombo in *The Prosecutor v. Jean-Pierre Bemba Gombo* illustrates the level of direct control an individual must have in order to be liable for the conduct of those under his or her command. Jean Pierre Bemba Gombo was President and Commander-in-chief of the Mouvement de libération du Congo (“MLC”) and was originally convicted by the Trial Court for the murders and rapes of all the soldiers under his direction. However, the Prosecutor did not establish that Bemba had control of the conduct of these soldiers.<sup>245</sup> The Appeals Chamber found that Bemba could not be held criminally liable for the acts of all MLC troops during the CAR operation for multiple reasons.<sup>246</sup> Among other issues, Appeals Court found the trial court failed to recognize the limitations Bemba faced in investigating and prosecuting these crimes given his role as a remote commander of troops in a foreign country<sup>247</sup>, and that MLC relied heavily on the cooperation of CAR authorities during the time in question.<sup>248</sup>

## E. War Crimes

As with Article 7 and crimes against humanity, Article 8 defines the scope of what conduct constitutes a war crime under the Rome Statute. For conduct to fall under Article 8, it must be committed during a time of either international or non-international armed conflict.<sup>249</sup> The first section of Article 8 establishes that any “grave breaches” of the

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<sup>241</sup> *Prosecutor v. Katanga*, ICC-01/04-01/07- Warrant of Arrest, Judge Kuenyehia, 7 (2 July 2007).

<sup>242</sup> *Prosecutor v. Katanga*, ICC-01/04-01/07-Pre-Trial Chamber I, Judge Kuenyehia, ¶ 17 (30 Sept. 2008).

<sup>243</sup> *Prosecutor v. Katanga*, ICC-01/04-01/07-Trial Chamber II, Judge Cotte, ¶ 7 (7 Mar. 2014).

<sup>244</sup> *Katanga Case*, INT’L CRIM. CT. PROJECT (last visited 31 Mar. 2022), <https://www.icc-cpi.int/drc/katanga>.

<sup>245</sup> *Prosecutor v. Jean-Pierre Bemba Gombo*, ICC-01/05-01/08- Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against Trial Chamber III’s “Judgment pursuant to Article 74 of the Statute”, ¶ 30 (8 Jun. 2018).

<sup>246</sup> *Id.* at ¶33

<sup>247</sup> *Id.* at ¶25

<sup>248</sup> *Id.*

<sup>249</sup> *See* Rome Statute art. 8(2)(a-e) (This differs from Article 7 crimes against humanity, which can be committed during peacetime so long as the conduct is still part of a widespread State policy).

Geneva Conventions constitute a war crime within the jurisdiction of the ICC. “Grave breaches” include willful killing, torture or inhuman treatment, willfully causing great suffering, extensive destruction of property, depriving prisoners of war various rights, unlawful deportation or transfer of individuals, and the taking of hostages.<sup>250</sup> The second section of Article 8 outlines other violations of international humanitarian and human rights law, including but not limited to, launching intentional or indiscriminate attacks against civilian populations, targeting civilian infrastructure or religious, cultural, medical, or educational institutions, subjecting individuals to unnecessary medical experimentation, and the use of various types of inhuman weapons or projectiles.<sup>251</sup> In order to convict an individual of a war crime, the Prosecutor must establish that the individual directed or participated in the conduct.<sup>252</sup>

War crimes are some of the most common charges brought by the Prosecutor. In *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Al Mahdi was convicted under Article 8 of the Rome Statute.<sup>253</sup> Al Mahdi was an alleged member of Ansar Eddine, which was a movement associated with the terrorist group Al Qaeda. The Prosecutor charged Al Mahdi under Article 8(2)(e)(iv) of the Rome Statute with intentionally directing attacks toward multiple religious and cultural institutions—including nine mausoleums and one mosque. These attacks had no military objective. The community considered the destruction of the religious and historical buildings an atrocity. In order to convict Al Mahdi, the Prosecutor needed to establish that (1) Al Mahdi directed the attack, (2) that the attack targeted one or more buildings protected under the statute, (3) that Al Mahdi intended to target protected buildings, and (4) that the attacks took place within the context of an armed conflict.

There are five elements for Article 8 (2) (e) (iv), war crime of attacking protected objects: (1) The perpetrator directed an attack; (2) The object of the attack was one or more buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals or places where the sick and wounded are collected, which were not military objectives; (3) The perpetrator intended such building or buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals or places where the sick and wounded are collected, which were not military objectives, to be the object of the attack; (4) The conduct took place in the context of and was associated with an armed conflict, and that he was aware of the existence of the armed conflict.<sup>254</sup> The Trial Court determined that these elements were met, and Al Mahdi was found guilty and sentenced to nine years in prison.<sup>255</sup>

## **F. The ICC and Ukraine**

Considering the deprivations Ukraine has endured at the hands of the Russian state, one would assume that the state and the ICC would be more too eager to engage in full

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<sup>250</sup> Rome Statute arts. 8(2)(a)(i-vii).

<sup>251</sup> See Rome Statute arts. 8(2)(b)(i-xxvi).

<sup>252</sup> ICC Elements, art. 8.

<sup>253</sup> *The Prosecutor v. Al Mahdi*, Judgment and Sentence, ICC-01/12-01/15-171, 27 Sep. 2016.

<sup>254</sup> *Id.*

<sup>255</sup> *Id.* (Al Mahdi’s sentence was reduced by the Appellate Court by two years and will be complete on 18 Sep. 2022).

cooperation. However, despite many welcome overtures to the ICC, there is the issue of ratification of the Rome Statute.

Ukraine is not a state-party to the Rome Statute, but the Statute provides a method for the ICC to exercise its jurisdiction over Ukraine and Russia. Per Article 12, the jurisdiction of the ICC extends to party states which are “hosts” to the alleged atrocities, party states who are actors, and accused individuals whose nationality emanates from the party state.<sup>256</sup> If a state is not a party to the Rome Statute, the procedure differs slightly. A non-party state may lodge a declaration with the Court in which the state accepts the jurisdiction of the ICC in the same manner as a party state, but for specific alleged crimes.<sup>257</sup> The declaration limits the ICC to only investigations and prosecutions related to the specific alleged crimes, but, in any case, the state still must cooperate with the Court to the extent that a party state would.

Ukraine is not a party to the Rome Statute, and, despite steps towards it, the process of ratifying the statute has seen some hurdles. Initially, the issue first arose in 2014, in the aftermath of Maidan; the Ukrainian government lodged two declarations with the ICC in relation to the Yanukovich government’s actions during the protests and the Russian interference in Donbass and Luhansk and annexation of Crimea.<sup>258</sup> Since then, the Ukrainian government has taken steps towards ratification and openly stated its support for ratification, but the process has met several obstacles. First, the Ukrainian Constitutional Court, the highest in the country, laid down a ruling in 2001 which held that ICC’s principle of complementarity was in conflict with the Constitution of Ukraine; the Constitutional Court found that that any potential ICC involvement would be contrary to the constitutional provision which conferred exclusive competence in matters of the judiciary to the Ukrainian national courts.<sup>259</sup> In order to rectify this problem, the Ukrainian constitution needs to undergo a revision. In 2016, the Verkhovna Rada (Ukrainian parliament) passed amendments to solve the issue, but it would be another three years until the amendments were implemented.<sup>260</sup> The reason for this delay was unclear, but it is speculated that the Rada wished to wait until the results of the 2019 election.<sup>261</sup> However, despite President Zelensky and his party’s landslide victory, both for the presidency and parliament, no further move was made to continue the ratification process.<sup>262</sup> Hence,

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<sup>256</sup> Rome Statute arts. 12(1-2).

<sup>257</sup> Rome Statute art. 12(3).

<sup>258</sup> Aloka Wanigasuriya, *After all this time, why has Ukraine not ratified the Rome Statute of the International Criminal Court?*, JUSTICE IN CONFLICT (14 Mar. 2022), <https://justiceinconflict.org/2022/03/14/after-all-this-time-why-has-ukraine-not-ratified-the-rome-statute-of-theinternational-criminal-court/>.

<sup>259</sup> *Id.*

<sup>260</sup> *Id.*; Iryna Marchuk, *Dealing with the Ongoing Conflict at the Heart of Europe: On the ICC Prosecutor’s Difficult Choices and Challenges in the Preliminary Examination into the Situation of Ukraine*, QUALITY CONTROL IN PRELIMINARY EXAMINATION 377-378 (Morten Bergsmo & Carsten Stahn eds., Vol. 1, 2018).

<sup>261</sup> Marchuck, *supra* note 267, at 379.

<sup>262</sup> Aloka Wanigasuriya, *After all this time, why has Ukraine not ratified the Rome Statute of the International Criminal Court?*, JUSTICE IN CONFLICT (14 Mar. 2022), <https://justiceinconflict.org/2022/03/14/after-all-this-time-why-has-ukraine-not-ratified-the-rome-statute-of-theinternational-criminal-court/>.



Ukrainian civil society is openly enthusiastic to the ratification of the Rome Statute, but, even in the current atmosphere, it remains hesitant to see the process to fruition.

At the moment, the ICC has jurisdiction, but with several caveats compared to party states. The declarations lodged by Ukraine provide the basis for most of the ICC's investigations into the war crimes generally committed in relation to Ukraine since 2013. However, anything outside of the scope of the declarations would require the acquiescence of either Ukraine or Russia.

## V. RUSSIAN MOST RESPONSIBLE INDIVIDUALS

This section will identify the individuals most responsible for the war crimes being committed in Ukraine by Russia. It will provide a brief overview of the role the individual holds in the Russian senior leadership and a biography. Figure 9 in this section contains a full diagram of the command and control of Russian senior leadership, and more can be read regarding the senior leadership in Appendix D.

This section is not an exhaustive list, but merely an introduction to those responsible at the highest levels. Notably, this section will begin with the individual most responsible for the current perpetration of crimes against humanity in Ukraine — Vladimir Vladimirovich Putin.

### A. Vladimir Vladimirovich Putin

Vladimir Vladimirovich Putin is the President of the Russian Federation, Supreme Commander-in-Chief, and Chairman of the Russian Security Council.<sup>263</sup> Moreover, Putin is a member of the United Russia political party, which is the largest party in Russia holding 336 of the 450 in the State Duma.<sup>264</sup> United Russia came into existence in 2001 following a merger of the political parties Unity and Fatherland.<sup>265</sup> While Putin is not the official leader of the United Russia party, he is the de facto leader of it and the party fully supports his policies.<sup>266</sup>

On 24 February 2022, Putin announced that Russian armed forces were launching a “special military operation” in eastern Ukraine.<sup>267</sup> In his speech announcing such an operation, Putin claimed that Russia sought the demilitarization and “denazification” of

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<sup>263</sup> The Editors of Encyclopedia Britannica, *Vladimir Putin*, ENCYC. BRITANNICA (9 Mar. 2022), <https://www.britannica.com/biography/Vladimir-Putin>.

<sup>264</sup> *State Duma seats distribution in Russia 2021, by faction*, STATISTA (23 Mar. 2021), <https://www.statista.com/statistics/1196615/state-duma-composition-in-russia/>.

<sup>265</sup> See, e.g., Henry E. Hale, *The Origins of United Russia and the Putin Presidency: The Role of Contingency in Party-System Development*, 12 DEMOKRATIZATSIYA 169 (2004).

<sup>266</sup> See Andrey Pertsev, *A New Role for United Russia*, CARNEGIE MOSCOW CTR. (2 Dec. 2018) (discussing how Putin is not directly affiliated with the United Russia Party, nor holds an official role. Instead, he utilizes United Russia for his own political gain.).

<sup>267</sup> Andrew Osborn & Polina Nikolskaya, *Russia's Putin authorises 'special military operation' against Ukraine*, REUTERS (24 Feb. 2022), <https://www.reuters.com/world/europe/russias-putin-authorises-military-operations-donbass-domestic-media-2022-02-24/>.

Ukraine.<sup>268</sup> Putin falsely claimed that Ukrainian President Volodymyr Zelenskyy's government was a Nazi government and that it was committing genocide against Russian speaking Ukrainians in eastern Ukraine.<sup>269</sup> Within minutes of Putin's speech, explosions were reported across Ukraine, including in locations such as Kyiv, Kharkiv, Odessa, and the Donbas region.<sup>270</sup>

Notably, on 18 March 2022, Putin attended a concert at the Luzhniki stadium in Moscow to commemorate the eighth anniversary of Russia's annexation of Crimea.<sup>271</sup> At that rally, Putin reiterated his false claims that Ukraine was committing genocide against Russian speaking individuals in the Donbas and stated that it was the main reason for the invasion.<sup>272</sup> He also stated that "[f]or a world without Nazism," Russia "will definitely implement all [of its] plans" in Ukraine.<sup>273</sup>

On 17 March 2023, the ICC issued an arrest warrant for President Putin in connection with his sponsorship of a program that forcibly removed and transferred Ukrainian children to Russian families in Russia.<sup>274</sup> This program was set up and run by one of Putin's deputies, Ms. Maria Lvova-Belova, along with his express approval and encouragement.

## **B. Valery Vasilyevich Gerasimov**

As the Chief of the General Staff and current head of the Russian armed forces, Valery Vasilyevich Gerasimov is the highest-ranking officer of the Russian Armed Forces and the senior-most uniformed military officer.<sup>275</sup> This position is comparable to the US chairman of the Joint Chiefs of Staff.<sup>276</sup> Gerasimov was born on 8 September, 1955, in Kazan, Tatar ASSR, Soviet Union.<sup>277</sup> From 1984 to 1987, Gerasimov studied at the Malinovsky Military Armored Forces Academy. Finally, from 1995 to 1997, he attended the Military Academy of the General Staff of the Armed Forces of Russia.<sup>278</sup> Following

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<sup>268</sup> See Anton Troianovski, *Why Vladimir Putin Invokes Nazis to Justify His Invasion of Ukraine*, N.Y. TIMES (17 Mar. 2022), <https://www.nytimes.com/2022/03/17/world/europe/ukraine-putin-nazis.html>.

<sup>269</sup> See *id.*; see also Max Fisher, *Putin's Baseless Claims of Genocide Hint at More Than War*, N.Y. TIMES (19 Feb. 2022), <https://www.nytimes.com/2022/02/19/world/europe/putin-ukraine-genocide.html>.

<sup>270</sup> Jordan Williams, *Explosions heard in major Ukrainian cities following Putin's announcement*, THE HILL (23 Feb. 2022), <https://thehill.com/policy/defense/595609-explosions-heard-in-major-ukraine-cities-following-putin-announcement>.

<sup>271</sup> Tara John et al., *Putin Celebrates anniversary of Crimea annexation at stadium rally amid Russia's onslaught of Ukraine*, CNN (18 Mar. 2022), <https://www.cnn.com/2022/03/18/europe/russia-putin-ukraine-invasion-rally-intl/index.html>.

<sup>272</sup> *Id.*

<sup>273</sup> *Id.*

<sup>274</sup> International Criminal Court. (17 Mar. 2023) *Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova* [Press Release]. Retrieved from <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>

<sup>275</sup> See Ellen Mitchell, *Top Russian commander arrives in Belarus for war games*, THE HILL (9 Feb. 2022), <https://thehill.com/policy/defense/593598-top-russian-commander-arrives-in-belarus-for-war-games>.

<sup>276</sup> Valeriy Gerasimov, RUSS. MINISTRY OF DEF. (n.d.), [https://eng.mil.ru/en/management/deputy/more.htm?id=11113936@SD\\_Employee](https://eng.mil.ru/en/management/deputy/more.htm?id=11113936@SD_Employee).

<sup>277</sup> See *infra* Appendix D

<sup>278</sup> *Id.*

his graduation from the General Staff Academy, Gerasimov served as the First Deputy Army Commander within the Moscow Military District as well as the commander of the 58th Army in the North Caucasus Military District during the Second Chechen War.<sup>279</sup>

In 2006, Gerasimov became the commander of the Leningrad Military District before being moved to command the Moscow Military District in 2009.<sup>280</sup> On 23 December 2010, Gerasimov became the deputy Chief of the General Staff.<sup>281</sup> In 2012, he was assigned to command the Central Military District. On 6 November 2012, Gerasimov was appointed Chief of the General Staff.<sup>282</sup>

Due to his position as head of the Russian armed forces, General Gerasimov holds complete responsibility for the actions undertaken by said forces. When it comes to approve or rejecting military maneuvers, General Gerasimov is only second to President Putin. Consequently, all atrocity crimes that have been committed by Russian armed forces happened through planning and approval on the part of General Gerasimov.

### C. Nikolay Vasilyevich Bogdanovsky

Nikolay Vasilyevich Bogdanovsky is a member of the General Staff, responsible for disseminating the Commander-in-Chief's policies, transmits his orders, and oversees the execution of such orders.<sup>283</sup> Bogdanovsky was born on 17 January 1957, in Podgorny, Russia, Soviet Union.<sup>284</sup> On 13 December 2012, Bogdanovsky was promoted to the rank of Colonel General.<sup>285</sup> Following this promotion, he became the Commander of the Central Military District; a position he held until 12 June 2014. On 12 June 2014, Putin once again promoted Bogdanovsky by Decree of the President; this time to the position of First Deputy Chief of the General Staff of the Armed Forces of Russia.<sup>286</sup> For his involvement in the Russian annexation of Crimea in 2014, Bogdanovsky was included in a Canadian sanctions list.

In his position as the First Deputy of Chief of Staff, General Bogdanovsky is the conduit between the General Staff and the Commander-in-Chief. The General Staff and Commander-in-Chief have two distinct roles: behind the scenes, the General Staff debates and formulates the armed forces' plan of action, and, in the field, the Commander-in-Chief (along with his subordinates) executes the approved plan. In his position, General Bogdanovsky communicates approved plans of action to the Commander-in-Chief and relays communications from the Commander-in-Chief back to the General Staff. Additionally, as a member of the General Staff, General Bogdanovsky has direct involvement in the General Staff's planning. As result, these responsibilities mean that General Bogdanovsky is directly involved in the military operations and actions carried out by the Russian armed forces.

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<sup>279</sup> *Id.*

<sup>280</sup> *Id.*

<sup>281</sup> *Id.*

<sup>282</sup> *Id.*

<sup>283</sup> See Franz-Stefan Gady, *Putin Sends Russian Military to North Korea*, THE DIPLOMAT (11 Nov. 2015), <https://thediplomat.com/2015/11/putin-sends-russian-military-to-north-korea/>.

<sup>284</sup> *Supra*, note 277.

<sup>285</sup> *Supra*, note 277.

<sup>286</sup> *Supra*, note 277.

#### D. Igor Olegovich Kostyukov

Igor Olegovich Kostyukov is the Director of Russian Military Intelligence, heading the main intelligence department of the Russian General Staff and providing the military with intelligence.<sup>287</sup> Kostyukov was a member of both the Soviet and Russian Navies and is currently an Admiral in the Russian Navy.<sup>288</sup>

Kostyukov was born on 21 February 1961, in Amur Oblast, RSFSR, USSR.<sup>289</sup> On 22 November 2018, he was appointed the acting Director of the Russian General Staff's Main Intelligence Department (GBU) following the death of Igor Korobov, who had held the role prior.<sup>290</sup> In 2019, he was promoted to the rank of Admiral.<sup>291</sup> Kostyukov is the first naval officer to hold the Office of the Director of the GBU.<sup>292</sup> While not much information is available on Kostyukov, it has been noted that he is a hardliner.<sup>293</sup> In addition, he was a high-ranking participant of the Syrian military operation and was praised by President Vladimir Putin, emphasizing his outstanding merits in Syria.<sup>294</sup>

Admiral Kostyukov's involvement in the ongoing war is extensive. As the previous head of GRU, Admiral Kostyukov holds direct responsibility for all of the actions taken by GRU in the invasion ranging from cyberattacks to attacks against civilians in occupied territory. Additionally, the military command of the Wagner Group is believed to be directly held by the GRU and Kostyukov. The Wagner Group is a group of paramilitary mercenaries, mostly populated by current and former GRU operatives, and is used when direct GRU involvement is considered undesirable. The Wagner Group's involvement in this conflict has been extensive and is discussed further in the section Yevgeny Prigozhin.

#### E. Oleg Leonidovich Salyukov

Oleg Leonidovich Salyukov is the Commander-in-Chief of the Russian Ground Forces, commanding the entirety of the Russian ground forces during the invasion of Ukraine.<sup>295</sup> Salyukov was born on 21 May 1955, in Saratov, Russian SFSR, USSR.<sup>296</sup> From 2005 to 2008, he served as the Chief of the Staff-First Deputy Commander-in-Chief of the Far East Military District.<sup>297</sup> From 2008 to 2010, he held the post of Commander-in-

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<sup>287</sup> ANDREW S. BOWEN, CONG. RESEARCH SERV., R46616, RUSSIAN MILITARY INTELLIGENCE: BACKGROUND AND ISSUES FOR CONGRESS (2021).

<sup>288</sup> *See id.*

<sup>289</sup> *See Russia's GRU: New Chief, Same Goals*, WARSAW INST. (10 Dec. 2018), <https://warsawinstitute.org/russias-gru-new-chief-goals/>.

<sup>290</sup> *Id.*

<sup>291</sup> *Cf. Russia's GRU: New Chief, Same Goals*, *supra* note 288, with Mike Eckel, *Coup Plots, Poison, Hacking, Sabotage: What Is The GRU's Unit 29155?*, RADIO FREE EUR. (24 Apr. 2021) (showing that in 2018, Kostyukov held the position of vice-Admiral and that by 2021 he had been promoted to the position of Admiral.).

<sup>292</sup> *Russia's GRU: New Chief, Same Goals*, *supra* note 277.

<sup>293</sup> *See* Douglas London, *Putin, the emperor with no clothes*, CNN (5 Mar. 2022), <https://www.cnn.com/2022/03/04/opinions/putins-war-ukraine-kremlin-power-london/index.html>.

<sup>294</sup> *Id.*

<sup>295</sup> *Supra*, note 277.

<sup>296</sup> *Supra*, note 277.

<sup>297</sup> *Supra*, note 277.

Chief of the Far East Military District.<sup>298</sup> In 2010 until 2014, he was the Deputy Chief of the General Staff of the Armed Forces of the Russian Federation. Starting in May 2014 to the present, Salyukov holds the post of Commander-in-Chief of the Russian Army.<sup>299</sup> On 23 February 2022, the EU added Salyukov to its sanction list for being “responsible for actively supporting and implementing actions and policies that undermine and threaten the territorial integrity, sovereignty and independence of Ukraine as well as the stability or security in Ukraine.”<sup>300</sup>

General Salyukov’s role as Commander-in-Chief for the Russian ground forces means that he holds direct responsibility for all military operations and actions carried out by Russian forces. As such, while President Putin and the General Staff plan and send out orders, General Salyukov ensures that his soldiers will carry out these plans to fruition. Consequently, all attacks on civilian infrastructure (such as rocket attacks on hospitals) occur only through the direct orders of General Salyukov. This responsibility extends to all atrocity crimes committed by Russian ground forces.

## F. Yevgeny Prigozhin

Yevgeny Prigozhin is the founder of the Wagner Group—Russia’s notorious private army.<sup>301</sup> The Wagner Group first gained notoriety for its involvement in Russia’s annexation of Crimea.<sup>302</sup> Wagner Group members have been under investigation for war crimes in Ukraine arising from conduct that occurred as early as 2014.<sup>303</sup> By January 2023, over 50,000 Wagner Group mercenaries were fighting in Ukraine.<sup>304</sup> According to the UN Security Council over 80% of Wagner Group mercenaries have been recruited directly out of Russian prisons.<sup>305</sup> Currently, Wagner Group forces make up the vast majority of Russian fighters in the recent push to capture Bakhmut.<sup>306</sup> Although there is tension between the Kremlin and Prigozhin, the Kremlin has acknowledged the Wagner Group’s efforts in Bakhmut calling them “courageous and selfless.”<sup>307</sup> Importantly, this confirms the Wagner Group and Kremlin were working together.

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<sup>298</sup> *Supra*, note 277.

<sup>299</sup> *Supra*, note 277.

<sup>300</sup> Jacopo Barigazzi & David M. Herszenhorn, *EU targets Putin’s inner circle with sanctions*, POLITICO (23 Feb. 2022), <https://www.politico.eu/article/eu-targets-putin-inner-circle-sanctions/>.

<sup>301</sup> Alice Spiri, *Hacked Resume Gives Inside Look at Wagner Group Founder Yevgeny Prigozhin*, THE INTERCEPT (Mar. 2023) <https://theintercept.com/2023/03/02/yevgeny-prigozhin-hacked-resume/>

<sup>302</sup> *What is Russia’s Wagner Group of mercenaries in Ukraine?*, BBC NEWS (Jan. 2023) <https://www.bbc.com/news/world-60947877>

<sup>303</sup> Giovanni Pigni, *Enemy of the State or its founding element? Yan Petrovsky, Russian nationalist accused of war crimes in Ukraine, was deported from Norway*, MEDUZA (Jan. 2017)

<https://meduza.io/en/feature/2017/01/20/enemy-of-the-state-or-its-founding-element>

<sup>304</sup> *Supra* note 301.

<sup>305</sup> *Id.*

<sup>306</sup> Karl Ritter, *Russian advance stalls in Ukraine’s Bakhmut, think tank says*, AP NEWS (Mar. 2023).

<https://apnews.com/article/russia-advance-stalls-ukraine-war-bakhmut-4fc52f849e404265a74509e7e14795f8>

<sup>307</sup> *Kremlin denies conflict between Wagner and defense ministry*, REUTERS (Jan. 2023)

<https://www.reuters.com/world/europe/kremlin-denies-conflict-between-wagner-defence-ministry-2023-01-16/>

Recently, however, the Kremlin's relationship with Wagner with Putin is undergoing a reevaluation. On June 23, Prigozhin launched an abortive coup that he claimed was against the military leadership of Russia, but it collapsed the very next day.<sup>308</sup> The coup posed the greatest threat the Kremlin has ever faced during this war due to the quality of Wagner's soldiers compared to the average Russian soldier, the fact that Wagner encountered no resistance on its path to Moscow, and the fact that Wagner soldiers came within 120 km of Moscow.<sup>309</sup> Yet, with no Russian civil or military leaders joining Prigozhin, the coup collapsed, and Prigozhin had to flee into Belarus.<sup>310</sup> There, the Belarusian President, Alexander Lukashenko, managed to negotiate a compromise between both Prigozhin and Putin.<sup>311</sup> It is unclear as to what the deal entailed, but, for the time being, Wagner will seemingly continue to play a major role in the on-going conflict between Russia and Ukraine.

Evidence of Wagner Group war crimes and violations of international law in Ukraine continues to mount in real time. In January, a former Wagner Group member deserted the group and claimed asylum in Norway citing a slew of war crimes he personally witnessed committed by the Wagner Group including executing deserters.<sup>312</sup> Ukrainian prosecutors charged Wagner Group members with killing and torturing civilians near Kyiv in April 2022.<sup>313</sup> Similarly, German Intelligence blames the Wagner Group for the March 2022 massacre in Bucha.<sup>314</sup> Finally, it is widely believed the Wagner Group staged several false flag attacks in February 2022 to provide a justification for the looming Russian invasion.<sup>315</sup>

In January 2023, the US levied sanctions against the Wagner Group for its involvement in the war in Ukraine.<sup>316</sup> The Treasury Department officially designated the Wagner Group a transnational criminal organization citing "the targeting of women, children, or any civilians through the commission of acts of violence, or abduction, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law."<sup>317</sup>

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<sup>308</sup> Anton Troianovski & Ivan Nechepurenko, *A long-running feud has broken into open confrontation. Here's the latest*, THE NEW YORK TIMES (23 Jun. 2023)

<https://www.nytimes.com/2023/06/23/world/europe/russia-prigozhin-putin-war-ukraine.html>.

<sup>309</sup> *Id.*

<sup>310</sup> *Timeline: How Wagner Group's revolt against Russia unfolded*, AL JAZEERA (24 Jun. 2023)

<https://www.aljazeera.com/news/2023/6/24/timeline-how-wagner-groups-revolt-against-russia-unfolded>.

<sup>311</sup> *Id.*

<sup>312</sup> Matt Murphy, *Ukraine war: Russia's Wagner Group commander requests Norway asylum*, BBC NEWS, (Jan. 2023) <https://www.bbc.com/news/world-europe-64296979>

<sup>313</sup> *Supra* note 301.

<sup>314</sup> *Id.*

<sup>315</sup> *Id.*

<sup>316</sup> US Department of Treasury (2023, 26 Jan.). *Treasury Sanctions Russian Proxy Wagner Group as a Transnational Criminal Organization* [press release]. Retrieved from <https://home.treasury.gov/news/press-releases/jy1220>.

<https://home.treasury.gov/news/press-releases/jy1220>

<sup>317</sup> Spiri, *supra* note 301.

## G. Maria Lvova-Belova

Maria Lvova-Belova, the Presidential Commissioner for Children’s Rights in Russia, is a key figure in the abduction of children from Ukraine and their placement among foster families and orphanages throughout Russia.<sup>318</sup> Lvova-Belova openly advocates for stripping the Ukrainian identities of children and teaching them to love Russia instead.<sup>319</sup> Vladimir Putin applauded her actions in the removal of children from Ukraine.<sup>320</sup> She is sanctioned by the US, Europe, the UK, Canada, and Australia.<sup>321</sup> Through her position, Ms. Lvova-Belova is responsible for Russian State interventions towards children in Ukraine. This includes the expedited citizenship program for children forcibly moved from Ukraine to Russia through direct government actions and non-profit organizations tied to the Russian government. For example, Ms. Lvova-Belova started the non-profit group “Into the Hands of Children,” a division of Russian Humanitarian Mission (RHO), an organization which provides humanitarian aid in more than 10 countries.<sup>322</sup> However, as of 6 April 2022, all funds received as donations for RHO may be used for “Into the Hands of Children,” regardless of whether another purpose is stated in the “purpose of payment” field of the donation.<sup>323</sup> However, “Into the Hands of Children” has been utilized to kidnap Ukrainian children under the guise of humanitarian action.<sup>324</sup> On 17 March 2023, the ICC issued an arrest warrant for both President Putin and Lvova-Belova in connection to the aforementioned actions.<sup>325</sup>

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<sup>318</sup> *Maria Lvova-Belova Brought Children from Donetsk People’s Republic to Russia*, President of Russia (7 Oct.

2022), <http://en.kremlin.ru/events/administration/69571> (last visited 7 Jan. 2023)

<sup>319</sup> Robyn Dixon & Natalia Abbakumova, *Ukrainians Struggle to Find and Reclaim Children Taken by Russia*, THE WASHINGTON POST (24 Dec. 2022), <https://www.washingtonpost.com/world/2022/12/24/ukraine-stolen-childrenmaria-lvova-belova/>.

<sup>320</sup> *Id.*

<sup>321</sup> Sarah el Deeb, et. al., *How Moscow grabs Ukrainian kids and makes them Russian*, AP News (13 Oct. 2022),

<https://apnews.com/article/ukrainian-children-russia-7493cb22c9086c6293c1ac7986d85ef6>.

<sup>322</sup> *Don’t stay away. Join the campaign of the Commissioner for Children’s Rights under the President of the Russian Federation “Into the hands of children”. Let’s help the children of Donbass and Ukraine together!*, Russian Humanitarian Mission, <https://rhm.agency/ne-ostavaytes-v-storone-detyam-v-ruki-pomozhem-detyam-donbassa-i-ukrainy-vmeste/> (last visited 2 Jan 2023)

<sup>323</sup> *Id.*

<sup>324</sup> Anastasiia Belanova, *Russian Commissioner for Children’s Rights Maria Lvova-Belova heads the company “Into Children Hands”, which carries out the forced deportation of Ukrainian children — investigation of the OSINT community Molfar*, SVIDOMI (31 Dec. 2022)

<https://svidomi.in.ua/en/page/russian-commissioner-for-childrens-rights-maria-lvova-belova-heads-the-company-into-children-hands-which-carries-out-the-forced-deportation-of-ukrainian-children-investigation-of-the-osint-community-m>

<sup>325</sup> International Criminal Court. (17 Mar. 2023) *Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova* [Press Release]. Retrieved from <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>

## **H. Marat Shakirzyanovich Khusnullin**

As Deputy Prime Minister of Russia for Construction and Regional Development, Khusnullin is responsible for Russian governmental policies about occupied Crimea, including providing water to Crimea and Sevastopol. In this manner, Mr. Khusnullin is key in the civil administration and policies implemented in territories occupied by Russian forces. Just before recapture of Kherson by the Ukrainian army, Mr. Khusnullin gave the order to evacuate Ukrainian citizens from the city.<sup>326</sup> This evacuation culminated in forced deportations to Russian territory and the separation of children from their families.<sup>327</sup>

## **I. Vyacheslav Viktorovich Volodin**

In his role as Chairman of the State Duma of the Federal Assembly, Mr. Volodin ensures the integration and administration of occupied territories.

## **J. Vladimir Grigoryevich Kulishov**

As First Deputy Director of the Federal Security Service and Head of the Border Service of the Federal Security Service, Mr. Kulishov oversees the FSB's Border Service and their "filtration" operations forced deportations of Ukrainians from the occupied territories of Ukraine.<sup>328</sup>

## **K. Mikhail Yevgenyevich Mizintsev**

Known as the "Butcher of Mariupol," General Mizintsev commanded Russian forces in the Siege of Mariupol where his use of cluster munitions and indiscriminate targeting of civilians killed at least 10,000 civilians out of a pre-war population of 400,000.<sup>329</sup>

## **L. Azatbek Asanbekovich Omurbekov**

Known as the "Butcher of Bucha", as the reported head of 64th Separate Motor Rifle Brigade of the Russian Ground Forces, Commander Omurbek is believed to be responsible for a large part of the atrocities committed by Russian ground forces at

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<sup>326</sup> Yaroslav Lukov, *Ukraine war: Russia to move civilians from Kherson*, BBC (13 Oct. 2022) <https://www.bbc.com/news/world-europe-63243313>

<sup>327</sup> Luke Harding, *Russian troops loot Kherson as lines redrawn ahead of final battle for city*, THE GUARDIAN (5 Nov. 2022) <https://www.theguardian.com/world/2022/nov/05/ukraine-russian-troops-loot-kherson-as-lines-redrawn-ahead-of-final-battle-for-city>.

<sup>328</sup> See *infra* Appendix D.

<sup>329</sup> Cara Anna, Yuras Karmanau, Adam Schreck, *Over 10,000 civilians killed in Mariupol siege, mayor says*, PBS (11 Apr. 2022) <https://www.pbs.org/newshour/world/over-10000-civilians-killed-in-mariupol-siege-mayor-says>



Bucha.<sup>330</sup> According to most recent estimates, over 400 Ukrainian citizens died during the Russian occupation of Bucha.<sup>331</sup>

## VI. VIOLATIONS OF INTERNATIONAL LAW BY RUSSIA AND RESPONSIBLE INDIVIDUALS

This section will detail most egregious incidents which are representative of crimes attributable to individuals in the Russian senior military and political leadership. Incidents include murder, sexual violence, torture, indiscriminate use of cluster munitions, targeting of medical facilities, bombing of evacuation routes, forced deportation of Ukrainian citizens, targeting of journalists and members of the press, pillaging, willful causing of great suffering towards civilians, and abduction and detainment of government officials and the taking of hostages.

Similar to the previous section, this portion will not be an exhaustive list of crimes committed in Ukraine by the Russian Federation or responsible individuals. Instead, this section aims to highlight certain representative crimes that indicate an intentional pattern of aggression, destruction, and murder.

### A. Unlawful Targeting of Medical Facilities

The intentional destruction of medical facilities<sup>332</sup> and murder<sup>333</sup> are violations of the Rome Statute. Further, the unlawful targeting of civilian medical facilities<sup>334</sup> and the unlawful killing of civilians<sup>335</sup> are violations of the Geneva Conventions. The Russian military, led by Vladimir Putin, targeted, and bombed multiple protected hospital units in Zhytomyr, Mariupol, Kharkiv, Vovchansk, and Dnipro.

- In Dnipro, in the Dnipropetrovsk Oblast, on 26 May 2023, Russian forces bombarded Dnipropetrovsk City Hospital No. 14 and a veterinary clinic, killing at least two civilians and injuring dozens more.<sup>336</sup>

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<sup>330</sup> Brendan Cole, *Who Is Azatbek Omurbekov? Commander Believed To Be Behind Bucha Killings*, Newsweek (6 Apr. 2022) <https://www.newsweek.com/russia-ukraine-war-azatbek-omurbekov-putin-bucha-1695385>.

<sup>331</sup> Masha Froliak, Yousur Al-Hlou and Haley Willis, *Their Final Moments: Victims of a Russian Atrocity in Bucha*, THE NEW YORK TIMES, (21 Dec. 2022) <https://www.nytimes.com/interactive/2022/12/21/world/europe/bucha-ukraine-massacre-victims.html>.

<sup>332</sup> Rome Statute art. 8(2)(a)(i); 8(2)(b)(ix).

<sup>333</sup> Rome Statute art. 7(1)(a).

<sup>334</sup> Geneva Conventions common art. 2.

<sup>335</sup> Geneva Conventions common art. 2.

<sup>336</sup> Sana Noor Haq, Maria Kostenko, Sebastian Shukla and Joseph Ataman, *Deadly Russian strikes obliterate Dnipro medical facility in central Ukraine*, CNN (26 May 2023) <https://www.cnn.com/2023/05/26/europe/dnipro-medical-facility-attack-russia-ukraine-intl/index.html>.

- In Vovchansk, Luhansk Oblast, on 7 February 2023, Russian forces shelled a hospital and several apartment buildings, injuring eight civilians.<sup>337</sup>
- In Kharkiv, Kharkiv Oblast, on 11 March 2022, the Russian military bombed a psychiatric hospital.<sup>338</sup> In addition, between 24 February and 21 March 2022, the Russian military targeted, bombed, or otherwise compromised a total of 64 protected medical facilities, unlawfully killing at least fifteen civilians and injuring an unknown number of civilians.<sup>339</sup>
- In Mariupol, Mariupol Oblast, on 9 March 2022, the Russian military bombed a maternity hospital, unlawfully killing at least three civilians and injuring at least 17 civilians.<sup>340</sup>
- In Zhytomyr, Zhytomyr Oblast, on 2 March 2022, the Russian military bombed a children's hospital, injuring an unknown number of civilians.<sup>341</sup>

## B. Use of Indiscriminate Cluster Munitions Against Civilians

Willful killing<sup>342</sup> and extensive destruction of property carried out unlawfully and wantonly<sup>343</sup> are violations of the Rome Statute. Further, attacks on a civilian population are a violation of the Geneva Convention.<sup>344</sup> Though the Ukrainian military has recently been accused of utilizing cluster munitions, none of the alleged incidents have been attacks against civilians. Conversely, the Russian military has frequently used indiscriminate cluster munitions<sup>345</sup> that killed and injured civilians in Vuhledar, Okhtyrka, Kharkiv, Mykolaiv, and Konstyantinivka.

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<sup>337</sup> Susie Blann, Russian forces hit more civilian targets as Ukraine foresees a renewed assault, *Los Angeles Times*, (7 Feb. 2023) <https://www.latimes.com/world-nation/story/2023-02-07/ukraine-hospital-fire-russia-attack>.

<sup>338</sup> Natalia Zinets & Matthias Williams, *Ukraine says Russian forces hit psychiatric hospital but no one hurt*, *REUTERS* (11 Mar. 2022), <https://www.reuters.com/world/europe/russian-forces-hit-psychiatric-hospital-ukraine-regional-governor-2022-03-11/>.

<sup>339</sup> See *Surveillance System For Attacks On Health Care (SSA)*, *WORLD HEALTH ORG.* [hereinafter WHO], <https://extranet.who.int/ssa/LeftMenu/PublicReportList.aspx?start=2022-02-24&end=2022-03-18&countryList=229&typeList=0> (last visited 31 Mar. 2022).

<sup>340</sup> *Mariupol Maternity Hospital Destroyed By Russian Air Strike, Triggering Global Horror, Outrage*, *RADIOFREEEUROPE RADIOLIBERTY* (hereinafter RFERL) (last updated 9 Mar. 2022), <https://www.rferl.org/a/ukraine-mariupol-hospital-bombed-russia/31744934.html>.

<sup>341</sup> Laurie Churchman, *Russia bombs Ukrainian maternity hospital in Zhytomyr as mothers and children 'flee to basement'*, *THE INDEPENDENT* (2 Mar. 2022), <https://www.independent.co.uk/news/world/europe/russia-ukraine-zhytomyr-hospital-bomb-2026632.html>.

<sup>342</sup> Rome Statute art. 8(2)(b)(i).

<sup>343</sup> Rome Statute art. 8(2)(b)(iv).

<sup>344</sup> Geneva Conventions common art. 2.

<sup>345</sup> For further reading on the dangers of cluster munitions see *Cluster Munitions*, *HUM. RTS. WATCH* [hereinafter HRW] <https://www.hrw.org/topic/arms/cluster-munitions> (last visited 31 Mar. 2022).

- In Konstyantynivka, Donetsk Oblast, on 18 March 2023, Russian forces fired cluster munition rockets near the central market of town, wounding six civilians. That same day, in the same Oblast, Russian forces used cluster munitions in an attack on the city of Kramatorsk, which killed at least two people and wounded eight.<sup>346</sup>
- In Mykolaiv, Mykolaiv Oblast, on 29 September 2022, a cluster munition rocket attack by Russian forces reportedly killed two civilians and wounded 12 others near a public transportation stop.<sup>347</sup>
- In Kharkiv, Kharkiv Oblast, on or around 28 February 2022, Russian military forces struck multiple civilian residences with indiscriminate cluster munitions, unlawfully killing an unknown number of civilians, injuring an unknown number of civilians, and unlawfully damaging civilian property.<sup>348</sup> In addition, on 28 February 2022, Russian military forces struck multiple civilian residences with indiscriminate cluster munitions, unlawfully killing four civilians, burning alive a family of two adults and three children, and unlawfully damaging civilian property.<sup>349</sup>
- In Okhtyrka, Sumy Oblast, on 25 February 2022, Russian military forces struck a nursery and elementary school with indiscriminate cluster munitions, unlawfully killing at least one civilian and injuring at least three civilians.<sup>350</sup>
- In Vuhledar, Donetsk Oblast, on 24 February 2022, Russian military forces struck a hospital with indiscriminate cluster munitions, unlawfully killing at least four civilians, injuring 10 civilians, and damaging the hospital and one ambulance.<sup>351</sup>

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<sup>346</sup> *Id.*

<sup>347</sup> *Cluster Munition Use in Russia-Ukraine War*, HRW (29 May 2023)

<https://www.hrw.org/news/2023/05/29/cluster-munition-use-russia-ukraine-war#:~:text=Introduction,homes%2C%20hospitals%2C%20and%20schools>.

<sup>348</sup> *Ukraine: Cluster Munitions Launched Into Kharkiv Neighborhoods*, HRW (4 Mar. 2022),

<https://www.hrw.org/news/2022/03/04/ukraine-cluster-munitions-launched-kharkiv-neighborhoods>.

<sup>349</sup> George Sargent, Eleanor Whalley, Alessandra Prentice, & Natalia Zinets, *Ukraine's Kharkiv struck by cluster bombs, experts say*, REUTERS (1 Mar. 2022), <https://www.reuters.com/world/ukraines-kharkiv-struck-by-cluster-bombs-experts-say-2022-03-01/>.

<sup>350</sup> *Ukraine: Cluster munitions kill child and two other civilians taking shelter at a preschool*, AMNESTY INT'L (27 Feb. 2022), <https://www.amnesty.org/en/latest/news/2022/02/ukraine-cluster-munitions-kill-child-and-two-other-civilians-taking-shelter-at-a-preschool/>.

<sup>351</sup> *Ukraine: Russian Cluster Munition Hits Hospital*, HRW (25 Feb. 2022),

<https://www.hrw.org/news/2022/02/25/ukraine-russian-cluster-munition-hits-hospital#>.

### C. Willfully Causing Great Suffering and Murder of Civilians

Willfully causing great suffering, or serious injury to body or health<sup>352</sup> and murder<sup>353</sup> are both violations of the Rome Statute. In addition, unlawful killing of civilians<sup>354</sup> and indiscriminate attacks on civilian areas<sup>355</sup> are violations of the Geneva Conventions. The Russian military has repeatedly caused the death of civilians, including in Dnipro, Mariupol, Stryi Bykiv, Bilohorivka, and Iziium.

- In Dnipro, Dnipropetrovsk Oblast, on 16 January 2023, Russia fired a missile on an apartment block killing more than 40 civilians.<sup>356</sup>
- In Bilohorivka, Luhansk Oblast, on 8 May 2022, 60 civilians died when the Russian military bombed a local school where almost 90 civilians were sheltering.<sup>357</sup>
- In Iziium, Kharkiv Oblast, from 1 April to 13 September 2022, Russian soldiers carried out the summary executions of 436 (primarily) civilians and prisoners of war. Their bodies were found in mass graves on the outskirts of the town. The bodies included men and women of all ages as well as children.<sup>358</sup>
- In Mariupol, Mariupol Oblast, on 16 March 2022, the Russian military bombed a theater being used to shelter civilians, unlawfully killing at least 300 civilians, and injuring an uncertain number more.<sup>359</sup>
- In Stryi Bykiv, Chernihiv Oblast, on 24 February 2022, Russian soldiers carried out the summary execution of six civilians.<sup>360</sup>

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<sup>352</sup> Rome Statute art. 8(2)(a)(iii).

<sup>353</sup> Rome Statute art. 8(2)(a)(i).

<sup>354</sup> Geneva Conventions common art. 2.

<sup>355</sup> Geneva Conventions common art. 2.

<sup>356</sup> Denis Lapin, Olga Voitovych, Tim Lister, Hannah Ritchie and Mariya Knight, *Russian missile strike on apartment building in Dnipro kills 40 people, Ukraine officials say*, CNN, (16 Jan. 2023)

<https://www.cnn.com/2023/01/14/europe/kyiv-kharkiv-zaporizhzhia-explosion-ukraine-intl-hnk/index.html>.

<sup>357</sup> *Ukraine war: 60 people killed after bomb hits school, Zelensky says*, BBC NEWS (8 May 2022)

<https://www.bbc.com/news/world-europe-61369229>.

<sup>358</sup> *Signs of torture, mutilation on bodies at Iziium mass burial site: Ukraine officials*, CNN (24 Sept. 2022)

<https://www.cnn.com/2022/09/23/europe/ukraine-izium-mass-burial-bodies-recovered-torture-intl-hnk/index.html>

<sup>359</sup> *'300 dead' in Russian Mariupol theatre attack, Ukraine claims*, AL JAZEERA (25 Mar. 2022),

<https://www.aljazeera.com/news/2022/3/25/ukraine-says-300-died-in-russian-strike-on-mariupol-theater>.

<sup>360</sup> *Independent International Commission of Inquiry on Ukraine - Note by the Secretary-General*, OHCHR (18 Oct. 2022) <https://www.ohchr.org/en/documents/reports/a77533-independent-international-commission-inquiry-ukraine-note-secretary>

#### D. Abduction and Detainment of Government Officials and Taking of Hostages

Taking of Hostages<sup>361</sup> and detention and severe deprivation of liberty<sup>362</sup> are violations of the Rome Statute and the Geneva Conventions. Most of these actions occurred on the onset of the invasion as part of the Russian army attempts to exercise control over occupied territories. Notably, Beryslav, Velykoburlutska, Dniprorudne, Melitopol, and Pripyat have endured such violations on a large scale.

- In Beryslav, Kherson Oblast, on 19 March 2022, the Russian military abducted Mayor Oleksandr Shapovalov.<sup>363</sup> Mr. Shapovalov was released on 3 April 2022.<sup>364</sup>
- In Velykoburlutska, Kharkiv Oblast, on 17 March 2022, the Russian military abducted Mayor Viktor Tereshchenko from his office.<sup>365</sup> Mr. Tereshchenko was released on 18 March 2022, and went to the hospital for injuries sustained as a result of the Russian military.<sup>366</sup>
- In Dniprorudne, Zaporizhzhia Oblast, on 13 March 2022, the Russian military abducted Mayor Yevhen Matveyev.<sup>367</sup> As of 25 March 2023, Mr. Matveyev has not been released from Russian custody.
- In Melitopol, Zaporizhzhia Oblast, on 11 March 2022, the Russian military abducted Mayor Ivan Federov and held him hostage for five days.<sup>368</sup> Mr. Federov was released in a prisoner exchange on 16 March 2022.<sup>369</sup>

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<sup>361</sup> Rome Statute art. 8(2)(a)(viii); Geneva Conventions common art. 2.

<sup>362</sup> Rome Statute art. 7(1)(e); Geneva Conventions common art. 2.

<sup>363</sup> Olena Roschina, *Kherson region: Russian occupiers kidnap mayor of Beryslav and activist*, UKRAYINSKA PRAVDA (21 Mar. 2022), <https://www.pravda.com.ua/eng/news/2022/03/21/7333376/>.

<sup>364</sup> *Mayors of Snovsk, Beryslav released from Russian captivity*, KYIV INDEPENDENT, (3 Apr. 2022) <https://kyivindependent.com/uncategorized/mayors-of-snovsk-beryslav-released-from-russian-captivity>.

<sup>365</sup> Josh Pennington & Hira Humayun, *Mayor of Velykoburlutska in northeastern Ukraine "captured" by Russian forces, Kharkiv official says*, CNN (17 Mar. 2022), [https://www.cnn.com/europe/live-news/ukraine-russia-putin-news-03-17-22/h\\_d08a14ef69458acb3ce95b5530170485](https://www.cnn.com/europe/live-news/ukraine-russia-putin-news-03-17-22/h_d08a14ef69458acb3ce95b5530170485).

<sup>366</sup> Olena Mankovska & Francesca Giuliani-Hoffman, *Mayor of Velykoburlutska community released after being "captured" by Russians, Kharkiv governor says*, CNN (18 Mar. 2022), [https://www.cnn.com/europe/live-news/ukraine-russia-putin-news-03-18-22/h\\_a2c3157f6fb63f39bfc78a366719187c](https://www.cnn.com/europe/live-news/ukraine-russia-putin-news-03-18-22/h_a2c3157f6fb63f39bfc78a366719187c).

<sup>367</sup> Isabelle Khurshudyan, Annabelle Timsit, & Timothy Bella, *Reports of Russia abducting two mayors signal ominous new phase of Ukraine invasion*, THE WASHINGTON POST (13 Mar. 2022), <https://www.washingtonpost.com/world/2022/03/13/ukraine-mayor-abduction-kidnapping-dniprorudne-yevhen-matveev/>.

<sup>368</sup> Meredith Deliso, *Kidnapped Ukrainian mayor freed in 'special operation,' officials say*, ABC NEWS (17 Mar. 2022), <https://abcnews.go.com/International/kidnapped-ukrainian-mayor-freed-special-operation-ukrainian-government/story?id=83486933>.

<sup>369</sup> *Id.*

- In Pripjat, Kyiv Oblast, on 24 February 2022, Russian military forces seized the Chernobyl Nuclear Power Plant and held at least 100 civilians hostage.<sup>370</sup> These civilian hostages were not provided basic amenities, including soap or water, and were not provided adequate food, water, or medicine.<sup>371</sup> The civilian hostages were forced to perform labor related to the upkeep of the Chernobyl Nuclear Power Plant.<sup>372</sup>

### **E. Targeting of Journalists and Members of the Press**

The targeting and killing of civilian journalists are violations of Articles 2 Common to the Geneva Conventions and Article 71 of the Additional Protocol I.<sup>373</sup> In addition, intentionally launching indiscriminate attacks against civilians is a violation of the Rome Statute.<sup>374</sup> Since the start of the invasion, Russian armed forces have deliberately targeted journalists and members of the press alike. Among many, these incidents have occurred in Horenka, Irpin, Yahide, Sievierodonetsk, and Kherson.

- In Kherson, Kherson Oblast, on 26 April 2023, Russian snipers ambushed and killed Bogdan Bitik, a Ukrainian journalist working as a fixer for Corrado Zunino, an Italian correspondent for La Repubblica.<sup>375</sup> Zunino was with Bitik and was wounded in the ambush.<sup>376</sup>
- In Sievierodonetsk, Luhansk Oblast, on 30 May 2022, Russian forces attacked evacuation vehicles, killing French journalist, Frédéric Leclerc-Imhoff.<sup>377</sup>

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<sup>370</sup> Ben Tobias, *Ukraine war: Chernobyl workers' 12-day ordeal under Russian guard*, BBC NEWS (7 Mar. 2022), <https://www.bbc.com/news/world-europe-60638949>.

<sup>371</sup> *Id.*: see also James Callery, *Chernobyl technicians held 'like prisoners in a Russian concentration camp'*, THE TIMES (17 Mar. 2022), <https://www.thetimes.co.uk/article/chernobyl-technicians-held-like-prisoners-in-a-russian-concentration-camp-5zz6cxxd5#:~:text=%E2%80%9CThey%20can%20take%20a%20shower,is%20no%20supply%20of%20medicines>.

<sup>372</sup> *Chernobyl workers held 'hostage' amid fears for reactor safety*, FRANCE24 (16 Mar. 2022), <https://www.france24.com/en/live-news/20220316-chernobyl-workers-held-hostage-amid-fears-for-reactor-safety>.

<sup>373</sup> Geneva Conventions common art. 2, Oct. 21, 1950.; Art. 71 of the Additional Protocol I.

<sup>374</sup> Rome Statute art. 8(2)(b)(iv).

<sup>375</sup> Lorenzo Tondo, *Ukrainian journalist killed by Russian snipers in ambush near Kherson*, THE GUARDIAN (26 Apr. 2023) <https://www.theguardian.com/world/2023/apr/26/ukraine-journalist-killed-russian-snipers-bogdan-bitik-corrado-zunino>.

<sup>376</sup> *Id.*

<sup>377</sup> Megan Fisher, *Frédéric Leclerc-Imhoff: French BFMTV journalist killed in Ukraine*, BBC (13 May 2022) <https://www.bbc.com/news/world-europe-61638049>.

- In Yahidne, Chernihiv Oblast, on 6 April 2022, the body of Ukrainian film technician, Roman Nezhyborets, was found in a grave with his hands tied behind his back and multiple gunshot wounds.<sup>378</sup>
- In the city of Horenka, Kyiv Oblast, on 14 March 2022, the Russian military shelled and unlawfully killed journalists Oleksandra “Sasha” Kuvshynova and Pierre Zakrzewski and seriously injured journalist Benjamin Hall.<sup>379</sup>
- In the town of Irpin, Kyiv Oblast, on 13 March 2022, Russian military forces shot at and unlawfully killed journalist Brent Renaud and injured journalist Juan Arrendondo.<sup>380</sup>

#### **F. Bombing of Evacuation and Humanitarian Routes**

Targeting civilian escape routes<sup>381</sup> and interfering with the delivery of humanitarian aid<sup>382</sup> are violations of the Geneva Convention. Further, intentionally directing attacks toward the civilian population<sup>383</sup> and murder<sup>384</sup> are violations of the Rome Statute. Thus far in the conflict, Mariupol, Irpin, Kherson, and Lyman have suffered numerous such violations.

- In Kherson, Kherson Oblast, on 8 June 2023, Russian forces bombarded with rockets a school where evacuees from nearby flooding sought shelter. Russian forces had targeted several other evacuation routes around Kherson. Reportedly, nine civilians were injured.<sup>385</sup>
- In Kherson, Kherson Oblast, just before their withdrawal from the city on 11 November 2022, Russian soldiers destroyed electrical generators, cell towers,

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<sup>378</sup> *After Russian withdrawal, Ukrainian journalists found killed in Bucha and Yahidne*, COMMITTEE TO PROTECT JOURNALISTS (13 Apr. 2022) <https://cpj.org/2022/04/after-russian-withdrawal-ukrainian-journalists-found-killed-in-bucha-and-yagodnoye/>.

<sup>379</sup> *Two journalists killed near Kyiv*, EUR. FED’N OF JOURNALISTS (15 Mar. 2022), <https://europeanjournalists.org/blog/2022/03/15/two-journalists-killed-near-kyiv/>.

<sup>380</sup> Stefan Becket, *American journalist Brent Renaud shot and killed by Russian forces in Ukraine*, CBS NEWS, <https://www.cbsnews.com/news/brent-renaud-ukraine-russia-american-journalist-killed/> (last updated 14 Mar. 2022).

<sup>381</sup> Geneva Conventions common art. 2.

<sup>382</sup> Geneva Conventions common art. 2.

<sup>383</sup> Rome Statute art. 8(2)(b)(ii).

<sup>384</sup> Rome Statute art. 7(1)(a).

<sup>385</sup> Veronika Melkozerova, *Russia bombs school where flood evacuees were sheltering after Zelensky visits Kherson*, POLITICO (8 June 2023) <https://www.politico.eu/article/russia-strikes-school-where-evacuees-were-sheltering-after-zelensky-visits-flood-struck-kherson-ukraine-war/>.

and boats; forces additionally mined the nearby Khakhovka reservoir with the intent of flooding the area if the city fell into the hands of Ukrainian forces.<sup>386</sup>

- In Kramatorsk, Donetsk Oblast, on 9 April 2022, Russian forces bombed a local train station where civilians were awaiting evacuation out west, killing more than 50 people.<sup>387</sup>
- In Lyman, Donetsk Oblast, on 13 March 2022, Russian military forces performed an airstrike which indiscriminately struck a civilian evacuation train, killing one civilian and injuring one civilian.<sup>388</sup>
- In Mariupol, Mariupol Oblast, on 7 March 2022, Russian military forces planted butterfly mines in a proposed civilian evacuation route in an attempt to seriously injure civilian evacuees.<sup>389</sup> In addition, on 8 March 2022, Russian military forces shelled a civilian evacuation route from Zaporizhzhia to Mariupol, preventing humanitarian aid from reaching Mariupol and preventing civilians from evacuating Zaporizhzhia.<sup>390</sup>
- In Irpin, Kyiv Oblast, on 6 March 2022, Russian military forces fired indiscriminately at a civilian evacuation route, unlawfully killing four civilians.<sup>391</sup>

### G. Forced Deportation of Ukrainian Citizens

Deportation of a population,<sup>392</sup> enforced disappearance of persons,<sup>393</sup> and unlawful deportation<sup>394</sup> are each a violation of the Rome Statute. Mariupol, Donetsk, Kherson, and

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<sup>386</sup> Luke Harding, *Russian troops loot Kherson as lines redrawn ahead of final battle for city*, THE GUARDIAN (5 Nov. 2022) <https://www.theguardian.com/world/2022/nov/05/ukraine-russian-troops-loot-kherson-as-lines-redrawn-ahead-of-final-battle-for-city>.

<sup>387</sup> Jonathan Beale, *Ukraine war: Disbelief and horror after Kramatorsk train station attack*, BBC NEWS (9 Apr. 2022) <https://www.bbc.com/news/world-europe-61055105>.

<sup>388</sup> Anders Anglesey, *Russia Launches Deadly Strike on Evacuee Train, Ukraine Says*, NEWSWEEK (13 Mar. 2022), <https://www.newsweek.com/russia-deadly-strike-refugee-train-ukraine-war-kramatorsk-lviv-1687523>.

<sup>389</sup> David Hambling, *Russia Accused Of Using Air-Dropped Butterfly Mines To Block Ukrainian Evacuation Route*, FORBES (10 Mar. 2022), <https://www.forbes.com/sites/davidhambling/2022/03/10/russia-reportedly-blocks-ukrainian-evacuation-route-with-air-dropped-butterfly-mines/?sh=78794c141a32>.

<sup>390</sup> Matthias Williams, *Ukraine Says Russia Is Shelling Evacuation Route From Encircled Mariupol*, REUTERS (8 Mar. 2022), <https://www.usnews.com/news/world/articles/2022-03-08/ukraine-says-russia-is-shelling-evacuation-route-from-encircled-mariupol>.

<sup>391</sup> Lynsey Addario, *Russian forces fire on evacuees, leaving 4 people dead outside Kyiv.*, THE NEW YORK TIMES (6 Mar. 2022), <https://www.nytimes.com/2022/03/06/world/europe/ukraine-irpin-civilian-death.html>.

<sup>392</sup> Rome Statute rt. 7(1)(d).

<sup>393</sup> Rome Statute art. 7(1)(i).

<sup>394</sup> Rome Statute art. 8(2)(a)(vii).



Luhansk have had frequent occurrences of open and forcible deportation of Ukrainian citizens on behalf of the Russian Federation. Of particular note, there was (and still is) a great focus on separating and deporting Ukrainian children from their families to Russian ones.

- In Kherson, Kherson Oblast, just before their withdrawal from the city on 11 November 2022, Russian soldiers forcibly deported an estimated 70,000 civilians to the Russian Federation.<sup>395</sup> Many of these included children who were forcibly separated from their parents.<sup>396</sup>
- In the Donetsk and Luhansk Oblasts, beginning on 21 March 2022, Russian military forces forcibly deported at least 2,389 Ukrainian citizen children to various locations within the Russian Federation.<sup>397</sup>
- In Mariupol, Mariupol Oblast, beginning on 20 March 2022, Russian military forces forcibly deported at least 15,000 Ukrainian citizens to the Taranog region of Russia while depriving them of all official Ukrainian documentation, including passports.<sup>398</sup> At least some of these Ukrainian citizens are being transferred to other locations in southwestern Russia to perform forced labor.<sup>399</sup>

## H. Sexual Violence

Rape, sexual slavery, enforced prostitution, enforced pregnancy, and other forms of sexual violence in times of war are all violations of the Rome Statute.<sup>400</sup> Russian forces have commonly employed sexual violence against the Ukrainian populace in almost all of the territories they occupied. Some of the most egregious incidents occurred in Bucha, Kyiv Oblast, and Iziur, Kharkiv Oblast.

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<sup>395</sup> Stefan J. Bos, *Russia departs thousands from Kherson as Ukrainian army nears*, VATICAN NEWS (28 Oct. 2022) <https://www.vaticannews.va/en/world/news/2022-10/russia-deports-thousands-from-ukraine-as-ukrainian-army-nears.html>

<sup>396</sup> Sam Mednick, *Ukrainians hid orphaned children from Russian deportation*, AP NEWS (5 Dec. 2022) <https://apnews.com/article/russia-ukraine-health-europe-orphans-f283aa4d22fdab59a43a16ca0be54baf>

<sup>397</sup> Irene Nasser & Teele Rebane, *Ukraine accuses Russia of forcibly deporting more than 2,000 children*, CNN (22 Mar. 2022), [https://www.cnn.com/europe/live-news/ukraine-russia-putin-news-03-22-22/h\\_4bbe7803db45db77ceef1ab33beb6489](https://www.cnn.com/europe/live-news/ukraine-russia-putin-news-03-22-22/h_4bbe7803db45db77ceef1ab33beb6489).

<sup>398</sup> Pavel Polityuk & Timothy Heritage, *Mariupol says 15,000 deported from besieged city to Russia*, REUTERS (24 Mar. 2022), <https://www.reuters.com/world/europe/mariupol-says-15000-deported-besieged-city-russia-2022-03-24/>.

<sup>399</sup> *Claims Mariupol residents taken to Russia for forced labour*, ASSOCIATED PRESS (hereinafter AP) (20 Mar. 2022), <https://www.1news.co.nz/2022/03/20/claims-mariupol-residents-taken-to-russia-for-forced-labour/>.

<sup>400</sup> Rome Statute art. 8(2)(b)(xxii)

- In Kherson, Kherson Oblast, in August 2022, an aid worker was detained for several days while Russian soldiers tortured him through electroshocks to his genitals.<sup>401</sup>
- In Izium, Kharkiv Oblast, from 1 April to 10 September 2022, Russian soldiers carried out a campaign of torture where sexual violence was employed to humiliate civilians, often in front of their partners, neighbors, and friends.<sup>402</sup> When the town was recaptured, Ukrainian armed forces discovered mass graves filled the bodies of civilians, some of which had been subjected to genital mutilation.<sup>403</sup>
- In Berenstianka, Kyiv Oblast, in March 2022, upon the arrival of Russian forces, a Russian commander asked some of the local women to hang white rags outside of their homes. After doing so, the commander and some of his soldiers would visit these homes, bring other women with them, and sexually assault the women on a regular basis.<sup>404</sup>
- In Bucha, Kyiv Oblast, from 24 February to 11 April 2022, the local populace was subjected to a brutal campaign of sexual violence.<sup>405</sup> Of note, 25 girls and women, aged 14 to 24, were kept in the basement of Russian command post where soldiers kept them as sex slaves and repeatedly raped and subjected them to various forms of sexual violence.<sup>406</sup>

## I. Torture

Torture, causing unnecessary suffering, outrages upon personal dignity, inhuman treatment, and other related acts committed during war time are violations of the Rome Statute.<sup>407</sup> Reports of torture and similar acts committed by Russian soldiers against civilians and other non-combatants are widespread. The torture campaign that occurred in Izium, Kharkiv Oblast, from 1 April to 10 September 2022, is particularly noteworthy.

<sup>401</sup> Carlotta Gall, *'Fear Still Remains': Ukraine Finds Sexual Crimes Where Russian Troops Ruled*, THE NEW YORK TIMES (5 Jan., 2023) <https://www.nytimes.com/2023/01/05/world/europe/ukraine-sexual-violence-russia.html>

<sup>402</sup> *Ukraine: Russian Forces Tortured Izium Detainees*, HRW (19 Oct. 2022) <https://www.hrw.org/news/2022/10/19/ukraine-russian-forces-tortured-izium-detainees>

<sup>403</sup> *Signs of torture, mutilation on bodies at Izium mass burial site: Ukraine officials*, CNN (24 September 2022) <https://www.cnn.com/2022/09/23/europe/ukraine-izium-mass-burial-bodies-recovered-torture-intl-hnk/index.html>

<sup>404</sup> Joanna Plucinska, Anthony Deutsch, Stefeniia Bern, *Some Russian commanders encouraged sexual violence, says lawyer advising Kyiv*, REUTERS (23 Nov. 2022) <https://www.reuters.com/world/europe/some-russian-commanders-knew-sexual-violence-or-encouraged-it-says-lawyer-2022-11-23/>

<sup>405</sup> Carlotta Gall, *Bucha's Month of Terror*, THE NEW YORK TIMES (11 Apr. 2022) <https://www.nytimes.com/interactive/2022/04/11/world/europe/bucha-terror.html>

<sup>406</sup> *Id.*; Lorenzo Tondo and Isobel Koshiw, *Evidence some Ukrainian women raped before being killed, say doctors*, THE GUARDIAN (25 Apr. 2022) <https://www.theguardian.com/world/2022/apr/25/evidence-ukraine-women-raped-before-being-killed-say-doctors-russia-war>

<sup>407</sup> Rome Statute Arts. 8(2)(a)(iii), 8(2)(b)(xxi), 8(2)(c)(i).

- During this time period, Russian soldiers would arbitrarily abduct, detain, and imprison civilians at 10 different locations. There, detainees would be subjected to beatings, electroshocks, deprivation of food and medical care, fake executions, and stress positions.<sup>408</sup>
- Female detainees would also be often tortured through rape and other forms of sexual violence.<sup>409</sup>

### **J. Pillaging**

Looting and any forms of pillaging during war time are all violations of the Rome Statute.<sup>410</sup> Russian soldiers and their commanders often looted the homes of Ukrainian civilians in territories occupied by Russian forces. Additionally, civilians detained by Russian soldiers would often only be released after being extorted by their captors.

- In Iziium, Kharkiv Oblast, during the town’s occupation by Russian soldiers from 1 April to 10 September 2022, Russian soldiers arbitrarily detained and imprisoned civilians and often only released them after the detainees provided money, valuable items, or information such as bank account numbers.<sup>411</sup>
- In Kherson, Kherson Oblast, during the city’s occupation by Russian forces from 24 February to 11 November 2022, Russian soldiers routinely looted homes for valuables (such as money and jewelry) and staple goods (such as food and clothing).<sup>412</sup> Just before their eventual withdrawal, Russian forces took key infrastructure items such as ambulances, parts of cell towers, and tractors.<sup>413</sup> Additionally, Russian soldiers looted museums and historical sites for their invaluable artifacts.<sup>414</sup>

### **K. Crimes of Aggression**

Crimes of aggression, enumerated in article 8 *bis* of the Rome Statute, were added to the Statute in 2010 and generally prohibit State conduct that is intended to position an individual to “exercise control over or to direct the political or military action of a State.”<sup>415</sup>

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<sup>408</sup> *Ukraine: Russian Forces Tortured Iziium Detainees*, HRW (19 Oct. 2022) <https://www.hrw.org/news/2022/10/19/ukraine-russian-forces-tortured-izium-detainees>

<sup>409</sup> *Id.*

<sup>410</sup> Rome Statute Art. 8(2)(b)(xvi)

<sup>411</sup> *Ukraine: Russian Forces Tortured Iziium Detainees*, HRW (19 Oct. 2022) <https://www.hrw.org/news/2022/10/19/ukraine-russian-forces-tortured-izium-detainees>

<sup>412</sup> Luke Harding, *Russian troops loot Kherson as lines redrawn ahead of final battle for city*, THE GUARDIAN (5 Nov. 2022) <https://www.theguardian.com/world/2022/nov/05/ukraine-russian-troops-loot-kherson-as-lines-redrawn-ahead-of-final-battle-for-city>; Marc Santora and Eric Nagourney, *Reports of Looting in Kherson as Ukrainians Battle to Retake the City*, THE NEW YORK TIMES (26 Oct. 2022) <https://www.nytimes.com/2022/10/26/world/europe/kherson-ukraine-russia-war.html>

<sup>413</sup> *Id.*

<sup>414</sup> *Id.*

<sup>415</sup> Rome Statute Art. 8.

At the time of this publication, the ICC has not convicted an individual of crimes of aggression.

Currently, the ICC does not have jurisdiction over crimes of aggression because neither Ukraine nor Russia are a party to the Rome Statute.<sup>416</sup> The ICC would have jurisdiction over the crime of aggression if the United Nations Security Council (UNSC) asked the ICC to investigate.<sup>417</sup> However, Russia has a veto power on the UNSC and has since exercised it already by vetoing a resolution that denounces its invasion of Ukraine.<sup>418</sup>

Another avenue, through Article 14 of the Rome Statute, provides jurisdiction over crime of aggression when a State Party refers the situation to the Prosecutor of crimes happening within the jurisdiction of the court and the Prosecutor acts. However, this method also does not apply to the case at hand because neither Ukraine nor Russia is a party to the Rome Statute.<sup>419</sup>

A more viable avenue is through the United Nations General Assembly (UNGA or GA), authorized under Article 9.<sup>420</sup> Through Article 9, the UNGA members need to meet the required two-thirds majority vote in order to pass resolutions or answers to “important questions” regarding international peace and security.<sup>421</sup>

To convict based on crimes of aggression, the Prosecutor must prove three elements: (1) the perpetrator is either a political or military leader,<sup>422</sup> (2) “the perpetrator was involved in the planning, preparation, initiation or execution of such a State act of aggression,”<sup>423</sup> and (3) the crime of aggression must be in violation of the definition from GA Resolution 3314<sup>424</sup> and the UN Charter.<sup>425</sup> Moreover, the GA Resolution 3314 defines the act of aggression as an “invasion or attack by the armed forces of a State of the territory of another State...however temporary.”<sup>426</sup>

Here, as also discussed in Section V, Vladimir Putin, and other top military and political leaders are the perpetrators.<sup>427</sup> Putin, under the guise of “special military

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<sup>416</sup> Mike Corder, *Crime watch: ICC prosecutor is monitoring Ukraine invasion*, AP NEWS (26 Feb. 2022), <https://apnews.com/article/russia-ukraine-vladimir-putin-joe-biden-boris-johnson-international-criminal-court-413cf82bdbaf516e8f33eca7359d2101>.

<sup>417</sup> *Id.*

<sup>418</sup> Vanessa Romo, *Russia vetoes UN Security Council resolution that denounces its invasion of Ukraine*, NPR (25 Feb. 2022), <https://www.npr.org/2022/02/25/1083252456/russia-vetoes-un-security-council-resolution-that-denounces-its-invasion-of-ukra>.

<sup>419</sup> Rome Statute, Art. 14.

<sup>420</sup> Derek Jinks, *Does the UN General Assembly have the authority to establish an International Criminal Tribunal for Syria?*, JUST SECURITY (22 May 2014), <https://www.justsecurity.org/10721/u-n-general-assembly-authority-establish-international-criminal-tribunal-syria/>.

<sup>421</sup> *Id.*

<sup>422</sup> *Definition of the crime of aggression*, PRINCIPALITY OF LIECHTENSTEIN & THE GLOBAL INST. FOR THE PREVENTION OF AGGRESSION, <https://crimeofaggression.info/role-of-the-icc/definition-of-the-crime-of-aggression/> (last visited 3 Apr. 2022).

<sup>423</sup> *Id.*

<sup>424</sup> G.A. Res. 3314, at 142-3 (14 Dec. 1974),

[https://crimeofaggression.info/documents/6/General\\_Assembly\\_%20Resolution\\_%203314.pdf](https://crimeofaggression.info/documents/6/General_Assembly_%20Resolution_%203314.pdf).

<sup>425</sup> *Definition of the crime of aggression*, *supra* note 225.

<sup>426</sup> G.A. Res. 3314, *supra* note 422, at 143.

<sup>427</sup> *See infra* Section V.

operations,” sent the Russian military into Ukraine on three different fronts. Such an act shows the plan and execution of the invasion.<sup>428</sup> The invasion is by the Russian Federation in the borders of Ukraine, a State by its own right.<sup>429</sup> Thus, the crime of aggression charge is warranted, and is most likely to be charged under Article 9 of the UN Charter.

## VII. CONCLUSION

Since the invasion, Ukrainian citizens have been forced to endure kidnappings, property destruction, starvation, terror, shillings, and murder at the hands of the Russian Federation and responsible individuals. As is consistent with the complex and intricate history of Ukraine, Russia once again seeks to assert its dominance and control of the territory in wanton violation of international law and Ukrainian sovereignty. President Zelenskyy continues to lead his country and seek peace for its citizens, while the Russian Federation continues its campaign of atrocities meant to terrorize Ukraine and strip it of its national identity.

There is no clearer violation of the laws of humanity. At its most basic elements, international law and the laws of humanity establish self-determination and self-expression of a people as fundamental rights free from infringement by foreign powers. President Putin, and the rest of his Russian Federation political and military command seek to upend these values and establish a new world order with authoritarianism, terror, and oppression at its center. The international community cannot remain silent, and the road does not end at sanctions — it begins.

Justice and accountability must take center stage as a response to this new Age of the Strongman. The international bodies of justice have remained silent in Yemen, Syria, Iraq, Afghanistan, Burma, China, Venezuela, and so many other countries and conflicts for far too long. It cannot remain silent in Ukraine. The international legal mechanisms are there and have worked in the past to hold perpetrators of crimes against humanity accountable. The Democratic Republic of the Congo, Uganda, Bosnia, Herzegovina, and Sierra Leone have shown that countering injustice and enforcing accountability is possible. However, the international criminal accountability system cannot remain a tool to wield against only African nations or areas lying in the remnants of a dissolved state.

The time to act is now. Further investigative inquiries over a consistent period with proper access and funding will be required to fully capture the criminal activity of the Russian Federation’s terror campaign in Ukraine. This document, and the accompanying appendices, merely provides a snapshot of the crimes that have taken place in Ukraine.

Innocent civilians and non-combatants have suffered for too long in the face of international silence and acquiescence. Those civilians and non-combatants have shouted out in anguish, while the international community remains with folded arms, depressingly silent. However, 24 February 2022, marks an opportunity to change the tides and bring accountability, peace, and justice at the center of the new world order. It is an opportunity that cannot be missed.

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<sup>428</sup> See *infra* Section II.

<sup>429</sup> See *infra* Section II.



## **THE GLOBAL ACCOUNTABILITY NETWORK'S UKRAINE ACCOUNTABILITY PROJECT**

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## **THE GLOBAL ACCOUNTABILITY NETWORK'S UKRAINE ACCOUNTABILITY PROJECT**

# **A**

**MOST EGREGIOUS CRIMES INDEX**  
**Prepared by Ukraine Accountability Project – Intelligence Division**

The following crimes committed by the Russian Federation within Ukraine have been chosen based on the severity and extent of the atrocity committed. The document provides six narratives of mass atrocities that lay out either a single event or a series of connected events results in the deaths of 50 or more civilians and the respected international law that has been violated.



## **Incident: MAR 2022 Invasion of Bucha**

**Assessment:** We assess with high confidence that the occupation of Bucha, Ukraine by Russian Forces resulted in human rights violations that took the lives of over 400 individuals.

**Narrative:** The Invasion of Bucha took place from 4 March through 31 March 2022. During the Russian occupation of the Ukrainian city, Russian forces have been accused of committing a litany of human rights violations and war crimes. Over the course of the occupation, hundreds of civilians were killed, with several incidents detailed below.

On 4 March 2022, a man named Volodymyr Feoktiskov was shot and killed on the street while he was headed to his neighbor's house to get fresh bread. On that same day, five unnamed civilians were rounded up by Russian forces, one of whom was shot in the back of the head. A witness described how she and several other civilians were threatened out of hiding by Russian forces and then made to watch as the Russian soldiers forced those five men to kneel on the street, pulled their shirts over their heads, and shot one in the head, execution style.

On 5 March 2022, a retired teacher named Lyudmyla affectionately referred to as Auntie Lyuda, was shot as she opened the front door of her house. Forty-eight-year-old Viktor Koval was also killed when Russian forces attacked a house where he and other civilians were taking shelter from the fighting. A man and his son-in-law named Roman were also taking shelter in Bucha on 5 March, hiding in a basement with family due to ongoing shelling and gunfire. Around 1630 that afternoon, when the fighting appeared to have quieted down, the man and Roman stepped outside, which was where Roman collapsed, his left side torn open. Roman died the following morning. Also on 5 March, Oleh Abramov was taken outside and killed by Russian forces after he was taken into custody. Oleh's body was not found until 31 March.

On 7 March 2022, a thirty-two-year-old man named Vasil Yushenko was standing on the enclosed balcony of the apartment he shared with his family when he was shot in the neck. The following day, 8 March, an elderly man was found slumped over on his walker after having been fatally shot.

A mass grave was found in Bucha on 9 March 2022, with over 67 bodies found inside. The body count continued to rise the same day when six elderly residents in a nursing home, with either Alzheimer's or Dementia, perished from a lack of food, medicine, and heat. The lack of supplies was commonplace in Bucha, as many houses, including the nursing home where the six residents died, were condemned to no electricity, running water or natural gas due to the destruction caused by the invasion.

Although the exact date of death is unknown, it is estimated that between 28 February 2022 and 9 March 2022, a woman was fired upon by two armored vehicles while she was dismounting her bike on Yablunska Street. A few days later, on 12 March 2022, sixty-one-year-old Ilia Navalnyi was shot and killed by Russian forces.

Russian forces attacked a man and his son on 17 March 2022, while the two were traveling to get supplies. Ruslan and his son Yury took their bikes, which had white ribbons to indicate their civilian status to the Russian forces, to get food and medicine when they were stopped by a Russian

soldier and shot multiple times. Ruslan was killed, while Yury was injured after being shot in the head.

On 20 March 2022, a thirty-seven-year-old man named Artem was going to his garage to grab food stored there when he was killed by Russian forces. Another man, who has not been identified besides the fact he was wearing a black tracksuit, was shot and killed.

A woman named Tetiana Sr. was walking to visit family on 24 March 2022 when she was shot and killed by Russian forces. The soldiers then detained her husband. When her husband requested to retrieve Tetiana's body, the Russian soldiers put a bag on his head and dumped him in a completely different part of town. The following day, on 25 March 2022, a Russian soldier shot and killed a person kneeling in front of him.

Several other incidents occurred during the invasion of Bucha that do not have a specific date of occurrence. An adult man was shot and killed in front of his father while they were both out for a walk. Another man who was riding his bike was struck by the fire of an armored vehicle, an incident which was recorded and documented by the Ukrainian military. The nephew of a woman named Natalya Oleksandra was detained by Russian forces and held for three weeks before he was found dead in a basement, having been shot through the ear. A woman wearing only a fur coat was found dead inside of a basement in a family's house, with discarded condom wrappers nearby. Five bodies, including two women and one child, were found dumped and burned on the street. A ten-year-old girl was running away from Russian forces with an adult man, Volodymyr Rubailo. The soldiers shot and killed the man. The young girl was also shot, but survived, though her injury was so severe that her arm was required to be amputated. An elderly man died due to his oxygen concentrator not working as a result of the prolonged power outages in the city, similar to how the residents in the nursing home had died in early March.

Funeral workers collecting bodies that littered the streets of the city found at least 50 bodies with their hands bound. Another six bodies were found shot with their arms bound in the basement of a children's camp. Dozens of other citizens found dead were discovered to have been shot and killed with metal darts/flechettes. Another 360 bodies were recovered in Bucha, with at least 250 reported to have been killed by bullets or shrapnel. Journalists came across decaying bodies in a basement, which was contorted and bloodied. Some of the bodies had their arms tied behind their backs or had been kneecapped, and then shot multiple times.

Some of the bodies that were recovered have been identified. Roman Havryliuk and his brother Serhiy Dukhil were found deceased in their yard, along with the body of an unidentified man. A forty-seven-year-old man named Vasily Nedashkivskyi was taken by Russian soldiers. He was later found dead in an outdoor basement stairwell, along with the body of another individual named Igor Lytvynenko.

In total, Ukrainian authorities state that at least 400 civilians were killed during the Russian occupation of Bucha, with at least 340 bodies reported as having been buried in Bucha in the month of March alone.

**Parties Involved:** The Russian soldiers invading Bucha are noted as responsible for numerous human rights violations and war crimes. One of the individuals named as responsible is Azatbek Omurbekov. Known as the “Butcher of Bucha,” Omurbekov is alleged to have led the troops in Bucha that were responsible for the killing, rape, and torture of numerous civilians. Omurbekov reported to and responded to the orders given by Oleg Salyukov, the army general and commander-in-chief of the Russian forces. German Intelligence additionally pointed blame towards the Wagner Group for being a driving force in this massacre.

**Legal Analysis:** The invasion of Bucha may violate both the Rome Statutes and Geneva Convention Common Articles. This event may violate Rome Statute Articles 7(1)(a), 8(2)(a)(i), 8(2)(a)(iii), 8(2)(a)(iv), 8(2)(b)(i), 8(2)(b)(ii), 8(2)(b)(iv), 8(2)(b)(v), 8(2)(b)(ix), 8(2)(e)(i), 8(2)(e)(iv). It may also violate the Geneva Convention Common Article 3(1)(a); API Arts. 51 and 52; IV Art. 53.

### **Count 1: The Crime Against Humanity of Murder**

Rome Statute **Article 7(1)(a)**

Geneva Convention **Common Article 3(1)(a)**

Elements:

1. One or more persons was killed
2. The act was committed as part of a widespread or systematic attack directed against a civilian population
3. The perpetrator knew or intended the act to be part of the attack

**Element 1:** One or more persons was killed

Over 400 civilians killed, per the Ukrainian Prosecutor General.

**Element 2:** The act was committed as part of a widespread or systematic attack directed against a civilian population

The Russian attack on Ukraine began in February 2022 and has continued since the initial assault. The invasion of Bucha, occurring throughout March 2022, targeted civilians within the confines of the territory in a string of systematic attacks involving the brutal bombing, kidnapping, and murdering of Ukrainian civilians. Each act occurred when civilians were either in proximity to or near their home or traveling in the open.

**Element 3:** The perpetrator knew or intended the act to be part of the attack

Many of the civilians killed were not actively taking part in the hostilities. Some civilians bore white ribbons indicating their civilian status and some ran away from Russian troops as they advanced. These indicators of resistance to combat were ignored by Russian soldiers when each individual was executed. Within Bucha, many witnesses describe Russian troops firing

indiscriminately in all directions, at any movement in the street or windows. The lack of clear intentionality supports evidence that the orders were to execute any and all civilians.

## **Count 2: War Crime – Willful Killing**

Rome Statute **8(2)(a)(i)**

Geneva Convention **Common Article 3(1)(a)**

### **Elements:**

1. One or more persons was killed
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

**Element 1:** One or more persons was killed

There were over 400 civilians killed, per the Ukrainian Prosecutor General.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

The victims of the attack on Bucha were civilians, including eighteen children killed and nineteen injured. Common Article 3 of the Geneva Conventions protects civilians, as they are “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

Bucha was a residential city in the Kyiv Oblast. It was a community of approximately 50,000 civilians. Many of the civilians killed were not actively taking part in the hostilities, including wearing white ribbons to indicate their civilian status to Russian troops.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

The Russian invasion of Ukraine commenced in February 2022 and has continued since the initial strike.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

The invasion of Bucha was part of the “special military operation” commenced by Russian leader Vladimir Putin.

**Element 6:** The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

Indiscriminately firing at civilians in a residential area would likely result in injury or death in the ordinary course of events. Russian troops actively fired at individuals standing either in or near their homes and at anyone who attempted to flee. Soldiers tied up and executed many citizens and left their bodies in the streets. Such actions are indicative of intent to kill or cause death.

### **Count 3: War Crime – Causing Unnecessary Suffering**

Rome Statue **Article 8(2)(a)(iii), 8(2)(b)(iv)**  
Geneva Convention Common **Article 3(1)(a)**

#### Elements:

1. One or more persons was subjected to great physical or mental pain or suffering
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to cause suffering or was aware that their conduct would likely result in suffering

**Element 1:** One or more persons was subjected to great physical or mental pain or suffering

There were over 400 civilians killed, per the Ukrainian Prosecutor General, with several noted as being tortured or executed.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

The victims of the attack on Bucha were civilians, including eighteen children killed and nineteen injured. Common Article 3 of the Geneva Conventions protects civilians, as they are “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

Bucha was a residential city in the Kyiv Oblast. It was a community of approximately 50,000 civilians. Many of the civilians killed were not actively taking part in the hostilities, including wearing white ribbons to indicate their civilian status to Russian troops.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

The Russian invasion of Ukraine commenced in February 2022 and has continued since the initial strike.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

The invasion of Bucha was part of the “special military operation” commenced by Russian leader Vladimir Putin.

**Element 6:** The perpetrator meant to cause suffering or was aware that their conduct would likely result in suffering

Indiscriminately firing at civilians in a residential area would likely result in injury or death in the ordinary course of events. Russian troops actively fired at individuals standing either in or near their homes and at anyone who attempted to flee. Soldiers tied up and executed many citizens and left their bodies in the streets. Such actions are indicative of intent to kill or cause death, as well as suffering.

#### **Count 4: War Crime – Intentionally Attacking Civilians**

Rome Statue **8(2)(b)(i), 8(2)(e)(i)**

Geneva Convention **Common Article 3(1)(a); API Art. 51**

##### Elements:

1. There was an attack against a civilian population or individual civilians
2. The attack was committed in the context of and was associated with an armed conflict
3. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
4. The perpetrator intended the civilian population or individual civilians to be the object of the attack

**Element 1:** There was an attack against a civilian population or individual civilians

Bucha was a residential city in the Kyiv Oblast. It was a community of approximately 50,000 civilians, not a military area or anything related to military operations.

**Element 2:** The attack was committed in the context of and was associated with an armed conflict

The Russian invasion of Ukraine commenced in February 2022 and has continued since the initial strike.

**Element 3:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

The invasion of Bucha was part of the “special military operation” commenced by Russian leader Vladimir Putin.

**Element 4:** The perpetrator intended the civilian population or individual civilians to be the object of the attack

Bucha was a residential city in the Kyiv Oblast. It was a community of approximately 50,000 civilians. Many of the civilians killed were not actively taking part in the hostilities, including wearing white ribbons to indicate their civilian status to Russian troops.

### **Count 5: War Crime – Destroying undefended civilian objects**

Rome Statute **8(2)(b)(v)**

Geneva Convention **IV Art. 53; API Art. 52**

#### Elements:

1. One or more towns, villages, dwellings, or buildings was attacked
2. Such towns, villages, dwellings, or buildings were open unresisted occupation
3. Such towns, villages, dwellings, or buildings did not constitute military objectives
4. The attack was committed in the context of an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

**Element 1:** One or more towns, villages, dwellings, or buildings was attacked

Bucha was a residential city in the Kyiv Oblast. It was a community of approximately 50,000 civilians, not a military area or anything related to military operations.

**Element 2:** Such towns, villages, dwellings, or buildings were open unresisted occupation

Bucha had not been involved in any of the fighting as part of the Russian occupation of Ukraine when the attack occurred. There is no evidence that any occupation by Russian forces could have been resisted.

**Element 3:** Such towns, villages, dwellings, or buildings did not constitute military objectives

Bucha was a residential city in the Kyiv Oblast. It was a community of approximately 50,000 civilians, not a military area or anything related to military operations. Any due diligence done by

Russian forces would have easily confirmed that there was no military presence that warranted an attack on an otherwise undefended city.

**Element 4:** The attack was committed in the context of an was associated with an armed conflict

The Russian invasion of Ukraine commenced in February 2022 and has continued since the initial strike.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

The invasion of Bucha was part of the “special military operation” commenced by Russian leader Vladimir Putin.

### **Count 6: War Crime – Extensive Destruction and Appropriation of Property**

Rome Statue Article **8(2)(a)(iv), 8(2)(b)(ii), 8(2)(b)(ix), 8(2)(e)(iv)**  
Geneva Convention **API Art. 52**

#### Elements:

1. Property was destroyed or appropriated
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The destruction or appropriation was not justified by military necessity
7. The destruction or appropriation was extensive
8. The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property
9. The perpetrator knew that such destruction or appropriation was not justified by military necessity
10. The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

**Element 1:** Property was destroyed or appropriated

Many houses, buildings, streets, and cars were destroyed during the Russian occupation. Bodies of civilians who were killed were left on the streets or in buildings after detainment.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions



The victims of the attack on Bucha were civilians, including eighteen children killed and nineteen injured. Common Article 3 of the Geneva Conventions protects civilians, as they are “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

Bucha was a residential city in the Kyiv Oblast. It was a community of approximately 50,000 civilians. Many of the civilians killed were not actively taking part in the hostilities, including wearing white ribbons to indicate their civilian status to Russian troops.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

The Russian invasion of Ukraine commenced in February 2022 and has continued since the initial strike.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

The invasion of Bucha was part of the “special military operation” commenced by Russian leader Vladimir Putin.

**Element 6:** The destruction or appropriation was not justified by military necessity

There is no indication or evidence of the military necessity to destroy or target Bucha.

**Element 7:** The destruction or appropriation was extensive

Many houses, buildings, streets, and cars were destroyed during the Russian occupation. Bodies of civilians who were killed were left on the streets or in buildings after detainment. For some time after the Russian occupation, many civilians were left without power, water or heat.

**Element 8:** The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property

The intentional invasion and attack on a city necessarily bring the knowledge that destruction and damage of property and buildings will likely result from such actions.

**Element 9:** The perpetrator knew that such destruction or appropriation was not justified by military necessity

Bucha was a residential city in the Kyiv Oblast. It was a community of approximately 50,000 civilians. Many of the civilians killed were not actively taking part in the hostilities, including wearing white ribbons to indicate their civilian status to Russian troops.

**Element 10:** The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

The intentional invasion and attack on a city necessarily bring the knowledge that destruction and damage of property and buildings will likely result from such actions. It also demonstrates an intentional and wanton disregard for the consequences of the attack.

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## **Incident: 16 March 2022, Mariupol Drama Theater Bombing**

**Assessment:** We assess with high confidence that on 16 MAR 2022, Russian military forces struck the Mariupol drama theater in Ukraine, killing an estimated 600 and injuring dozens more.

**Narrative:** At around 1000 on 16 MAR 2022, Russian warplanes dropped two 500 KG bombs on the Mariupol drama theater, detonating simultaneously. The theater had been repurposed as a shelter for civilians (including pregnant women and children) with more civilians seeking refuge there after other attacks in MAR 2022. There was no significant military presence inside or close to the theater at the time of attack or days before and two large signs spelling “children” in Cyrillic had been painted outside of the theater to be visible from the air. Up to 1,300 people were inside of the theater when the bombs struck, killing hundreds, injuring several more, and destroying the theater itself.

The Russian Ministry of Defense and official Russian media denied responsibility, claiming it was Ukraine’s Azov Regiment that blew up the theater as an act of sabotage to blame Russia. Subsequent investigations deemed that possibility implausible, and placed responsibility on Russian military forces and aircraft. Based on the available credible evidence, the investigation found the bombing to be a deliberate air strike by Russian forces targeting a civilian object.

**Parties Involved:** Because of the facts surrounding this attack, including the Russian siege of Mariupol and destruction of the attack site remains by Russian authorities, this attack implicates Russia (and Russian military forces).

**Legal Analysis:** This event may violate the following Rome Statute Articles 7(1)(a), 8(2)(a)(i), 8(2)(a)(iii), 8(2)(a)(iv), 8(2)(b)(v), 8(2)(c)(i), 8(2)(e)(i), 8(2)(e)(iii), 8(2)(iv). This event may also violate the following Common Articles of the Geneva Convention 3(1)(a); IV Arts. 18, 27, 53, and 55; API Arts. 52 and 53.

### **Count 1: The Crime Against Humanity of Murder**

Rome Statute **Article 7(1)(a)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### **Elements**

1. One or more persons was killed
2. The act was committed as part of a widespread or systematic attack directed against a civilian population
3. The perpetrator knew or intended the act to be part of the attack

**Element 1:** One or more persons was killed

Between 300-600 people were killed.

**Element 2:** The act was committed as part of a widespread or systematic attack directed against a civilian population

The act was committed as part of the ongoing siege of the city of Mariupol, Ukraine. During this time, many civilian objects, including the drama theater, were attacked.

**Element 3:** The perpetrator knew or intended the act to be part of the attack

Russian military forces deliberately chose to drop bombs on a known civilian shelter housing non-military force. Even if it was not known that the theater was being used as a shelter, it still qualifies as a civilian object. Despite there being signage indicating that there were children inside, Russian forces continued to bomb the theater. This confers both knowledge and intent.

### **Count 2: The War Crime of Willful Killing**

Rome Statute **Articles 8(2)(a)(i); 8(2)(c)(i)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### **Elements**

1. One or more persons was killed
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

**Element 1:** One or more persons was killed

Between 300-600 people were killed.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

The victims of the attack were civilians. Civilians are protected under Common Article 3 of the Geneva Conventions as “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

The theater was a known civilian shelter, as it had been used as such for at least three weeks prior to the attack. There was also visible signage visible to aircraft indicating that children were inside.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

The attack was committed as part of the ongoing military siege of Mariupol, Ukraine.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Performing an airstrike during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

**Element 6:** The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

In choosing to drop bombs on a populated target, Russian armed forces both had intent to kill and knowledge that death is likely to occur.

### **Count 3: The War Crime of Causing Unnecessary Suffering**

Rome Statute **Articles 8(2)(a)(iii); 8(2)(c)(i)**

Geneva Conventions **Common Article 3(1)(a); IV Article 27**

#### **Elements**

1. One or more persons was subjected to great physical or mental pain or suffering
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to cause suffering or was aware that their conduct would likely result in suffering

**Element 1:** One or more persons was subjected to great physical or mental pain or suffering

An estimated 600 people were killed with dozens more injured. Many casualties included loss of limbs, broken bones, and other significant injuries. There was likely significant emotional trauma from the bombing as well.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

The victims of the attack were civilians. Civilians are protected under Common Article 3 of the Geneva Conventions as “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

The theater was a known civilian shelter, as it had been used as such for at least three weeks prior to the attack. There was also visible signage visible to aircraft indicating that children were inside.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

The attack was committed as part of the ongoing military siege of Mariupol, Ukraine.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Performing an airstrike during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

**Element 6:** The perpetrator meant to cause suffering or was aware that their conduct would likely result in suffering

The bombs were dropped by aircraft directly on top of a building full of people; doing so indicates that the perpetrator was aware that their conduct would result in casualties and suffering.

#### **Count 4: The War Crime of Intentionally Attacking Civilians**

Rome Statute **Article 8(2)(e)(i)**

Geneva Convention **Common Article 3(1)(a)**

##### Elements

1. There was an attack against a civilian population or individual civilians
2. The attack was committed in the context of and was associated with an armed conflict
3. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
4. The perpetrator intended the civilian population or individual civilians to be the object of the attack

**Element 1:** There was an attack against a civilian population or individual civilians

The victims of the attack were civilians.

**Element 2:** The attack was committed in the context of and was associated with an armed conflict

The attack was committed as part of the ongoing military siege of Mariupol, Ukraine.

**Element 3:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Performing an airstrike during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

**Element 4:** The perpetrator intended the civilian population or individual civilians to be the object of the attack

The attack was on a theater being used as a civilian shelter with no evidence of any military objectives or use. There was signage visible to aircraft indicating that the building had children inside and reports state that it was a clear day. The perpetrator would have known that the theater was a civilian object; choosing to attack indicates that they intended to target civilians.

### **Count 5: The War Crime of Destroying undefended Civilian Objects**

Rome Statute **Article 8(2)(b)(v)**

Geneva Convention **IV Article 53; API Article 52**

#### **Elements**

1. One or more towns, villages, dwellings, or buildings was attacked
2. Such towns, villages, dwellings, or buildings were open for unresisted occupation
3. Such towns, villages, dwellings, or buildings did not constitute military objectives
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

**Element 1:** One or more towns, villages, dwellings, or buildings was attacked

The Drama Theater in the town of Mariupol was attacked.

**Element 2:** Such towns, villages, dwellings, or buildings were open for unresisted occupation

There is no indication that any occupation could have been resisted.

**Element 3:** Such towns, villages, dwellings, or buildings did not constitute military objectives

There is no indication that there was any military objective in controlling this theater.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

The airstrike was conducted by Russian military forces during their efforts to control the Ukrainian city of Mariupol as part of an ongoing military campaign.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Performing an airstrike during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

### **Count 6: The War Crime of Extensive Destruction and Appropriation of Property**

Rome Statute **Article 8(2)(a)(iv)**  
Geneva Convention **IV Article 53**

#### Elements

1. Property was destroyed or appropriated
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The destruction or appropriation was not justified by military necessity
7. The destruction or appropriation was extensive
8. The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property
9. The perpetrator knew that such destruction or appropriation was not justified by military necessity
10. The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

**Element 1:** Property was destroyed or appropriated

The Drama Theater in Mariupol was destroyed.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

The victims of the attack were civilians. Civilians are protected under Common Article 3 of the Geneva Conventions as “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

The theater was a known civilian shelter, as it had been used as such for at least three weeks prior to the attack. There was also visible signage visible to aircraft indicating that children were inside.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

The attack was committed as part of the ongoing military siege of Mariupol, Ukraine.



**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Performing an airstrike during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

**Element 6:** The destruction or appropriation was not justified by military necessity

The theater did not constitute a critical military target or objective; it was a shelter being used as a refuge for civilians.

**Element 7:** The destruction or appropriation was extensive

The theater collapsed and was reduced to rubble; it is no longer a safely standing structure.

**Element 8:** The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property

The bombs were dropped by aircraft directly on top of the theater; the perpetrators would have known with high likelihood that doing so would destroy the property.

**Element 9:** The perpetrator knew that such destruction or appropriation was not justified by military necessity

The theater was known to be a civilian shelter and therefore not justified by military necessity.

**Element 10:** The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

The perpetrator was aware of the destruction that could be caused by 2, 500 KG bombs falling onto a historic property, and was aware that the damage would be extensive.

**Count 7: The War Crime of Attacking Buildings Dedicated to Religion, Education, Art, Science, Charity, Historic Monuments, and Hospitals**

Rome Statute **Article 8(2)(e)(iv)**

Geneva Convention **IV Article 18; API Article 53**

Elements

1. One or more buildings dedicated to religion, education, art, science, charity, historic monuments, or hospitals was attacked
2. The attack was committed in the context of and was associated with an armed conflict
3. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

4. The perpetrator intended the specific buildings to be the object of the attack

**Element 1:** One or more buildings dedicated to religion, education, art, science, charity, historic monuments, or hospitals was attacked

The building that was attacked was the Drama Theater, which was a historic building dedicated to the dramatic arts.

**Element 2:** The attack was committed in the context of and was associated with an armed conflict

The attack was committed as part of the ongoing military siege of Mariupol, Ukraine.

**Element 3:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Performing an airstrike during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

**Element 4:** The perpetrator intended the specific buildings to be the object of the attack

The bombs were dropped by aircraft directly on top of the theater; doing so indicates that the theater was the intended target.

### **Count 8: The War Crime of Attacking Humanitarian Assistance or Peacekeeping Missions**

Rome Statute **Article 8(2)(e)(iii)**

Geneva Convention **IV Article 55**

#### Elements

1. The perpetrator directed an attack
2. The object of the attack was personnel, installations, material, units, or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations
3. The perpetrator intended such personnel, installations, material, units, or vehicles to be the object of the attack
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

**Element 1:** The perpetrator directed an attack

Russian military forces conducted an airstrike as part of the ongoing siege of the city of Mariupol, Ukraine.

**Element 2:** The object of the attack was personnel, installations, material, units, or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations

The target of the bombing was a theater known to be a shelter for civilians; services provided at this shelter included distribution of medicine, food, and water supplied by Red Cross.

**Element 3:** The perpetrator intended such personnel, installations, material, units, or vehicles to be the object of the attack

The bombs were dropped by aircraft directly on top of the theater; in doing so, the perpetrators would have known that the shelter would be destroyed. Knowing that the theater would be destroyed implies intention of the destruction of the aid inside.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Performing an airstrike during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

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## **Incident: 8 APR 2022, Kramatorsk Railway Station Bombing**

**Assessment:** We assess with high confidence that on 08 APR 2022, forces aligned with the Russian Armed Forces (RAF) and/or the People’s Republic of Donetsk (PRD) launched a missile strike from the PRD-controlled city of Shakhtarsk and that the strike killed approximately 53 adults and 7 children and injured at least 111 more.

**Narrative:** On 08 APR 2022 at about 10:25h local time, a Tochka-U missile launched from the city of Shakhtarsk struck a railway station in Kramatorsk, in the Governorate of Donetsk, Ukraine. Another airstrike the day before had damaged a railway bridge leading out of the region, which damage had prevented an evacuation train from leaving on the afternoon of 07 APR 2022. Because of this delay, which may constitute a broader campaign of strikes to prevent civilian evacuation, 1000-4000 civilians seeing evacuation were sheltering in the vicinity of the train station from the early morning of 08 APR 2022. Damage from the missile and the sub-munitions of its cluster warhead largely destroyed the train station, killed 60 civilians (including 7 children), and injured approximately 111 more.

The Government of Ukraine, the EU, the UN, and major international non-profits immediately attributed the strikes to Russia and its allies. The Russian Federation denied responsibility for the attacks and claimed that its forces no longer deployed Tochka-U missiles.

**Parties involved:** The RAF and military associated with the PRD are implicated with high confidence. The strike targeted civilian rail infrastructure in a part of Donetsk under the control of the Ukrainian Defense Ministry. The Institute for the Study of War assessed that the Russian 8<sup>th</sup> Guards Combined Arms Army, active in the region, was equipped with Tochka-U missiles at the time of the strike.

**Legal Analysis:** This strike implicates Rome Statute Articles 7(1)(a), 7(1)(b), 7(1)(h), 8(2)(a)(i), 8(2)(a)(iii), 8(2)(a)(iv), 8(2)(c)(i), 8(2)(a)(iii), and 8(2)(e)(i). This strike may additionally implicate the Geneva Convention Common Articles 3(1)(a); IV Arts. 27 and 53; API Art. 51.

### **Count 1: The Crime Against Humanity of Murder**

Rome Statute **Article 7(1)(a)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### Elements

1. One or more persons was killed
2. The act was committed as part of a widespread or systematic attack directed against a civilian population
3. The perpetrator knew or intended the act to be part of the attack

**Element 1:** One or more persons was killed

60 people were killed.

**Element 2:** The act was committed as part of a widespread or systematic attack directed against a civilian population

The Russian attack on Ukraine is a widespread or systematic attack directed against a civilian population.

**Element 3:** The perpetrator knew or intended the act to be part of the attack

Intent and knowledge are imputed to members of national armed forces participating in a campaign.

### **Count 2: The Crime Against Humanity of Extermination**

Rome Statute **Article 7(1)(b)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### Elements

1. One or more persons was killed, directly or by conditions of life calculated to bring about the destruction of part of the population
2. The act was committed as part of a widespread or systematic attack directed against a civilian population
3. The perpetrator knew or intended the act to be part of the attack
4. The act constituted or took place as part of a mass killing of members of the civilian population

**Element 1:** One or more persons was killed, directly or by conditions of life calculated to bring about the destruction of a part of the population

60 people were killed.

**Element 2:** The act was committed as part of a widespread or systematic attack directed against a civilian population

The Russian attack on Ukraine is a widespread or systematic attack directed against a civilian population.

**Element 3:** The perpetrator knew or intended the act to be part of the attack

Intent and knowledge are imputed to members of national armed forces participating in a campaign.

**Element 4:** The act constituted or took place as part of a mass killing of members of the civilian population

60 people were killed.

### **Count 3: The Crime Against Humanity of Persecution**

Rome Statute **Article 7(1)(h)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### **Elements**

1. One or more persons was deprived of fundamental rights
2. The perpetrator targeted the person(s) because of their political, racial, national, cultural, ethnic, religious, or gender identity
3. The act was committed in connection with any recognized crime against humanity or war crime
4. The act was committed as part of a widespread or systematic attack directed against a civilian population
5. The perpetrator knew or intended the act to be part of the attack

**Element 1:** One or more persons was deprived of fundamental rights  
Civilians were deprived of the right to life, protection, and free movement.

**Element 2:** The perpetrator targeted the person(s) because of their political, racial, national, cultural, ethnic, religious, or gender identity

The strike occurred in the context of mass attacks targeting Ukrainian civilians.

**Element 3:** The act was committed in connection with any recognized crime against humanity or war crime

For predicate offenses see Counts 1, 2.

**Element 4:** The act was committed as part of a widespread or systematic attack directed against a civilian population

The Russian attack on Ukraine is a widespread or systematic attack directed against a civilian population.

**Element 5:** The perpetrator knew or intended the act to be part of the attack

Intent and knowledge are imputed to members of national armed forces participating in a campaign.

### **Count 4: The War Crime of Willful Killing**

Rome Statute **Article 8(2)(a)(i); Article 8(2)(c)(i)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

## Elements

1. One or more persons was killed
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

### **Element 1:** One or more persons was killed

60 people were killed.

### **Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

Civilians not directly participating in hostilities are a protected class.

### **Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

Russian forces were aware of the nature of their target.

### **Element 4:** The attack was committed in the context of and was associated with an armed conflict

The Russian invasion of Ukraine is an armed international conflict.

### **Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Intent and knowledge are imputed to members of national armed forces participating in a campaign.

### **Element 6:** The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

The missile strike was intentionally targeted in a way calculated to cause death.

## **Count 5: The War Crime of Causing Unnecessary Suffering**

Rome Statute **Articles 8(2)(a)(iii); 8(2)(c)(i)**

Geneva Conventions **Common Article 3(1)(a); IV Article 27**

## Elements

1. One or more persons was subjected to great physical or mental pain or suffering
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to cause suffering or was aware that their conduct would likely result in suffering

**Element 1:** One or more persons was subjected to great physical or mental pain or suffering

60 people were killed and 111 injured.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

Civilians not directly participating in hostilities are a protected class.

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

Russian forces were aware of the nature of their target.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

The Russian invasion of Ukraine is an armed international conflict.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Intent and knowledge are imputed to members of national armed forces participating in a campaign.

**Element 6:** The perpetrator meant to cause suffering or was aware that their conduct would likely result in suffering

The missile strike was intentionally targeted in a way calculated to cause death.

## **Count 6: The War Crime of Intentionally Attacking Civilians**

Rome Statute **Article 8(2)(e)(i)**

Geneva Convention **Common Article 3(1)(a); API Article 51**



## Elements

1. There was an attack against a civilian population or individual civilians
2. The attack was committed in the context of and was associated with an armed conflict
3. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
4. The perpetrator intended the civilian population or individual civilians to be the object of the attack

**Element 1:** There was an attack against a civilian population or individual civilians

The strike intentionally targeted a train station where 1000-4000 civilians were sheltering with munitions known to be indiscriminate.

**Element 2:** The attack was committed in the context of and was associated with an armed conflict

The Russian invasion of Ukraine is an armed international conflict.

**Element 3:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Intent and knowledge are imputed to members of national armed forces participating in a campaign.

**Element 4:** The perpetrator intended the civilian population or individual civilians to be the object of the attack

The strike intentionally targeted the train station.

## **Count 7: The War Crime of Extensive Destruction and Appropriation of Property**

Rome Statute **Article 8(2)(a)(iv)**

Geneva Convention **IV Article 53**

## Elements

1. Property was destroyed or appropriated
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict  
The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
5. The destruction or appropriation was not justified by military necessity
6. The destruction or appropriation was extensive
7. The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property

8. The perpetrator knew that such destruction or appropriation was not justified by military necessity
9. The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

**Element 1:** Property was destroyed or appropriated

The Kramatorsk train station and/or other civilian property was destroyed.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

Civilians not directly participating in hostilities are a protected class.

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

Russian forces were aware of the nature of their target.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

The Russian invasion of Ukraine is an armed international conflict.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Intent and knowledge are imputed to members of national armed forces participating in a campaign.

**Element 6:** The destruction or appropriation was not justified by military necessity

Military necessity does not justify the destruction of civilian evacuation infrastructure.

**Element 7:** The destruction or appropriation was extensive

The train station was destroyed and rendered unusable until repaired.

**Element 8:** The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property

Russian forces were aware of the nature of their target and of the destructive nature of their munitions.

**Element 9:** The perpetrator knew that such destruction or appropriation was not justified by military necessity

Russian forces were aware that military necessity did not justify the time, place, and manner of the strike.

**Element 10:** The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

Russian forces were aware of the destructive nature of their munitions.

**Sources:**

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## **Incident: 7 MAY 2022, Luhansk School Bombing**

**Assessment:** We assess with medium confidence that on 7 MAY 2022, a Russian bomb leveled a school in Bilohorivka, Luhansk Region, killing approximately 60.

**Narrative:** On 7 MAY 2022, Russians dropped a bomb on a school in Bilohorivka, Luhansk Region, located at coordinates 48.927561, 38.246117. The school was being used as a shelter during nearby fighting in the town of Sievierodonetsk; almost the entire village was reportedly in the building's basement. About 90 people were in the school's basement when the bomb hit. Emergency crews rescued 27 people. The remaining 60 individuals are believed to have died but there is no independent confirmation. There is no indication of any military targets at the location of the strike. Rather, Bilohorivka is located approximately 2 kilometers from the water intake facility and first lift of the Popasna Water Pipeline, which transports water from the Siverskyi Donets River to other settlements in the northern Luhansk Region.

**Parties Involved:** At the time of the bombing, the Luhansk region was experiencing heavy fighting between Russian troops and separatist fighters, and government forces. The nearby city of Sievierodonetsk was under an intense Russian assault as Russian troops refocused their efforts on seizing the Donbas. Russian troops were reportedly using indiscriminate artillery fire to flatten parts of Sievierodonetsk, which was reportedly exposed to Russian artillery on multiple sides, and one of the only Ukrainian cities standing between Russia and full control of the Luhansk region. Russia's approach to capturing other Ukrainian towns and villages often entailed destroying those areas with heavy artillery and rocket fire. Although there is no available information about the type of bomb used, making it difficult to determine with certainty that Russian forces are responsible, because of these facts surrounding the attack, we determine that this attack implicates Russian forces.

**Legal Analysis:** This event may violate Rome Statute Art. 7(1)(a), 7(1)(b), 8(2)(a)(i), Art. 8(2)(c)(i), 8(2)(e)(i), 8(2)(b)(v), Art. 8(2)(a)(iv), 8(2)(e)(iv). It may also violate Geneva Convention Com. Art. 3(1)(a), IV Article 27, 53, and 18; API Arts. 51, 52, and 53.

### **Count 1: The Crime Against Humanity of Murder**

Rome Statute **Article 7(1)(a)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### **Elements**

1. One or more persons was killed
2. The act was committed as part of a widespread or systematic attack directed against a civilian population
3. The perpetrator knew or intended the act to be part of the attack

**Element 1:** One or more persons was killed

Approximately 60 were killed.

**Element 2:** The act was committed as part of a widespread or systematic attack directed against a civilian population

This attack was committed as part of the ongoing Russian efforts to take over the Donbas region. During this time, many civilian objects were attacked.

**Element 3:** The perpetrator knew or intended the act to be part of the attack

Choosing to launch a bomb as part of the Russian invasion necessarily brings with it both knowledge and intent to take part in the invasion.

### **Count 2: Crime Against Humanity of Extermination**

Rome Statute **Article 7(1)(b)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### Elements

1. One or more persons was killed, directly or by conditions of life calculated to bring about the destruction of a part of the population
2. The act was committed as part of a widespread or systematic attack directed against a civilian population
3. The perpetrator knew or intended the act to be part of the attack
4. The act constituted or took place as part of a mass killing of members of the civilian population

**Element 1:** One or more persons was killed, directly or by conditions of life calculated to bring about the destruction of a part of the population

Approximately 60 were killed.

**Element 2:** The act was committed as part of a widespread or systematic attack directed against a civilian population

The attack was committed as part of the ongoing Russian invasion of Ukraine. During this time many civilian objects were attacked.

**Element 3:** The perpetrator knew or intended the act to be part of the attack

Choosing to launch a bomb as part of the Russian invasion necessarily brings with it both knowledge and intent to take part in the invasion.

**Element 4:** The act constituted or took place as part of a mass killing of members of the civilian population

The victims of the attack were civilians.

### **Count 3: War Crime of Willful Killing**

Rome Statute **Articles 8(2)(a)(i); 8(2)(c)(i)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### Elements

1. One or more persons was killed
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

**Element 1:** One or more persons was killed

Approximately 60 were killed.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

The victims of the attack were civilians. Civilians are protected under Common Article 3 of the Geneva Conventions as “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

This was a school, with no reports of military targets nearby. Under no circumstances would the perpetrator think these to be anything other than civilian targets.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

This was committed as part of the ongoing Russian invasion into Ukraine and, specifically, its efforts to bring the Donbas region under Russian control.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Conducting a bombing during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

**Element 6:** The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

Choosing to drop a bomb necessarily brings with it both intent to kill and knowledge that death is likely to occur.

#### **Count 4: War Crime of Intentionally Attacking Civilians**

Rome Statute **Article 8(2)(e)(i)**

Geneva Convention **Common Article 3(1)(a); API Article 51**

##### Elements

1. There was an attack against a civilian population or individual civilians
2. The attack was committed in the context of and was associated with an armed conflict
3. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
4. The perpetrator intended the civilian population or individual civilians to be the object of the attack

**Element 1:** There was an attack against a civilian population or individual civilians

This was an attack against a school building in which citizens of Bilohorivka were sheltering.

**Element 2:** The attack was committed in the context of and was associated with an armed conflict

This was committed as part of the ongoing Russian invasion into Ukraine and, specifically, its efforts to bring the Donbas region under Russian control.

**Element 3:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Conducting a bombing during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

**Element 4:** The perpetrator intended the civilian population or individual civilians to be the object of the attack

This was a school, with no reports of military targets nearby. The perpetrator would have known that this was a civilian object and so choosing to attack it means they intended to target civilians.

#### **Count 5: War Crime of Destroying undefended Civilian Objects**

Rome Statute **Article 8(2)(b)(v)**

## Geneva Convention **IV Article 53**; API Article 52

### Elements

1. One or more towns, villages, dwellings, or buildings was attacked
2. Such towns, villages, dwellings, or buildings were open for unresisted occupation
3. Such towns, villages, dwellings, or buildings did not constitute military objectives
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

**Element 1:** One or more towns, villages, dwellings, or buildings was attacked

A school building in Bilohorivka was attacked.

**Element 2:** Such towns, villages, dwellings, or buildings were open for unresisted occupation

There is no indication that any occupation could have been resisted.

**Element 3:** Such towns, villages, dwellings, or buildings did not constitute military objectives

There is no indication that there was any military objective in this village or nearby.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

This was committed as part of the ongoing Russian efforts to occupy the Donbas region.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Conducting a bombing during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

### **Count 6: War Crime of Extensive Destruction and Appropriation of Property**

Rome Statute **Article 8(2)(a)(iv)**

Geneva Convention **IV Article 53**

### Elements

1. Property was destroyed or appropriated
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict



5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The destruction or appropriation was not justified by military necessity
7. The destruction or appropriation was extensive
8. The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property
9. The perpetrator knew that such destruction or appropriation was not justified by military necessity
10. The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

**Element 1:** Property was destroyed or appropriated

The school building was greatly damaged.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

The victims of the attack were civilians. Civilians are protected under Common Article 3 of the Geneva Conventions as “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

This was a school, with no reports of military targets nearby. Under no circumstances would the perpetrator think these to be anything other than civilian targets.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

This was committed as part of the ongoing Russian invasion into Ukraine and, specifically, its efforts to bring the Donbas region under Russian control.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Conducting a bombing during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

**Element 6:** The destruction or appropriation was not justified by military necessity

There is no indication of military necessity to destroy any of this property.

**Element 7:** The destruction or appropriation was extensive

The school building was mostly destroyed.

**Element 8:** The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property

Choosing to drop a bomb necessarily brings with it both intent to destroy property and knowledge that such destruction will likely result.

**Element 9:** The perpetrator knew that such destruction or appropriation was not justified by military necessity

There is no indication that there could have been a military necessity to attacking this location.

**Element 10:** The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

Choosing to drop bombs on a civilian location necessarily brings with it knowledge that you are likely to cause extensive destruction and a wanton disregard for the consequences of the attack.

**Count 7: War Crime of Attacking Buildings Dedicated to Religion, Education, Art, Science, Charity, Historic Monuments, and Hospitals**

Rome Statute **Article 8(2)(e)(iv)**

Geneva Convention **IV Article 18; API Article 53**

Elements

1. One or more buildings dedicated to religion, education, art, science, charity, historic monuments, or hospitals was attacked
2. The attack was committed in the context of and was associated with an armed conflict
3. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
4. The perpetrator intended the specific buildings to be the object of the attack

**Element 1:** One or more buildings dedicated to religion, education, art, science, charity, historic monuments, or hospitals was attacked

The school building was attacked.

**Element 2:** The attack was committed in the context of and was associated with an armed conflict

This was committed as part of the ongoing Russian invasion into Ukraine and, specifically, its efforts to bring the Donbas region under Russian control.

**Element 3:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Conducting a bombing during the ongoing campaign necessarily brings with it awareness of the existence of an armed conflict.

**Element 4:** The perpetrator intended the specific buildings to be the object of the attack

This was a school, with no reports of military targets nearby. The perpetrator would have known that this was a civilian object and so choosing to attack it means they intended it to be the object of attack.

**Sources:**

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**Incident: 15 SEPT 2022, More than 440 bodies were discovered in mass graves near Iziium, Kharkiv Oblast**

**Assessment:** We assess with moderate to high confidence that Russian forces, as well as their proxies, have participated in the extrajudicial killings of Ukrainian military and civilians in the City of Iziium, over a period of several months in the summer of 2022, resulting in the creation of a mass burial that was found on September 15, 2022.

**Narrative:** On April 1, 2022, Russian forces took over the city of Iziium, in the Kharkiv Oblast, Ukraine after intense fighting with the Ukrainian army. Since they took over, the Russian forces committed numerous killings in the city from bombing civilian structures to capturing and extrajudicial killing of individuals. City residents reported that the Russian military has lists of Ukrainian individuals who were veterans, members of the Ukrainian military or civilian forces, and their families, and kidnapped many of these individuals from their homes to unknown locations. Since the occupation, the town of Iziium became a launching ground for Russian assaults at Ukrainian military targets. In early September 2022, the Ukrainian forces waged a campaign to re-capture the city from Russian forces, and over the course of a few weeks, the Russian forces retreated from the city. Reports indicate that torture marks were found on some of the bodies that were exhumed, and some bodies had their hands tied and killed at close range.

Upon recapture of Iziium, the Ukrainian forces conducted search and rescue missions and found a mass grave site with graves marked with wooden crosses and names indicating the buried victims. Reports indicate that many of the graves were unmarked. Upon learning of this news, governments around the world reacted, condemning the Russian government, and calling this incident a war crime. In total, the Ukrainian forensic examiners, with firefighter and police support staff, found more than 445 graves counted on the site. At least 50 individuals also died as a result of the Russian bombing of a civilian apartment building in the town.

**Parties Involved:** Because the mass graves were not documented prior to Russian forces' occupation of Iziium, and because the discovery was made immediately after Ukrainian forces' re-capture of the city, we assess that the Russian forces or their proxies are implicated in this mass killing event.

**Legal Analysis:** This event may violate Rome Statute Articles 7(1)(a), 8(2)(a)(i), 8(2)(a)(iii), 8(2)(a)(iv), 8(2)(b)(v), 8(2)(c)(i), and 8(2)(e)(i). It may also violate Geneva Convention Common Article 3(1)(a); IV Arts. 27 and 53; API Arts. 51 and 52.

**Count 1: The Crime Against Humanity of Murder**

Rome Statute **Article 7(1)(a)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

**Elements**

1. One or more persons was killed

2. The act was committed as part of a widespread or systematic attack directed against a civilian population
3. The perpetrator knew or intended the act to be part of the attack

**Element 1:** One or more persons was killed

Approximately 445 individuals were killed.

**Element 2:** The act was committed as part of a widespread or systematic attack directed against a civilian population.

This attack was committed as part of the ongoing Russian attack and occupation campaign of Iziium. During this time many civilian objects, including homes and shops, were attacked.

**Element 3:** The perpetrator knew or intended the act to be part of the attack.

The Russian military waging an attack campaign in Iziium necessarily brings with it both knowledge and intent to wage the attack campaign.

### **Count 2: The War Crime of Willful Killing**

Rome Statute **Articles 8(2)(a)(i); 8(2)(c)(i)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### **Elements**

1. One or more persons was killed
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

**Element 1:** One or more persons was killed

Approximately 445 individuals were killed.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

At the time of the Russian occupation of Iziium, there were no longer any Ukrainian military units or personnel in the city. Thus, individuals killed by Russian military forces in Iziium during the

occupation were civilians. Civilians are protected under Common Article 3 of the Geneva Conventions as “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

Reports indicate that the Russian military bombed civilian structures, including an apartment building and shops, and specifically located, kidnapped, and killed civilians who were veterans or previously served in the Ukrainian military.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

This mass killing incident was committed as part of the Russian attack on Ukraine.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Despite the Russian government’s label that their invasion of Ukraine constituted a special military operation, the specific targeting of military and civilian infrastructure here constituted an armed conflict.

**Element 6:** The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

Russian military use of bombs against both Ukrainian military units and civilian structures and targeting of civilians constitutes an intent to kill and knowledge that death is likely to occur toward these groups.

### **Count 3: The War Crime of Causing Unnecessary Suffering**

Rome Statute **Articles 8(2)(a)(iii); 8(2)(c)(i)**

Geneva Conventions **Common Article 3(1)(a); IV Article 27**

#### **Elements**

1. One or more persons was subjected to great physical or mental pain or suffering
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to cause suffering or was aware that their conduct would likely result in suffering

**Element 1:** One or more persons was subjected to great physical or mental pain or suffering

Approximately 445 individuals were killed.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

At the time of the Russian occupation of Iziium, there were no longer any Ukrainian military units or personnel in the city. Thus, individuals killed by Russian military forces in Iziium during the occupation were civilians. Civilians are protected under Common Article 3 of the Geneva Conventions as “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

Reports indicate that the Russian military bombed civilian structures, including an apartment building and shops, and specifically located, kidnapped, and killed civilians who were veterans or previously served in the Ukrainian military.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

This mass killing incident was committed as part of the Russian attack on Ukraine.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Despite the Russian government’s label that their invasion of Ukraine constituted a special military operation, the specific targeting of military and civilian infrastructure here constituted an armed conflict.

**Element 6:** The perpetrator meant to cause suffering or was aware that their conduct would likely result in suffering

Russian military torture and killing of Ukrainian civilians and former military members at close range, with some having their hands tied (and exhumed in such state later) constitutes an intent to cause suffering and knowledge that suffering is likely to occur toward these individuals.

#### **Count 4: The War Crime of Intentionally Attacking Civilians**

Rome Statute **Article 8(2)(e)(i)**

Geneva Convention **Common Article 3(1)(a); API Article 51**

#### **Elements**

1. There was an attack against a civilian population or individual civilians
2. The attack was committed in the context of and was associated with an armed conflict

3. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
4. The perpetrator intended the civilian population or individual civilians to be the object of the attack

**Element 1:** There was an attack against a civilian population or individual civilians

This attack was committed as part of the ongoing Russian attack and occupation campaign of Iziium. During this time many civilian objects, including homes and shops, were attacked. The Russian military also had lists of and targeted specific civilian individuals, namely veterans, Ukrainian military servicemembers, and their families.

**Element 2:** The attack was committed in the context of and was associated with an armed conflict

This mass killing incident was committed as part of the Russian attack on Ukraine.

**Element 3:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Despite the Russian government's label that their invasion of Ukraine constituted a special military operation, the specific targeting of military and civilian infrastructure here constituted an armed conflict.

**Element 4:** The perpetrator intended the civilian population or individual civilians to be the object of the attack

The Russian military attacked, kidnapped, and killed individual civilians, including Ukrainian veterans, military service members, and their families.

### **Count 5: The War Crime of Destroying undefended Civilian Objects**

Rome Statute **Article 8(2)(b)(v)**

Geneva Convention **IV Article 53; API Article 52**

#### **Elements**

1. One or more towns, villages, dwellings, or buildings was attacked
2. Such towns, villages, dwellings, or buildings were open for unresisted occupation
3. Such towns, villages, dwellings, or buildings did not constitute military objectives
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

**Element 1:** One or more towns, villages, dwellings, or buildings was attacked



The town of Iziun was attacked with bombing, artillery, and shillings, with specific targeting of a residential building and a shop.

**Element 2:** Such towns, villages, dwellings, or buildings were open for unresisted occupation

Because the Ukrainian military retreated from the village upon the Russian attack and invasion, there is no indication that the town of Iziun and its civilian infrastructure were being defended during the Russian occupation.

**Element 3:** Such towns, villages, dwellings, or buildings did not constitute military objectives

There is no indication that the Russian military confirmed that such civilian infrastructure served any non-civilian purpose and constituted a justifiable military target.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

This mass killing incident was committed as part of the Russian attack on Ukraine.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Despite the Russian government's label that their invasion of Ukraine constituted a special military operation, the specific targeting of military and civilian infrastructure here constituted an armed conflict.

### **Count 6: The War Crime of Extensive Destruction and Appropriation of Property**

Rome Statute **Article 8(2)(a)(iv)**  
Geneva Convention **IV Article 53**

#### Elements

1. Property was destroyed or appropriated
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The destruction or appropriation was not justified by military necessity
7. The destruction or appropriation was extensive
8. The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property
9. The perpetrator knew that such destruction or appropriation was not justified by military necessity

10. The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

**Element 1:** Property was destroyed or appropriated

Reports indicate extensive damage to a residential apartment building and shops, but there is no indication of the destruction or appropriation of residential homes associated with the mass killing event. However, there was the destruction of forested areas for the purpose of digging and creating a mass grave.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

At the time of the Russian occupation of Iziium, there were no longer any Ukrainian military units or personnel in the city. Thus, individuals killed by Russian military forces in Iziium during the occupation were civilians. Civilians are protected under Common Article 3 of the Geneva Conventions as “[p]ersons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

Reports indicate that the Russian military bombed civilian structures, including an apartment building and shops, and specifically located, kidnapped, and killed civilians who were veterans or previously served in the Ukrainian military.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

This mass killing incident was committed as part of the Russian attack on Ukraine.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Despite the Russian government’s label that their invasion of Ukraine constituted a special military operation, the specific targeting of military and civilian infrastructure here constituted an armed conflict.

**Element 6:** The destruction or appropriation was not justified by military necessity

There is no indication of military necessity to destroy the forested area to dig mass graves.

**Element 7:** The destruction or appropriation was extensive

More than half of a residential building was destroyed by bombing not specifically associated with the mass killings. However, the destruction of the forest area was extensive.

**Element 8:** The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property

The Russian military's act of bringing bulldozers and military equipment both to target and destroy a residential building and a shop, as well as the forest area to dig a mass grave, constituted both intent and knowledge of that such destruction was likely to result.

**Element 9:** The perpetrator knew that such destruction or appropriation was not justified by military necessity

There is no indication of a Russian military necessity to dig mass graves or target civilian infrastructure during the Russian occupation of Iziium.

**Element 10:** The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

Russian military action to target civilian infrastructure and the extensive destruction of the forest area site of the mass grave indicates knowledge that such action is likely to cause extensive destruction and a wanton disregard for the consequences of the attack.

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## **Incident: 14 JAN 2023 Dnipro Apartment Missile Attacks**

**Assessment:** We assess with medium confidence that on 14 JAN 2023, the Russian Armed Forces launched a Kh-22 long-range missile which struck the Victory Embankment apartment complex in Dnipro, Dnipropetrovsk, killing 46 civilians and injuring more than 80 others.

**Narrative:** On the afternoon of 14 JAN 2023, the 118 Victory Embankment Dnipro apartment complex housing over 1,700 civilians, was struck by a Russian Kh-22 anti-ship missile. The almost forty-foot Soviet Union-era missile killed 46 people and injured more than 80 others. The apartment complex was struck at the bend of its “J” shaped infrastructure; the 2,000-pound RDX warhead incinerating 30 units and those who were inside instantly.

Less than two miles away, across the Dnipro River, sits a large power station which could likely have been the intended target of this attack. The UK ministry stated that the Kh-22 “is notoriously inaccurate when used against ground targets as its radar guidance system is poor at differentiating targets in urban areas. While President Putin denied any Russian involvement in the missile attack, President Zelenskyy condemned the Russian people’s “cowardly silence” following this tragedy which took place on the Ukrainian holiday “Old New Year’s Day”. Zelenskyy vowed, “to ensure that all Russian murderers, everyone who gives and executes orders on missile terror against our people, face legal sentences. And to ensure that they serve their punishment”. Casualty reports have continued to rise as non-stop search and rescue missions took place all week, putting the death toll at 46, including at least six children and at least 80 people wounded, all civilians.

**Parties Involved:** Because of the facts of this case, the Soviet Kh-22 missile being the same weapon used in the shopping mall attacks in Ukraine last summer, the shoddy attempt by Putin to disguise an attack on civilians, as well as testimony from Ukrainian Air Force spokesman Yuriy Ihnat, we determine that this missile was launched by the Russian Armed Forces near Kursk and the Sea of Azov.

**Legal Analysis:** This event may violate Rome Statute Arts. 7(1)(a), 8(2)(a)(i), 8(2)(c)(i), 8(2)(a)(iii), 8(2)(c)(i), 8(2)(e)(i), 8(2)(b)(v), and 8(2)(a)(iv). It may also violate Geneva Convention Common Article 3(1)(a); IV Arts. 27 and 53; API Arts. 51 and 52.

### **Count 1: The Crime Against Humanity of Murder**

Rome Statute **Article 7(1)(a)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### Elements

1. One or more persons was killed
2. The act was committed as part of a widespread or systematic attack directed against a civilian population
3. The perpetrator knew or intended the act to be part of the attack

**Element 1:** One or more persons was killed

Approximately 46 people were killed.

**Element 2:** The act was committed as part of a widespread or systematic attack directed against a civilian population

This attack was committed as part of the ongoing missile campaign by the Russian Armed Forces against civilian infrastructures in Ukraine.

**Element 3:** The perpetrator knew or intended the act to be part of the attack

Choosing to launch a 40-foot missile equipped with a 2,000lb warhead would provide certain knowledge and intent to further armed conflict in Ukraine.

### **Count 2: The War Crime of Willful Killing**

Rome Statute **Articles 8(2)(a)(i); 8(2)(c)(i)**

Geneva Convention **Common Article 3(1)(a); IV Article 27**

#### Elements

1. One or more persons was killed
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

**Element 1:** One or more persons was killed

46 people were killed during this attack.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

The victims of the attack were civilians – a protected class under Common Article 3 of the Geneva Conventions as “persons taking no active part in hostilities.”

**Element 3:** The perpetrator was aware of the factual circumstances

This act was committed as part of an ongoing war between Russia and Ukraine.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

This act was committed as part of an ongoing war between Russia and Ukraine.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

The launching of an anti-ship missile into the center of the country Russia is at war with (Ukraine) certainly brings with it awareness of the existence of an armed conflict.

**Element 6:** The perpetrator meant to engage in killing one or more persons or knew that death would occur in the ordinary course of events

The launching of a 40-foot anti-ship missile, carrying a 2,000lb RDX warhead, at a heavily populated city, brings with it the knowledge that death is likely to occur.

### **Count 3: The War Crime of Causing Unnecessary Suffering**

Rome Statute **Articles 8(2)(a)(iii); 8(2)(c)(i)**

Geneva Conventions **Common Article 3(1)(a); IV Article 27**

#### Elements

1. One or more persons was subjected to great physical or mental pain or suffering
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The perpetrator meant to cause suffering or was aware that their conduct would likely result in suffering

**Element 1:** One or more persons was subjected to great physical or mental pain or suffering

46 people were killed and more than 80 were wounded.

**Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

The victims were all civilians – protected under Common Article 3 of the Geneva Conventions.

**Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

The Russian Armed Forces launched an inaccurate missile in the center of a highly populated city being used to house displaced peoples.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict  
Russian / Ukrainian War.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

This was committed as part of an ongoing military campaign involving missile strikes.

**Element 6:** The perpetrator meant to cause suffering or was aware that their conduct would likely result in suffering

Launching such a deadly weapon into a city necessarily brings with it both intent to cause suffering and knowledge that suffering is likely to occur.

#### **Count 4: The War Crime of Intentionally Attacking Civilians**

Rome Statute **Article 8(2)(e)(i)**

Geneva Convention **Common Article 3(1)(a); API Article 51**

#### **Elements**

1. There was an attack against a civilian population or individual civilians
2. The attack was committed in the context of and was associated with an armed conflict
3. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
4. The perpetrator intended the civilian population or individual civilians to be the object of the attack

**Element 1:** There was an attack against a civilian population or individual civilians

This was an attack against a civilian apartment complex housing 1,700 people.

**Element 2:** The attack was committed in the context of and was associated with an armed conflict  
Russian / Ukrainian War

**Element 3:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

Performing an airstrike during the ongoing war established a certain awareness of the existence of an armed conflict.

**Element 4:** The perpetrator intended the civilian population or individual civilians to be the object of the attack

The missile attack hit the center of a massive apartment complex housing only civilians and peoples displaced by the war.

### **Count 5: The War Crime of Destroying undefended Civilian Objects**

Rome Statute **Article 8(2)(b)(v)**

Geneva Convention **IV Article 53; API Article 52**

#### **Elements**

1. One or more towns, villages, dwellings, or buildings was attacked
2. Such towns, villages, dwellings, or buildings were open for unresisted occupation
3. Such towns, villages, dwellings, or buildings did not constitute military objectives
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

**Element 1:** One or more towns, villages, dwellings, or buildings was attacked

Dnipro, Dnipropetrovsk was attacked.

**Element 2:** Such towns, villages, dwellings, or buildings were open for unresisted occupation

There is no indication that any occupation could have been resisted.

**Element 3:** Such towns, villages, dwellings, or buildings did not constitute military objectives

The Victory Embankment apartment complex was a civilian dwelling for 1,700 people.

**Element 4:** The attack was committed in the context of and was associated with an armed conflict

The attack was directly associated with Russia's ongoing war and attempted occupation of and with Ukraine.

**Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

This was committed as part of an ongoing military campaign involving missile strikes.

### **Count 6: The War Crime of Extensive Destruction and Appropriation of Property**

Rome Statute **Article 8(2)(a)(iv)**

Geneva Convention **IV Art. 53**



## Elements

1. Property was destroyed or appropriated
2. The act was committed against persons protected under one or more of the Geneva Conventions
3. The perpetrator was aware of the factual circumstances that established the protected status
4. The attack was committed in the context of and was associated with an armed conflict
5. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict
6. The destruction or appropriation was not justified by military necessity
7. The destruction or appropriation was extensive
8. The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property
9. The perpetrator knew that such destruction or appropriation was not justified by military necessity
10. The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

### **Element 1:** Property was destroyed or appropriated

The Victory Embankment apartment complex was heavily damaged with dozens of units being completely eviscerated.

### **Element 2:** The act was committed against persons protected under one or more of the Geneva Conventions

The victims of the attack were civilians – a protected class under Common Article 3 of the Geneva Conventions as “persons taking no active part in hostilities.”

### **Element 3:** The perpetrator was aware of the factual circumstances that established the protected status

There is no indication that the Russian Armed Forces were unaware that this civilian complex was comprised of civilians.

### **Element 4:** The attack was committed in the context of and was associated with an armed conflict

The attack was directly associated with Russia’s ongoing war and attempted occupation of and with Ukraine.

### **Element 5:** The perpetrator was aware of the factual circumstances that established the existence of an armed conflict

This was committed as part of an ongoing military campaign involving missile strikes.

### **Element 6:** The destruction or appropriation was not justified by military necessity

The attack of a civilian apartment complex is unjustifiable by military necessity.

**Element 7:** The destruction or appropriation was extensive

A large portion of the Victory Embankment apartment complex was reduced to rubble.

**Element 8:** The perpetrator meant to destroy or appropriate property or was aware that their conduct was likely to result in destruction or appropriation of property

The firing of a missile equipped with a 2,000lb warhead provides the knowledge that extensive destruction was likely to occur.

**Element 9:** The perpetrator knew that such destruction or appropriation was not justified by military necessity

There is no indication that an attack of this sort could have had a military necessity.

**Element 10:** The perpetrator was aware that such destruction or appropriation was extensive and carried out wantonly

Choosing to launch missiles at civilian dwellings brings with it the knowledge that you are likely to cause extensive destruction and a wanton disregard for the consequences of the attack.

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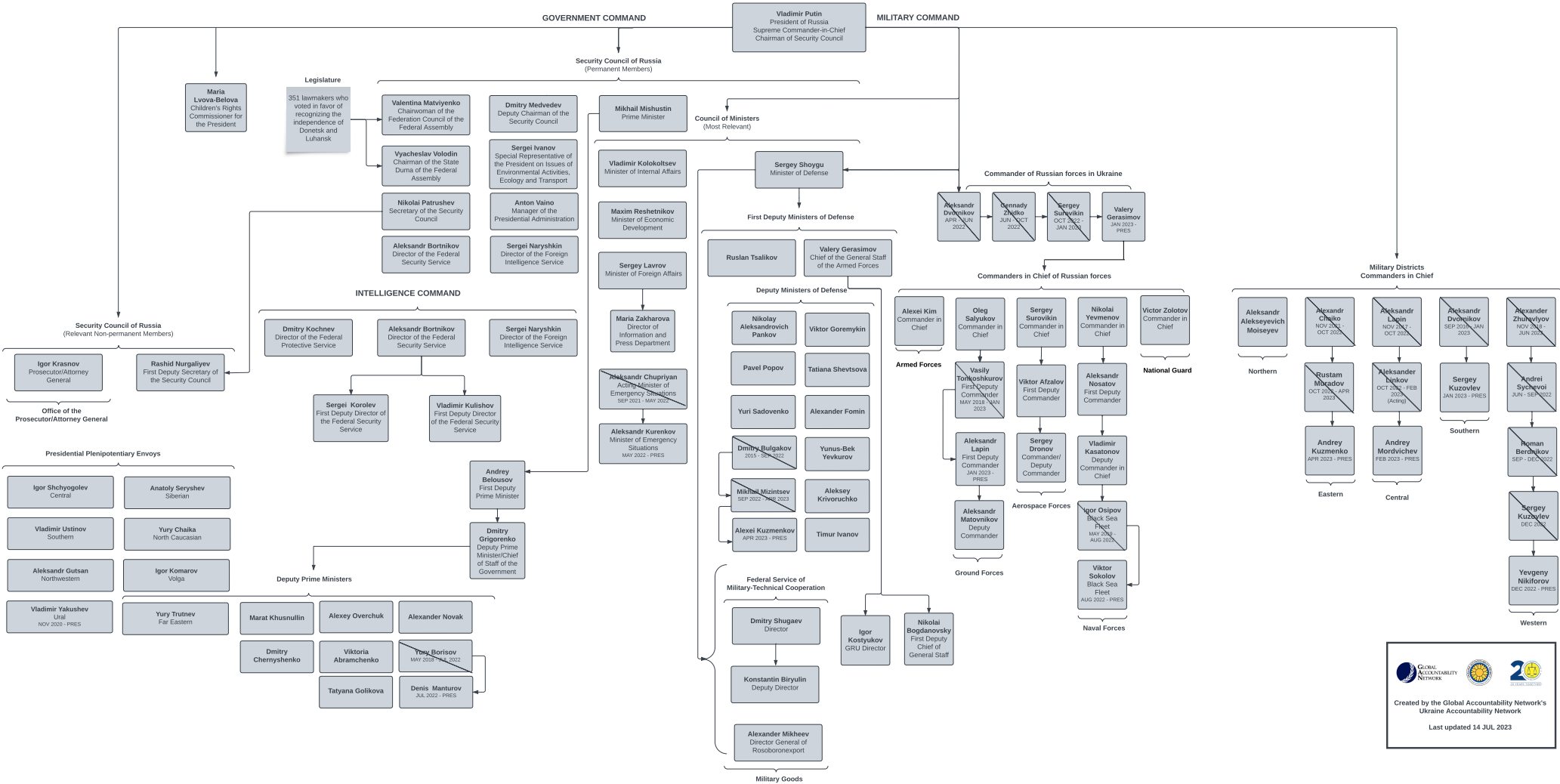


## **THE GLOBAL ACCOUNTABILITY NETWORK'S UKRAINE ACCOUNTABILITY PROJECT**

# **B**

# Command & Control Diagram

See Key Leader Biographies in Appendix C of the white paper for more information on individuals.



**Most Responsible Party Dossier**

**Russia (Russian Federation)**

**Updated as of: 14 JUL 2023**

**Prepared by Ukraine Accountability Project – Intelligence Division**

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## I. Introduction and Scope

The purpose of this report is to provide in depth analysis of the role, capabilities, and organization of Russian Military and Senior Leadership. This report also provides an overview of key leaders associated with Russian Military and Senior Leadership as well as their roles, responsibilities, and organizational membership. The report also provides a brief overview of the most egregious incidents associated with the Russian Military activities in Ukraine.

## II. Key Areas

### Key Political Areas

Russia's political power is distributed among its *oblasti* (regions), *kraya* (territories), *okruga* (autonomous district), and two Federal Cities.<sup>1</sup>

The Federal Cities are Moscow (Capital, located in Western Russia), and Saint Petersburg (often called the "Northern Capital").<sup>2</sup>

Russia is further divided into eight Federal Districts overseen by President-appointed plenipotentiaries which monitor the consistency between federal and regional law.<sup>3</sup> The districts are: Central, Far East, Northwest, Siberia, Southern, Urals, Volga, and Caucasus.<sup>4</sup>

There are approximately 114 Foreign Embassies and 87 Consulates in Russian territory and approximately 140 Russian Embassies and 38 Consulates around the world.<sup>5</sup> Russia maintains one Embassy and three consulates in Ukraine, located in Kyiv and Kharkiv, Lviv, and Odessa, respectively.<sup>6</sup>

### Key Military Areas

Russia contains five OSKs (military districts): Western, Southern, Northern Fleet Joint Strategic Command, Central, and Eastern.<sup>7</sup>

Each military district command center houses Ground Forces, Air Force, Air Defense, and Navy outfits.<sup>8</sup> Districts fall under the command of the district headquarters, headed by the

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<sup>1</sup> *The Political System of the Russian Federation: President and Government*, THE STATE DUMA (9 Nov. 2018), <http://duma.gov.ru/en/news/28748/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *List of Diplomatic Missions in Russia & Russian Diplomatic Missions Abroad*, EMBASSY WORLDWIDE, <https://www.embassy-worldwide.com/country/russia/> (last visited 15 Apr. 2023).

<sup>6</sup> *Id.*

<sup>7</sup> TRADOC Deputy Chief of Staff, *Russian Military Quick Reference Guide*, US ARMY TRAINING & DOCTRINE COMMAND (Jan. 2020), <https://irp.fas.org/world/russia/tradoc-refguide.pdf>.

<sup>8</sup> *Id.*

district commander, and are subordinated to the General Staff of the Armed Forces of the Russian Federation.<sup>9</sup>

Russia maintains approximately twenty military bases outside its territory, primarily located in post-Soviet states and Syria (Center S, Khmeimim Air Base, and Tartus).<sup>10</sup> Bases are also located in Belarus (including nuclear submarine sites), Egypt, Tajikistan, Kazakhstan (Baikonur Cosmodrome), Kyrgyzstan (Kant Air Base), and Armenia, and Vietnam.<sup>11</sup> Russia also maintains a military presence in Crimea and the Donetsk and Luhansk regions of Ukraine.<sup>12</sup>

Russia also operates the Arctic Brigade that includes outposts, air bases, and special forces units.<sup>13</sup> These agreements and operations are part of a multi-step strategy that involves stationing peacekeepers in frozen conflict zones and integrating aspects of the region's military forces through the CSTO and joint air defense agreements.<sup>14</sup>

In addition to China, a traditional ally of Russia, several states have shown support and maintain positive military relationships with Russia throughout the Ukraine conflict. These include Belarus, Myanmar, Venezuela, and Nicaragua.<sup>15</sup>

### **Relevant Areas of Operations**

Russia consistently offers conventional regime support to Syria and more covert support to the Central African Republic and Venezuela.<sup>16</sup> It also provides insurgent support to Libya and the rebel Ukrainian regions of Donetsk and Luhansk.<sup>17</sup>

Russian troops carry out conventional peacekeeping operations in Azerbaijan, Georgia, and Moldova.<sup>18</sup>

Russia maintains a deployment in the Transnistria region of Moldova, known as the

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<sup>9</sup> TRADOC Deputy Chief of Staff, *supra* note 7.

<sup>10</sup> Anna Maria Dyer, *The Importance of Foreign Military Bases for Russia*, PISM (25 May 2020), [https://pism.pl/publications/The\\_Importance\\_of\\_Foreign\\_Military\\_Bases\\_for\\_Russia](https://pism.pl/publications/The_Importance_of_Foreign_Military_Bases_for_Russia).

<sup>11</sup> Jeff Hawn, *Russia's Extraterritorial Military Deployments*, NEWLINES INSTIT. (31 Mar. 2021), <https://newlinesinstitute.org/russia/russias-extraterritorial-military-deployments/>.

<sup>12</sup> Dyer, *supra* note 10.

<sup>13</sup> Matthew Melino & Heather A. Conley, *The Ice Curtain: Russia's Military Presence in the Arctic*, CTR. FOR STRATEGIC & INT'L STUDIES, <https://www.csis.org/features/ice-curtain-russias-arctic-military-presence> (last visited 19 Mar. 2022).

<sup>14</sup> Dmitry Goreburg, *Russia's Foreign Military Basing Strategy*, PONARS EURASIA (20 Sept. 2021), <https://www.ponarseurasia.org/russias-foreign-military-basing-strategy/>.

<sup>15</sup> *Where Do Russia's Allies Stand as Western powers slam Moscow*, ALJAZEERA (25 Feb. 2022), <https://www.aljazeera.com/news/2022/2/25/where-do-russias-allies-stand-as-western-powers-slam-moscow>.

<sup>16</sup> Hawn, *supra* note 11.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

Operational Group of Russian Forces, for military exercises and training.<sup>19</sup> This outpost has become especially active since the Russian invasion of Ukraine.

More than 30,000 troops were deployed in Belarus for alleged joint military exercises as of FEB 2022.<sup>20</sup>

The Russian invasion of Ukraine (official name is the “Special Operation in Ukraine”, sometimes referred to as an “Operation Z”) includes the use of Chechen special commando units, known as *kadyrovtsy*.<sup>21</sup>

### III. Key Structures and Infrastructure

#### Importance of Belarussian Infrastructural Support in the Ukrainian Invasion

In many ways, Belarus functions as an external organ of the Putin regime.<sup>22</sup> Headed by a like-minded despotic and authoritarian ruler, Aleksandr Lukashenko is cut from the same post-Soviet anti-democratic cloth as Putin. Both have histories of cracking down on free speech, democratic processes, and both regimes are teeming with corruption. In recent years, Belarus has attracted negative international attention for the crackdown on the protests that sprang up in the wake of his reelection in 2020.<sup>23</sup> Despite these hiccups, the Putin Lukashenko partnership continued unabated, and the duo was seen enjoying a boat trip on the Black Sea in MAY 2022.<sup>24</sup> By late 2021, Russia was positioning troops in Belarus. Few alarm bells sounded. In mid-FEB 2022, Russia announced joint military exercises in Belarus—the longest and most extensive exercises in recent memory.<sup>25</sup> By then, American intelligence knew that Russian invasion of Ukraine was imminent.

Several international sources have claimed that Belarus was a “staging ground” for Russia’s invasion of Ukraine.<sup>26</sup> This is partly true, but the statement can be broadened: Belarus is in fact more so Russia’s partner in the Ukraine invasion. In the ensuing weeks

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<sup>19</sup> Tom Balmforth & Alexander Tanas, *Russian Forces Hold Military Drills in Breakaway Statelet Near Ukraine*, REUTERS (1 Feb. 2022), <https://www.reuters.com/world/europe/russian-forces-hold-military-drills-breakaway-statelet-near-ukraine-2022-02-01/>.

<sup>20</sup> *NATO and the Ukraine-Russia crisis: Five key things to know*, AL JAZEERA (15 Feb. 2022), <https://www.aljazeera.com/news/2022/2/15/explainer-nato-and-the-ukraine-russia-crisis>.

<sup>21</sup> Alexey D. Muraviev, *How the Russian Military Remade Itself into a Modern, Efficient and Deadly Fighting Machine*, THE CONVERSATION (27 Feb. 2022, at 10:47 PM), <https://theconversation.com/how-the-russian-military-remade-itself-into-a-modern-efficient-and-deadly-fighting-machine-178014>.

<sup>22</sup> Erin Cunningham & Maite Fernandez Simon, *What Role has Belarus Played in the Ukraine Crisis*, THE WASH. POST (28 Feb. 2022), <https://www.washingtonpost.com/world/2022/02/28/belarus-russia-ukraine-war/>.

<sup>23</sup> *Belarus: Unprecedented Crackdown*, HUMAN RIGHTS WATCH (13 Jan. 2021), <https://www.hrw.org/news/2021/01/13/belarus-unprecedented-crackdown#>.

<sup>24</sup> Vladislav Davidzon, *Putin, Lukashenko Are Reluctant Authoritarian Bros*, FOREIGN POLICY (21 Jun. 2021), <https://foreignpolicy.com/2021/06/21/putin-lukashenko-belarus-sanctions/>.

<sup>25</sup> *Ukraine tensions: Russia stages military drills with Belarus*, BBC (10 Feb. 2022), <https://www.bbc.com/news/world-europe-60327930>.

<sup>26</sup> Becky Sullivan, *Why Belarus is so involved in Russia’s invasion of Ukraine*, NPR (11 Mar. 2022), <https://www.npr.org/2022/03/11/1085548867/belarus-ukraine-russia-invasion-lukashenko-putin>.

after the invasion, the EU and their partners have sanctioned Belarus nearly as heavily as Russia. Without Belarus' unwavering support of Russia and the Kremlin's ability to use Belarus as an entry point into northern Ukraine, the invasion into Ukraine would have been difficult, if not impossible.

Belarus' support makes the difference in Russia's invasion of Ukraine in the following ways:

- *Proximity to Kyiv.* From the Belorussian town Gropol, it is nearly a straight, unobstructed shot to Kyiv. Newsweek posted a video of Russian tanks coming over the Belorussian border on the early morning of 24 FEB 2022.<sup>27</sup> Belarus serves as essentially an extension of Russia's border.
- *Additional troops if necessary.* Russia has sustained heavy losses in the conflict. Estimates vary, but most say about 40,000-60,000 soldiers have been killed.<sup>28</sup> This helps make up the roughly 200,000 total casualties Russia has suffered, including those wounded, missing, and captured.<sup>29</sup> While Minsk has been careful about stepping in to help the invasion with more soldiers, it remains an option if Russia continues hemorrhaging personnel.<sup>30</sup>
- *Unobstructed supply chains.* Despite Ukraine's valiant defense, the north of Ukraine, the Belorussian-Ukrainian border remains firmly within Russia's control. The Belorussian-Russian border is unobstructed, which can allow materiel and personnel to pass through unmolested.
  - In the weeks before the invasion Center for Strategic and International Studies (CSIS) published a paper hypothesizing the invasion routes that Russia would take in waging war against Ukraine.<sup>31</sup> The projected invasion routes and the ones used ones are nearly a perfect match.<sup>32</sup>

### **Russia's Access to Chernobyl**

Early in the conflict, Russia quickly surrounded and subsequently gained control of Chernobyl, the city that experienced the infamous nuclear disaster in 1986. While the radiation was too dangerous, the Russian army stationed itself in a city a safe distance away, as stationing near Chernobyl offers easy access to Kyiv, the seat of the Ukrainian

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<sup>27</sup> Brendan Cole, *Belarus Joins Russia in Invading Ukraine as Video Shows Tanks Cross Border*, NEWSWEEK (24 Feb. 2022), <https://www.newsweek.com/russia-ukraine-belarus-putin-tanks-video-1682125>.

<sup>28</sup> Matthew Luxmoore, *Russia's Death Toll From Ukraine War Is as High as 60,000, UK Says*, WALL ST. J. (17 Feb. 2023), <https://www.wsj.com/articles/russias-death-toll-from-ukraine-war-is-as-high-as-60-000-u-k-says-14305ba5>.

<sup>29</sup> *Id.*

<sup>30</sup> Peter Beaumont, *Belarus may be about to send its troops into Ukraine, US official says*, THE GUARDIAN (28 Feb. 2022), <https://www.theguardian.com/world/2022/feb/28/belarus-troops-ukraine-russia-invasion>.

<sup>31</sup> Natasha Bertrand, Katie Bo Lillis, & Jeremy Herb, *Mounting Russian casualties in Ukraine lead to more questions about its military readiness*, CNN (18 Mar. 2022), <https://www.cnn.com/2022/03/17/europe/russian-casualties-ukraine-military-readiness/index.html>.

<sup>32</sup> *Maps: Tracking the Russian Invasion of Ukraine*, N.Y. TIMES (updated 25 Jan. 2023), <https://www.nytimes.com/interactive/2022/world/europe/ukraine-maps.html>.

government.<sup>33</sup> It cannot be overstated how important it is to Russia's military endeavors that Russia retains control of the Belorussian border and the northern cities as Russia's army pushes toward Kyiv to bring the capital to its knees.

### Conscription Situation

Russia has thousands of military conscripts that are rapidly losing morale as the invasion continues.<sup>34</sup> The troops are badly trained and have little experience in combat. Despite hefty financial incentives and an ambitious goal of attaining 100,000 conscripts, Russia has had to resort to alternative measures. This includes ordering conscripts with as little as electronic notification and having the Wagner Group recruit domestic prisoners with the enticement of freedom after serving.<sup>35</sup>

The situation is even worse on the ground than on paper. Many videos have surfaced on social media of abandoned tanks, and there are unconfirmed reports that conscripts are being told they are going for drill exercises when they are being sent to Ukraine. The now-famous UN speech during which a Russian soldier texts his mother moments before he was killed encapsulates the wide gulf between the soldiers' belief and reality.<sup>36</sup> Instead of a quick and effective military campaign where oppressed Russians would greet them as heroes, young inexperienced soldiers are facing the horrors of war and a determined adversary.

There has been another unexpected effect of attempting to conscript male Russians to serve. After Putin declared a partial mobilization on 24 SEP 2022, about 400,000 Russians fled the country in a matter of weeks.<sup>37</sup> Nearly 200,000 fled to Kazakhstan: which has been seen as a "safe haven" for draft dodgers.<sup>38</sup> Those fleeing are generally middle-class citizens who, broadly, tend to have specialized skill sets. The effect that these losses will have on the Russian economy are yet to be fully realized. However, they will likely be compounded by those of Putin's most recent draft order in MAR 2023.<sup>39</sup>

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<sup>33</sup> Alex Seitz-Wald, *Why would Russia want to take Chernobyl?*, NBC NEWS (24 Feb. 2022), <https://www.nbcnews.com/politics/politics-news/russia-want-take-chernobyl-rcna17615>.

<sup>34</sup> Luxmoore, *supra* note 28.

<sup>35</sup> *Putin Orders to Draft 147,000 Russian Conscripts by July 15*, BLOOMBERG NEWS (30 Mar. 2023), <https://www.bloomberg.com/news/articles/2023-03-30/putin-orders-to-draft-147-000-conscripts-by-july-15-kremlin#xj4y7vzkg>. *Russian Federation: UN experts alarmed by recruitment of prisoners by "Wagner Group"*, OHCHR (10 Mar. 2023), <https://www.ohchr.org/en/press-releases/2023/03/russian-federation-un-experts-alarmed-recruitment-prisoners-wagner-group>.

<sup>36</sup> GUARDIAN NEWS, *Ukraine's UN ambassador reads texts from Russian soldier to mother before he was killed*, YOUTUBE (28 Feb. 2022), [https://www.youtube.com/watch?v=qhQ5P\\_u4g-M](https://www.youtube.com/watch?v=qhQ5P_u4g-M).

<sup>37</sup> Isabel van Brugen, *Putin's Mobilization Backfires as 370,000 Flee Russia in Two Weeks*, NEWSWEEK (4 Oct. 2022), <https://www.newsweek.com/putin-mobilization-backfires-russians-flee-kazakhstan-georgia-eu-1748771>.

<sup>38</sup> Trevor Filseth, *Kazakhstan to Accept Russian Draft Dodgers*, NAT'L INTEREST (29 Sept. 2022), <https://nationalinterest.org/blog/buzz/kazakhstan-accept-russian-draft-dodgers-205096>.

<sup>39</sup> BLOOMBERG NEWS, *supra* note 35.

## **Military Hardware and Apparatuses Used in Ukraine Invasion**

The military hardware that has been used thus far has been conventional weaponry and materiel typical of a ground invasion.<sup>40</sup> These weapons have been confirmed in their use in the Ukraine invasion. This list is not exhaustive.

- TOS-1 flamethrower system
- T-72 tanks
- BM-21 “Grad” multiple launch rocket system
- Smerch and Urugan rocket launchers (suspected)
- BTR3 Tanks
- T80BVM Tanks
- Small-range and medium range ballistic missiles<sup>41</sup>

### **Planes**

- Su-25 fighter jet
- Su-25SM fighter jet
- Su-34 fighter jet

### **Helicopters**

- Mi-8 helicopter
- Mi-24 helicopter

## **IV. Key Capabilities**

### **Military Capabilities**

On 21 FEB 2022, President Vladimir Putin ordered military units to invade Ukraine, fully equipped to assault the nation by land, air, and sea.<sup>42</sup> By 25 FEB 2022, between 169,000 and 190,000 Russian personnel had been reported along the Russian-Ukrainian border, in Belarus, and in occupied Crimea.<sup>43</sup> The personnel are composed of the Russian National Guard and other internal security units.<sup>44</sup>

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<sup>40</sup> Peter Beaumont, *Analysis: what weapons is Russia deploying in Ukraine invasion?*, THE GUARDIAN (27 Feb. 2022), <https://www.theguardian.com/world/2022/feb/27/analysis-what-weapons-is-russia-deploying-in-ukraine-invasion>.

<sup>41</sup> Alex Horton, *The Russian weaponry being used to attack Ukraine*, THE WASH. POST (24 Feb. 2022), <https://www.washingtonpost.com/national-security/2022/02/24/ukraine-russia-weapons/>.

<sup>42</sup> David Brown, *Ukraine conflict: Where are Russia's troops?*, BBC NEWS (23 Feb. 2022), <https://www.bbc.com/news/world-europe-60158694>.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

### *Land Forces*

The Russian Ground Forces have been arriving from Russia and traveling as far as 4,000 miles from the Russian Far East. Russia has 830,900 active-duty troops with 250,000 reserve troops (a noted decrease from the 2 million previously reported), 4,336 artillery, 151,641 armored vehicles, 12,566 tanks, and 3,887 mobile rocket projectors at their disposal.<sup>45</sup>

Much of the armor is being brought in by rail, passing through Kursk, approximately 80 miles from the Ukrainian border.<sup>46</sup> Russian vehicles have also been arriving by road via Karachev in the Bryansk region.<sup>47</sup> 9K720 Iskander short range ballistic missile launchers, replacing the obsolete OTR-21 Tochka systems, are speculated to have been deployed as well.<sup>48</sup> The Iskander, a road-mobile short range ballistic missile, has a range of up to 200 miles, using a common transporter erector launcher and support vehicles. The Iskander system can also fire the 9M728 (R-500, SSC-7) and 9M729 (SSC-8) cruise missiles.<sup>49</sup> As troops continue to accumulate on the border of Ukraine, they are put on the highest level of readiness to invade.<sup>50</sup>

### *Air Forces*

The Russian Aerospace Forces have been deploying missile strikes, targeting key cities throughout Ukraine.<sup>51</sup> After failing to capture major cities by land, Aerospace forces have intensified their targeting of civilian areas by the air, striking residential buildings, schools, and hospitals.<sup>52</sup> The Russian military currently has 544 attack helicopters and 773 fighter aircrafts in their position.<sup>53</sup> Russian warplanes are also being used to target Ukrainian military bases.<sup>54</sup>

Russia is doing what it can to hinder Ukraine from being able to locate its missiles. Barrages of ballistic missiles being shot into Ukraine contain decoys that “trick air defense radars and fool heat-seeking missiles.”<sup>55</sup> The devices spanning about a foot in length are shaped like a dart and are released by the Iskander-M short-range ballistic missiles (SRBM). Each device contains electronics and produces radio

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<sup>45</sup> *Comparison of Ukraine and Russia Military Strengths (2023)*, GLOBAL FIREPOWER, <https://www.globalfirepower.com/countries-comparison-detail.php?country1=ukraine&country2=russia> (last visited 16 Apr. 2023).

<sup>46</sup> Brown, *supra* note 42.

<sup>47</sup> Brown, *supra* note 42.

<sup>48</sup> Brown, *supra* note 42.

<sup>49</sup> 9K720 Iskander (SS-26), MISSILE THREAT: CSIS MISSILE DEF. PROJECT (updated 2 Aug. 2021), <https://missilethreat.csis.org/missile/ss-26-2/>.

<sup>50</sup> Brown, *supra* note 43.

<sup>51</sup> *Maps: Tracking the Russian Invasion of Ukraine*, *supra* note 32.

<sup>52</sup> *Maps: Tracking the Russian Invasion of Ukraine*, *supra* note 32.

<sup>53</sup> *Comparison of Ukraine and Russia Military Strengths (2023)*, *supra* note 43.

<sup>54</sup> *Maps: Tracking the Russian Invasion of Ukraine*, *supra* note 32.

<sup>55</sup> John Ismay, *Russia Deploys a Mystery Munition in Ukraine*, N.Y. TIMES (14 Mar. 2022), <https://www.nytimes.com/2022/03/14/us/russia-ukraine-weapons-decoy.html>.



signals to hinder enemy radars from locating the Iskander-M.<sup>56</sup> These decoys may cause Ukrainian air-defense weapons to have difficulty intercepting Russia's missiles.<sup>57</sup> As of 23 FEB 2023, Russia has fired a total of 5,000 missiles since it began its invasion of Ukraine.<sup>58</sup>

### *Naval Forces*

In the lead up to the FEB 2022 invasion, Russia held worldwide naval drills involving about 140 ships and support vessels, 60 aircraft, and 10,000 personnel.<sup>59</sup> The Russian Navy stationed vessels capable of landing main battle tanks, personnel, and armored vehicles in the Black Sea and the Sea of Azov including six that passed through the English Channel in JAN 2022.<sup>60</sup> Thirteen of these vessels are equipped with cruise missiles, nine of which are in the Black Sea, and the remaining four are stationed in the Caspian Sea.<sup>61</sup>

The Russian Navy is currently equipped with a fleet of approximately 598 vessels: including 70 submarines, 86 corvettes, 59 patrol vessels, 49 mine/countermine warfare ships, 15 destroyers, 11 frigates, and one aircraft carrier.<sup>62</sup>

### *Special Operations Forces*

The *Spetsnaz*, or “of special purpose/special designation,” remain the primary elite forces of the Russian military.<sup>63</sup> As part of the military intelligence, *Spetsnaz* is a strategic asset lent to territorial commands for operational deployment in times of war, subject to the final authority of the General Staff.<sup>64</sup> Russia has placed the *Spetsnaz* at the core of Ukraine with a heavy emphasis on Kyiv.<sup>65</sup> Within the *Spetsnaz* is the *Zaslou* unit, considered to be the “alpha unit” used for covert missions and specializing in war against terrorism in extreme conditions that can operate far beyond Russia's borders.<sup>66</sup> The *Zaslou* are often regarded as the best fighters within the Russian army, specifically selected by the high command.<sup>67</sup> The *Zaslou* assimilate into Ukrainian civilian populations with the aim of penetrating any weak spots in Ukraine's political and military echelon.<sup>68</sup> These covert

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<sup>56</sup> *Id.*

<sup>57</sup> Ismay, *supra* note 56.

<sup>58</sup> *How many missiles Russia fired at Ukraine in a year*, UKRAINE CRISIS MEDIA CTR. (23 Feb. 2023), <https://uacrisis.org/en/skilky-rosiya-vypustyla-raket-po-ukrayini-za-rik>.

<sup>59</sup> Brown, *supra* note 43.

<sup>60</sup> Brown, *supra* note 43.

<sup>61</sup> Brown, *supra* note 43.

<sup>62</sup> *Comparison of Ukraine and Russia Military Strengths (2023)*, *supra* note 43.

<sup>63</sup> Mark Galeotti, *Spetsnaz: Operational Intelligence, Political Warfare, and Battlefield Role*, GEORGE C. MARSHALL EUR. CTR. FOR SEC. STUD. (Feb. 2020), <https://www.marshallcenter.org/de/node/1380>.

<sup>64</sup> *Id.*

<sup>65</sup> Amir Bohbot/Walla, *Putin's elite unit's goal: Spetsnaz seeks to eliminate Ukraine's leaders*, THE JERUSALEM POST (3 Mar. 2022), <https://www.jpost.com/international/article-699165>.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

assailants dress in civilian clothing, cause alarm, and cause fear in communities, resulting in neighbors accusing neighbors of being a part of the Spetsnaz. As warfare continues, it can be predicted that more chaos will ensue.<sup>69</sup>

### *Paramilitary Forces*

The use of mercenaries is regarded as a key feature of the Kremlin's military strategy around the world.<sup>70</sup> Russian mercenaries have a history of fighting in both Syria and Libya.<sup>71</sup> The principal mercenary group, Wagner, covertly snuck into territories of Ukraine to lay the groundwork for the invasion.<sup>72</sup> Wagner's fighters fought in wars in the Middle East and served as security advisers to various governments, including in the Central African Republic, Sudan, and Mali. While loosely tied to the Russian military, it has allowed the Kremlin to deny the use of mercenaries, and instead refer to them as "volunteers."<sup>73</sup>

As of 23 JAN 2023, there were about 50,000 members in Wagner that have arrived in Ukraine, including the separatist enclaves of Donetsk and Luhansk, according to the UK Ministry of Defense.<sup>74</sup> Like the special forces group Zaslou, Wagner arrived in these territories dressed in civilian clothing to remain discreet.<sup>75</sup> The purpose of mercenaries is debated. One official claimed that mercenaries were placed in rebel territories to engage in the conflict to make it appear as if Ukrainian forces were attacking civilian targets. Another official with the Ukrainian military stated that mercenaries arrived two months prior and were used to fill out the ranks of the separatist forces to make it seem like local fighters were leading the charge.<sup>76</sup>

### **Political Capabilities**

President Putin warned that those who interfered with his plans to invade Ukraine would face never-before consequences.<sup>77</sup> So far, Russia's government is making sure that these words become true. On 03 MAR 2022, the Duma Committee on Security and Anti-Corruption Action approved a draft law that would imprison anyone for spreading false information regarding Russian military operations for up to 15 years.<sup>78</sup> This is an effort to

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<sup>69</sup> Bohbot/Walla, *supra* note 65.

<sup>70</sup> Michael Schwartz & Eric Schmitt, *Russian Mercenaries Have Covertly Entered Separatist Enclaves in Ukraine*, N.Y. TIMES (23 Feb. 2022), <https://www.nytimes.com/2022/02/23/world/europe/russian-ukraine-mercenaries.html>.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *What is Russia's Wagner Group of mercenaries in Ukraine?*, BBC NEWS (23 Jan. 2023), <https://www.bbc.com/news/world-60947877>.

<sup>75</sup> Schwartz & Schmitt, *supra* note 70.

<sup>76</sup> Schwartz & Schmitt, *supra* note 70.

<sup>77</sup> *Russia attacks Ukraine as Putin warns countries who interfere will face 'consequences you have never seen,'* PBS (24 Feb. 2022), <https://www.pbs.org/newshour/world/russia-launches-attacks-ukraine-as-putin-warns-countries-who-interfere-consequences-you-have-never-seen>.

<sup>78</sup> Robert Coalson, *Putin's War At Home: Russian Government Pushes Hard To Enforce Total Unanimity On Ukraine War*, RADIO FREE EUROPE RADIO LIBERTY (Mar. 3, 2022), <https://www.rferl.org/a/putin-ukraine-war-russian-public-opinion/31734536.html>.

control the narrative of the war and to promote a Soviet-style national unanimity.<sup>79</sup>

The international community has been taking matters into its own hands. Both the UN and the North Atlantic Treaty Organization (NATO) have taken steps to urge Russia to cease their operations. The UN had three emergency sessions of the Security Council and a meeting of the 193-member General Assembly, all of which called for the de-escalation of the conflict.<sup>80</sup> The General Assembly voted on a resolution that would command Russia to cease its invasion of Ukraine. The resolution had widespread support with only five votes in opposition coming from Russia, Belarus, Syria, North Korea, and Eritrea.<sup>81</sup> Following Russia's veto of the resolution, Secretary General António Guterres, stated to the press that "we must never give up" and assured that the UN is scaling up on life-saving support on both sides of the line of contact.<sup>82</sup>

President Putin reached out to a few countries asking for additional support including Syria, China, and the Central African Republic.<sup>79</sup>

Additionally, NATO allies have engaged in restrictive measures including sanctions against Russia.<sup>83</sup> NATO urged Russia to stop its invasion and asked to "respect international humanitarian law and to allow for the safe and unhindered humanitarian access and assistance to all persons in need."<sup>84</sup>

NATO has held regular consultations with Ukraine in the NATO-Ukraine Commission (NUC) and has enhanced existing programs while developing substantial new programs targeted at developing practical support to Ukraine.<sup>85</sup> This includes NATO's assistance in coordinating the delivery of humanitarian and non-lethal aid while individual member nations are sending Ukraine weapons, ammunition, medical supplies, and other vital military equipment.<sup>86</sup> In addition to physical resources, many allied countries are opening their borders to Ukrainian refugees seeking refuge from the turmoil.<sup>87</sup>

Since the invasion, both Sweden and Finland began to take the steps to join, and thus expand, NATO: something President Putin hoped the invasion would deter.<sup>88</sup> Finland saw itself as especially vulnerable given their 830 mile/1,335 kilometer border with Russia.<sup>89</sup>

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<sup>79</sup> *Id.*

<sup>80</sup> *Russia blocks Security Council action on Ukraine*, UN NEWS (26 Feb. 2022), <https://news.un.org/en/story/2022/02/1112802>.

<sup>81</sup> Peter Granitz & Joe Hernandez, *The UN approves a resolution demanding that Russia end the invasion of Ukraine*, NPR (updated 2 Mar. 2022), <https://www.npr.org/2022/03/02/1083872077/u-n-set-to-hold-vote-that-would-demand-russia-end-war-in-ukraine>.

<sup>82</sup> *Russia blocks Security Council action on Ukraine*, supra note 80.

<sup>83</sup> *Relations with Ukraine*, NATO (updated 4 Apr. 2023), [https://www.nato.int/cps/en/natohq/topics\\_37750.htm](https://www.nato.int/cps/en/natohq/topics_37750.htm).

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> Tara John, *Finland joins NATO, doubling military alliance's border with Russia in a blow for Putin*, CNN (4 Apr. 2023), <https://www.cnn.com/2023/04/04/europe/finland-joins-nato-intl/index.html>.

<sup>89</sup> *Id.*

On 04 APR 2023, Finland officially joined NATO as a member state.<sup>90</sup> Sweden approved ratification of the North Atlantic Treaty on 23 MAR 2023, and only needs Turkey and Hungary's assent to join, though they have shown themselves to be more hostile towards Swedish membership than Finnish membership.<sup>91</sup>

## Economic Capabilities

Russia's economy has been impacted from almost the start of the formal invasion at the end of FEB 2022, as in response to severe economic sanctions the Russian ruble's value took a drastic hit.<sup>92</sup> The Russian Bank initially spiked interest rates from 9.5% to 30% and then slowly decreased to 20%.<sup>93</sup> As the currency's value diminishes, this poses especially severe threats to the financial security of ordinary Russian citizens.<sup>94</sup> President Putin's response to the sanctions and the long lines at banks prohibited Russian citizens from transferring any of their funds to outside of Russia in order to ride out the consequences of the sanctions.<sup>95</sup> Russia's stock market took a heavy loss when it officially closed on 25 FEB 2022.<sup>96</sup> Russia has about \$630bn in reserves built up from soaring oil and gas prices. But due to the money being stored in foreign currencies, the Western ban on dealing with Russia's central bank has restricted access to this cash.<sup>97</sup> Furthermore, following the Wagner rebellion on 23 and 24 JUNE 2023, the Russian ruble saw another sharp decline in value: reaching its lowest exchange rate since 29 MAR 2022 when the immediate financial aftermath of the invasion was resonating.<sup>98</sup>

Additionally, Western Europe has effectively severed ties with Russian energy, as natural resources are one of Russia's largest exports, to hinder President Putin's ability to fund the war. Both the EU and UK banned imports of Russian crude oil on 05 DEC 2022.<sup>99</sup> While Russia decided to cut natural gas exports to the EU in an attempt to cause economic havoc in the West, Germany suspended participation with the Nord Stream 2 pipeline: preventing natural gas imports into the EU<sup>100</sup> Russia has had to become increasingly reliant on other corners of the world to fill this void, notably China and India have emerged to buy Russian

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<sup>90</sup> *Id.*

<sup>91</sup> John, *supra* note 88.

<sup>92</sup> Russell Hotten, *Ukraine conflict: Russia doubles interest rate after rouble slumps*, BBC NEWS (28 Feb. 2022), <https://www.bbc.com/news/business-60550992>.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Russia's stock market to remain closed for another week*, MARKETWATCH (12 Mar. 2022), <https://www.marketwatch.com/story/russias-stock-market-to-remain-closed-for-another-week-11647108749>.

<sup>97</sup> Hotten, *supra* note 92.

<sup>98</sup> Alexander Marrow, *Russia's rouble tumbles past 89 vs dollar to over 15-month low*, REUTERS (30 June, 2023), <https://www.reuters.com/markets/currencies/rouble-sinks-over-15-month-low-vs-dollar-political-risk-concerns-2023-06-30/>.

<sup>99</sup> Lauri Myllyvirta, *EU ban on Russian oil: Why it matters and what's next*, CTR. FOR RES. ON ENERGY & CLEAN AIR (5 Dec. 2022), <https://energyandcleanair.org/eu-ban-on-russian-oil-why-it-matters-and-whats-next/>.

<sup>100</sup> Sarah Marsh & Madeline Chambers, *Germany freezes Nord Stream 2 gas project as Ukraine crisis deepens*, REUTERS (22 Feb. 2022), <https://www.reuters.com/business/energy/germanys-scholz-halts-nord-stream-2-certification-2022-02-22/>.

energy at reduced prices.<sup>101</sup> On 24 MAR 2023, it was reported that Russia may temporarily stop exporting wheat and sunflower exports due to a drop in global prices.<sup>102</sup>

Russian citizens are not only lining up at the ATMs to take out their cash, but also lining up at grocery stores, fearful that some items may become scarce due to trade limitations or price increases.<sup>103</sup> These sanctions are causing a lot more apprehension than previous ones. While citizens are stockpiling supplies, companies started to reduce their working hours or halt production altogether because of their inability to access the West.<sup>104</sup>

Approximately 900,000 Russians had fled Russia by OCT 2022, just eight months after the invasion was launched.<sup>105</sup> This is due to a variety of reasons: including economic effects, political refugees, conscientious objection, and fear of domestic safety. The largest surges occurred after the initial invasion and President Putin's instituting a draft on 22 SEP 2022.<sup>106</sup> This is still of course significantly less than the number of Ukrainians who have fled Ukraine.<sup>107</sup>

### **Media/Information Capabilities**

Russian authorities have been taking strides to shut down any anti-nationalist sentiments and the spread of "false information" of the invasion in Ukraine.<sup>108</sup> Ekho Moskvyy radio station liquidated its channel and website after receiving pressure from the government over its coverage of the invasion.<sup>109</sup> Roskomnadzor, the state media and communications regulator, issued threats and warnings to put pressure on stations such as Ekho Moskvyy to take down their reports on Ukraine claiming the information that refers to the events as "an attack," "invasion," or "declaration of war" instead of a "special operation" are spreading "false information."<sup>110</sup> Ekho Moskvyy and similar stations considered to report liberal opinions were taken off the air and blocked from being accessed.<sup>111</sup>

People in Russia have been blocked from accessing Facebook while authorities are looking to restrict the use of Instagram as well. The apps' parent company, Meta, is being accused of being an "extremist organization" by Roskomnadzor and other Russian authorities.<sup>112</sup>

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<sup>101</sup> Erin Hale, *How China and India's appetite for oil and gas kept Russia afloat*, AL JAZEERA (24 Feb. 2023), <https://www.aljazeera.com/economy/2023/2/24/how-china-and-indias-appetite-for-oil-and-gas-kept-russia-afloat>.

<sup>102</sup> *Russian export wheat prices continue to fall amid growing supply*, REUTERS (27 Mar. 2023), <https://www.reuters.com/article/russia-grains-exports/russian-wheat-export-prices-continue-to-fall-amid-growing-supply-idUKL8N35Z3UQ>.

<sup>103</sup> Hotten, *supra* note 92.

<sup>104</sup> Hotten, *supra* note 92.

<sup>105</sup> Noah Carl, *Ukraine's brain drain is 17 times worse than Russia's*, UNHERD (3 Mar. 2023), <https://unherd.com/the-post/ukraines-brain-drain-is-17-times-worse-than-russias/>.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> Coalson, *supra* note 78.

<sup>109</sup> Coalson, *supra* note 78.

<sup>110</sup> *Russia: With War, Censorship Reaches New Heights*, HUMAN RIGHTS WATCH (28 Feb. 2022), <https://www.hrw.org/news/2022/02/28/russia-war-censorship-reaches-new-heights>.

<sup>111</sup> Coalson, *supra* note 78.

<sup>112</sup> Shannon Bond & Bobby Allyn, *Russia is restricting social media. Here's what we know*, NPR (updated 21 Mar. 2022), <https://www.npr.org/2022/03/07/1085025672/russia-social-media-ban>.

This accusation followed Meta temporarily allowing some calls for violence against Russian soldiers.<sup>113</sup> Twitter is becoming more difficult to use, and TikTok is not allowing people in Russia to upload new material.<sup>114</sup> These bans and restrictions are a result of the country passing a law that criminalizes the spread of “false information” regarding the invasion. Facebook, Twitter, YouTube and other platforms blocked RT (formerly Russia Today) and Sputnik in Europe in compliance with EU sanctions and at the request of other countries supporting Ukraine.<sup>115</sup> The EU’s sanction also extends to traditional broadcast media organizations in Europe.<sup>116</sup> Roskomnadzor stated these restrictions are discriminatory and moved to block these platforms as a response.<sup>117</sup> The ban on Twitter falls under a federal law regulating calls for riots, extremism, protests, and the spread of “false information.”<sup>118</sup>

Russia’s Education Ministry has also been involved online and held an “online lesson” for schoolchildren and educators regarding “why the liberation mission in Ukraine was necessary.”<sup>119</sup> The department, also referred to as the Ministry of Enlightenment, hosted the “All-Russian Open Lesson” that would teach the “danger NATO represents to [Russia]” and “why Russia stood up for the protection of the civilians of the Donetsk and Luhansk People’s Republics.”<sup>120</sup> The lesson also aims at teaching children how to “distinguish the truth from lies in the huge stream of information, photos, and videos” flooding the internet.<sup>121</sup>

Russian citizens are attempting to outwit authorities by purchasing virtual private networks (VPNs) to access the blocked platforms and other news sites.<sup>122</sup> The demand for VPNs rose 668% on 3 MAR 2022 in just one week since the invasion.<sup>123</sup>

## V. Key Organizations

### Political Organizations

#### *United Russia*

United Russia is the dominant political party in the Russian Federation. United Russia holds 467 of the 620 in Russia’s Federal Assembly. Specifically, 142 of the 170 seats in the Assembly’s upper house, and 325 of the 450 seats in the Assembly’s lower house. United Russia is described as conservative and

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<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> Bond & Allyn, *supra* note 111.

<sup>116</sup> Bond & Allyn, *supra* note 111.

<sup>117</sup> Bond & Allyn, *supra* note 111.

<sup>118</sup> Bond & Allyn, *supra* note 111.

<sup>119</sup> Coalson, *supra* note 78.

<sup>120</sup> Gerrard Kaonga, *Russia’s Ministry of Enlightenment Gives Lesson to School Children Saying War ‘Necessary,’* NEWSWEEK (3 Mar. 2022), <https://www.newsweek.com/russia-broadcast-lesson-school-children-ukraine-war-invasion-1684436>.

<sup>121</sup> *Id.*

<sup>122</sup> Bond & Allyn, *supra* note 111.

<sup>123</sup> Bond & Allyn, *supra* note 111.

nationalist. The party strongly supports the policies of President Putin. The Current Chairman is former president Dmitry Medvedev. Medvedev also serves as Deputy Chairman of the Council under chairman and current president Vladimir Putin.

## **Military Organizations**

### *Armed Forces of the Russian Federation*

The military forces of the Russian Federation. Branches include the Russian Ground Forces, Russian Aerospace Forces, Russian Navy, Russian Airborne Forces, Russian Strategic Missile Forces, and the Russian Special Operations Forces.

## **Economic Organizations**

### *Bank of Russia*

The Bank of Russia is the central bank of the Russian Federation. It serves as the primary regulator of financial markets in Russia and the Russian Ruble. The Bank of Russia has served as a financial source for the Russian Federation during the Invasion. The Bank of Russia has been the target of numerous sanctions by the United States and other countries in efforts to disrupt the funding of the invasion. The Bank of Russia has been responsible for stabilizing the Russian economy during the sanctions targeted at the bank and other Russian financial markets.

### *Gazprom*

Gazprom is a Russian energy corporation and one of the largest natural gas companies in the world. The Russian Federation owns a majority stake in Gazprom. Gazprom is a primary partner in the Nord Stream gas pipeline that runs from Russia through Europe.

Most Responsible Parties Updates  
Updated as of 14 JUL 2023

Please note that while every attempt has been made to ensure the accurate documenting of changes in the Russian military and government hierarchies, these are ever-changing bodies. Accordingly, these offices may have new leaders at any given moment due to both the relative secrecy which senior members of Russian state operate within, as well as the continual modifications made necessary by the realities of war.

I. Military

A. Commander of Russian forces in Ukraine

1. In April 2022, Aleksandr Dvornikov was appointed the Commander of Russian forces in Ukraine.<sup>124</sup> Dvornikov is known as the “Butcher of Syria.”<sup>125</sup>
2. In June 2022, Gennady Zhidko was appointed Commander of Russian forces in Ukraine, replacing Aleksandr Dvornikov.<sup>126</sup>
3. On 8 October 2022, Sergey Surovikin was appointed Commander of Russian forces in Ukraine, replacing Gennady Zhidko.<sup>127</sup> Surovikin is known as the “General Armageddon.”<sup>128</sup>
4. On 11 January 2023, Valery Gerasimov was appointed Commander of Russian forces in Ukraine, replacing Sergey Surovikin.<sup>129</sup>

B. Deputy Minister of Defense

1. Dmitry Bulgakov, former Deputy Minister of Defense, was dismissed and replaced by Colonel General Mikhail Mizintsev on 24 September 2022, due to the Russian army’s widespread logistical problems in the invasion of Ukraine.<sup>130</sup>
2. Colonel General Mikhail Mizintsev, now Deputy Minister of Defense, was previously head of the National Defense Control Center of Russia.<sup>131</sup>

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<sup>124</sup> *Russia names air force general to lead its forces in Ukraine*, REUTERS (8 Oct. 2022), <https://www.reuters.com/world/europe/russia-names-air-force-general-lead-its-forces-ukraine-2022-10-08/>.

<sup>125</sup> Doha Madani et al., *Russia appoints general with cruel history to oversee Ukraine offensive*, NBC NEWS (10 Apr. 2022), <https://www.nbcnews.com/news/world/russia-appoints-general-cruel-history-oversee-ukraine-offensive-rcna23784>.

<sup>126</sup> James Beardsworth, *Russia’s Military ‘Reshuffle’ Hints at Frustration With Slow Ukraine Advance*, MOSCOW TIMES (29 Jun. 2022), <https://www.themoscowtimes.com/2022/06/29/russias-military-reshuffle-hints-at-frustration-with-slow-ukraine-advance-a78143>.

<sup>127</sup> *See supra* note 1.

<sup>128</sup> Pjotr Sauer, *Sergei Surovikin: the ‘General Armageddon’ now in charge of Russia’s war*, THE GUARDIAN (10 Oct. 2022), <https://www.theguardian.com/world/2022/oct/10/sergei-surovikin-the-general-armageddon-now-in-charge-of-russias-war>.

<sup>129</sup> Peter Beaumont & Sauer, *Russia replaces general in charge of Ukraine war in latest military shake-up*, THE GUARDIAN (11 Jan. 2023), <https://www.theguardian.com/world/2023/jan/11/russia-replaces-general-in-charge-of-ukraine-war-in-latest-military-shake-up>.

<sup>130</sup> *Russian Deputy Defense Minister Removed From Office*, RADIO FREE EUROPE/RADIO LIBERTY (24 Sep. 2022), <https://www.rferl.org/a/russia-minister-bulgakov-removed/32049316.html>.

<sup>131</sup> *Id.*



Mizintsev led the siege of the Ukrainian Sea of Azov port of Mariupol and is known as the “Butcher of Mariupol.”<sup>132</sup>

3. Nikolay Aleksandrovich Pankov (Deputy Minister of Defense) is frequently confused with, especially in photo usage, Nikolay Vasilyevich Pankov (Deputy of the State Duma).<sup>133</sup>

C. Deputy Commander-in-Chief of the Aerospace Forces

1. The first edition included Andrey Yudin in its MRP dossier as a presently serving Deputy Commander-in-Chief of the Aerospace Forces, but Sergei Dronov was appointed to this role in 2019, replacing Yudin.

D. Eastern Military District

1. On 5 October 2022, Rustam Muradov was appointed Commander in Chief of the Eastern Military District.<sup>134</sup> Muradov officially replaced Alexandr Chaiko, after major Russian losses in northeast Ukraine in September 2022 and Ukraine’s recapture of Lyman, in the Donetsk region.<sup>135</sup> However Gennady Zhidko might have been serving as the *de facto* Commander in Chief at the time.
2. Muradov himself was dismissed on 27 March 2023 after a failed battle for Vuhledar saw dozens of armored vehicles lost as well as incidents of Russian tanks running over their own troops.<sup>136</sup>
3. It is not confirmed who has replaced Muradov, however media speculation cites Lt. General Andrei Kuzmenko as Muradov’s likely replacement.<sup>137</sup>

E. Southern Military District

1. In January 2023, Sergey Kuzovlev (who temporary served as Commander in Chief of the Western Military District) was replaced Aleksandr Dvornikov as the Commander in Chief of the Southern Military District.<sup>138</sup>

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<sup>132</sup> *Id.*

<sup>133</sup> Compare e.g., Nikolay Aleksandrovich Pankov, WAR & SANCTIONS (last visited 17 Apr. 2023), <https://sanctions.nazk.gov.ua/en/sanction-person/513/>; with Nikolay Vasilyevich Pankov, WAR & SANCTIONS (last visited 17 Apr. 2023), <https://sanctions.nazk.gov.ua/en/sanction-person/524/>.

<sup>134</sup> Giulia Carbonaro, *Russian Commander Called ‘Crazy Idiot’ for Sending Troops to Certain Death*, NEWSWEEK (4 Apr. 2023), <https://www.newsweek.com/russian-commander-called-crazy-idiot-sending-troops-certain-death-1792415>.

<sup>135</sup> Mary Ilyushina & Natalia Abakumova, *Kremlin, shifting blame for war failures, axes military commanders*, THE WASH. POST (7 Oct. 2022), <https://www.washingtonpost.com/world/2022/10/07/russia-military-commanders-dismissed-war/>.

<sup>136</sup> Carbonaro, *supra* note 11.

<sup>137</sup> See e.g., Arpan Rai, *Rustam Muradov: Putin ‘sacks one of the Russia’s most senior commanders in Ukraine’*, THE INDEPENDENT (6 Apr. 2023), <https://www.independent.co.uk/news/world/europe/rustam-muradov-putin-ukraine-war-russia-b2315219.html>.

<sup>138</sup> Tessaron News, *Russian Western and Southern Military District Commanders Replaced*, ATLAS NEWS (23 Jan. 2023), <https://theatlasnews.co/conflict/2023/01/23/russian-western-and-southern-milirinders-replaced/>.

#### F. Western Military District

1. In September 2022, Roman Berdnikov was appointed Commander in Chief of the Western Military District, according to Russian state media replacing Alexander Zhuravlyov.<sup>139</sup> However, it is alleged that from June-September 2022 Andrei Sychevoi held this position until he was allegedly captured by Ukrainian forces.<sup>140</sup>
2. In December 2022, Sergey Kuzovlev also held the position of Commander in Chief of the Western Military District. Though reports conflict on when exactly Kuzovlev held this title, and if it was in conjunction with Berdnikov, both had been removed from the role by 26 December 2022.<sup>141</sup>
3. On 26 December 2022, Yevgeny Nikiforov was appointed Commander in Chief of the Western Military District. He continues to hold this role as of 14 July 2023.<sup>142</sup>

#### G. Central Military District

1. On 29 October 2022, Aleksandr Lapin was dismissed as Commander of the Central Military District.<sup>143</sup> On 3 November, Aleksander Linkov was appointed Acting Commander of Russia's Central Military District.<sup>144</sup>
2. On 17 February 2023, Andrey Mordvichev was appointed as the Commander of Russia's Central Military District.<sup>145</sup>

#### H. Naval Forces

1. On 17 August 2022, Viktor Sokolov was appointed Russian Black Sea Fleet acting commander, replacing Igor Vladimirovich Osipov.<sup>146</sup> This was most likely due to Osipov losing the fleet's flagship, the cruiser

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<sup>139</sup> *Russia Sacks Commander of Western Military District - Reports*, US NEWS & WORLD REP. (3 Oct. 2022), <https://www.usnews.com/news/world/articles/2022-10-03/russia-sacks-commander-of-its-western-district-forces-rbc>

<sup>140</sup> @CITeam\_en, Twitter (Jun. 27, 2022), [https://twitter.com/CITeam\\_en/status/1541503442048393217?s=20&t=8bIhBWM\\_ZdcVpwiCprTo0g](https://twitter.com/CITeam_en/status/1541503442048393217?s=20&t=8bIhBWM_ZdcVpwiCprTo0g); Brendan Cole, *Top Russian Commander of Invading Army Captured by Ukraine—Report*, NEWSWEEK (9 Sep. 2022), <https://www.newsweek.com/russia-ukraine-sychevoi-capture-commander-1741356>.

<sup>141</sup> Pavel Luzin, *The Political Considerations Behind Russia's Military Command Chaos*, EURASIA DAILY MONITOR: Vol. 20 Iss. 16 (26 Jan. 2023), <https://jamestown.org/program/the-political-considerations-behind-russias-military-command-chaos/>.

<sup>142</sup> *Id.*

<sup>143</sup> Alona Mazurenko, *Russia replaces Commander of Russia's Centre army group in war on Ukraine*, UKRAINSKA PRAVDA (3 Nov. 2022), <https://www.pravda.com.ua/eng/news/2022/11/3/7374844/>.

<sup>144</sup> *Id.*

<sup>145</sup> The Odessa Journal, General Mordvichev officially replaced General Lapin as commander of the Central Military District of the Russian Federation, THE ODESSA JOURNAL (17 Feb. 2023), <https://odessa-journal.com/public/general-mordvichev-officially-replaced-general-lapin-as-commander-of-the-central-military-district-of-the-russian-federation>.

<sup>146</sup> *Naval Academy chief Viktor Sokolov appointed as Russian Black Sea Fleet acting commander*, TASS (19 Aug. 2022), <https://tass.com/defense/1495733>.

*Moskva*, which sank in April 2022.<sup>147</sup>

## II. Political

### A. Deputy Prime Minister

1. On 15 July 2022, Yury Ivanovich Borisov transitioned from Deputy Prime Minister, where he was in charge of weapons industries, to Chief of Russia's space agency Roscosmos.<sup>148</sup> Denis Valentinovich Manturov, the Minister of Industry and Trade, replaced Borisov as Deputy Prime Minister.<sup>149</sup>

### B. Council of Ministers

1. On 25 May 2022, Aleksandr Vyacheslavovich Kurenkov was appointed Minister of Emergency Situations, replacing Aleksandr Petrovich Chupriyan, who served as Acting Minister since September 2021.<sup>150</sup>

### C. Presidential Plenipotentiary Envoy to the Ural Federal District

1. Nikolay Nikolayevich Tsukanov was Presidential Plenipotentiary Envoy to the Ural Federal District from 26 June 2018 to 9 November 2020.<sup>151</sup> On 9 November 2020, Vladimir Vladimirovich Yakushev replaced Tsukanov and remains in this position.<sup>152</sup>

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<sup>147</sup> Matthew Mpoke Bigg, *Russian commanders are relieved of duties over failures in Ukraine, a report says*, N.Y. TIMES (19 May 2022), [https://www.nytimes.com/live/2022/05/19/world/russia-ukraine-war?smid=url-share#russian-](https://www.nytimes.com/live/2022/05/19/world/russia-ukraine-war?smid=url-share#russian-commanders-are-reliev%20ed-of-duties-over-failures-in-ukraine-a-report-says)

[commanders-are-reliev%20ed-of-duties-over-failures-in-ukraine-a-report-says](https://www.nytimes.com/live/2022/05/19/world/russia-ukraine-war?smid=url-share#russian-commanders-are-reliev%20ed-of-duties-over-failures-in-ukraine-a-report-says).

<sup>148</sup> Jeffrey Kluger, *The US and Russia Signal Continued Cooperation—In Space, At Least*, TIME (7 Oct. 2022), <https://time.com/6220640/us-russian-space-station-collaboration/>.

<sup>149</sup> *Putin reshuffles top officials, names new head of state space corporation*, CNBC (15 Jul. 2022), <https://www.cnbc.com/2022/07/15/putin-reshuffles-top-officials.html>.

<sup>150</sup> *Putin appoints Alexander Kurenkov as Emergency Situations Minister*, TASS (25 May 2022), <https://tass.com/politics/1455683>.

<sup>151</sup> *Putin Announces Changes In Russian Government*, THE INDEPENDENT (10 Nov. 2020), <https://independent.ng/putin-announces-changes-in-russian-government/>.

<sup>152</sup> *Id.*

## I. VLADIMIR VLADIMIROVICH PUTIN

### **Title(s):**

President of the Russian Federation  
Supreme Commander-in-Chief  
Chairman of the Russian Security Council

### **Role(s):**

Commanded Russian armed forces to assemble along the Ukrainian-Russian border and gave the order to launch a war of aggression upon the State of Ukraine.



**Biographical Summary:** Vladimir Vladimirovich Putin (“Putin”) was born on 07 OCT 1952 in Leningrad, Russian SFSR, USSR (now Saint Petersburg, Russia). Putin studied law at Leningrad State University and graduated in 1975. In 1975, Putin began his service as a foreign intelligence officer for the Committee for State Security (“KGB”). In total, Putin served as a foreign intelligence officer for the KGB for a period of fifteen years. Putin retired from the KGB in 1990 as a lieutenant colonel.

Following his KGB service, Putin returned to Russia and became the prorector of Leningrad State University. This role required Putin to represent the institution in all external affairs. While at Leningrad State in the role of prorector, Putin reunited with his old mentor, Anatoly Sobchak, who was, at the time, the first democratically elected mayor of Saint Petersburg. While serving as an advisor to Sobchak, Putin earned the trust and confidence of his boss, earning a reputation as someone who could get things accomplished. Due to this reputation, in 1994, Putin became first deputy mayor.

Two years later, in 1996, Putin moved to Moscow and became a deputy to Pavel Borodin, who was the Kremlin’s chief administrator. Putin was able to make strong connections with fellow Leningrad State alumnus, such as Anatoly Chubais, which aided in Putin being promoted

through the administrative ranks. In JUL 1998, President Boris Yeltsin appointed Putin to the post of director of the Federal Security Service (“FSB”) (the domestic successor of the KGB). Soon thereafter, Putin became the secretary of the Security Council. At this time, President Yeltsin was looking for someone to assume his duties, having undergone emergency quintuple heart bypass surgery in 1996 followed by the government’s defaulting on its debts which caused the 1998 Russian financial crisis. As a result of Yeltsin’s failures, and Putin’s quick rise, Yeltsin appointed Putin Prime Minister of Russia in 1999.

When he was appointed Prime Minister, Putin was virtually unknown amongst Russian society. However, this quickly changed after he launched a military operation against secessionist groups in Chechnya. The Chechnya operation catapulted Putin’s public-approval ratings and ensured his electoral bloc, Unity, a victory in parliamentary elections.

Yeltsin announced his resignation on 31 DEC 1999 and named Putin the acting president. Putin won the MAR 2000 elections with about fifty-three percent of the vote in what was the first election where the electoral process was utilized to determine who sat in the Kremlin. Following his electoral victory, Putin suggested making peace with political foes when he contemplated adding members of opposition political parties to posts in his government. Among his priorities, Putin sought to end corruption and found a regulated market economy.

Upon his election, Putin divided Russia’s eighty-nine regions and republics into seven federal districts, with each district headed by a representative appointed by the president. Contemporaneously, Putin removed the right of regional governors to sit on the Federation Council, which is the upper house of Russian parliament. Putin also closed several media outlets and initiated criminal proceedings against large figures in the media industry, to reduce the power of financiers and media tycoons.

Putin had a rocky relationship with US President George W. Bush. In 2001, he strongly objected to Bush’s decision to discard the 1972 Anti-Ballistic Missile Treaty. However, in response to the attacks of 11 SEP 2001, Putin pledged Russia’s assistance to the US-led campaign against terrorist organizations. In this assistance, Russia aided in search-and-rescue operations and allowed allied forces to utilize Russian airspace for humanitarian deliveries. However, Putin opposed the US and UK use of force to oust the Saddam Hussein regime in Iraq.

In 2004, Putin was reelected. However, the Russian constitution, at that time, limited the president to serving two consecutive terms. So, from 2008 to 2012, Putin served as prime minister under Dmitry Medvedev. As prime minister under Medvedev, Putin oversaw large-scale military and police reform, as well as the Russo-Georgian War.

Putin was reelected to the presidency in 2012, and again in 2018. In APR 2021, Putin signed a constitutional amendment into law that allowed him to run for reelection two more times.

Putin initiated Russia's invasion of Ukraine at dawn on 24 FEB 2022, with fighting having begun in Luhansk Oblast near Milove village by the Russian border at 0340 local time.

On 17 MAR 2023 the International Criminal Court (ICC) issued an arrest warrant for Putin, as well as Maria Lvova-Belova, for forcibly taking Ukrainian children across state lines during Russia's invasion of Ukraine.

The ICC claims that Putin is “allegedly responsible for 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.)” They added that “[t]here are reasonable grounds to believe that Mr Putin bears individual criminal responsibility for the aforementioned crimes, (i) for having committed the acts directly, jointly with others and/or through others (article 25(3)(a) of the Rome Statute), and (ii) for his failure to exercise control properly over civilian and military subordinates who committed the acts, or allowed for their commission, and who were under his effective authority and control, pursuant to superior responsibility (article 28(b) of the Rome Statute.)”

On 23 and 24 JUN 2023, Putin faced a potential overthrow of his government after Wagner leader Yevgeny Prigozhin called for an armed conflict against the Ministry of Defense. After quickly taking over Rostov-on-Don, Prigozhin and Wagner then advanced to Moscow getting (according to Prigozhin) within 200 kilometers (about 124 miles) of Moscow. The situation ended after Putin's inner circle, but not Putin himself, negotiated a deal that in part saw Prigozhin safely exile himself in Belarus where Wagner troops could return to their bases with the guarantee of personal safety.

Though the potential overthrow did not materialize, the incident significantly damaged to Western notions of Putin having both a strong control of both his military, government, and third-party groups like Wagner. The incident had led to much speculation about Putin's ability to continue to control his nation for the long-term.

**Summary of Role(s):** The situation in Ukraine is complex and Putin's involvement in such is widespread being at the top of the chain of command.

On 14 APR 2023, Putin signed into law a tougher military draft than the one used in the partial mobilization on 21 SEP 2022. This allows the Kremlin to give electronic notice to draftees and reservists ordering mobilization. While in-person delivery will still continue, those conscripted will be officially given notice from the moment their name is put on a state portal for electronic services.

On 09 MAR 2023, Putin ordered the launching of 81 missiles at Ukraine. These principally targeted Dnipro, Odessa, Kharkiv and Zaporizhzhya; and according to Ukrainian President Volodymyr Zelenskyy hit “critical infrastructure and residential buildings.”

On 23 FEB 2023, Putin said the RS-28 Sarmat liquid-fueled missile (dubbed “Satan 2” by Western analysts) will be deployed this calendar year. US intelligence reported it was supposed to be deployed in 2022, but the missiles failed in testing.

On 21 FEB 2023, Putin addressed a joint session of Russian parliament where he falsely claimed that Ukraine was responsible for genocide.

On 04 JAN 2023, Putin deployed Zircon hypersonic cruise missiles across the Atlantic. A US Congressional report said they are designed to be used as nuclear warheads, most likely against Ukraine.

On 29 DEC 2022, the Russian military launched a 69-missile attack at Ukraine. Ukraine’s Commander-in-Chief of the Armed Forces Valery Zaluzhnyi stated that 54 were shot down, including all that were fired at Kyiv. The other 15 struck a total of 10 of Ukraine’s oblasts.

On 15 NOV 2022, the Russian military fired 85 missiles at the Ukrainian power grid system, which caused widespread outages, particularly in Kiev.

On 19 OCT 2022, Putin declared martial law in the four oblasts of Ukraine that Moscow had annexed to that point: Donetsk, Kherson, Luhansk, and Zaporizhzhya.

On 10 OCT 2022, Putin ordered missile strikes across Ukraine in response to the Crimean bridge explosion. Putin claimed that Russia targeted military, energy, and communications assets, but instead missiles landed in 15 Ukrainian cities.

On 30 SEP 2022, Putin signed decrees which annexed Donetsk, Luhansk, Zaporizhzhia and Kherson Oblasts of Ukraine into the Russian Federation. The annexations are not recognized by the international community and are illegal under international law.

On 21 SEP 2022, Putin announced a partial mobilization and the forthcoming annexation referendums in Russian-occupied Ukraine. On the same day, Putin also threatened to use nuclear weapons if Russia’s territorial sovereignty was threatened.

On 24 FEB 2022, Putin announced that Russian armed forces were launching a “special military operation” in eastern Ukraine. In his speech announcing such an operation, Putin claimed that

Russia sought the demilitarization and “denazification” of Ukraine. Putin falsely claimed that Ukrainian President Volodymyr Zelenskyy’s government was a Nazi government and that it was committing genocide against Russian speaking Ukrainians in eastern Ukraine. Within minutes of Putin’s speech, explosions were reported across Ukraine, including in locations such as Kyiv, Kharkiv, Odessa, and the Donbas region.

On 21 FEB 2022, Putin announced that Russia recognized the independence of two-regions, Donetsk, and Luhansk.

On 25 JAN 2022, the Russian military conducted exercises that involved 6,000 troops and sixty jets near Ukraine and Crimea. Later, on 10 FEB 2022, Russia, and Belarus both began to conduct military maneuvers that lasted for ten-days.

On 10 NOV 2021, the US reported that Russian troops were moving in an unusual fashion near the Ukrainian border. Ukraine reported 92,000 Russian troops had assembled by 28 NOV 2021.

In 2014, Russia annexed the Crimean Peninsula of Ukraine after “little green men,” later identified as Russian actors, seized key facilities and checkpoints in Crimea.

**Organizational Membership:** Putin is *de jure* a former member of the United Russia political party, the largest party in Russia holding 326 of the 450 in the State Duma, as he became a political “independent” in 2012. United Russia came into existence in 2001 following a merger of the political parties Unity and Fatherland. While Putin is not the official leader or even member of the United Russia party, he is the *de facto* leader of it and the party fully supports his policies.

**Incidents and Events of Note:** On 14 JUL 2023, it was reported that Putin still plans to attend the BRIC summit in South Africa in August.

On 29 JUN 2023, Putin stated he offered Wagner soldiers the option to continue serving as a single unit after the failed coup attempt. This was reported to be a three-hour meeting that included Prigozhin. It is not clear if it was accepted but it appears unlikely as Putin later stated concerning Wagner “[w]e do not have a law for private military organizations. It simply does not exist.”

On 28 JUN 2023, Putin made an unusual public walkabout in Derbent where he spent time shaking hands with the public. This served principally to project an image of domestic support for Putin to Western observers. Secondarily, it also served to reassure a possibly leery public that the Russian government and military was in full control of routine national affairs and that any possible concern about Wagner was unwarranted.



On 27 JUN 2023, Putin confirmed that the paramilitary Wagner Group was “fully financed” by the Russian government. He also admitted that this included over 86 billion RUB (940 million USD) just from MAY 2022 to MAY 2023.

On 23 and 24 JUN 2023, Putin faced a near-overthrow of his government by Wagner leader Yevgeny Prigozhin. Putin stated, addressing the nation, that the actions of Wagner members were “treason” while offering some level of leeway in that members may have been lured into joining Wagner by “deceit or threats”. Although Putin was allegedly not the target of the march according to Prigozhin (who claims he wanted to see senior members of the Russian military removed due to their ineffectiveness), there was a very real possibility felt not just in the West but even within Russia that Putin might be overthrown in a bloody confrontation. This was best seen through the stay-at-home orders issued in and around Moscow to protect the public from whatever sort of violent firefight might ensue.

On 24 JUN 2023, Putin refused to engage in talks with Prigozhin to cease Wagner’s advancement towards Moscow. All negotiations with Wagner were conducted by senior Kremlin officials and Belarusian President Alexander Lukashenko.

On 16 JUN 2023, Putin claimed to have deployed tactical nuclear weapons to Belarus. He also indicated that this was not the first time he had done so. He added that he intends to continue sending short-range nuclear weapons throughout the rest of the summer. He also threatened Western-made armory stating that “F-16s [supplied to Ukraine] will also be burning, there is no doubt.”

On 09 MAY 2023, Putin continued to reiterate false propaganda about there being a “cult of Nazism” in Ukraine during a speech at the Red Square during Victory Day celebrations.

On 12 APR 2023, leaked Pentagon documents confirm that Putin has been undergoing chemotherapy. This comes after longtime rumors about Putin potentially having blood cancer.

From 20-22 MAR 2023, Putin met in Moscow with Chinese President Xi Jinping. This was their first in-person meeting since SEP 2022 at a regional summit in Uzbekistan. This was Putin’s first meeting with a fellow head of state since being indicted as an international fugitive.

On 19 MAR 2023, Putin made a surprise visit to Crimea to mark the nine-year anniversary of Russia’s illegal invasion before visiting Mariupol. This was his first visit to Mariupol, and first visit to the Donbas since the 2022 invasion. During his visit to Crimea, Putin visited a children’s center. This came two days after the ICC issued an arrest warrant in connection to his role in transporting Ukrainian children.

On 17 MAR 2023, Putin was declared an international fugitive with the ICC issuing a warrant for his arrest for the unlawful deportation and transfer of children.

On 21 FEB 2023, Putin addressed a joint session of Russian parliament where he falsely claimed that Ukraine was responsible for genocide.

On 30 JAN 2023, former UK Prime Minister Boris Johnson stated that Putin threatened him with a missile attack on the UK during a phone call in FEB 2022.

On 31 DEC 2022, Putin gave a speech before people claiming to be Russian troops, however: facial recognition software showed most (if not all) of these people were local officials, with one of them having posed at least twice (as a sailor and in a church) with Putin since 2016.

On 25 DEC 2022, Putin declared in an interview that the goal of the invasion was to “unite the Russian people”, rejecting not just Ukrainian sovereignty, but also concepts of Ukrainian ethnicity, identity, and culture.

On 22 DEC 2022, while addressing the Security Council, Putin used the term “war” for the first time instead of referring to the invasion as a “special military operation” as he customarily did.

On 19 DEC 2022, Putin traveled to Minsk to meet with Belarus President and key ally Alexander Lukashenko.

On 10 NOV 2022, the Kremlin announced Putin would not attend the G-20 summit in Bali.

On 04 NOV 2022, Putin urged residents of Kerson to evacuate from the Russian controlled region.

On 21 SEP 2022, Putin announced his plan to annex portions of Ukraine as Russian territory and, on the same day, threatened to use nuclear weapons in defense of Russian territory.

On 06 SEP 2022, Ukraine sanctioned Putin.

On 18 MAR 2022, Putin attended a concert at the Luzhniki stadium in Moscow to commemorate the eighth anniversary of Russia’s annexation of Crimea. At that rally, Putin reiterated his false claims that Ukraine was committing genocide against Russian speaking individuals in the Donbas and stated that it was the main reason for the invasion. He also stated that “[f]or a world without Nazism,” Russia “will definitely implement all [of its] plans” in Ukraine.

On 18 MAR 2022, New Zealand sanctioned Putin.

On 01 MAR 2022, Japan sanctioned Putin.

On 28 FEB 2022, Australia, Canada, and Switzerland sanctioned Putin.

On 25 FEB 2022, the US, EU, and UK sanctioned Putin.

On 24 FEB 2022, Putin addressed the world and announced a special military operation against Ukraine. In that speech, Putin stated that NATO expansion into eastern Europe was one catalyst for his invasion of Ukraine.

On 21 FEB 2022, Putin gave a speech in which he recognized the Donetsk People's Republic and Luhansk People's Republic, two break away regions of Ukraine, as sovereign and independent states.

On 30 SEP 2015, Putin authorized Russian military intervention in Syria after a formal request from the Syrian regime.

In 2014, under the leadership of Putin, Russia officially annexed Crimea and Sevastopol.

## II. VALERY VASILYEVICH GERASIMOV

**Title(s):**

Commander of Russian forces in Ukraine, Chief of the General Staff, General of the Army

**Role(s):**

Top uniformed member of the Russian military and commands the entirety of Russia's armed forces.



**Biographical Summary:** Valery Vasilyevich Gerasimov (“Gerasimov”) was born on 08 SEP 1955, in Kazan, Tatar ASSR, USSR. From 1971 to 1973, Gerasimov attended the Kazan Suvorov Military School. From 1973 to 1977, he attended the Kazan Higher Tank Command School. Following his studies at the Kazan Higher Tank Command School, Gerasimov was assigned to the post of commander of a Mechanized Infantry platoon, company, and battalion of the Far Eastern Military District. From 1993 to 1995, Gerasimov was the commander of the 144<sup>th</sup> Guards Motor Rifle Division in the Baltic Military District.

From 1984 to 1987, Gerasimov studied at the Malinovsky Military Armored Forces Academy. Finally, from 1995 to 1997, he attended the Military Academy of the General Staff of the Armed Forces of Russia. Following his graduation from the General Staff academy, Gerasimov served as the First Deputy Army Commander within the Moscow Military District as well as the commander of the 58<sup>th</sup> Army in the North Caucasus Military District during the Second Chechen War.

In 2006, Gerasimov became the commander of the Leningrad Military District before being moved to command the Moscow Military District in 2009. On 23 DEC 2010, Gerasimov became the deputy Chief of the General Staff. In 2012, he was assigned to command the Central Military District. On 06 NOV 2012, Gerasimov was appointed Chief of the General Staff.

In FEB 2013, Gerasimov published an article titled “The Value of Science Is in the Foresight” in the Russian trade-paper *Military-Industrial Kurier*. In this article, Gerasimov laid out a new theory of modern warfare. According to *Politico*, this new theory, known as the Gerasimov Doctrine, “took tactics developed by the Soviets, blended them with strategic military thinking about total war, and laid out a new theory of modern warfare—one that looks more like hacking an enemy’s society than attacking it head-on.” Gerasimov wrote: “The very ‘rules of war’ have changed. The role of nonmilitary means of achieving political and strategic goals has grown, and, in many cases, they have exceeded the power of force of weapons in their effectiveness . . . [a]ll this is supplemented by military means of a concealed character.”

Gerasimov has been awarded the “Hero of the Russian Federation” award, which is given to individuals who provide extraordinary service to the state.

On 11 JAN 2023, Gerasimov replaced Sergey Surovikin as the Commander of Russian forces in Ukraine. Surovikin, Oleg Salyukov, and Alexei Kim currently serve as his deputies.

During the Wagner rebellion on 23 JUN 2023, Gerasimov (along with Minister of Defense Sergei Shoigu) was criticized by Prigozhin for being incompetent. Previously, on 05 MAY 2023, Prigozhin targeted the two claiming they were responsible for the loss of mercenaries Wagner suffered, stating “Shoigu, Gerasimov, where . . . is the ammunition? They came here as volunteers and are dying so you can sit like fat cats in your luxury offices.” Neither Gerasimov nor Shoigu was confirmed to have been removed from their position.

**Summary of Role(s):** As the Chief of the General Staff, Gerasimov is the highest-ranking officer of the Russian Armed Forces and the senior-most uniformed military officer. This position is comparable to the US chairman of the Joint Chiefs of Staff. Gerasimov is responsible for the massive deployment of Russian troops along the border with Ukraine, the invasion, and lack of de-escalation of the persistent situation.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 12 JUL 2023, the recently dismissed Major General Ivan Popov claimed Gerasimov dismissed him for criticizing his strategies regarding undersupplied troops on the battlefield. Popov stated that he had been concerned about “the lack of counter-battery combat, the absence of artillery reconnaissance stations and the mass deaths and injuries of [Russian soldiers] from enemy artillery.”

During the Wagner rebellion on 23 JUN 2023, Gerasimov’s dismissal was a key demand sought by Prigozhin from Putin. This demand was not assented to.

On 09 JUN 2023, Gerasimov appeared in a videoconference with his Chinese counterpart Liu Zhenli. Gerasimov invited Liu to Moscow and told Liu “[t]he coordination of Russian and Chinese efforts on the international stage has a stabilizing effect on the global situation,” and was “convinced today's meetings will help us continue to strengthen the strategic Russia-China defense partnership.”

On 30 APR 2023, a British intelligence memo released found that Russian military commanders have been punishing Russian soldiers for “violations” which are generally minor including drinking or attempting to end one’s contract. This punishment often involves accused soldiers being placed in “Zindans”: improvised cells made from holes in the ground that are then covered with a metal grill. Although Gerasimov has not been proven to have had any direct involvement with these Zindans, the report noted this was a staunch contrast from the start of the war which saw “many Russian commanders took a relatively light touch in enforcing discipline, allowing those who refused to soldier to quietly return home.” The report claims the transition occurred around the autumn of 2022, and these draconian measures took an even harsher and more prevalent role in military life “since Chief of the General Staff Valery Gerasimov assumed command of the operation.”

On 19 MAR 2023, after Russian President Vladimir Putin visited Mariupol, he then went to meet with Gerasimov and other leaders and troops at a command post in Rustov-on-Don, Russia.

On 15 MAR 2023, US Joint Chiefs Chair Gen. Mark Milley spoke again with Gerasimov by telephone. They discussed “several security-related issues of concern” according to a statement from the US Department of Defense.

On 11 JAN 2023, Gerasimov replaced Sergey Surovikin as the Commander of Russian forces in Ukraine. Surovikin, Oleg Salyukov, and Alexei Kim currently serve as his deputies.

In JAN 2023, Gerasimov instructed Russian political/military bloggers to reduce their coverage of the Wagner Group: which is believed to have a decreasing amount of influence in Russia.

On 24 OCT 2022, Gerasimov spoke separately by phone with the US Joint Chiefs Chair Gen. Mark Milley for the first time since May and Admiral Sir Tony Radakin, the British Chief of the Defense Staff, about the situation in Ukraine.

On 07 SEP 2022, Ukraine sanctioned Gerasimov.

On 01 MAY 2022, according to Ukraine officials, Gerasimov suffered a shrapnel wound when visiting the frontlines in Donbas. This could not be confirmed by US intelligence.

On 21 APR 2022, Australia sanctioned Gerasimov again, this time in relation to Russia's invasion of Ukraine.

On 18 MAR 2022, New Zealand sanctioned Gerasimov.

On 01 MAR 2022, Japan sanctioned Gerasimov.

On 25 FEB 2022, the US sanctioned Gerasimov.

On 23 DEC 2021, Gerasimov held a meeting with Admiral Sir Tony Radakin, the British Chief of the Defense Staff to discuss regional security issues.

On 09 DEC 2021, Gerasimov issued a warning to the government of Ukraine against trying to settle the war in the Donbas through the utilization of force. He said that "information about Russia's alleged impending invasion of Ukraine is a lie." Gerasimov went on to say "Kyiv is not fulfilling the Minsk Agreements. The Ukrainian armed forces are touting that they have started to employ US-supplied Javelin anti-tank missile systems in [Donbas] and are also using Turkish reconnaissance/strike drones. As a result, the already tense situation in the east of that country is further deteriorating."

On 31 DEC 2020, the UK sanctioned Gerasimov.

On 01 OCT 2020, Australia sanctioned Gerasimov again.

On 02 APR 2020, Switzerland sanctioned Gerasimov.

On 14 MAR 2022, the EU sanctioned Gerasimov.

In MAY 2014, Canada, Liechtenstein, and Switzerland sanctioned Gerasimov for interference in Ukraine and for his responsibility for the deployment of Russian troops along the Ukrainian border.

In SEP 2014, Australia sanctioned Gerasimov "for the massive deployment of Russian troops along the border with Ukraine and lack of de-escalation of the situation."

In APR 2014, the EU sanctioned Gerasimov for "actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine."

**III. NIKOLAY VASILYEVICH/VASELYEVICH  
BOGDANOVSKY/BOGDANOVSKIY**

**Title(s):**

First Deputy of the General Staff

**Role(s):**

Second top uniformed member of the Russian military.



**Biographical Summary:** Nikolay Vasilyevich Bogdanovsky (“Bogdanovsky”) was born on 17 JAN 1957 in Predgorny, Biysk District, Altai Krai, Russia, USSR. Bogdanovsky attended the Yekaterinburg Suvorov Military School from 1972 to 1974, and then the Moscow Higher Military Command school between 1974 and 1978. From 1984 to 1987, he attended the Frunze Military Academy. From 1994 to 1996, he attended the Military Academy of the General Staff of the Armed Forces.

In 1978, Bogdanovsky joined the Soviet Army, where he served as a reconnaissance platoon commander, company commander, chief of staff of a motorized rifle battalion, commander of a motorized rifle battalion in the Southern Group of Forces in Hungary from 1978 to 1984. From 1987 to 1994, Bogdanovsky was the chief of staff of fortified areas, commander of a motorized rifle regiment, and chief of staff of a motorized rifle division.

From 1996 to 2006, he was the Chief of the 392nd Pacific Center for Training Junior Specialists of Motorized Rifle Forces. During this time, he also served as the Chief of Staff and Commander of the 35th Army.

Between JUN 2006 and JAN 2008, Bogdanovsky was the Deputy Commander of the Far Eastern Military District. Following this post, from JAN 2008 to MAR 2009, he was the Chief of the General Staff of the Ground Forces and the 1st Deputy Commander-in-Chief of the Ground Forces.



Between 24 MAR 2009 and 09 JAN 2011, Bogdanovsky was the Commander of the Leningrad Military District. On 09 JAN 2011, Putin issued a decree that appointed Bogdanovsky to the post of Deputy Commander-in-Chief of the Ground Forces for combat training.

On 13 DEC 2012, Bogdanovsky was promoted to the rank of Colonel General. Following this promotion, he became the commander of the Central Military District. Then, on 12 JUN 2014, Putin once again promoted Bogdanovsky by Decree of the President, this time to the position of First Deputy Chief of the General Staff of the Armed Forces of Russia.

It must be noted that Bogdanovsky may not be alive as his direct movements, actions, and communications are unknown since NOV 2015.

**Summary of Role(s):** Disseminates the Commander-in-Chief's policies, transmits his orders, and oversees the execution of such orders in Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 01 NOV 2022, New Zealand sanctioned Bogdanovsky.

On 18 MAY 2022, Australia sanctioned Bogdanovsky.

On 21 APR 2022, the UK sanctioned Bogdanovsky.

On 12 NOV 2015, Bogdanovsky signed a bilateral agreement in Pyongyang with the North Korean Vice Chief of the Korean People's Army O Kum-Chol on the prevention of dangerous military activities.

Between 29 SEP and 01 OCT 2015, Bogdanovsky took part in negotiations on coordination of actions with the Israel Defense Forces during Russia's military intervention in Syria. This included Moscow affirming that they were not planning to establish an air base in Syria.

On 17 SEP 2014, Canada sanctioned Bogdanovsky for his involvement in Russia's annexation of Crimea.

#### IV. IGOR OLEGOVICH KOSTYUKOV

**Title(s):**

Director of Russian Military Intelligence

**Role(s):**

Heads the main intelligence department of the Russian General Staff and provides the military actively engaged in hostilities in Ukraine with intelligence.



**Biographical Summary:** Igor Olegovich Kostyukov (“Kostyukov”) was born on 21 FEB 1961 in Amur Oblast, RSFSR, USSR. On 22 NOV 2018, he was appointed the acting Director of the Russian General Staff’s Main Intelligence Department (GRU) following the death of Igor Korobov, who had held the role prior. In 2019, he was promoted to the rank of Admiral. Kostyukov is the first naval officer to hold the office of the Director of the GRU. While not much information is available on Kostyukov, it has been noted that he is a hardliner. He has been awarded the “Hero of Russian Federation” award.

Kostyukov’s children: Alena Solomonova and Oleg Kostyukov each own real estate worth millions of dollars/hundreds of millions of rubles, far beyond their annual incomes, in addition to high-end luxury cars and jewelry. How they came to possess these assets is not yet clear.

**Summary of Role(s):** Senior official of the authority that is directly involved in hostilities against Ukraine. Additionally, the military command of the Wagner Group is believed to be directly held by the GRU and Kostyukov. The Wagner Group is a group of paramilitary mercenaries, mostly populated by current and former GRU operatives, and is used when direct GRU involvement is considered undesirable.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** Two videos from 24 JUN 2023 during the Wagner rebellion show Russian generals speaking to Prigozhin in Rostov-on-Don. There was a friendly demeanor between Prigozhin and the generals that was described as even being “chummy.” It is believed, but not confirmed, that Kostyukov and Vladimir Alexeyev are each speaking with Prigozhin in at least one of the videos.

On 20 OCT 2022, the EU sanctioned Kostyukov for allegedly stealing Angela Merkel’s emails in a 2015 hacking attack on the German parliament.

On 19 OCT 2022, Ukraine sanctioned Kostyukov.

On 11 MAY 2022, New Zealand sanctioned Kostyukov for his involvement in Ukraine.

On 07 APR 2022, the UK sanctioned Kostyukov for his senior leadership role when the toxic nerve agent “Novichok” was used by officers from the GRU in the UK and also for cyberattacks where data was stolen and e-mail accounts of several MPs as well as Chancellor Angela Merkel were affected.

On 06 APR 2022, Australia sanctioned Kostyukov for his involvement in Ukraine.

On 05 APR 2022, Canada sanctioned Kostyukov for his involvement in Ukraine.

On 18 MAR 2022, Japan sanctioned Kostyukov.

In MAR 2022, the EU placed Kostyukov on its “blacklist.”

On 31 DEC 2020, the UK sanctioned Kostyukov.

On 21 JAN 2019, the EU sanctioned Kostyukov.

On 29 DEC 2016, the US sanctioned Kostyukov for allegedly interfering in the 2016 US presidential election.

## V. OLEG LEONIDOVICH/LEONYDOVYCH SALYUKOV

**Title(s):**

Commander-in-Chief of the Russian Ground Forces

**Role(s):**

Heads and commands the entirety of the Russian ground forces which are engaged in Ukraine.



**Biographical Summary:** Oleg Leonidovich Salyukov (“Salyukov”) was born on 21 MAY 1955 in Saratov, Russian SFSR, USSR. In 1977, Salyukov graduated from the Ulyanovsk Guards Higher Tank Command School with a gold medal. From 1977 to 1982, Salyukov held the positions of (i) platoon officer, (ii) company officer, and (iii) Chief of the staff for the Battalion Commander in the Kiev Military District.

In 1985, he graduated from the Malinovsky Military Armored Forces Academy with high honors. From 1985 to 1994, he held the positions of (i) Deputy Commander of a Training Tank Regiment, (ii) Commander of a Training Tank Regiment, and (iii) Deputy Commander of a Guards tank division in the Moscow Military District.

From 1994 to 1997, he held the positions of (i) Commander of the 81st Guards Motor Rifle Division, (ii) Chief of the staff and Army Commander (35th Army), and (iii) Deputy Commander-in-Chief of the Far East Military District. In 1996, Salyukov graduated from the Military Academy of the General Staff of the Armed Forces of Russia.

From 2005 to 2008, he served as the Chief of the Staff-First Deputy Commander-in-Chief of the Far East Military District. From 2008 to 2010, he held the post of Commander-in-Chief of the Far East Military District. From 2010 to 2014, he was the Deputy Chief of the General Staff of the Armed Forces of the Russian Federation.

From MAY 2014 to the present, Salyukov holds the post of Commander-in-Chief of the Russian Army. In MAY 2014, Salyukov was appointed to the post of Commander-in-Chief of the Russian Ground Forces. In 2019, he was promoted to the rank of General of the Army.

**Summary of Role(s):** Commanded the entirety of Russia’s ground forces during the invasion of Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 15 MAY 2023, Salyukov met with his South African counterpart: Lt. Gen. Lawrence Mbatha in Moscow. The two discussed “military cooperation” and “the implementation of projects geared to enhance the combat readiness of the two countries’ armies” according to a statement from the Russian Defense Ministry.

On 12 JAN 2023, Salyukov arrived in Belarus to evaluate the readiness of the Belarusian-Russian regional military forces to carry out missions for matters of Belarus and Russian military security.

On 10 MAY 2022, Salyukov commanded a victory day parade marking the 77th anniversary of the victory over Nazi Germany where Putin, when discussing Russia’s war in Ukraine, said to his military “You are fighting for the motherland, for her future, and so that nobody forgets the lessons of World War II, so that there is no place in the world for executioners, killing squads and Nazis.”

On 12 APR 2022, Japan sanctioned Salyukov.

On 18 MAR 2022, New Zealand sanctioned Salyukov.

On 15 MAR 2022, the UK sanctioned Salyukov.

On 08 MAR 2022, Australia sanctioned Salyukov.

On 25 FEB 2022, Switzerland sanctioned Salyukov.

On 23 FEB 2022, the EU sanctioned Salyukov for being “responsible for actively supporting and implementing actions and policies that undermine and threaten the territorial integrity, sovereignty and independence of Ukraine as well as the stability or security in Ukraine.”

On 21 JUN 2018, Ukraine sanctioned Salyukov.

On 16 SEP 2014, Canada sanctioned Salyukov.

## VI. ALEKSANDR PAVLOVICH LAPIN

### **Title(s):**

Chief of Staff of Russian Ground Forces (JAN 2023 – PRES)

*Former* Commander in Chief of the Central Military District (NOV 2017 – OCT 2022)

### **Role(s):**

Advises and assists Oleg Salyukov, the Commander-in-Chief of the Russian Ground Forces, in military decisions and tactics in Ukraine.

*Former* Top official responsible for one of the five military districts in Russia.



**Biographical Summary:** Aleksandr Pavlovich Lapin (“Lapin”) was born 01 JAN 1964 in Kazan. In 1997, he graduated from the Malinovsky Military Armored Forces Academy. After graduation, he served in the 58th Combined Arms Army as the commander of a separate tank battalion. In 1999, Lapin was the chief of staff, commander of the 429th Motor Rifle Regiment of the 19th Motor Rifle Division. From 2001 to 2003, he became the Chief of Staff of the 20th Guards Motorized Rifle Carpathian-Berlin Division. From 2003 to 2006, Lapin became the commander of the 205th Motorized Rifle Cossack Brigade and was promoted to major general. From 2006 to 2007, he was the commander of the 20th Guards Motor Rifle Division.

In 2009, Lapin graduated from the Military Academy of the General Staff of the Russian Armed Forces. After graduating from the academy, Lapin was deputy commander of the 58th Army.

From APR 2012 to JUL 2014, Lapin commanded the 20th Guards Combined Arms Army. In 2014, he was awarded the military rank of Lieutenant General. From 2014 to 2017, Lapin was the Chief of Staff-First Deputy Commander of the Eastern Military District.

In 2017, Lapin became the chief of staff of the grouping of the Russian troops and forces in

Syria. He was promoted to colonel general in 2019. From SEP to NOV 2017, Lapin was the Head of the Combined Arms Academy of the Armed Forces of the Russian Federation.

On 22 NOV 2017, Lapin was appointed commander of the Central Military District. The Central Military District is one of the five military districts in Russia and is the largest military district in Russia by geographic size and population at 54.9 million people.

Lapin was promoted to the rank of colonel general in 2019. Over the summer of 2022, Putin awarded Lapin the “Hero of Russia”, the highest honorary title of Russia.

On 29 OCT 2022, Lapin was dismissed as Commander of the Central Military District. Alexander Linkov was reportedly appointed acting commander of Russia’s Central Military District.

On 10 JAN 2023, Lapin was appointed to be Chief of Staff of the Russian Ground forces, taking over from Vasily Tonkoshkurov, where he advises and assists Commander-in-Chief Oleg Salyukov in decisions and tactics in Ukraine.

**Summary of Role(s):** Advises and assists the commander-in-chief of the Russian Ground Forces in military decisions and tactics in Ukraine. Former top official responsible for one of the five military districts in Russia. He was the commander of the Army Group “Center” of the Russian Army Forces during the 2022 Russian invasion of Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 23 MAY 2023, video footage appears to show Lapin leading an operation of possible Spetnaz special forces in and around Belgord along the Russian-Ukrainian boarder. Though it cannot be confirmed to be authentic, this would indicate a clear lack of border control by the Russian military and would support Russian concerns of a possible counter-offensive by the Ukrainian military.

On 10 JAN 2023, Lapin took over the position of Chief of Staff from Vasily Tonkoshkurov, who was dismissed for unexplained reasons.

On 29 OCT 2022, Lapin was dismissed as Commander of the Central Military District. Alexander Linkov was reportedly appointed acting commander of Russia’s Central Military District.

Over the summer of 2022, Putin awarded Lapin the “Hero of Russia”, the highest honorary title of Russia.

On 06 MAY 2022, Canada sanctioned Lapin.

In late MAR 2022, Lapin visited the front line and awarded a medal to his son, the commander fighting in Sumy and Chernihiv, just before the Russian army withdrew.

On 18 MAR 2022, New Zealand sanctioned Lapin.

On 15 MAR 2022, the UK sanctioned Lapin.

On 25 FEB 2022, Australia sanctioned Lapin.



## VII. VASILY/VASILII PETROVICH TONKOSHKUROV

**Title(s):**

*Former* First Deputy Commander-in-Chief of the Russian Ground Forces

**Role(s):**

Advised and assisted Oleg Salyukov, the Commander-in-Chief of the Russian Ground Forces, in military decisions and tactics in Ukraine.



**Biographical Summary:** Vasily Petrovich Tonkoshkurov (“Tonkoshkurov”) was born on 27 JAN 1960 in Karaganda, Kazakh SSR, USSR. He joined the Soviet Armed Forces in 1977. In 1981, he graduated from the General VI Lenin Higher Military School in Tashkent. From OCT 1983 to DEC 1985, Tonkoshkurov was in the 371st motorized battalion. He was injured while involved in the Soviet-Afghan War.

In 1990, he graduated from the Frunze Military Academy. Between FEB 2000 and JUL 2000, he was involved in the Second Chechen War.

In 2004, Tonkoshkurov graduated from the Military Academy of the General Staff with a gold medal. Beginning in JUL 2004, he commanded the 19th motorized division of the North Caucasus region. In JUN 2008, Tonkoshkurov was assigned to the post of first deputy commander of the 42nd army of the Siberian region. On 11 JUN 2009, he was assigned as commander of the 42nd Siberian army.

Between OCT 2013 and MAY 2018, Tonkoshkurov was the deputy commander of the General Staff of the Armed Forces. In MAY 2018, Tonkoshkurov was appointed to the post of deputy commander-in-chief of the Russian Ground Forces.

On 10 JAN 2023, Col. Aleksandr Lapin took over as First Deputy Commander-in-Chief of the Russian Ground Forces from Tonkoshkurov. It is unclear why this occurred or what Tonkoshkurov's next role will be.

**Summary of Role(s):** Formerly advised and assisted the commander-in-chief of the Russian Ground Forces in military decisions and tactics in Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 10 JAN 2023, Tonkoshkurov was replaced in his position by Col. Aleksandr Lapin. It is unclear why this occurred or what Tonkoshkurov's next role will be.

On 09 APR 2021, Tonkoshkurov announced that Russia aimed to establish its first experimental army unit equipped with combat UGVs.

In MAR 2019, Tonkoshkurov accompanied and led 100 Russian soldiers in an envoy to Venezuela to discuss equipment maintenance, training, and strategy with the Maduro regime.

On 30 SEP 2014, Tonkoshkurov told reporters that the first Russian military drafts in Crimea and Sevastopol would begin in 2015.

## VIII. ALEKSANDR/ALEXANDER ANATOLYEVICH MATOVNIKOV

**Title(s):**

Deputy Commander-in-Chief of the Russian Ground Forces

**Role(s):**

Advises and assists the commander-in-chief and first deputy commander-in-chief of the Russian Ground Forces in military decisions and tactics in Ukraine.



**Biographical Summary:** Aleksandr Anatolyevich Matovnikov (“Matovnikov”) was born on 19 SEP 1965 in Moscow. In 1982, he began attending the Higher Border Military-Political School of the KGB and graduated in 1986. His service to the KGB began immediately after his schooling, as he was appointed to the elite stand-alone unit of the Federal Security Service of the Russian Federation known as Group “A” of the 7th Directorate of the KGB. This was better known as the “Alpha Anti-Terror Unit,” which responded internationally and domestically to terrorist attacks and hostage situations. He served in the final years of the Soviet War in Afghanistan, carrying out special operations for the KGB.

During his KGB service, Matovnikov was a member of a motorized group operating under the cover of operational units of border troops during the Soviet-Afghan war. Additionally, he held the positions of the head of the 2nd department of the 1st department of Department “A” and the first deputy head of Department “A.” In 1987, he was a member of General Secretary Mikhail Gorbachev’s security detail during a state visit to the US. In 1988, he was a member of the security detail for British Prime Minister Margaret Thatcher when she visited areas of Armenia affected by an earthquake.

In 1992, Matovnikov graduated from the Higher School of the Ministry of Security of Russia. Afterwards, he took part in both the First and Second Chechen Wars, including several special operations. Such operations included the storming of a hospital in Budyonnovsk, an anti-terrorist

operation in the “Nord-Ost” on Dubrovka, and an investigation into the circumstances of the storming of a school in Beslan.

In 1993 he was appointed to the Federal Counterintelligence Service of the Russian Federation serving until 1995.

In 2013, Matovnikov was transferred to the Ministry of Defense and then appointed to the post of Deputy Commander of the Special Operations Forces of the Main (Intelligence) Directorate of the General Staff of the Russian Armed Forces. In 2015, he became Commander of the MTR and Deputy Chief of the Main Directorate of the General Staff of the Russian Armed Forces.

It has been reported that Matovnikov was a special assignment officer under Putin and led secret military operations abroad. Such operations included coordinating the actions of personnel in Ukraine during Russia’s annexation of Crimea. He was also reported to be in command posts during Russia’s military intervention in Syria’s civil war. In 2017, Matovnikov was awarded the title of “Hero of the Russian Federation” by Putin for his actions in Syria.

On 22 FEB 2018, he was promoted to Lieutenant General. On 26 JUN 2018, he was appointed Plenipotentiary Representative in the North Caucasus Federal District. On 03 JUL 2018, he was included in the Russian Security Council.

On 22 JAN 2020, he was transferred to the post of Deputy Commander-in-chief of the Ground Forces. On 03 FEB 2020, he was removed from the Security Council.

**Summary of Role(s):** Advises and assists Oleg Salyukov, the Commander-in-Chief of the Russian Ground Forces, and Vasily Tonkoshkurov, the First Deputy Commander-in-Chief, in military decisions and tactics in Ukraine.

**Organizational Membership:** Matovnikov is a member of the Association of Veterans of the Anti-Terror Unit “Alpha.”

**Incidents and Events of Note:** On 27 FEB 2023 a Russian aircraft under the command of Matovnikov was shot down over Belarus. The following day, a sexually explicit 44 second video of Matovnikov was leaked to the public, possibly as an enemy from Belarus or Ukraine in an attempt to discredit the General following the aircraft loss the previous day. As the leak came from the Telegram channel VChK-OGPU, which is allegedly fed by the Wagner Group, it might have been leaked from within Russia from possible tensions between Matovnikov and Yevgeny Prigozhin.

## IX. SERGEY/SERGEI VLADIMIROVICH SUROVIKIN

### **Title(s):**

General of the Army  
Commander of the Aerospace Forces  
Commander of Russian forces in Ukraine

### **Role(s):**

Second in Command for all Russian Forces in Ukraine.



**Biographical Summary:** Sergey Vladimirovich Surovikin (“Surovikin”) was born on 11 OCT 1966 in Novosibirsk, RSFSR, USSR. In 1987, Surovikin graduated from Omsk Higher Military Command School. Following his education, he was sent to a Spetsnaz unit and served in the Soviet-Afghan War.

In AUG 1991, during the AUG Coup, Surovikin was ordered to send his battalion into the tunnel on Garden Ring, which resulted in three demonstrators being killed. After the coup was defeated, Surovikin was arrested and held under investigation for seven months. On 10 DEC 1991, Boris Yeltsin concluded that Surovikin was only following orders and dropped the charges. Surovikin was promoted to the rank of major shortly afterwards.

He also attended the Frunze Military Academy. In SEP 1995, Surovikin was sentenced to a year of probation by the Moscow garrison’s military court for the illegal sale of weapons. The conviction was later overturned when the investigation concluded that Surovikin gave a fellow student a pistol for a competition but was unaware of its intended purpose. Surovikin graduated from Frunze in 1995.

Upon graduation from Frunze, Surovikin was sent to Tajikistan to command a motor rifle (tank) battalion. Shortly after, he became the chief of staff of the 92nd Motor Rifle Regiment, chief of staff and commander of the 149th Guards Motor Rifle Regiment and chief of staff of the 201st Motor Rifle Division.

In 2002, Surovikin graduated from the Military Academy of the General Staff. Upon graduation, Surovikin was sent to Yekaterinburg, where he became the commander of the 34th Motor Rifle Division.

In MAR 2004, Lieutenant Colonel Viktor Chibizov accused Surovikin of assaulting him for voting for the wrong candidate. In APR 2004, division deputy commander for armaments Colonel Andrei Shtakal shot himself in the presence of Surovikin after being criticized by Surovikin. Military prosecutors found no evidence of guilt in either instance.

Beginning in JUN 2004, Surovikin led the 42nd Guards Motor Rifle Division which was stationed in Chechnya.

In 2005, he became the chief of staff of the 20th Guards Army. In APR 2008, he became the army commander. In NOV 2008, Surovikin became the head of the Main Operations Directorate of the General Staff. In JAN 2010, he became the chief of staff of the Volga-Urals Military District (which became the Central Military District shortly thereafter).

Beginning in NOV 2011, Surovikin headed a working group that was established to create a Military Police. In OCT 2012, he became the chief of staff of the Eastern Military District. In OCT 2013, he was appointed commander of the Eastern Military District. On 13 DEC 2013, he was promoted to the rank of colonel general.

On 09 JUN 2017, Surovikin was introduced to media representatives as the Commander of the Russian armed forces deployed to Syria. On 22 NOV 2017, Surovikin was appointed to the post of Commander of the Aerospace Forces by presidential decree. On 28 DEC 2017, Surovikin was awarded the Hero of the Russian Federation award for his involvement in Syria.

Surovikin once again commanded the contingent of Russian military forces in Syria from JAN 2019 to APR 2019. In 2021, Surovikin was promoted to General of the Army.

On 08 NOV 2022, Putin appointed Sergey Surovikin the Commander of Russian forces in Ukraine, replacing Gennady Zhidko. Surovikin is known as the “General Armageddon.”

On 11 JAN 2023, Surovikin was replaced with General Valery Gerasimov as Commander of Russian forces in Ukraine, and Surovikin now serves as Gerasimov’s deputy.

Surovikin is believed to have been a supporter of Yevgeny Prigozhin's rebellion in JUN 2023, with anonymous US officials claiming he had prior knowledge of the planned attack. He has not been seen since 24 JUN when a video was released of him making an address to Wagner soldiers instructing them to stop the rebellion. He is potentially imprisoned, as anonymous defense ministry members reported that he was arrested. The official response of the Russian government is that Surovikin is "resting."

**Summary of Role(s):** Responsible for all Russian forces in Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 12 JUL 2023, Andrey Kartapolov of the State Duma stated Surovikin's absence has been caused by his "resting" though it is also confirmed his deputy, Andrei Yudin, was fired from the Army on 29 JUN 2023. According to Surovikin's daughter "everything is fine" with her father but claimed "he's at work" which would contradict the Duma's position.

With Lieutenant General Vladimir Alekseyev, Surovikin appeared in a video on 24 JUN 2023 urging Wagner soldiers to stop their rebellion, some observers noted the video had a "hostage-style" likeness. Surovikin has not been seen since.

During the Wagner rebellion on 23 JUN 2023, Surovikin acted in an intermediary role between Wagner and the Russian military hierarchy.

According to anonymous US officials, Surovikin had prior knowledge of Prigozhin's rebellion before 23 JUN 2023. He was a key ally of Prigozhin in the ongoing power struggle leading up to the rebellion and held a personal registration number and "VIP status" within Wagner.

On 27 FEB 2023, it was announced the Russian Air Defense was removed from the subordination of the Ground Forces, and re-subordinated under the Russian Aerospace Forces. This puts them under Surovikin's authority, as he has led the Aerospace Forces since 2017.

On 11 JAN 2023, Surovikin was removed from his post as Commander of all Russian Forces in Ukraine, to serve as a deputy under General Valery Gerasimov. The Defense Ministry said he would be one of Gerasimov's three deputies, along with army Gen. Oleg Salyukov and Col. Gen. Alexey Kim, as part of a new "joint group of forces."

On 09 NOV 2022, Surovikin appeared on Russian State television with Sergey Shoigu approving of Russia's military withdrawal from Ukraine's Kherson City.

On 08 NOV 2022, Putin appointed Surovikin the overall commander of Russian forces in Ukraine.

On 19 OCT 2022, Ukraine sanctioned Surovikin for his involvement in Ukraine.

On 18 OCT 2022, Surovikin told reporters that “The situation in the area of the ‘Special Military Operation’ can be described as tense.”

On 12 APR 2022, Japan sanctioned Surovikin for his involvement in Ukraine.

On 18 MAR 2022, New Zealand sanctioned Surovikin for his involvement in Ukraine.

On 15 MAR 2022, the UK sanctioned Surovikin for his involvement in Ukraine.

On 14 MAR 2022, Ukraine’s Prosecutor General Irina Venediktova announced that she filed a criminal case against Surovikin and other Russian officials. The same day, Canada sanctioned Surovikin for his involvement in Ukraine.

On 08 MAR 2022, Australia sanctioned Surovikin for his involvement in Ukraine.

On 23 FEB 2022, the EU added Surovikin to its sanctions list for his involvement in the Russian invasion of Ukraine “for actively supporting and implementing actions and policies that undermine and threaten the territorial integrity, sovereignty and independence of Ukraine as well as the stability or security in Ukraine.”

On 22 FEB 2022, Switzerland sanctioned Surovikin for his involvement in Ukraine.

In OCT 2020, a Human Rights Watch report listed Surovikin as one of the commanders “who may bear command responsibility for violations” during the 2019–2020 offensive in Idlib, Syria.

In 2004, it is reported that a colonel serving under Surovikin killed himself after Surovikin addressed him inappropriately.

In AUG 1990, Surovikin, then a 24-year-old captain, participated in the failed coup against Soviet President Mikhail Gorbachev. Surovikin led a motorized rifle battalion that drove through barricades set up by protesters outside the Russian White House. Units under Surovikin’s command killed three civilians — Dmitry Komar, Ilya Krichevsky and Vladimir Usov. After the failed coup, Surovikin was jailed for several months but then was freed and never convicted of any crime as prosecutors in Moscow ruled that he was simply obeying an order.



**X. VIKTOR MUSAVIROVICH AFZALOV**

**Title(s):**

First Deputy Commander-in-Chief of the Aerospace Forces,  
Chief of the Main Staff

**Role(s):**

Advises and assists the commander-in-chief of the Russian Aerospace Forces in aerial military decisions and tactics in Ukraine.



**Biographical Summary:** Viktor Musavirovich Afzalov (“Afzalov”) was born 09 JUN 1968. Afzalov graduated from the Pushkin Higher Military School of Air Defense Radio Electronics in 1998. He then graduated from the Air Defense Military University in 2000, and later from the Military Academy of the General Staff of the Russian Armed Forces in 2010.

From JUL 2017 to AUG 2018, Afzalov served as the Commander of the Eastern Military District Air Force and Air Defense Army.

**Summary of Role(s):** Advises and assists the commander-in-chief of the Russian Aerospace Forces in aerial military decisions and tactics in Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 09 JUL 2023, Afzalov was seen briefing a report to Chief of General Staff Valery Gerasimov during a military meeting. Normally, this task would be done by Afzalov’s superior Sergei Surovikin, but Surovikin has not been seen since the Wagner rebellion on 23 and 24 JUN 2023.

On 07 DEC 2022, Afzalov was promoted to the rank of colonel general by Vladimir Putin.

## XI. SERGEY/SERGEI VLADIMIROVICH DRONOV

### **Title(s):**

Commander of the Air Force,  
Deputy Commander-in-Chief of the Aerospace Forces

### **Role(s):**

Commands the entirety of the Russian Air Force and therefore its operations in Ukraine. Advises and assists the commander-in-chief and first deputy commander-in-chief of the Russian Aerospace Forces in aerial military decisions and tactics in Ukraine.



**Biographical Summary:** Sergei Vladimirovich Dronov (“Dronov”) was born on 11 AUG 1962 in Almazovka, Voroshilovograd region, Ukraine. In 1983, Dronov graduated from the Yeisk Higher Military Aviation School for Pilots. Upon graduation, Dronov was referred for further service in the Belarusian Military District, where he served in a fighter-bomber regiment. In 1990, Dronov attended the Yuri Hagarin Air Force Academy. Upon graduation, he was appointed commander of a fighter regiment in the North Caucasus Military District. He then commanded the air force and air defense units in the Far Eastern Military District, though the period of time of such service is unknown to us. In 2013, Dronov was appointed deputy commander of the Russian air force.

In SEP 2015, Dronov was appointed head of the aviation group for the Russian air force base in Syria. During this post, Dronov planned and conducted military operations on the orders of the Supreme Commander. He returned to Russia in 2017. In 2019, Dronov was appointed commander-in-chief of the Air Force of the Russian Federation and the deputy commander of the Aerospace Forces.

**Summary of Role(s):** Commands the entirety of the Russian Air Force. Advises and assists the commander-in-chief and first deputy commander-in-chief of the Russian Aerospace Forces in aerial military decisions and tactics in Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 01 NOV 2022, Drovnov attended a graduation ceremony for the Russian Air Force Academy for 400 students with Lt. General Alexander Maksimtsev. The ceremony was notable as it was the first time a Saudi national (Faisal Al-Atwi) graduated from the Russian Air Force Academy.

On 12 AUG 2022, Drovnov announced the latest MiG-31I fighter jet, and some unmanned aerial vehicles will be on display at the Russian Army 2022 international arms show. Drovnov stated “[t]he static exposition will demonstrate three types of training aircraft: Yak-130, DA-42T and L-410UVP-E20 while the broadest range of 10 models will involve operational-tactical aircraft” referring to Su-24M, Su-25SM3, Su-35S, Su-30SM, Su-34, Su-57, MiG-29SMT, MiG-31BM, MiG-31I and MiG-35S.

On 12 APR 2022, Japan sanctioned Drovnov for his involvement in Ukraine.

On 18 MAR 2022, New Zealand sanctioned Drovnov for his involvement in Ukraine.

On 15 MAR 2022, the UK sanctioned Drovnov for his involvement in Ukraine.

On 14 MAR 2022, Canada sanctioned Drovnov for his involvement in Ukraine.

On 08 MAR 2022, Australia sanctioned Drovnov for his involvement in Ukraine.

On 25 FEB 2022, Switzerland sanctioned Drovnov for his involvement in Ukraine.

On 23 FEB 2022, the EU sanctioned Drovnov “for actively supporting and implementing actions and policies that undermine and threaten the territorial integrity, sovereignty and independence of Ukraine as well as the stability or security in Ukraine.”

## **XII. NIKOLAI/NIKOLAY ANATOLYEVICH YEVMENOV**

**Title(s):**

Commander-in-Chief of the Russian Navy

**Role(s):**

Commands the entirety of Russian naval forces. Responsible for any maritime operation of the Russian navy, including in or to Ukraine.



**Biographical Summary:** Nikolai Anatolyevich Yevmenov (“Yevmenov”) was born on 02 APR 1962 in Moscow. He studied at the Higher Naval School of Submarine Navigation from 1982 to 1987. Upon graduation, he was appointed to the post of commander of the electronic navigation department of the navigation unit (BCh-1) of a nuclear submarine in the Pacific Fleet from 1987 to 1991.

From 1995 to 1997, he studied at the N. G. Kuznetsov Naval Academy. From 1997 to 1999, he commanded ballistic missile submarines in the Pacific Fleet. From 1999 to 2006 he was chief of staff, deputy commander, and then commander of the 25th submarine division of the Pacific Fleet. During this time, from 2001 to 2003, he studied at the Military Academy of the General Staff of the Armed Forces of Russia.

In 2012, Yevmenov was named deputy commander of the Northern Fleet. In 2016, he became commander of the Northern Fleet. In 2017, he was promoted to the rank of Admiral. On 03 MAY 2019, he was appointed commander-in-chief of the Russian Navy.

**Summary of Role(s):** Heads and commands the entirety of Russia’s naval forces, including in Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 03 JUL 2023, Yevmenov traveled to Beijing to meet with China's defense minister Li Shangfu. The meeting came just days before two Cold War-era Russian frigates ported in Shanghai: the first visit of its kind in about three years.

On 14 APR 2023, Yevmenov led snap exercises in Vladivostok that Defense Minister Sergei Shoigu said were "to evaluate the state and increase the readiness of military command, troops, and forces to undertake missions in all strategic directions" and included practicing searching and destroying submarines, repelling large-scale rocket and aviation attacks. The location of these exercises in the Northern Pacific raised some concerns, and Shoigu emphasized "the operationally important region of the Pacific Ocean -- the southern part of the Sea of Okhotsk", the Kuril Islands (Japan's "Northern Territories") and Sakhalin Island.

On 22 FEB 2023, Yevmenov spoke at the opening ceremony of a trilateral naval exercises in South Africa with South African President Cyril Ramaphosa about affirming Russia, China, and South Africa's "deep interest in strengthening naval cooperation aimed at ensuring security in the world's oceans and countering new threats at sea."

On 12 JUN 2022, Yevmenov told reporters that the Russian Navy will receive 46 warships and support vessels in 2022.

On 12 APR 2022, Japan sanctioned Yevmenov for his involvement in Ukraine.

On 18 MAR 2022, New Zealand sanctioned Yevmenov for his involvement in Ukraine.

On 15 MAR 2022, the UK sanctioned Yevmenov for his involvement in Ukraine.

On 14 MAR 2022, Canada sanctioned Yevmenov for his involvement in Ukraine.

On 08 MAR 2022, Australia sanctioned Yevmenov for his involvement in Ukraine.

On 25 FEB 2022, Switzerland sanctioned Yevmenov for his involvement in Ukraine.

On 23 FEB 2022, the EU sanctioned Yevmenov for his involvement in the Russian invasion of Ukraine.

In NOV 2019, Yevmenov made an official visit to Japan to meet with Hiroshi Yamamura, the Chief of Staff of the Japanese Self Defense Force. During this visit, Yevmenov took a photo with a portrait of Togo Heihachiro (the Japanese Commander-in-Chief of the Combined Fleet who defeated the Russian fleet during the Battle of Tsushima), which sparked a controversy in Russia.

### XIII. ALEKSANDR MIKHAILOVICH NOSATOV

**Title(s):**

First Deputy Commander-in-Chief of the Russian Navy  
Chief of the Navy Main Staff

**Role(s):**

Advises and assists the Commander-in-Chief of the Russian navy in the implementation of naval policies in Ukraine.



**Biographical Summary:** Aleksandr Mikhailovich Nosatov (“Nosatov”) was born on 27 MAR 1963 in Sevastopol, Ukrainian SSR, USSR. He studied at the P. S. Nakhimov Black Sea Higher Naval School and graduated in 1985. Early in his career, Nosatov was a lieutenant engineer in the laboratory of the coastal base maintenance workshop within the Pacific Fleet. Between 1986 and 1989, he commanded an anti-aircraft missile battery aboard the *Stoykiy*. Nosatov was then the commander of missile and artillery combat aboard the destroyer *Bezboyaznenny*. Beginning in 1991, he was assistant to the flagship missile specialist of the 35th missile ship division.

Beginning in 1993, Nosatov was the commander of *Bezboyaznenny*'s missile weapons. In 1994, he became the flagship specialist in missile weapons for the 35th division of missile ships. Between 1997 and 1998, Nosatov was the senior officer to the commander of the *Slava*-class cruiser *Varyag*.

In 2000, Nosatov graduated from the N. G. Kuznetsov Naval Academy. Upon graduation, he took over his own command of the Pacific Fleet destroyer *Bystryy*. Between 2002 and 2007, Nosatov was chief of staff and commander of the 36th division of surface ships. In 2006, he was

promoted to rear-admiral by presidential decree. Nosatov undertook further studies at the Military Academy of the General Staff of the Armed Forces of Russia, leaving in 2009.

In 2009, Nosatov was appointed commander of the naval base at Baltiysk. On 27 JAN 2012, he was appointed deputy commander of the Black Sea Fleet. In 2013, he became the chief of staff of the Black Sea Fleet. On 05 MAY 2014, Nosatov was promoted to vice admiral by presidential decree. Beginning on 17 MAY 2016, he was the head of the Naval Academy, but did not hold the position for long. On 30 JUN 2016, he was appointed acting commander of the Baltic Fleet. On 18 OCT 2016, Nosatov was presented with the ceremonial standard of the fleet. On 12 DEC 2018, he was promoted to Admiral. He has been awarded the Order of Military Merit and the Order of Naval Merit. On 05 OCT 2021 Nosatov was appointed to the post of Chief of Staff and First Deputy Commander-in-Chief of the Russian Navy.

**Summary of Role(s):** Advises and assists the Commander-in-Chief of the Russian navy in the implementation of naval policies in Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 16 MAR 2022, Switzerland sanctioned Nosatov for his involvement in Ukraine.

On 12 MAR 2022, the EU sanctioned Nosatov for his in role in Russian's invasion of Ukraine.

On 01 OCT 2020, Australia sanctioned Nosatov as the former Deputy Commander of the Black Sea Fleet, Rear Admiral, as responsible for commanding Russian forces that have occupied Ukrainian sovereign territory.

On 31 MAR 2020, the UK sanctioned Nosatov for his involvement in Ukraine.

In DEC 2020, Nosatov gave a statement to the Russian army's *Red Star* newspaper that Russia would beef up its forces in the Kaliningrad exclave. He cited the need to respond to a so-called buildup of NATO forces nearby.

On 21 JUN 2018, Ukraine sanctioned Nosatov.

On 17 FEB 2015, Canada sanctioned Nosatov for his involvement in Ukraine.

On 21 MAR 2014, Nosatov was added to the EU sanctions list in response to Russia's annexation of Crimea.



#### XIV. VLADIMIR LVOVICH KASATONOV

**Title(s):**

Deputy Commander-in-Chief of the Russian Navy

**Role(s):**

Advises and assists the Commander-in-Chief and First Deputy Commander-in-Chief of the Russian navy in the implementation of naval policies in or to Ukraine.



**Biographical Summary:** Vladimir Lvovich Kasatonov (“Kasatonov”) was born on 17 JUN 1962 in Moscow, Russian SFSR, USSR. In 1977, Kasatonov entered the Nakhimov Naval School in Leningrad. In 1979, he began studying at the P. S. Nakhimov Black Sea Higher Naval School and graduated in 1984 with a gold medal. Upon graduation, he began his active service with the Northern Fleet in the missile division of the armament section of the heavy nuclear missile cruiser *Kirov*. In SEP 1987, he was appointed commander of the *Kirov*’s missile division. In FEB 1988, he was promoted to the rank of captain-lieutenant. In SEP 1988, he was appointed assistant commander of the *Kirov*.

From 1990 to 1991, Kasatonov served in the Mediterranean Sea with the 5th Operational Squadron. In JUL 1991, he graduated from the Higher Special Officer Classes and was subsequently appointed to the post of senior assistant commander of the *Sovremenny*-class destroyer *Gremyashchy*. Beginning in APR 1994, Kasatonov was the senior assistant to the commander of the destroyer *Rastoropnyy*. In DEC 1994, he became the commander of the *Rastoropnyy*. In SEP 1997, he entered the Naval academy and graduated with honors in JUN 1999. After graduation, he was appointed head of the department of mobilization at the Northern Fleet headquarters.

From MAR 2000 to JUL 2005, Kasatonov served as the captain of the battlecruiser Pyotr Velikiy. From 2005 to 2006, he served as Chief of Staff of the Northern Fleet’s 43rd missile ship

division. Beginning in SEP 2006, he attended the Military Academy of the General Staff of the Armed Forces. In AUG 2008, Kasatonov was appointed commander of the Northern Fleet's 43rd missile ship division. In OCT 2008, Kasatonov was the leader of a detachment of Northern Fleet warships on a cruise from the Arctic Ocean into the Atlantic. Such detachments made port calls in Venezuela before going through the Indian Ocean and Mediterranean Sea.

In APR 2010, Kasatonov was appointed the commander of the Kola Flotilla. In the SUMMER of 2012, Kasatonov was the commander of a detachment of ships from the Northern, Baltic, and Black Sea Fleets in the Mediterranean Sea. On 14 SEP 2012, he was appointed the chief of staff and first deputy commander of the Pacific Fleet. On 12 JUN 2013, Kasatonov was promoted to vice-admiral. On 03 OCT 2016, he was appointed the head of the Naval Academy.

On 20 DEC 2018, Kasatonov defended his thesis and was awarded a Doctor of Military Science. In DEC 2019, he was appointed deputy commander-in-chief of the navy.

**Summary of Role(s):** Advises and assists the Commander-in-Chief and First Deputy Commander-in-Chief of the Russian navy in the implementation of naval policies in or to Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 12 APR 2022, Japan sanctioned Kasatonov for his involvement in Ukraine.

On 18 MAR 2022, New Zealand sanctioned Kasatonov for his involvement in Ukraine.

On 15 MAR 2022, the UK sanctioned Kasatonov for his involvement in Ukraine.

On 14 MAR 2022, Canada sanctioned Kasatonov for his involvement in Ukraine.

On 08 MAR 2022, Australia sanctioned Kasatonov for his involvement in Ukraine.

On 25 FEB 2022, Switzerland sanctioned Kasatonov for his involvement in Ukraine.

On 23 FEB 2022, the EU sanctioned Kasatonov for his involvement in the Russian invasion of Ukraine.

In DEC 2021, Kasatonov said that research by Russian naval vessels indicates that the continental shelf is even larger than most had thought up to now.

In OCT 2021, Kasatonov visited Myanmar and met with coup leader Min Aung Hlaing to discuss advancements in science and technology. This came about one week after Junta Electricity Minister U Thaung Han and Energy Minister U Myo Myint Oo attended the Russian Energy Week International Forum in Moscow to meet with Russian companies in the energy sector.

In JUN 2021, Kasatonov, a representative of Rosoboronexport, Russia's state-owned defense export firm, and about 20 Russian representatives (mainly Russian navy officers) secretly visited Myanmar.

## XV. IGOR VLADIMIROVICH OSIPOV

**Title(s):**

*Former* Commander-in-Chief of the Black Sea Fleet  
(MAY 2019–AUG 2022)

**Role(s):**

Commands the entirety of the Black Sea Fleet of the Russian Navy—the fleet positioned in the Black Sea within the territorial waters of Ukraine.



**Biographical Summary:** Igor Vladimirovich Osipov (“Osipov”) was born on 06 MAR 1973 in Novoshumnoye, Fyodorov District, Kostanay Region, Kasazkh SSR, USSR. He attended the Higher Naval School of Submarine Navigation in Saint Petersburg and graduated in 1995 with a specialty in navigation. In AUG 1995, he began his naval service with the Pacific Fleet as the weapons commander of the *Grisha*-class corvette MPK-221, which was part of the 11th division of anti-submarine ships of the Primorsky Flotilla’s 47th brigade. This brigade was tasked with patrolling an area covering Russky Island and Paris Bay.

Between JUL 1998 and JUL 2000, Osipov commanded the MPK-61, which was part of the 11th division of the 165th brigade of surface ships covering the sea area around Vladivostok and Maly Ulyss Bay. From JUL 2000 to DEC 2001, he served as the chief of staff for the 11th division. Osipov then commanded the 11th division from DEC 2001 to SEP 2002. Following this post, Osipov undertook additional studies at the Naval Academy and graduated in 2004. Between JUN 2004 and JAN 2007, he served as the chief of staff for the 165th brigade. From JAN 2007 to AUG 2011, he served as the commander of the 165th brigade.

In 2012, Osipov graduated from the Military Academy of the General Staff of the Armed Forces of Russia. In JUN 2012, he was appointed chief of staff and first deputy commander of the Baltic

Naval Base, Baltiysk, of the Baltic Fleet. From OCT 2012 to MAY 2015, he served as the base commander for the same base. In MAY 2015, he was appointed to the post of commander of the Caspian Flotilla.

Between SEP 2016 and AUG 2018, he served as the chief of staff and first deputy commander of the Pacific Fleet. Between AUG 2018 and MAY 2019, Osipov was the Deputy Chief of the General Staff of the Armed Forces of the Russian Federation. During this post, he was promoted to vice-admiral in 2018. On 08 MAY 2019, Osipov was appointed commander of the Black Sea Fleet (this appointment was backdated to 03 MAY 2019). On 11 JUN 2021, Osipov was promoted to the rank of admiral.

Osipov potentially may have been killed in the APR 2022 sinking of Russian Black Sea Fleet's flagship, the Moskva's, as he has "not been seen alive" since. Other sources report he was arrested.

**Summary of Role(s):** Commanded the entirety of the Black Sea Fleet of the Russian Navy—the fleet positioned in the Black Sea within the territorial waters of Ukraine from MAY 2019 to AUG 2022.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** In AUG 2022, Viktor Sokolov was appointed Russian Black Sea Fleet acting commander, replacing Osipov. Osipov was allegedly suspended following the APR sinking of the fleet's flagship, the cruiser Moskva. Although it remains inconclusive how Osipov lost his job (whether via suspension, arrest, or death) it is confirmed he was no longer the commander of the Black Sea Fleet by AUG 2022.

On 14 APR 2022, Ukraine sank the Russian Black Sea Fleet's flagship, the cruiser Moskva.

On 15 MAR 2022, satellite imagery showed at least fourteen Russian Navy vessels approaching the Ukrainian coast from the Black Sea. The imagery showed the following groupings of vessels: (i) northern group: line-astern formation led by a tug boat or minesweeper appearing to tow a mine clearing device, followed by two *Ropucha*-class landing ships, another tug boat, and a trailing *Ropucha*; (ii) second group in a square formation made up of smaller warships, including missile corvettes; (iii) a southern group led by the *Slava*-class cruiser *Moskva*, two *Alligator*-class landing ships, the *Ivan Gren*-class landing ship *Pyotr Morgunov*, and a smaller warship, possibly identified as a *Buyan-M*-class missile corvette. The PM-138 vessel was observed in Lake Donuzlav, which has immediate access to the sea and is viewed as a safe harbor to perform emergency battle repairs. Another vessel, the PM-56, was positioned similarly near Feodosia,

which is to the east of Crimea. Since its initial placement near Feodosia, the PM-56 has subsequently been moved further east, possibly to support vessels stationed in the Sea of Azov.

On 12 APR 2022, Japan sanctioned Osipov for his involvement in Ukraine.

On 18 MAR 2022, New Zealand sanctioned Osipov for his involvement in Ukraine.

On 15 MAR 2022, the UK sanctioned Osipov for his involvement in Ukraine.

On 14 MAR 2022, Canada sanctioned Osipov for his involvement in Ukraine, that same day a Russian convoy landed at Berdyansk within the Sea of Azov..

On 08 MAR 2022, Australia sanctioned Osipov for his involvement in Ukraine.

On 25 FEB 2022, Switzerland sanctioned Osipov for his involvement in Ukraine.

On 23 FEB 2022, the E.U sanctioned Osipov for his involvement in the Russian invasion of Ukraine.

In FEB 2022, six amphibious landing ships, that are normally based in the Arctic and Baltic Seas, were moved to the Black Sea to bolster the Black Sea Fleet. These were further bolstered by amphibious landing ships and combatants from the Arctic, Baltic, Pacific, and Caspian. Further units, including missile corvettes, were moved to the Sea of Azov (a restricted and shallow body of water), placing them adjacent to the city of Mariupol in Donetsk. On 17 FEB 2022, reports showed that Russia appeared to have pre-positioned two repair ships on either side of the Crimean Peninsula. The vessels appeared to be Project 304 Amur Class repair and depot ships that are used to perform urgent repairs on the high seas.

## XVI. VIKTOR VASILYEVICH ZOLOTOV

**Title(s):**

Director of the National Guard of Russia  
Non-permanent Member of the Security Council of Russia

**Role(s):**

Commands the National Guard of Russia which is used within Russia and occupied areas of Ukraine.



**Biographical Summary:** Viktor Vasilyevich Zolotov (“Zolotov”) was born on 27 JAN 1954 in Sasovo, Ryazan Oblast, Russian SFSR, USSR. In 1975, Zolotov began his career with the KGB Border Troops. In 1991, he served as a bodyguard for the President of the Russian SFSR Boris Yeltsin during his famous “Tank Speech” during the 1991 Soviet coup d’etat attempt. Upon the dissolution of the Soviet Union, he became part of the newly created Federal Protective Service, which is the Russian equivalent of the US Secret Service.

In the later 1990s, Zolotov was hired as a bodyguard for the Mayor of Saint Petersburg, Anatoly Sobchak. During this position, Zolotov became acquainted with then-Vice Mayor, Vladimir Putin. His friendship with Putin blossomed as Zolotov became Putin’s sparring partner in boxing and judo. Additionally, Zolotov walked directly behind Putin anytime Putin appeared in public. Zolotov also served in Roman Tsepov’s private guard Baltik-Eskort, before Tsepov was poisoned by an unknown radioactive substance.

According to Yuri Felshtinsky and Vladimir Pribylovsky, in 1992, based on Zolotov’s advice, the agency was created, with Zolotov allegedly overseeing it later as a member of the active reserve. Baltik-Eskort provided protection to high-ranking Saint Petersburg officials, including Sobchak and Putin. The agency also served as a mechanism for the collection of tribute and *chorniu nal* (“black cash”) for Putin’s purposes.

From 2000 to 2013, Zolotov was the Chief of the Security of the Prime Minister of Russia and President of Russia Vladimir Putin. During this time, he commanded security officers, known in Russia as “Men in Black,” as they wore black sunglasses and dressed in all-black suits. It has been reported that Zolotov has friendly relations with Chechen strongman Ramzan Kadyrov.

On 12 MAY 2014, Zolotov was appointed Minister of Internal Affairs of Russia and Commander of the Internal Troops of Russia. On 05 APR 2016, he was appointed commander-in-chief of the National Guard of Russia and, by separate presidential decree, was also named a non-permanent member of the Security Council.

Zolotov played a crucial role as a key ally of Putin during the Wagner Group rebellion on 23 and 24 JUN 2023.

**Summary of Role(s):** Commands and controls the entirety of the Russian National Guard, which is used within Russia and occupied areas of Ukraine.

**Organizational Membership:** Zolotov has been a career government officer. During the era of the Soviet Union, he served in the KGB Border Guard. Upon the dissolution of the Soviet Union, he served the Russian Federation in the (i) Federal Protective Service, (ii) Internal Troops, and (iii) National Guard.

**Incidents and Events of Note:** On 27 JUN 2023, Zolotov stated he was in constant contact with Putin during the Wagner Group rebellion, and since has sought the cache of military hardware for the National Guard of Russia that the Wagner Group once held. Speaking for the National Guard, he stated “[w]e have no tanks or long-range heavy weapons. We will supply our forces with those depending on funding.”

Also on 27 JUN 2023, Zolotov made the unsubstantiated comment that the Wagner Group’s rebellion was “inspired by Western intelligence agencies” who knew about it “a few weeks before it began.”

Also on 27 JUN 2023, Zolotov, along with other senior commanders, officers, and troops: appeared before Putin in a speech where Putin thanked them for their efforts in stopping the Wagner Group rebellion claiming “[y]ou saved the Motherland from turmoil, and effectively stopped a civil war.”

In AUG 2022, Zolotov told Putin “I would like to emphasize that we can feel that the population of the liberated areas is supporting us. They realize that we are defending their right to a peaceful life and their children’s happiness” and further provided “National Guard troops are



accomplishing a wide range of objectives to maintain law, order, and security, and to resume peaceful life in the liberated territories of the Donetsk and Lugansk republics, as well as in the Zaporozhye and Kherson regions.”

On 21 MAR 2022, Canada sanctioned Zolotov for his involvement in Ukraine.

On 18 MAR 2022, New Zealand sanctioned Zolotov for his involvement in Ukraine.

On 15 MAR 2022, the US sanctioned Zolotov pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy. The same day, the UK sanctioned Zolotov for his involvement in Ukraine.

On 14 MAR 2022, Zolotov said in comments on the National Guard's website that “I would like to say that yes, not everything is going as fast as we would like, but we are going towards our goal step by step, and victory will be for us.”

On 03 MAR 2022, Japan sanctioned Zolotov for his involvement in Ukraine.

On 25 FEB 2022, the US Treasury announced that it had imposed sanctions on Zolotov in response to Russia’s invasion of Ukraine. The same day, Australia sanctioned Zolotov for his involvement in Ukraine.

On 02 MAR 2021, the EU imposed restrictive measures on Zolotov saying he was “responsible for serious human rights violations in Russia, including arbitrary arrests and detentions and systematic and widespread violations of freedom of peaceful assembly and of association, in particular by violently repressing protests and demonstrations,” as it relates to the quashing of pro-Navalny protests in 2021.

On 11 SEP 2018, Zolotov published a video message where he challenged Navalny to a duel and promised to make “good, juicy mincemeat” out of Navalny.

In AUG 2018, Zolotov became a target of an Anti-Corruption Foundation investigation. Alexei Navalny alleged a theft of over \$29 million in procurement contracts for the National Guard of Russia. Navalny was soon thereafter imprisoned.

On 06 APR 2018, the US imposed sanctions on Zolotov and twenty-three other Russian nationals for being an official of the Russian Federation government, pursuant to E.O. 13661.

## XVII. VALENTINA MATVIYENKO

**Title(s):**

Chairwoman of the Federation Council of the Federal Assembly

**Role(s):**

Allowed Putin to start a war in Ukraine. Signed off on use of military force on 22 FEB 2022.



**Biographical Summary:** Valentina Matviyenko was born in Ukraine on 07 APR 1949. In 1972, she graduated from the Leningrad Institute of Chemistry and Pharmaceutics. From 1984–1986, she served as First Secretary of the Krasnogvardeisky District CPSU Committee in the city of Leningrad. In 1985, she graduated from the Academy of Social Sciences of the CPSU Central Committee. Between 1986–1989 she served as Deputy Chair at the Executive Committee of the Leningrad City Council. In 1989, she was Elected People’s Deputy of the USSR.

In 1991, she completed a Senior Diplomatic Staff Course at the Diplomatic Academy of the Ministry of Foreign Affairs of the USSR, and joined the diplomatic corps, where she served until 1998, with the rank of Ambassador Extraordinary and Plenipotentiary. From 1991–1994, she served as Ambassador Extraordinary and Plenipotentiary of the USSR and the Russian Federation to the Republic of Malta. Between 1995–1997, she served as Director of the Foreign Ministry Department for Liaisons with the Constituent Entities of the Federation, the Parliament, Public and Political Associations, member of the Foreign Ministry Collegium. From 1997–1998, she served as Ambassador Extraordinary and Plenipotentiary of Russia to Greece. Between 1998–2003, she served as Deputy Prime Minister. In 2003, she was appointed Presidential Plenipotentiary Envoy to the Northwestern Federal District and elected the Governor of St Petersburg.

On 31 AUG 2011, she took her seat on the Federation Council of the Federal Assembly of the Russian Federation as a representative of the executive authority of the city of St Petersburg. On 21 SEP 2011, she was unanimously elected Speaker of the Federation Council, and re-elected to this office in 2014 and 2019. Matviyenko has served as a permanent member of the Security Council of the Russian Federation since SEP 2011. In NOV 2011, she was elected Chair of the Council of the Inter-Parliamentary Assembly of the Member Nations of the Commonwealth of Independent States (IPA CIS).

As Chairwoman of the Federation Council of the Federal Assembly, Valentina Matviyenko is the presiding officer of the Upper House of the Russian Parliament. It is the third highest position, after the President and the Prime Minister, in the government of Russia. In the case of incapacity of the President and Prime Minister, the Chairman of the Federation Council becomes Acting President of Russia.

**Summary of Role(s):** Allowed Putin to start a war in Ukraine. She signed off on use of the military on 22 FEB 2022.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** On 10 JUL 2023, Matviyenko met with Chinese President Xi Jinping in Beijing to “promote the building of a prosperous, stable, fair and just world” according to Xi. Xi also added that choosing “[t]o develop China-Russia relations is a strategic choice made by both countries based on the fundamental interests of their respective countries and peoples,” and that “[t]hanks to the joint efforts of the two sides, China-Russia relations have maintained a healthy and stable momentum of development. Cooperation in various fields has been steadily advancing, and the social and public opinion base of friendship between the two countries has become stronger for generations.” Matviyenko added that China offered Russia a “firm and reliable friendly shoulder” and the two nations had reached the “highest level [of ties] in history.”

On 16 MAY 2023, when meeting with Belarusian Minister of Foreign Affairs Sergei Aleinik in Moscow, Matviyenko stated “[f]or Russia (and you know this very well, but it bears repeating) the Republic of Belarus is the closest ally, its strategic partner. We highly appreciate our brotherly relations. We are building the Union State together, and together we face new challenges and threats.” Adding that “[o]ur presidents are in constant contact; they set the tone for the development of Russian-Belarusian relations and determine the agenda for our cooperation. The visit of Belarusian President Aleksandr Lukashenko to Russia to participate in the celebrations in honor of our common victory was a landmark event.”

On 06 OCT 2022, at the G20 Parliamentary Speakers' Summit in Indonesia, Matviyenko proposed to Ukraine's delegation that the two countries begin peace negotiations "today" and said: "Let's sit down at the negotiating table today, at the G20 venue. The Russian parliament and the Ukrainian parliament. Let's try to understand each other, find an agreement". The Ukrainian parliament rejected the offer. Speaking to journalists after the session, Matviyenko said that the negotiations she was proposing could not be about Russia's annexation of Ukraine's occupied territories. She said, "We're willing to put an end to further military action in Ukraine, but on the terms offered by Russia."

On 21 SEP 2022, Putin announced a mobilization of military reservists and Matviyenko, as well as other top political officials, addressed the outrage within the country in the following days. Matviyenko said that she was aware of reports that some men, who were ineligible for the draft, had been called up to fight. In a message to Russia's regional governors, who Matviyenko said had "full responsibility" for implementing the mobilization, Matviyenko wrote: "Ensure the implementation of partial mobilization is carried out in full and absolute compliance with the outlined criteria."

On 06 APR 2022, the US again sanctioned Matviyenko.

On 18 MAR 2022, New Zealand sanctioned Matviyenko.

On 15 MAR 2022, the UK sanctioned Matviyenko.

On 03 MAR 2022, Japan sanctioned Matviyenko.

On 25 FEB 2022, the US Treasury announced that it had imposed sanctions on Matviyenko in response to Russia's invasion of Ukraine.

On 24 JUN 2020, Australia sanctioned Matviyenko for publicly supporting in the Federation Council the deployment of Russian forces in Ukraine on 01 MAR 2014.

On 02 APR 2020, Switzerland sanctioned Matviyenko.

On 14 MAR 2020, the EU sanctioned Matviyenko.

On 14 MAR 2020, the UK sanctioned Matviyenko.

On 17 MAR 2014, the US sanctioned Matviyenko.

On 17 MAR 2014, Canada sanctioned Matviyenko.

On 01 MAR 2014, Matviyenko publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.

## XVIII. SERGEY/SERGEI KUZHUGETOVICH SHOIGU

**Title(s):**

Minister of Defense

**Role(s):**

Under Shoigu's command and orders Russian troops have held military drills in the illegally annexed Crimea and have been positioned at the border with Ukraine. Shoigu is ultimately responsible for any military action against Ukraine.



**Biographical Summary:** Sergey Shoigu (“Shoigu”) was born 21 MAY 1955 in Chadan, Tuvan Autonomous Oblast. Shoigu graduated with a civil engineering degree from Krasnoyarsk Polytechnic Institute in 1977. He then worked as an engineer improving emergency and rescue systems for Russia. He also served as a representative in one of the major regional factories. In 1990, he made his way to Moscow and undertook a position with the Government under construction/architecture.

As the collapse of the USSR, there was a need to restructure internal disasters and emergencies. In 1991, he was appointed chief of the Russian Rescue Corps, where he built a team to improve emergency systems within Russia. In 1994, he rose to ministerial-level position, as Minister, he found himself at the frontlines of disasters that consisted of improper infrastructure.

Shoigu held the Ministry of Emergency Services position for roughly 20 years, during this time he garnered the reputation as Russia's “savior”. In MAY 2012, President Putin appointed Shoigu as Governor of Moscow. Months later in NOV of 2012, Shoigu was appointed as Russia's Minister of Defense, working to improve military morale and prestige. Shoigu replaced a discredited minister, Anatoliy Serdukov. During his time as Minister of Defense, Shoigu had the challenge of organizational reform. Shoigu has served as Chairman of the Council of Ministers

of Defense of the Commonwealth of Independent States since 2012. Shoigu has no military background but has served as Minister of Defense for nearly a decade.

During the Wagner rebellion on 23 JUN 2023, Shoigu (along with Chief of General Staff Valery Gerasimov) was criticized by Prigozhin for being incompetent. Previously, on 05 MAY 2023, Prigozhin targeted the two claiming they were responsible for the loss of mercenaries Wagner suffered, stating “Shoigu, Gerasimov, where ... is the ammunition? They came here as volunteers and are dying so you can sit like fat cats in your luxury offices.” Neither Gerasimov nor Shoigu was confirmed to have been removed from their position.

**Summary of Role(s):** Under Shoigu’s command and orders Russian troops have held military drills in the illegally annexed Crimea and have been positioned at the border with Ukraine. Shoigu is ultimately responsible for any military action against Ukraine.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** On 13 JUL 2023, Shoigu was accused of treason by the recently fired Major General Ivan Popov. Without explicitly naming Shoigu, Popov challenged Shoigu’s loyalties and leadership stating “[t]he armed forces of Ukraine couldn’t break through our army on the frontline; we were hit from behind by our highest boss, treacherously and vilely.” Popov added that in contrast with Shoigu “I, in your name, in the name of our dead friends, our fighters, couldn’t lie. So, I identified all the problems which exist.”

On 26 JUN 2023, the Russian Defense Ministry published a video allegedly showing Shoigu meeting with Russian officers in Ukraine. This came after his strange absence following the Wagner rebellion.

During the Wagner rebellion on 23 JUN 2023, Shoigu’s dismissal was a key demand sought by Prigozhin from Putin. This demand was not assented to.

Also, during the Wagner rebellion on 23 and 24 JUN 2023, Prigozhin singled Shoigu out in his criticism stating the Russian Defense Ministry was “trying to deceive society and the president and tell us how there was crazy aggression from Ukraine and that they were planning to attack us with the whole of NATO.” Prigozhin also added that “Shoigu killed thousands of the most combat-ready Russian soldiers in the first days of the war. The mentally ill scumbags decided 'It's okay, we'll throw in a few thousand more Russian men as 'cannon fodder.' 'They'll die under artillery fire, but we'll get what we want'.”

On 22 MAR 2023, Shoigu declared Russia would complete its modernization of its missile defense system by the end of the year. This would include a new air defense division, air defense brigade, a regiment equipped with S-350 missile systems, and the space monitoring

radar station Razvyazka. However, this seems overly ambitious considering the next day, the Indian Air Force reported Russia has delayed the shipment of S-400 systems that were scheduled for New Delhi. The Kremlin has had to renegotiate the terms of this contract and seek an extension multiple times.

On 07 MAR 2023, Shoigu spoke on Russian State television about the ongoing fighting in Bakmut. Referring to Bakmut by its Soviet name, he said “[t]he liberation of Artyomovsk continues,” and “[t]aking it under control will allow further offensive actions to be conducted deep into Ukraine's defensive lines.”

On 04 MAR 2023, Shoigu visited Russian troops in Ukraine. The Russian Defense Ministry stated he “inspected the forward command post of one of the formations of the Vostok [Eastern] forces in the South Donetsk direction.”

On 11 JAN 2023, Shoigu ordered Gen. Sergei Surovikin be demoted from his position as the commander of Russian forces in Ukraine with Gen. Valery Gerasimov. This was approved by Putin, and Surovikin then became Gerasimov’s deputy.

On 31 DEC 2022, Shoigu made a video message for New Year’s stating that Russian victory in 2023 was “inevitable” as Russian troops fought “neo-Nazism and terrorism.”

On 21 DEC 2022, Shoigu stated new military bases would be created and troops would be located closer to the borders of its Nordic neighbors. This is in retaliation for Finland and Sweden preparing to join NATO. Shoigu stated “[g]iven NATO’s desire to build up military potential near the Russian borders, as well as to expand the North Atlantic Alliance at the expense of Finland and Sweden, retaliatory measures are required to create an appropriate grouping of troops in Northwest Russia.”

On 09 NOV 2022, Shoigu appeared on Russian State television with Sergey Surovikin approving of Russia’s military withdrawal from the city of Kherson.

On 01 NOV 2022, Shoigu admitted in a conference call with the defense ministry that Ukraine’s infrastructure (both military and domestic) is a target the Russian military is pursuing. He stated “[w]ith precision-guided strikes, we continue to effectively hit military infrastructure facilities, as well as facilities that affect the reduction of Ukraine’s military potential.”

On 23 OCT 2022, Shoigu said, without providing evidence, that Ukraine could escalate the war with a dirty bomb—or an explosive that contains radioactive waste material. The UK, US, French, and other governments rejected this pretext for escalation.

On 21 SEP 2022, Shoigu said “I cannot but emphasize the fact that today, we are at war not so much with Ukraine and the Ukrainian army as with the collective West, at this point, we are



really at war with the collective West, with NATO.” On the same day, Putin announced the annexation of portions of Ukraine as Russian territory and threatened to use nuclear weapons to protect Russian territory.

On 18 MAR 2022, New Zealand sanctioned Shoigu.

On 15 MAR 2022, the UK sanctioned Shoigu.

On 01 MAR 2022, Japan sanctioned Shoigu.

On 28 FEB 2022, Canada and Australia sanctioned Shoigu.

On 25 FEB 2022, the US and Switzerland sanctioned Shoigu.

On 23 FEB 2022, the EU sanctioned Shoigu “for actively supporting and implementing actions and policies that undermine and threaten the territorial integrity, sovereignty and independence of Ukraine as well as the stability or security in Ukraine.”

On 21 FEB 2022, Shoigu spoke in favor of a proposal to recognize Donetsk and Luhansk as independent republics.

On 11 FEB 2022, Shoigu met UK Defense Secretary Ben Wallace. Shoigu denied that Russia was planning an invasion of Ukraine.

On 29 AUG 2021, Shoigu said “Russia doesn't consider Ukraine as a threat.”

In 2021, just before Myanmar military’s 01 FEB 2021 coup, Shoigu visited Myanmar to finalize a new deal to supply arms to the country.

## **XIX. RUSLAN KHADZHISMELOVICH TSALIKOV**

**Title(s):**

First Deputy Minister of Defense

**Role(s):**

Ranks fourth in the overall hierarchy of the Russian military leadership and is responsible for the Russian war effort at large.



**Biographical Summary:** Ruslan Tsalikov (“Tsalikov”) was born on 31 JUL 1956 in Ordzhonikidze (now Vladikavkaz), North Ossetian ASSR. He graduated from North Ossetian State University of K.L. Khetagurov in 1978. From 1978 until 1983, Tsalikov was an intern researcher at the Moscow Institute of National Economy of G.V. Plekhanov. In 1983 he received a degree from the Moscow Institute of National Economy.

From 1983 to 1987, Tsalikov was a lecturer on labor economics and later became a subdean of the Economics Faculty at North Ossetian State University. From 1987 to 1989 he was Economic Affairs General Director, and from 1989 to 1990 Tsalikov worked as Chief Controller of Control-and-Auditing Directorate in the Ministry of Finance of (RSFSR).

From 1990 until 1994, Tsalikov worked as Minister of Finance of North Ossetia. From 1994 to 2000, Tsalikov was the Chief of the Main Financial and Economic Administration under Boris Yeltsin. From 2000 to 2005 he worked for the Ministry of Emergency Situations. He was promoted to the State Secretary by Vladimir Putin, a position which he held from 2005 to 2007. In 2010, Tsalikov became a head of the Ministry of Emergency Situations.

From MAY to NOV 2012 Tsalikov was the Vice Governor of the Moscow Region. He was made Acting Governor of Moscow Region on 06 NOV 2012 and served until 08 NOV 2012, when he

was replaced by current Governor Andrei Vorobyov. On 15 NOV 2012, Tsalikov was promoted to Deputy Minister of Defense of the Russian Federation.

In DEC 2015, by decree of the Russian President, Tsalikov was appointed the First Deputy Minister of Defense of the Russian Federation.

According to a secret calendar kept by Wagner Group leader Yevgeny Prigozhin, Tsalikov has been with Prigozhin approximately 75 times over the last ten years.

**Summary of Role(s):** Ranks fourth in the overall hierarchy of the Russian military leadership and is responsible for the Russian war effort at large. In his various public appearances, such as his participation in an “anti-fascist” conference organized by the Ministry of Defense of the Russian Federation, he has expressed support for Russia’s war of aggression against Ukraine. His actions show he actively supports, justifies, and defends Russia’s war of aggression against Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 19 OCT 2022, Ukraine sanctioned Tsalikov.

On 12 OCT 2022, Switzerland sanctioned Tsalikov.

On 06 OCT 2022, the EU sanctioned Tsalikov.

On 21 SEP 2022, Tsalikov was present at a meeting where Putin announced a partial mobilization in Russia, announced it was annexing portions of Ukraine via sham referendums and would consider such areas Russian territory, and Putin threatened to use nuclear weapons to defend Russian territory.

On 06 MAY 2022, Canada sanctioned Tsalikov.

On 18 MAR 2022, Japan and New Zealand sanctioned Tsalikov.

On 15 MAR 2022, US sanctioned Tsalikov, pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy. On the same day, the UK also sanctioned Tsalikov.

On 25 FEB 2022, Australia sanctioned Tsalikov.

**XX. DMITRY VITALYEVICH BULGAKOV**

**Title(s):**

*Former Deputy Minister of Defense  
(2015 – SEP 2022)*

**Role(s):**

Responsible for any military actions against Ukraine.



**Biographical Summary:** Dmitry Vitalyevich Bulgakov (“Bulgakov”), born 20 OCT 1954 in Verkhneye Gurovo, Russia. He joined the army in 1972 and studied at the Volsk Higher Military School of Logistics. Between 1982-1984 he graduated from the Military Academy of Logistics and Transport. In 1992, he became a Major General. From 1994-1996, he also studied from the Military Academy of the General Staff of the Armed Forces of Russia, after in 1996 he was promoted to lieutenant general.

From 1996-1997, Bulgakov served in many roles such as, Deputy Commander for logistics, Deputy Chief of logistics of Trans-Baikal Military District and Chief of logistics staff of the Moscow Military District. From 1997-2008, he served as Chief of Staff of Logistics of the Armed Forces of Russia, in 2008 he became Colonel General. From 02 DEC 2008 to 27 JUL 2010, he became the Chief of Logistics of the Armed Forces and Deputy Minister of Defense. In FEB 2011, he was given the rank of Army General.

From 2015-2017, Bulgakov was in charge of issues relating to a railway that would bypass Ukraine and since 2015 he was in charge of supplying Russian troops in Syria. In MAY 2016 Bulgakov was awarded the title of Hero of the Russian Federation for the organization of an operation that took place in Syria. Bulgakov (along with General Gerasimov) became the highest-ranking military officer that Vladimir Putin awarded a high rank for the operation in

Syria. In 2019 he led the Operational Group of the Russian Ministry of Defense for multiple forest fires.

Sanctions were placed on Bulgakov as a reaction to his role in the military actions against Ukraine, by the EU, USA, Switzerland, Japan, New Zealand, UK, Canada, Australia, and Ukraine.

Bulgakov was dismissed and replaced by Colonel General Mikhail Mizintsev in SEP 2022, due to the Russian army's widespread logistical problems in the invasion of Ukraine.

**Summary of Role(s):** Responsible for any military actions against Ukraine. From 2015-2017, Bulgakov was in charge of issues relating to a railway that would bypass Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 12 OCT 2022, Switzerland sanctioned Bulgakov.

On 07 OCT 2022, France froze Bulgakov's assets.

On 06 OCT 2022, the EU sanctioned Bulgakov.

In SEP 2022, Bulgakov was dismissed and replaced by Colonel General Mikhail Mizintsev due to the Russian army's widespread logistical problems in the invasion of Ukraine. At the time of his dismissal, it was reported he would be transferred into a new role.

On 24 MAR 2022, the UK sanctioned Bulgakov.

On 18 MAR 2022, Japan and New Zealand sanctioned Bulgakov.

On 15 MAR 2022, the US sanctioned Bulgakov, pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy.

On 25 FEB 2022, Australia sanctioned Bulgakov.

On 21 JUN 2018, Ukraine sanctioned Bulgakov

On 16 SEP 2014, Canada sanctioned Bulgakov.

## XXI. PAVEL ANATOLYEVICH/ANATOLEVICH POPOV

**Title(s):**

Deputy Minister of Defense

**Role(s):**

Responsible for any military actions against Ukraine.



**Biographical Summary:** Pavel Anatolyevich Popov (“Popov”) was born 01 JAN 1957, in Krasnoyarsk, RSFSR, USSR. In 1978 graduated from Alma-Ata Higher Combined Arms Command School. After he served in the Group of Soviet Forces in Germany of the Soviet Army. In 1986, he transferred to the Far Eastern Military District as a commander. In 1990, he graduated from Frunze Military Academy. After his graduation from 1990-93, he served as Chief of Staff, deputy commander of the civil defense regiment of the Central Asian Military District. From 1993-96, he served as First Deputy Head of the East Siberian Regional Center of the EMERCOM of Russia. Years later in 1999, he became Head of the Siberian Regional center of the EMERCOM of Russia. During his time as Head, he supervised rescue operations, delivering humanitarian cargo and construction materials, extinguishing fires, and other emergencies.

On 12 JUN 2004, Popov was awarded the military rank of Colonel General. That same year, he was appointed head of the Civil Protection Academy of the Russian Emergencies Ministry, until 2008. From 2008-2013, he was Deputy Minister of Emergency Situations.

On 07 NOV 2013, Popov was appointed Deputy Minister of Defense and became a member of the Russian Ministry Defense. Popov oversaw the creation of the National Center for Defense Management of Russia. In this position he is responsible for research activities such as the

oversight and development of the Ministry's scientific and technical capabilities, such as the modernization of existing weapons and equipment.

In DEC 2015, Popov was promoted to General of the Army.

**Summary of Role(s):** Responsible for any military actions against Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 20 MAR 2023, it was announced that Popov was awarded by the ministry with an apartment in Moscow at the Smolenskaya Zastava housing complex. It is valued at approximately \$909,300 (over 70 million rubles).

On 18 MAR 2022, New Zealand sanctioned Popov.

On 15 MAR 2022, the UK sanctioned Popov.

On 25 FEB 2022, Australia sanctioned Popov.

On 21 MAR 2021, Canada sanctioned Popov.

On 02 MAR 2021, the US sanctioned Popov.

On 15 OCT 2020, the EU sanctioned Popov for connection to the poisoning of Alexei Navalny. These sanctions included a ban on entry into the EU in addition to an asset freeze.

## XXII. GENNADY VALERYEVICH ZHIDKO

**Title(s):**

Deputy Minister of Defense

**Role(s):**

Actively involved in the deployment of troops to Ukraine and oversaw the implementation of an order to deploy Russian minors to the Ukrainian war theater. Actively supports, justifies, and defends Russia's war of aggression against Ukraine.



**Biographical Summary:** Gennady Valeryevich Zhidko (“Zhidko”) was born on 12 SEP 1965 in Yangiabad, Uzbekistan. In 1987, he graduated from the Tashkent Higher Tank Command School. Zhidko served in the 27th Guards Motorized Rifle Division of the Volga and Volga-Ural Military Districts (Totskoye, Totsky District, Orenburg Oblast). Zhidko rose from platoon commander to division commander, was promoted to captain, and then to colonel. He received awards for organizing fire training from the commander of the Ural Military District, Colonel-General Alexander Baranov. Zhiko was also the commander of the 92nd motorized rifle regiment (Dushanbe, Tajikistan).

In 1997, Zhidko graduated from the Military Academy of Armored Forces. In 2007, he graduated from the Military Academy of the General Staff of the Armed Forces of Russia.

From AUG 2007 to JUL 2009, Zhidko was the Commander of the 20th Guards Motorized Rifle Division of the North Caucasian Military District, based in Volgograd. During his tenure, he continued the work of Major General Aleskandr Lapin to establish trusting relationships with military groups, improve combat and technical training.

From JUL 2009 to JAN 2011, Zhidko was the Deputy Commander of the 20th Guards Army of



Moscow, then Western Military Districts with headquarters in Voronezh. From JAN 2011 to JAN 2012 he was Chief of Staff First Deputy Commander of the 6th Combined Arms Army of the Western Military District, based in Saint Petersburg. Zhidko participated in the formation of this unit.

From JAN 2015 to SEP 2016, Zhidko was Chief of Staff First Deputy Commander of the 2nd Guards Combined Arms Army. From SEP 2016 to NOV 2017 he was Commander of the 2nd Guards Combined Arms Army of the Central Military District with headquarters in Samara. The army under his tenure repeatedly took part in surprise exercises and checks. During the Zapad 2017 Exercise, the army units were deployed from Samara to the Kola Peninsula. On 20 FEB 2016, Zhidko became Major General.

In 2016, Major General Zhidko served as chief of staff of the Armed Forces of the Russian Federation in Syria. In 2017, Zhidko was awarded the title of Hero of the Russian Federation by Putin, citing his service as chief of staff of Russian forces deployed to Syria. From 22 NOV 2017 to 03 NOV 2018, Zhidko was the Deputy Chief of the General Staff of the Armed Forces of Russia. On 11 JUN 2018, Zhidko became Lieutenant General. In NOV 2018, Zhidko was appointed commander of the Eastern Military District.

On 11 JUN 2020, Zhidko became a Colonel General. On 12 NOV 2021, Zhidko was appointed head of the Main Military-Political Directorate of the Russian Armed Forces (GVPU).

In JUN 2022, Zhidko was appointed Commander of Russian forces in Ukraine, replacing Aleksandr Dvornikov.

In MAY 2022, Zhidko was appointed Commander of Russian forces in Ukraine, replacing Aleksandr Dvornikov. Prior to this appointment Zhidko's responsibilities included preserving troops' morale while maintaining control over the ideology of the Russian military. Zhidko was demoted a month later and made the head of the Eastern Military District.

In OCT 2022, Sergey Surovikin was appointed Commander of Russian forces in Ukraine, replacing Zhidko.

**Summary of Role(s):** Actively involved in the deployment of troops to Ukraine and oversaw the implementation of an order to deploy Russian minors to the Ukrainian war theater. Actively supports, justifies, and defends Russia's war of aggression against Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** In OCT 2022, Sergey Surovikin was appointed Commander of Russian forces in Ukraine, replacing Zhidko.

On 12 OCT 2022, Switzerland sanctioned Zhidko.

On 06 OCT 2022, the EU sanctioned Zhidko.

In JUN 2022, Zhidko was appointed Commander of Russian forces in Ukraine, replacing Aleksandr Dvornikov.

On 06 MAY 2022, Canada sanctioned Zhidko.

On 18 MAR 2022, Japan and New Zealand sanctioned Zhidko.

On 15 MAR 2022, the UK and US sanctioned Zhidko.

On 25 FEB 2022, Australia sanctioned Zhidko.

### XXIII. TATIANA/TATYANA VIKTOROVNA SHEVTSOVA

**Title(s):**

Deputy Minister of Defense

**Role(s):**

Senior official of the body, organization, institution responsible for the destabilization of Ukraine and Russian military aggression, which undermines the sovereignty and territorial integrity of Ukraine.



**Biographical Summary:** Tatiana Viktorovna Shevtsova (“Shevtsova”) was born on 22 JUL 1969 in Kozelsk, USSR. She attended and later graduated from Leningrad Institute of Finance and Economics in 1991. From that year on she worked as a tax collector for the Federal Tax Service of the Russian Federation. Shevtsova was appointed deputy manager of the Federal Tax Service in 2004. In MAY 2010, Shevtsova was appointed adviser to the Minister of Defense of the Russian Federation.

On 04 AUG 2010, she was appointed Deputy Minister of Defense of the Russian Federation, with responsibility for finances, under a Presidential Decree. Shevtsova is entrusted with supervising the military-economic bloc and the financing of armed forces. Forbes Russia included Shevtsova on a list of the top richest *siloviki* (state and military administration officials) of Russia (13th place in 2013). In NOV 2012 it was reported that Shevtsova willingly wrote a resignation letter however it was not accepted by Sergey Shoigu.

**Summary of Role(s):** Official of the body, organization, institution responsible for the destabilization of Ukraine and Russian military aggression, which undermines the sovereignty and territorial integrity of Ukraine. Promulgating information to mobilized Russian military members about payments.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 14 NOV 2022, Shevtsova said that mobilized citizens would receive payments for next month ahead of schedule, by DEC 25, instead of in JAN 2023.

On 19 OCT 2022, Ukraine sanctioned Shevtsova.

On 06 JUN 2022, Canada sanctioned Shevtsova.

On 18 MAR 2022, New Zealand sanctioned Shevtsova.

On 15 MAR 2022, UK sanctioned Shevtsova.

On 25 FEB 2022, Australia sanctioned Shevtsova.

## XXIV. YURI/YURIY EDUARDOVICH SADOVENKO

**Title(s):**

Deputy Minister of Defense  
Head of the Office of the Minister of Defense of the Russian Federation  
Colonel General of the Russian armed forces

**Role(s):**

Responsible for the Russian war effort at large.



**Biographical Summary:** Yuri Eduardovich Sadovenko (“Sadovenko”) was born on 11 SEP 1969, in Zhytomyr, Ukrainian Soviet Socialist Republic. He graduated from Ryazan Higher Airborne Command School in 1990 and the same year began serving in the Russian Armed Forces where he was a participant in combat operations. Four years later he served at the Ministry of Emergency Situations (EMERCOM). There, he rescued and provided humanitarian aid until 2002. From 2002 to 2007 he was the Assistant to the Minister at EMERCOM. In 2007, he became the Head of the Office of the Ministry of Emergency Situations. In 2012 he became the Head of the Executive Office of Moscow Oblast. In JAN 2013 Sadovenko was appointed a Deputy Minister of Defense of the Russian Federation, Supervisor of the Apparatus of the Ministry of Defense of the Russian Federation. Sadovenko is a Colonel General.

Sadovenko’s wife, Maria Kitaeva, has been an advisor to the Defense Ministry since 2012, her family holds millions of dollars in real estate, some of which was purchased from the Ministry of Defense at a deep discount.

**Summary of Role(s):** Ranks seventh in the overall hierarchy of the Russian military leadership and is responsible for the Russian war effort at large. Involved in the deployment of troops to

Ukraine and has openly supported and justified Russia's war of aggression against Ukraine in his public appearances.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 17 MAR 2023, it was reported Sadovenko & Kitaevea's family have worked in housing development, buying land which was sold at an undervalued price by the Ministry of Defense. Sadovenko has utilized many properties, which are in his wife and brother-in-law's names, that are thought to really be his. This includes at least four luxury apartments worth over \$10 million combined, and at least three collectively worth \$8.7 million in the Kitaevea family's name.

On 12 OCT 2022, Switzerland sanctioned Sadovenko.

On 06 OCT 2022, the EU sanctioned Sadovenko.

On 18 MAR 2022, Japan and New Zealand sanctioned Sadovenko.

On 15 MAR 2022, the US sanctioned Sadovenko, pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy. The UK sanctioned Sadovenko the same day.

On 13 MAR 2022, at a funeral for Col. Sergei Sukhare, Sadovenko eulogized the Colonel stating that he "lived for the future, for the future of our people, a future without Nazism."

On 25 FEB 2022, Australia sanctioned Sadovenko.

On 21 JUN 2018, Ukraine sanctioned Sadovenko.

On 16 SEP 2014, Canada sanctioned Sadovenko.

## XXV. ALEXANDER/ALEKSANDR VASILYEVICH FOMIN

**Title(s):**

Deputy Minister of Defense

**Role(s):**

Senior official of the body, organization, institution responsible for the destabilization of Ukraine and Russian military aggression, which undermines the sovereignty and territorial integrity of Ukraine.



**Biographical Summary:** Alexander Vasilyevich Fomin (“Fomin”) was born on 25 MAY 1959 in Leninogorsk, Russia. In 1984 Fomin graduated from the Military Institute of the Red Banner of the Ministry of Defense. He has been serving as Deputy Minister of Defense since 2017.

**Summary of Role(s):** Senior official of the body, organization, institution responsible for the destabilization of Ukraine and Russian military aggression, which undermines the sovereignty and territorial integrity of Ukraine. Reported by Russian state media to be one of the members of the Russian-imposed administration in the occupied Kherson Oblast.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** In JAN 2023, Fomin announced that Russia would pull back forces from Kyiv and Chernihiv as an attempt to “increase mutual trust.”

On 03 DEC 2022, Fomin traveled to Tehran to allegedly discuss how to execute smaller size shipments of military equipment in order to not violate the UN Security Council resolution.

In NOV 2022, when Ukraine re-took Kherson City, Fomin, reported by Russian state media to be one of the members of the Russian-imposed administration in occupied Kherson Oblast, said Henichesk has been declared the temporary administrative capital of Kherson Oblast (the region Russia claims to have annexed). He said: “All the main authorities are concentrated there.”

On 19 OCT 2022, Ukraine sanctioned Fomin.

In AUG 2022, Fomin met with the Minister of Defense of the Democratic Republic of the Congo (DRC), Gilbert Kabanda Kurhenga, in Moscow for the 10<sup>th</sup> Conference on National Security. Kurhenga thanked Russia saying “[t]he Russian Federation, as a good friend, has always refrained from blackmailing us, blaming us or imposing subjective sanctions.” Leaked documents revealed in FEB 2021, Russia sent the DRC, without ever receiving payment, a cache of about 10,000 Kalashnikov rifles and about 3 million cartridges of ammunition. Also in AUG 2022, Fomin held talks with Major General Nidal Abu Dukhan from the Palestinian Authority (PA) security forces to discuss military and intelligence cooperation.

On 18 MAR 2022, New Zealand sanctioned Fomin.

On 15 MAR 2022, the UK sanctioned Fomin.

On 25 FEB 2022, Australia sanctioned Fomin.

On 27 MAR 2021, Formin attended Myanmar’s Armed Forces Day as an honored guest, just after Myanmar military’s 01 FEB 2021 coup.



## XXVI. TIMUR VADIMOVICH IVANOV

**Title(s):**

Deputy Minister of Defense

**Role(s):**

Responsible for the Russian war effort at large. Responsible for the procurement of military goods and the construction of military facilities, including in Russian occupied Ukrainian territories.



**Biographical Summary:** Timur Vadimovich Ivanov (“Ivanov”) was born on 15 AUG 1975 in Moscow. His father is Vadim Gennadyevich, the general director of Crystal Development LLC since 2004. In 1997, Ivanov graduated from the Faculty of Computational Mathematics and Cybernetics of the Moscow State University. From 1997 to 1999, he worked in various commercial organizations. From 1999 to 2012, he worked at enterprises of the fuel and energy complex of Russia. He holds his academic degree: a candidate of economic sciences (dissertation “Financial and organizational models of NPP construction projects” which he defended in 2011. In 2012, he served as Deputy Prime Minister of the Moscow Oblast, under Governor Sergey Shoigu. From 2013 to 2016, he was the General Director of Oboronstroy JSC, a subordinate to the Russian Ministry of Defense On 23 May 2016, by decree of the President of Russia, Ivanov was appointed Deputy Minister of Defense of Russia. During the COVID-19 pandemic in Russia in 2020, he supervised the construction of 16 multifunctional medical centers of the Ministry of Defense for the treatment of patients with COVID-19.

**Summary of Role(s):** In his position in the Ministry of Defense, Ivanov oversees issues related to property management and quartering of troops, housing, and medical support of the Russian

Armed Forces, and is responsible for the construction, reconstruction and overhaul of facilities of the Russian Ministry of Defense and military mortgages.

**Organizational Membership:** Responsible for the procurement of military goods and the construction of military facilities, including in Russian occupied Ukrainian territories. Ranks tenth in the overall hierarchy of the Russian military leadership. Given his key position in the Russian Federation's military enterprise, he is responsible for the Russian war effort at large. He has made various visits to Luhansk and Donetsk to inspect facilities under construction by Russian occupying forces. Additionally, he has handed various state awards to Russian military personnel wounded in Russia's war. Actively supports and defends the war against Ukraine.

**Incidents and Events of Note:** On 20 APR 2023, the FBK: with over 8,000 leaked emails at their disposal, also highlighted that the extremely lavish lifestyle enjoyed by Ivanov's "ex"-wife Svitlana included having "enough cash to even buy a 'holiday Rolls-Royce'. They have one in Moscow, but since they spend so much time at the French Riviera, they bought another one there too. It's a retro Rolls-Royce Corniche. It just sits in a garage and waits for them all year round." The FBK's head Maria Pevchikh added that Svitlana enjoys "[d]iamonds, furs, Rolls Royces - she has it all and more. In summer you can find her in St. Tropez where she rents a villa for €150k/month, or on a yacht in Naples" and on 25 MAR 2022 spent over \$100,000 at a Parisian jewelery store on Place Vendome. According to FBK, this lifestyle was maintained not only from the Ivanovs' divorce, but also Svitlana's Israel passport which has helped the couple evade Russian sanctions abroad.

On 22 DEC 2022, it was reported by the Anti-Corruption Foundation ("FBK", founded by Russian opposition leader Alexei Navalny) that Ivanov and his wife are profiting off the reconstruction efforts in Mariupol. In AUG of 2022, Ivanov, and his wife Svitlana filed for divorce, but journalists perceive this is simply to protect their extensive assets held in Svitlana's name from Timur's EU sanctions. On 20 DEC 2022, the FBK also produced a documentary on YouTube entitled "War and Feast. The Glamorous Life of Deputy Defense Minister Timur Ivanov" focused on the Ivanovs' luxurious lifestyles during the invasion that Ivanov has not only overseen but also profited off of.

On 12 OCT 2022, Switzerland sanctioned Ivanov.

On 06 OCT 2022, the EU sanctioned Ivanov.

On 01 JUL 2022, Ivanov visited occupied Mariupol to inspect construction of fortifications in the residential neighborhoods.

On 06 MAY 2022, Canada sanctioned Ivanov.

On 18 MAR 2022, Japan and New Zealand sanctioned Ivanov.

On 15 MAR 2022, the US sanctioned Ivanov, pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy. The UK sanctioned Ivanov the same day.

On 25 FEB 2022, Australia sanctioned Ivanov.

**XXVII. YUNUS-BEK BAMATGIREYEVICH YEVKUROV/EVKUROV**

**Title(s):**

Deputy Minister of Defense  
Member of the Supreme Council of the “United Russia” party

**Role(s):**

Responsible for the Russian war effort at large.



**Biographical Summary:** Yunus-Bek Bamatgireyevich Yevkurov/Evkurov (“Yevkurov”), an ethnic Ingush, was born on 23 JUL 1963 in Tarskoye village, Prigorodny District, North Ossetian ASSR, USSR, into a peasant family of 12 children. He has five sisters and six brothers. He graduated from School Number One (SNO) in the town of Beslan, North Ossetia, an autonomous republic in the North Caucasus region of the Russian Federation. Yevkurov married Mareta Yevkurova on 23 DEC 2007. The couple have five children; their first son was born on 01 NOV 2008. He is a career soldier, paratrooper, and Hero of the Russian Federation who was involved in numerous conflicts where Russia played a key role, including Kosovo (1999) and Chechnya.

Yevkurov was conscripted into the Soviet Army in 1982, serving in the Naval Infantry of the Pacific Fleet. In 1989, he graduated from the Ryazan School of Airborne Troops. Yevkurov continued his military education, graduating from the Frunze Military Academy in 1997 and from the General Staff Academy in 2004.

In JUN 1999, Yevkurov was stationed in the Bosnian town of Ugljevik with the Russian peacekeepers under the auspices of SFOR. On 12 JUN, he led a task force on a swift 500 kilometer march, which aimed to secure the Pristina International Airport ahead of the NATO

troops, thus ensuring a Russian presence in Kosovo after the NATO bombing of Yugoslavia. This led to a standoff with NATO troops.

Yevkurov has had various positions of command within the Russian Airborne Troops and has participated in counterterrorist operations in the North Caucasus. During the course of the Second Chechen War in 2000, he was in command of the 217th Guards Airborne Regiment (98th Guards Airborne Division). While on a reconnaissance mission, Yevkurov's team discovered a house where a group of captured Russian soldiers was held. Having neutralized the guards and infiltrated the building, the team was surrounded by Chechen reinforcements, resulting in armed combat. The Russian troops were able to break through the encirclement while Yevkurov was providing cover for the evacuation of the wounded. He personally carried a soldier to safety despite sustaining an injury himself. Twelve imprisoned soldiers were rescued. On 13 APR 2000, Yevkurov was presented with the Hero of Russia award for his courage, the country's highest title of honor.

In 2004, Yevkurov was appointed to be the Intelligence Division Deputy Commander of the Volga-Urals Military District.

On 30 OCT 2008, Yevkurov replaced the highly unpopular Murat Zyazikov when President Dmitry Medvedev appointed him as the head of Ingushetia. The following day, the People's Assembly of the Republic of Ingushetia, the republic's regional unicameral parliament voted in favor of Yevkurov's appointment, making him the third Head of Ingushetia. Zyazikov's dismissal and Yevkurov's appointment were received with much enthusiasm from the Ingush population. As head of Ingushetia, he was reportedly able to stabilize the crime situation and bring about positive social changes within the Russian republic.

On 22 JUN 2009, Yevkurov was seriously injured following a car-bomb attack on his motorcade in the city of Nazran. In the incident, a Toyota Camry filled with explosives rammed Yevkurov's convoy in what was believed to be a suicide bomb attack. One escorting policeman died on the spot; Yevkurov's driver and cousin Ramzan died a few days later in a hospital. Yevkurov's brother Uvais was among the injured. Yevkurov suffered a ruptured liver, a severe concussion, and several cracked ribs, but was expected to survive following surgery. Yevkurov was then airlifted to a hospital in Moscow and was sent to intensive care with damage to his skull and internal organs. He regained consciousness from a coma two weeks after the attack. Yevkurov was released from the hospital in Moscow on 12 AUG 2009, more than seven weeks after the attack, but continued to receive rehabilitation. Speaking to reporters upon leaving the hospital, Yevkurov warned that "those who refuse to lay down their arms and surrender will be killed." In a radio interview on 17 AUG 2009, Yevkurov accused the US, Great Britain, and Israel of being behind the destabilization of the North Caucasus in order to "prevent Russia from reviving the former Soviet might."

Though no group claimed responsibility, Russian President Dmitry Medvedev accused Islamist militants of carrying out the attack, condemning the “terrorist attack”. Speaking on Russian television, Medvedev claimed that Yevkurov "did a lot to restore order ... and the bandits obviously didn't like that kind of activity". Russian news agency RIAN, quoting an unnamed Kremlin source, reported that executive authority in Ingushetia was temporarily transferred to the prime minister, Rashid Gaisanov, who became acting Head by Russian presidential decree. Gaisanov remained the acting head of Ingushetia until Yevkurov returned to office in SEP 2009.

After the attack, Chechen leader Ramzan Kadyrov claimed the Kremlin had ordered him to fight insurgents in Ingushetia, and during his subsequent visit to Ingushetia on 24 JUN pledged to revenge ruthlessly. On 04 JUL, a convoy of Chechen troops sent by Kadyrov into Ingushetia in response to the suicide bombing was ambushed by militants. The attack caused nine Chechen deaths, with 10 others severely wounded. On 09 JUL, Ingushetia's Interior Ministry announced the arrest of several suspects, including the Chechen rebel commander Rustaman Makhauri, allegedly involved in the attack on Yevkurov.

In SEP 2018, Yevkurov and Chechen leader Ramzan Kadyrov signed a border agreement following secret negotiations, prompting activists in Ingushetia to claim the pact was invalid because it represented an illegal transfer of territory to Chechnya. Because of the deal, Yevkurov's popularity in the region plunged dramatically. Several mass protests in Ingushetia against the deal were violently dispersed by police and dozens of people were detained and later fined or jailed. Some protesters faced criminal charges. Ingush opponents of the deal claimed that Ingush land was being unjustly handed over to Chechnya, whose strongman leader Kadyrov had been accused of interfering in the affairs of neighboring Ingushetia and Daghestan.

Yevkurov resigned on 24 JUN 2019 after months of controversy and amid ongoing tensions in Ingushetia sparked by the controversial border deal/land swap agreement with Chechnya.

Yevkurov was appointed a deputy defense minister of Russia by President Vladimir Putin on 08 JUL 2019. In this decree, Putin also promoted Yevkurov from major general to lieutenant general. On 08 DEC 2021, he was further promoted to colonel general.

On 24 JUN 2023, Yevkurov, with Deputy Chief of Staff Vladimir Alexeyev took part in negotiations with Wagner Group's Yevgeny Prigozhin to end the Wagner rebellion. The talks did not appear to have been what successfully ended the rebellion. Yevkurov has not been seen since, potentially indicative of Putin having lost faith in him.

**Summary of Role(s):** Responsible for the Russian war effort at large. Senior official of the body, organization, institution responsible for the destabilization of Ukraine and Russian military aggression, which undermines the sovereignty and territorial integrity of Ukraine. Actively

supported and implemented actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilized Ukraine. In his public appearances, he openly justifies Russia's war against Ukraine. By means of his public appearances and participation in reward and medal ceremonies, he rallies domestic support for the war.

Yevkurov is also in charge of gathering military intelligence and the military capabilities of Ukrainian forces as well as the possible military interventions of Western nations.

**Organizational Membership:** Member of the Supreme Council of the United Russia party.

**Incidents and Events of Note:** On 03 JUL 2023, Yevkurov was absent from a televised leadership meeting with Russia's Ministry of Defense.

On 24 JUN 2023, Yevkurov, with Deputy Chief of Staff Vladimir Alexeyev took part in negotiations with Wagner Group's Yevgeny Prigozhin in Rostov-on-Don to end the Wagner rebellion. The talks did not appear to have been what successfully ended the rebellion. The transcript of this meeting show Prigozhin clearly upset at not being addressed in a formal tone, and not receiving the level of respect from Yevkurov that Prigozhin believes he deserves. At the conclusion of the talks, Yevkurov asks Prigozhin point-blank: "[y]ou believe everything you're doing right now is right. Is that right?" to which Prigozhin replies: "[a]bsolutely right. We're saving Russia."

The meeting raised many questions by observers, including why Yevkurov and Alexeyev did not arrest Prigozhin there, did the Kremlin know about this meeting, and if they were sent by a higher authority to negotiate or did so voluntarily. According to British intelligence, Yevkurov has not been seen since, potentially indicative of Putin having lost faith in him.

On 22 FEB 2023, Yevkurov, along with Deputy Defense Minister Colonel-General Viktor Goremykin, presented medals to Russian soldiers piloting attack aircrafts.

On 12 OCT 2022, Switzerland sanctioned Yevkurov.

On 06 OCT 2022, the EU sanctioned Yevkurov.

On 21 May 2022, Yevkurov's nephew Captain Adam Khamkhoev, a commander of an airborne assault company, was killed by Ukrainian forces.

On 06 MAY 2022, Canada sanctioned Yevkurov.

On 18 MAR 2022, Japan and New Zealand sanctioned Yevkurov.

On 15 MAR 2022, the US sanctioned Yevkurov, pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy. The UK sanctioned Yevkurov the same day.

On 25 FEB 2022, Australia sanctioned Yevkurov.



**XXVIII. NIKOLAY ALEKSANDROVICH PANKOV**

**Title(s):**

Deputy Minister of Defense

**Role(s):**

Responsible for any military actions against Ukraine.



**Biographical Summary:** Nikolay Aleksandrovich Pankov (“Pankov”) was born on 02 DEC 1954 in the village of Maryino, Kady district of the Kostroma Oblast region, RSFSR, USSR, and has been the Secretary of State - Deputy Minister of the Defense of the Russian Federation since 13 SEP 2005. He is the General of the Reserve Army and has received several military awards. He was educated at the FSB Academy, has a PhD in Law, and is an Associate Professor. He is married and has a son and a daughter.

In 1974 Pankov enlisted for military service in the Armed Forces. He served in the border troops of the USSR, in the North-Western border district. After being transferred to the reserve in 1976, he served on the USSR State Security Committee. He graduated from the Higher School of the KGB of the USSR named after F. E. Dzerzhinsky in 1980, and in 1989 he completed postgraduate studies.

In 1994 Pankov became the Academic Secretary of the Academy of the FSB of Russia. In 1997-1998 he was Head of the Department of Affairs of the Federal Border Service of the Russian Federation. In 1998 he was also appointed as Chief of Staff of the Security Council of the Russian Federation.

In APR 2001, along with Sergei Ivanov, Pankov was transferred to the Ministry of Defense of the Russian Federation where he assumed the post of head of the Department of Affairs of the Ministry. Later, in JUL 2001, he was appointed head of the Main Directorate of Personnel of the Ministry of Defense of the Russian Federation. In JUN 2002 Pankov became Deputy Minister of Defense of the Russian Federation for Personnel - Head of the Main Personnel Directorate of the Russian Ministry of Defense. While in this position, he oversaw the system of higher educational institutions of the Ministry of Defense.

By Decree of the President of the Russian Federation of 12 JUN 2004, Pankov was awarded the military rank of General of the Army. In OCT 2004, he was appointed head of the Personnel and Educational Work Service of the Ministry of Defense, and in SEP 2005 he became Secretary of State of the Ministry of Defense - Deputy Minister of Defense. He was in charge of the Main Directorate of Personnel, the Main Directorate of Educational Work, and the Main Directorate of the Civil Service of the Ministry of Defense of Russia. In this position, Pankov carries out general management of the Military University, the Military Institute of Physical Culture, and a number of pre-university educational institutions of the Russian Ministry of Defense.

Under the leadership of Pankov, 40 higher military universities were reduced, and the main blow was dealt to those of them that trained the most high-tech personnel for the Russian army. At the same time, the teaching staff of military universities was reduced seven times. The main motive for such a reorganization of military education is the release and subsequent sale of buildings belonging to military universities. During Pankov's tenure, 200,000 officers were also dismissed from the army. This reduction in the personnel of the Russian Armed Forces reportedly cost the state 1.65 trillion rubles.

On 30 MAR 2009, Pankov was dismissed from reserve military service and transferred to the category of federal civil servant, while retaining the position of Secretary of State - Deputy Minister of Defense of the Russian Federation. On 17 JUN 2011, he was awarded the highest-class rank of a state federal employee - Active State Councilor of the Russian Federation, 1st class, a promotion from Acting State Councilor of the Russian Federation, 2nd class which he received 30 APR 2010.

In DEC 2010, the Ministry of Defense entered into an agreement with Neviss-Komplekt LLC for the transfer of funds and expositions of the Central Naval Museum in Saint Petersburg from the Stock Exchange building on the Spit of Vasilievsky Island to the Kryukov barracks on Labor Square. The museum's move to the new building was supervised by State Secretary Pankov. In DEC 2012, the Main Military Investigation Department found out that a majority of the payment was made on the basis of fictitious reporting documents. Pankov signed the work acceptance certificate for the building, although the work was barely half completed. Without Pankov's signature the criminals could not have access to the money. At that stage of the investigation, it

was revealed that those actions caused damage to the state in the amount of more than 400 million rubles. Many involved in the scam received real prison terms, yet Pankov was not convicted, despite the fact that the defendants called him a key participant in the scam. Pankov was however obliged to reimburse about 600 million rubles through court proceedings.

Nikolai Pankov is one of the few who has retained the post of Deputy Minister of Defense after the dismissal of Anatoly Serdyukov and the appointment of Sergey Shoigu to the post of Russian Defense Minister in NOV 2012. Pankov also played a key role in Defense Minister Anatoly Serdyukov's dacha scandal near Anapa. Pankov went to Anapa and convinced city deputies to transfer a site within the Krasnodar Territory to the Ministry of Defense, allegedly for the construction of a radar station, claiming without which "the country's defense will fall." The deputies allocated the land, but instead of the radar station, a 600m<sup>2</sup> residential building with a swimming pool and a boathouse for yachts was built. Retired Russian military Col. Viktor Baranets claimed "A whole railway troops battalion or two were used to build the road to that dacha. Hundreds of spruce and fir trees and thousands of lawn rolls were flown there from Moscow as hundreds of ordinary conscript soldiers were used as slave labor to plant all that. A whole defense ministry plane full of Spanish-made furniture was flown from Spain to equip that dacha."

Since 15 APR 2015 Pankov has been the head of the Supervisory Board of the Central Sports Club of the Army. From 2015 to 2018, he oversaw the All-Russian Military Patriotic Public Movement.

After the creation in 2018 of the Main Military-Political Directorate of the Armed Forces of the Russian Federation, which was headed by the Deputy Minister of Defense, Colonel General Andrei Kartapolov, part of the military command and control bodies for which Pankov was responsible, passed to him, while the Main Directorate of Personnel and the Directorate of Physical training and sports remained with Pankov.

On 01 JUL 2021, President Vladimir Putin appointed State Secretary - Deputy Minister of Defense of the Russian Federation Nikolai Pankov as his official representative at the ratification by the State Duma and the Federation Council of the agreement on the establishment of a logistics point for the Russian Navy in Sudan. On 01 JUN 2021, Sudan announced the revision of the agreement with the Russian Federation on the establishment of a base on the Red Sea.

**Summary of Role(s):** Responsible for Human Resources and personnel support matters. Provides support for, and has oversight over, Russian armed forces involved in the invasion of Ukraine. He is responsible for any military actions against Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 10 JUN 2023, Pankov announced that “volunteer formations” would be required to sign contracts with the Russian Ministry of Defense by 01 JUL. Pankov stated “[t]he order grants the right to all volunteers to sign individual contracts with volunteer formations or the Defense Ministry as contract service members,” and “these measures will make it possible to boost combat capabilities and effectiveness of the [Russian] armed forces and volunteer units included in them.”

Though the announcement did not specifically reference the Wagner Group, this was widely seen as an attempt to bring more state-control to the Wagner Group and its soldiers which have been operating fairly independently of the Russian military since the start of the invasion. Prigozhin for his part, directly rejected these compliance orders. Prigozhin stated that Wagner is “is fully compliant with interests of Russia and the commander-in-chief” and “coordinates all its actions with Army General [Sergey] Surovikin and completes the tasks he sets out.” These tensions likely played some impact in Prigozhin’s decision to initiate the Wagner Group rebellion.

It is not clear what (if any) impact the Wagner Group rebellion on 23 and 24 JUN has had on the Russian military’s objectives of getting these Wagner soldiers more “in line” with the hierarchy and regulation of the Russian military.

On 20 MAR 2023, it was reported Pankov had been awarded by the Kremlin with a luxury apartment: a four-room suite in the “House of the Presidential Property Management Directorate” worth about \$900,000/70 million rubles. Registered in his daughter Maria’s name, it is one of many Pankov has signed over to his children.

On 19 OCT 2022, Ukraine sanctioned Pankov.

On 12 OCT 2022, Switzerland sanctioned Pankov.

On 06 OCT 2022, the EU sanctioned Pankov.

On 10 JUN 2022, France sanctioned Pankov given his position as fifth rank in the Russian military command, his involvement in the deployment of troop in Ukraine, and presenting of awards to airborne troops for their participation in the war of aggression waged by Russia in Ukraine makes Pankov responsible for actions and policies that compromise or threaten the territorial sovereignty and independence of Ukraine.

On 04 MAY 2022, the UK sanctioned Pankov.

On 18 MAR 2022, Japan and New Zealand sanctioned Pankov.

On 15 MAR 2022, the US sanctioned Pankov, pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy.

On 25 FEB 2022, Australia sanctioned Pankov.

On 24 FEB 2022, New Zealand's Prime Minister and Minister of Foreign Affairs announced a targeted travel ban against Russian Government Officials and other individuals associated with the Russian invasion of Ukraine which included Pankov.

Nikolay Aleksandrovich Pankov (Deputy Minister of Defense) is frequently confused with, especially in photo usage, Nikolay Vasilyevich Pankov (Deputy of the State Duma of the Federal Assembly of the Russian Federation).

## XXIX. ALEKSEY/ALEXEY/ALEXEI YURIEVICH KRIVORUCHKO

**Title(s):**

Deputy Minister of Defense

**Role(s):**

Responsible for any military actions against Ukraine.



**Biographical Summary:** Aleksey Yurievich Krivoruchko (“Krivoruchko”) was born on 17 JUL 1975 in Stavropol. He graduated from the Institute of Management, with degrees in Economics and Information Science. He attended the Russian Academy of Public Service under the President of the Russian Federation in Public Administration. On 13 JUN 2018, he was appointed Deputy Minister in the Ministry of Defense of the Russian Federation with the overall responsibility for armaments.

From 1999 to 2001 Krivoruchko worked as the deputy CEO and later the CEO of JSC Rostov Plant of Civil Aviation No. 412. In 2004 to 2005 he held the position of the adviser to the deputy CEO for logistics of JSC Aeroflot-Russian Airlines. In 2006 he served as chief expert, consultant of the Department of Regional and Offset Programs of the Federal State Unitary Enterprise Rosoboronexport.

In 2010 Krivoruchko took a position as CEO of Aeroexpress, LLC.

In 2011 to 2017 Krivoruchko served as CEO at Tverskoi Express, LLC.

In 2013 he also served as director at BC Projects s.r.o until 2014.

Since 2013 Krivoruchko also served as Chairman of the board of directors of JSC Central Suburban Passenger Company (CSPC), and board member of Transmashholding, Ltd. and was the CEO for TransComplectHolding, LLC until his appointment as Deputy Minister of Defense of the Russian Federation.

In 2014 to 2018 Krivoruchko held the positions of CEO at JSC Kalashnikov Concern and Izhevsk Mechanical Plant JSC. During this time, he was interviewed in an episode of *Dirty Dollars* (Episode 3, “Arms Trafficking”), he stated despite growth over the last decade, Russia’s international sanctions after Crimea on arms sales “economically, it’s a real shortfall for the company.” And though “obviously the main civilian firearms market is the American market which unfortunately is closed to us at the moment. But we are currently developing other markets and have been able to improve ourselves in the last few years.”

In 2017 he again held the position of CEO at Aeroexpress. In May of 2018 Krivoruchko left his positions at Aeroexpress and Kalashnikov in connection with his appointment by decree of the President of the Russian Federation and took his position as Deputy Minister of Defense of the Russian Federation.

**Summary of Role(s):** Responsible for any military actions against Ukraine. Krivoruchko has overall responsibility for armaments, including oversight of the Ministry’s stocks of weapons and military equipment. Krivoruchko is also responsible for their elimination within the framework of the implementation of international treaties assigned to the Ministry of Defense. The Russian Ministry of Defense took on the responsibility for the chemical weapons stocks inherited from the Soviet Union and their safe storage until their destruction could be completed.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 16 AUG 2022, after the Army-2022 Forum, Russian state media reported that Krivoruchko Russian Armed Forces will receive more than 3,700 new equipment pieces as a result of performance of contracts signed at the conference and more than 100 materiel and special equipment units will be repaired and upgraded.

On 31 MAR 2022, Canada sanctioned Krivoruchko.

On 18 MAR 2022, Japan and New Zealand Sanctioned Krivoruchko.

On 15 MAR 2022, sanctioned by the US, pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy. The UK sanctioned Krivoruchko the same day, this time in relation to his actions in Ukraine.

On 26 FEB 2022, Krivoruchko reportedly signed a document, that was later published, on behalf

of the Ministry of Defense of the Russian Federation which ordered the destruction of the bodies of Russian soldiers who died in Ukraine.

On 25 FEB 2022, Australia sanctioned Krivoruchko.

On 24 FEB 2022, New Zealand's Prime Minister and Minister of Foreign Affairs announced a targeted travel ban against Russian Government Officials and other individuals associated with the Russian invasion of Ukraine which includes Krivoruchko.

On 04 SEP 2021 Vietnamese Defense Minister General Phan Van Giang received Krivoruchko in Hanoi on the occasion of his attending the closing ceremony of the "Sniper Frontier" and "Emergency Area" contests of the Army Games 2021 in Vietnam. At the reception, General Giang highlighted the time-honored friendship between the two countries and emphasized that Vietnam always attaches much importance to strengthening the comprehensive strategic partnership with Russia and considers it a top priority in the country's foreign policy. The Vietnamese defense minister said that over the past time, leaders of the two countries have paid attention to fostering defense cooperation, thus creating a momentum to expand the bilateral cooperation in other fields. Since the outbreak of the COVID-19 pandemic, the two defense ministries have actively supported each other in their pandemic fight.

On 02 MAR 2021, the US sanctioned Krivoruchko in relation to the war crimes in Ukraine.

On 05 JAN 2021, the UK sanctioned Krivoruchko suggesting that he was responsible for the preparation and use of chemical weapons in the attempted assassination of Alexey Navalny.

On 15 OCT 2020, the EU sanctioned Krivoruchko in relation to chemical attacks on Alexey Navalny.

On 14 OCT 2020, France sanctioned Krivoruchko, in response to the attempted assassination of Alexey Navalny. Since the Ministry of Defense has overall responsibility for the safe storage and destruction of chemical weapons and with Krivoruchko's senior position he is therefore responsible for having helped people who committed the poisoning of Alexey Navalny.

In DEC 2019, in an exclusive conversation with Olga Belova, host of the TV program "The Main", Russian Deputy Minister of Defense Alexei Krivoruchko spoke of the Russian army's modernization and future challenges. Krivoruchko stressed that in 2020 the Russian Army must reach a more than 70% level of modernity. The most important field of development is the nuclear triad. "We will continue to rearm our army with 'RS-24 Yars'," he said. The Navy's development would continue and "the Navy will probably receive the biggest impetus, precisely in the part of the ships of the long-range maritime zone," Krivoruchko stated. "Of course, there were difficulties [in 2019], they remain and will always be. One can also say that the 2019 state



defense orders were fulfilled by more than 99%. All the main tasks that awaited the Ministry of Defense and industry are fully completed. And this allowed us to bring the level of modernity in the Armed Forces to ... more than 68%. Therefore, we can say with confidence that the tasks assigned to the Armed Forces have been completed.”

When asked about the sphere of the defense industry in the coming year, Krivoruchko said, “The challenges of 2020 are also difficult. We must reach the level of modernity surpassing 70%. This goal was reflected in the President’s May decrees. I have no doubt that we will achieve these indicators. As for some of the most important areas, it is hard to highlight something. ... I would like to note first everything that concerns our nuclear triad. We will also continue rearmament. We have the highest rate of modernity here. ... We will continue to rearm our army with ‘RS-24 Yars’. ... One of the most significant news, which will await us in the year 2020 is the development of the Navy. We will continue to build, and we will lay [the keel] for eight additional ships. Also, additional contracts will be signed at the ‘Army of Russia’ forum. Therefore, probably, the Navy will receive the biggest impetus, precisely in the part of the ships of the long-range maritime zone.”

When asked about hypersonic and laser weapons, and if it was correct to say the one who has these weapons will control the world, Krivoruchko said, “Indeed, these are the areas of the highest priority in all the armies of the modern world. If we start with laser weapons, we already (as the president and the defense minister said) have such weapons in service. I’m talking about the ‘Peresvet’ complexes. But this is not the only system that we are developing, which will soon go into service. I must say that this is one of the highest priority areas. And all the works are in a full swing. And, I think, in the near future we will show something.”

When asked about the nuclear triad, Krivoruchko said, “All this is important and requires efforts, one might say the same amount of it. As for nuclear weapons, this is certainly a priority. Here, everything goes smoothly. Laser weapons are also an important area. Hypersound - as you already know, we are here at the forefront. Complexes such as the ‘Dagger’ are already in service. ‘Zircon’ is already in service with the Armed Forces then, in the near future, the tests will all be completed...”

When also asked about Russia’s foreign policy situation and its effect on defense, Krivoruchko said, “Of course, we are following this issue closely. And there were attempts, including sanctions, to influence it [state defense order]. That is no secret, literally 5-7 years ago a lot of foreign equipment and components were used in our armament (engines, component base). Today there are no such problems. The import substitution process has been fully completed. We do not have a single supply disruption due to import substitution, therefore, they [sanctions] have no effect on [state defense order] today. But, of course, there were such attempts. Precisely for that sanctions were imposed against the military-industrial complex. Our industry dealt with them, and in the process was able to gain new expertise, new areas [of competency]. You can

definitely say...that all the equipment that goes to the Armed Forces is modern technology. This is true for all types of troops: the technology of the REP troops, aviation, the navy, land equipment. All weapons are not only at the level of the analogs of other countries but are well superior to them. And this is also not a secret: the operation in Syria showed it. It is therefore quite clear: We have modern, complex, and efficient systems. [They are] significantly cheaper than other countries' models..."

**XXX. DMITRY EVGENYEVICH SHUGAEV/SCHUGAEV**

**Title(s):**

Director of Federal Service of Military-Technical Cooperation

**Role(s):**

Responsible for control and supervision in the field of military-technical cooperation, as well as the development of state policy in the field of military-technical cooperation, thus making him responsible for the Russian war effort at large.



**Biographical Summary:** Dmitry Evgenyevich Shugaev (“Shugaev”) was born 11 AUG 1965 in Moscow. Shugaev graduated from the Moscow State Institute of International Relations (MGIMO) of the USSR. Ministry of Foreign Affairs in 1987. Shugaev has a PhD in economics.

Shugaev has served as an Executive Director of CJSC “Legal Profile.” He also worked as Consultant to the Deputy Director General of Rosoboronexport; Assistant to the First Deputy Director General of Rosoboronexport; and the Chief of Staff to the Director General of Rosoboronexport. Schugaev was also the Head of the Office of the General Director of the State Corporation “Rostekhnologii” (Rostec).

Shugaev was the Chairman of the Board of Directors of the Transport and Exhibition Complex “Russia” and the company “Marketing Investment Projects”. He was also the Deputy Chairman of the Board of Directors of Inter RAO UES (a diversified energy holding company) and Ramport Aero OJSC (an international aviation holding company).

**Organizational Membership:** Member of the Board of Directors of Russian Corporation for Instrumentation and Information Systems (RKS OJSC), Ramenskoye International Airport OJSC and Rosoboronexport JSC.

**Summary of Role(s):** The Federal Service for Military-Technical Cooperation (FSVTS) is a federal executive body responsible for control and oversight in the field of military-technical

cooperation between the Russian Federation and foreign countries. The service reports to the President and is in the jurisdiction of the Ministry of Defense. The Director of the FSVTS is under direct authority of the Russian Ministry of Defense. Responsible for control and supervision in the field of military-technical cooperation, as well as the development of state policy in the field of military-technical cooperation, thus making him responsible for the Russian war effort at large.

**Organizational Membership:** Shugaev is Deputy Chairman of the Supervisory Board of “National Center for Aircraft Construction.”

**Incidents and Events of Note:** On 08 JUN 2023, Shugaev met with Algerian Army Chief of Staff Said Chengriha in Algiers. Shugaev had previously visited Algeria in NOV and MAR of 2022.

In MAR 2023, Shugaev gave an interview where he claimed Russia has exported 13 billion dollars’ worth of weapons to India over the last five years, with a portfolio of orders of about \$10 billion in India, and \$50 billion globally. This comes as Iran has also purchased large numbers of weapons, especially Su-35 planes, from Russia. In the interview, Schugaev referred to Russia’s illegal invasion of Ukraine as “Russia’s special operation in Ukraine.”

On 01 NOV 2022, New Zealand sanctioned Shugaev.

On 19 OCT 2022, Ukraine sanctioned Shugaev.

On 12 OCT 2022, Switzerland again sanctioned Shugaev.

On 06 OCT 2022, the EU sanctioned Shugaev.

On 10 JUN 2022, France sanctioned Shugaev.

On 06 MAY 2022, Canada sanctioned Shugaev.

On 06 APR 2022, Australia sanctioned Shugaev.

On 24 MAR 2022, the UK sanctioned Shugaev.

On 18 MAR 2022, Japan sanctioned Shugaev.

On 15 MAR 2022, the US sanctioned Shugaev, pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy.

On 04 MAR 2022, Switzerland sanctioned Shugaev.

## XXXI. ALEKSANDR/ALEXANDER ALEKSANDROVICH MIKHEEV

**Title(s):**

Director General of Rosoboronexport

**Role(s):**

Weapons Exporter



**Biographical Summary:** Alexander Aleksandrovich Mikheev (“Mikheev”) was born on 18 NOV 1961 in Moscow, Russia. In 1985, Mikheev graduated from the Moscow Institute of Civil Aviation Engineering with a degree in aeronautical design. Alexander acquired a graduate degree from the Military Academy of the Russian Armed Forces in 2004 and a degree in money and credit from the Russian Government Financial Academy in 2006.

He was formerly the CEO of the Russian Helicopter Federation from 2013 to 2017. In 2013 to present he held the position of CEO at JSC Kumertau Aviation Production Enterprise. Since 2016, Mikheev has served as vice-chairman for the All-Russian NGO Union of Mechanical Engineers of Russia. In 2017 he became the CEO of the government owned Rosoboronexport, a corporation who is the only intermediary weapons importer/exporter for the Russian Federation. As of 2022, many reports guarantee that Mikheev’s complete and total assets are assessed at \$5 million. Mikheev has served at Concern Radio Electronic Technologies JSC as a board member and as the head of the JSC 419 Aircraft Repair Plant.

**Summary of Role(s):** Assists in the exportation of weapons worldwide: Rosoboronexport sells everything from helicopters, to tanks, to missile systems, to submarines. Conducts commercial activities in sectors of the economy that provide a significant source of income for the Russian government.

**Organizational Membership:** Rosoboronexport Organization.

**Incidents and Events of Note:** In anticipation of the IMDS-2023 expo in St Petersburg from 21 to 25 JUN 2023, Mikheev confirmed Rosoboronexport would also showcase their Project 677E

diesel-electric submarine (Amur-1650), Project 636 “Black hole” large diesel-electric submarine, Project 22800E “Karakurt-E” corvette, Project 11356 multipurpose frigate, and Project 20382 “Tigr” small escort ship corvette at the event. He added that “[f]or many years, the Naval Salon (IMDS) has been successfully serving to strengthen friendly ties and an open, mutually beneficial exchange of experience between representatives of the leading enterprises in the shipbuilding industry and customers of their products,” and that “Rosoboronexport is a traditional participant and sponsor of the Salon, and every time we are proud of the Russian industry, we present to our foreign partners the latest domestic shipbuilding, coastal complexes, weapons for the navy.”

And for this year, Mikheev stated “Rosoboronexport and Russian enterprises participating in the Salon will demonstrate to visitors the surface ships and submarines in service with the Ministry of Defense, the Ministry of Internal Affairs and the Border Service of the Federal Security Service of Russia, the Zaslou (passive electronically scanned array) and Mineral-ME shipborne radar systems.”

On 19 OCT 2022, Ukraine sanctioned Mikheev.

On 12 OCT 2022, New Zealand sanctioned Mikheev.

On 19 SEP 2022, Mikheev stated that “Sub-Saharan Africa is now among the growth leaders in the level and quality of military-technical cooperation with Russia.”

On 03 MAY 2022, Canada sanctioned Mikheev.

On 06 APR 2022, Australia sanctioned Mikheev.

On 18 MAR 2022, Japan sanctioned Mikheev.

On 16 MAR 2022, Switzerland sanctioned Mikheev.

On 15 MAR 2022, the US sanctioned Mikheev, pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy. The EU and UK sanctioned Mikheev the same day.

On 26 FEB 2022, Taras Ostapchuk, 55, a Ukrainian chief engineer for over 10 years on Mikheev’s 156-foot yacht, the Lady Anastasia, attempted to scuttle it in Mallorca, Spain. The Lady Anastasia was later seized by Spanish authorities pursuant to sanctions.

**XXXII. VLADIMIR ALEXANDROVICH KOLOKOLTSEV**

**Title(s):**

Minister of Internal Affairs

**Role(s):**

Responsible for ongoing war in Ukraine.



**Biographical Summary:** Vladimir Alexandrovich Kolokoltsev (“Kolokoltsev”) was born on 11 MAY 1961 in Nizhny Lomov, Penza region.

In 1982, he began his career working with a special unit specializing in foreign diplomatic missions in Moscow. In 1984, he became platoon commander of a separate patrol battalion in the Gagarinskiy district executive committee in Moscow. In 1989, Kolokoltsev graduated from the Higher Political College of the Ministry of the Interior of the USSR. After graduating he returned to the police force and slowly worked his way to head of the police department in the Kuntshevski district.

During the 1990’s, Kolokoltsev worked in many Organized Crime Departments in different police stations throughout Moscow. In 1997, he started working in the ministry of Interior of the Russian Federation and the Department of Organized Crime Prevention of the Ministry of Interior of Russia in Moscow. Roughly two years later he was appointed chief of the Regional Operational Search Bureau of the Department on Organized Crime Prevention of the Ministry of Interior of Russia. In 2010 he was given the rank of Militsiya Lieutenants-general and after re-attestation in 2011, was appointed by Presidential decree to the position of the Chief of Moscow Police as lieutenant-general.

In 2012, Kolokoltsev was appointed as Minister of Interior, replacing Rashid Nurgaliyev. In 2020 he resigned for two days before being reinstated (as part of constitutional amendments).

**Summary of Role(s):** Responsible for ongoing war in Ukraine.

**Organizational Membership:** Russian Security Council

**Incidents and Events of Note:** On 23 MAY 2023, Kolokoltsev arrived in Riyadh to meet with his Saudi Arabian counterpart Prince Abdulaziz bin Saud. According to the state-run Saudi Press Agency “[d]uring the session, they discussed ways to enhance security cooperation paths between the two countries’ ministries of interior, in addition to discussing a number of issues of common interest.” Notably, this visit came just days after Ukrainian President Volodymyr Zelenskyy addressed an Arab League summit in Jeddah on 19 MAY.

On 03 APR 2023, following a meeting between Kolokoltsev and Armenian Interior Minister Vahe Ghazaryan in Moscow that day, the press center for Kolokoltsev’s office stated “Vladimir Kolokoltsev expressed confidence that any attempt by unfriendly countries to create a divide in the relations between Russia and Armenia will be futile, and the cooperation between the ministries of internal affairs [of the two countries] will systematically develop for the benefit of the peoples of both countries.”

On 25 JAN 2023, after German chancellor Olaf Scholz announced Germany would send fourteen Leopard 2 tanks to Ukraine. Kolokoltsev commented that “[t]hey perfectly preserve the picture of Tigers and Panthers burning on Russian soil in the memory of the modern generation. They will remember burning modern Leopards as well.”

On 16 NOV 2022, according to Russian state media Kolokoltsev said, when discussing Russian regions bordering Ukraine and Russian occupied territories, “I can say right off the bat that the situation is difficult but under control. We have deployed 15 joint police task forces to the regions, particularly from other regions of the country, including officers who underwent teamwork cohesion as part of a temporary operational group in the North Caucasus regions.”

On 09 JUN 2022, Ukraine sanctioned Kolokoltsev for his position at the National Security Council.

On 06 APR 2022, the US sanctioned Kolokoltsev.

On 18 MAR 2022, New Zealand sanctioned Kolokoltsev.

On 15 MAR 2022, the UK sanctioned Kolokoltsev.

On 04 MAR 2022, Switzerland sanctioned Kolokoltsev.



On 03 MAR 2022, Japan sanctioned Kolokoltsev.

On 28 FEB 2022, Australia and Canada sanctioned Kolokoltsev.

On 25 FEB 2022, the EU sanctioned Kolokoltsev.

On 02 AUG 2019, the Commissioner for Human Rights, Dunja Mijatović, wrote a letter to the Kolokoltsev, regarding the action taken by law enforcement agencies to disperse the largely peaceful protests in Moscow on 27 JUL 2019, and recommended that the Russian authorities ensure that human rights are respected in the context of policing of assemblies.

On 06 APR 2018, the US sanctioned Kolokoltsev pursuant to E.O. 13661.

**XXXIII. SERGEY VIKTOROVICH LAVROV**

**Title(s):**

Minister of Foreign Affairs

**Role(s):**

Responsible for ongoing war in Ukraine. Multitudinous propagandizer.



**Biographical Summary:** Sergey Viktorovich Lavrov (“Lavrov”) was born on 21 MAR 1950 in Moscow. He graduated from the Moscow State Institute of International Relations (MGIMO) in 1972 with a focus on international relations. After being admitted to university, Lavrov was sent to a student construction brigade for a month to build the Ostankino Tower. After graduating he was employed in the Soviet Embassy in Sri Lanka - at the time there was a close market and economic cooperation between both countries. Lavrov was tasked with analyzing the situation in the country, translator, and assistant to Rafiq Nishonov and eventually Lavrov gained diplomatic rank of attaché.

In 1976, Lavrov returned to Moscow and served as a secretary in the Section for the International Economic Relations, analyzing and working with various international organizations, such as the United Nations. In 1981, he served as Senior Advisor at the United Nations in New York, returning in 1988 to Moscow becoming Deputy Chief of the Section of the International Economic Relations of the USSR.

Between 1990-1992 Lavrov served as Director of the International Organization of the Soviet Foreign Ministry. During this time, he was tasked to watch over activities concerning Human Rights and International Cultural Cooperation. In 1994, he returned to work with the United Nations, as Permanent Representative of Russia. The following years he served as President of the UN Security Council: DEC 1995, JUN 1997, JUL 1998, OCT 1999, APR 2002, and JUN

2003. In 1994, in his role as Permanent Representative of Russia with the UN, he signed the Budapest Memorandum - where Russia guaranteed the security of the borders of Ukraine.

In MAR 2004, President Putin appointed Lavrov as Minister of Foreign Affairs.

From 2007 to 2009 Lavrov held the role of President for All Russian NGO Whitewater Slalom Federation of Russia.

**Summary of Role(s):** Responsible for ongoing war in Ukraine. Multitudinous propagandizer.

**Organizational Membership:** United Russia. The Security Council of the Russian Federation as a board member since APR 2004.

**Incidents and Events of Note:** On 17 APR 2023, Lavrov arrived in Brasilia to meet with Brazil's President Luiz Inácio Lula da Silva. Though not outwardly supporting Russia, Brazil has notably not provided any military to Ukraine since the invasion. Lavrov stated "[a]s for the process in Ukraine, we are grateful to our Brazilian friends for their excellent understanding of this situation's genesis." After his stay in Brazil, Lavrov is scheduled to travel to Venezuela, Cuba, and Nicaragua.

On 02 APR 2023, US Secretary of State Anthony Blinken called Lavrov on the phone calling for the immediate release of Wall Street Journal reporter Evan Gershkovich, who was arrested in Yekaterinburg on 29 MAR 2023 on groundless charges of espionage. According to the Kremlin, Lavrov told Blinken it was unacceptable for Western media to be "whipping up excitement" and politicizing his detention. They gravely stated "[h]is further fate will be determined by the court."

On 02 MAR 2023, Lavrov met briefly at the G20 Foreign Ministers meeting in New Delhi with US Secretary of State Antony Blinken. Blinken asked for Russia to participate in the New Start Treaty, the last remaining nuclear arms control agreement between Russia and the US. Blinken stated he called on Russia to "end this war of aggression" and "engage in meaningful diplomacy that can produce a just and durable peace." Blinken also called for Russia to release Paul Whelan, a former US Marine who holds US, British, Canadian, and Irish citizenship. Whelan was detained at a Moscow hotel in DEC 2018 by Russian Authorities on allegations that Whelan was engaged in an intelligence operation. He was convicted in JUN 2020 and sentenced to 16 years in prison.

On 22 SEP 2022, Lavrov addressed the United Nations at the 9135th meeting and High-Level Debate in New York. Here he further propagandized the conflict on the world stage to justify actions and policies that compromise or threaten the territorial sovereignty and independence of Ukraine.

Between JUL and AUG 2022, Lavrov traveled to Egypt, Ethiopia, Uganda, the Republic of Congo, Myanmar, and Cambodia, in a showing of Russia's continued shift in foreign policy.

On 09 JUN 2022, Ukraine sanctioned Lavrov.

On 18 MAR 2022, New Zealand sanctioned Lavrov.

On 04 MAR 2022, Switzerland sanctioned Lavrov.

On 01 MAR 2022, Japan sanctioned Lavrov.

On 28 FEB 2022, Canada and Australia sanctioned Lavrov.

On 25 FEB 2022, the EU, UK, and the US sanctioned Lavrov.

Lavrov has propagandized the conflict on the world both to the Russian public and international dignitaries, too multitudinously to be captured here.

#### XXXIV. MARIA VLADIMIROVNA ZAKHAROVA

**Title(s):**

Director of the Information

**Role(s):**

Promoted the deployment of Russian forces in Ukraine. Central figure of government propaganda.



**Biographical Summary:** Maria Vladimirovna Zakharova (“Zakharova”), born on 24 DEC 1975 in Moscow, Russian SFSR, USSR. In 1981 she moved with her family to Beijing when her father, Vladimir Zakharov was appointed to the Soviet embassy there. With the collapse of the Soviet Union, her family left Beijing in 1991 and moved back to Russia in 1993.

In 1998 Zakharova graduated from the Faculty of International Journalism at Moscow State Institute of International Relations (MGIMO) in the field of orientalism and journalism. Zakharova carried out her pre-diploma apprenticeship at the Russian Embassy in Beijing.

From 2003 to 2005, Zakharova worked at the Information and Press Department of the Ministry of Foreign Affairs of the Russian Federation. From 2005 to 2008, she was the press secretary of the Permanent Mission of the Russian Federation to the United Nations in New York City. She returned to the Information and Press Department of the Ministry of Foreign Affairs of the Russian Federation from 2008 to 2011.

From 2011 to 2015, Zakharova served as associate director of the Department of Information and Press of the Ministry of Foreign Affairs, and on 10 AUG 2015, Zakharova was appointed Director of the Information and Press Department by order of the Ministry of Foreign Affairs. Zakharova is the first woman to have held the position.

**Summary of Role(s):** Promoted the deployment of Russian forces in Ukraine. Central figure of government propaganda.

The Director of the Information and Press Department of the Ministry of Foreign Affairs is the spokesperson for the Ministry of Foreign Affairs of the Russian Federation (MFA Russia) and Member of Council on the Foreign Defense Policy of Russia.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 06 JUL 2023, Zakharova falsely stated that “weapons delivered to Kiev [by the West, NATO, and France] end up in the hands of protesters and are used against police in France.”

On 11 JUN 2023, Zakharova falsely stated “[t]here is now an obvious desire of Poland to invade the western part of Ukraine. This is why Ukraine is not invited to NATO.”

Following the Wagner Group rebellion, Zakharova made a bizarre statement on her Telegram account. She accused that “they are tempting us all, testing our strength and determination. Don’t get carried away! Together with our president! May God bless us, [...] [w]e have one commander-in-chief. Not two, not three. Only one. And he called on all of us to unite. That is the most important thing now, [...] [o]nly unity. Unity under the banner of our commander in chief.” It is not clear whether the “they” Zakharova stated refers to Wagner, Ukraine, or the West.

On 23 MAR 2023, Zakharova, at a press briefing released a statement, threatened retaliatory<sup>[B1]</sup> measures against Moldova if they choose to impose sanctions against Russia. “As you know, in due time such steps by the EU have not gone without a response from us. If and when official Chisinau joins these sanctions, we will be compelled to take appropriate retaliatory measures against the Moldovan side. I would like to emphasize that this will not be our choice, but rather it will be a response to unfriendly actions,” she said.

On 18 MAR 2023, Zakharova appeared in a press conference on Russian state news dismissing the arrest warrants issued by the International Criminal Court on 17 MAR 2023, Zakharova stated, “Russia didn’t recognize the ICC, so the warrant was “null and void,” and “Russia is not a party to the Rome Statute of the International Criminal Court and does not bear obligations under it.”

On 19 OCT 2022, Ukraine sanctioned Zaharova.

On 14 SEP 2022, France sanctioned Zakharova. This was because as the Director of the Information and Press Department of the Ministry of Foreign Affairs of the Russian Federation,

she serves as a central figure in government propaganda, she promoted the deployment of Russian forces in Ukraine.

On 07 JUL 2022, Canada sanctioned Zakharova.

On 02 JUN 2022, the US sanctioned Zakharova.

On 18 MAR 2022, Japan and New Zealand sanctioned Zakharova.

On 15 MAR 2022, the UK sanctioned Zakharova.

On 08 MAR 2022, Australia sanctioned Zakharova.

On 25 FEB 2022, Switzerland sanctioned Zakharova.

On 23 FEB 2022, the EU sanctioned Zakharova because she “supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.”

Zakharova has propagandized the conflict on the world stage in too multitudinous a way to capture here.

**XXXV. MIKHAIL VLADIMIROVICH MISHUSTIN**

**Title(s):**

Prime Minister

**Role(s):**

Responsible for ongoing war in Ukraine.



**Biographical Summary:** Mikhail Vladimirovich Mishustin (“Mishustin”) was born on 03 MAR 1966 in Moscow. In 1989, Mishustin graduated from the Moscow State University of Technology-Stankin with a degree in Computer-Aided Design. In 2003, he completed a PhD in Economics at the Plekhanov Russian University of Economics. In 2010 he received a DSc in Economics from the Academy of National Economy under the Government of the Russian Federation. From 1992–1998, Mishustin Held various positions at the International Computer Club. From 1998–1999 Mishustin served as the Deputy Head of the State Tax Service of Russia. From 1999–2004 Mishustin served as the Deputy Minister for Taxes and Levies of the Russian Federation. From 2004–2006 Mishustin served as Head of the Federal Agency for Real Estate Cadaster. From 2007–2008 Mishustin served as Head of the Federal Agency for the Management of Special Economic Zones. From 2008–2010 Mishustin served as President of the UFG Group (OFG Invest). From 2010–2020 Mishustin served as Head of the Federal Taxation Service of the Russian Federation. On 16 JAN 2020, Mishustin was appointed Prime Minister of the Russian Federation.

**Summary of Role(s):** Responsible for ongoing war in Ukraine. As Prime Minister, Mishustin is the head of the Russian government, the chief executive of the Russian Cabinet, and the second-most powerful figure in the Russian Federation. In general, the prime minister serves more of an administrative role, nominating members of the Cabinet and taking the lead in fully implementing domestic and foreign policy as formulated by the president. In case of the president's death, resignation or impeachment, the prime minister becomes a temporary president until new presidential elections which must take place within three months.



**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 26 JUN 2023, following the Wagner Group rebellion, Mishustin stated the Russian Federation faced “a challenge to its stability” but advocated for unity behind Vladimir Putin.

On 24 MAY 2023, Mishustin met with Chinese President Xi Jinping in China, returning the favor of Jinping’s visit to Russia in MAR 2023. The main focus of this meeting was in regard to a series of potential infrastructure and trade deals between the two nations.

On 28 MAR 2023, Mishustin joined the Prime Minister of the Republic of Belarus, Roman Golovchenko in Moscow where they signed 13 documents regarding bilateral cooperation in space exploration, microelectronic technologies, border security, and customs. Mishustin stated “[t]ogether we are stronger and able to jointly cope with the most complex challenges, with the tasks we face in a variety of areas -- from ensuring security to improving the well-being of our citizens and resisting external pressure.”

On 21 MAR 2023, after meeting with Chinese President Xi Jinping in Moscow, Mishustin gave a press conference to reassure the Russian people that Russia is strong and with their alliance with China stood as a united front against western countries and his priorities were to “give our soldiers all the help they need” and to “improve the welfare of citizens.”

On 21 OCT 2022, Putin appointed Mishustin as head of a “coordination council” to strengthen the coordination of federal and regional authorities in ensuring that the Russian military has adequate supplies in Russia's war against Ukraine. The council is expected to report to Putin weekly.

On 09 JUN 2022, Ukraine sanctioned Mishustin.

On 10 MAY 2022, Japan sanctioned Mishustin.

On 06 APR 2022, the US sanctioned Mishustin.

On 18 MAR 2022, New Zealand sanctioned Mishustin. The same day, Mishustin had a telephone conversation with Prime Minister of the Republic of Belarus, Roman Golovchenko, to follow up on the 14 MAR 2022 meeting.

On 15 MAR 2022, the UK sanctioned Mishustin.

On 14 MAR 2022, Mishustin met with the Prime Minister of the Republic of Belarus, Roman Golovchenko. Two agreements were signed by the Finance Minister of the Republic of Belarus, Yury Seliverstov and Deputy Finance Minister of the Russian Federation, Timur Maksimov after

the talks. First was an agreement on amending provisions of certain Russian-Belarusian intergovernmental agreements. The other addressed amendments to the 06 OCT 2021 agreement on providing a state financial loan to the Government of the Republic of Belarus.

On 28 FEB 2022, Australia, Canada, and Switzerland sanctioned Mishustin.

On 25 FEB 2022, the EU sanctioned Mishustin. The same day, and the day after Russia invaded Ukraine, Mishustin met with the Prime Minister of the Republic of Belarus, Roman Golovchenko.

**XXXVI.        ANDREI/ANDREY REMOVICH BELOUSOV**

**Title(s):**

First Deputy Prime Minister

**Role(s):**

Implementing the Russian Government's economic policy and is responsible for Russia's economic growth and the stabilization of the Russian markets.



**Biographical Summary:** Andrey Removich Belousov (“Belousov”) was born on 17 MAR 1959 in Moscow, RSFSR, USSR. In 1981, Belousov graduated, with honors, from the Lomonosov Moscow State University, Department of Economics achieving a DSc in Economics. From 1981 to 1986, Belousov began his career as an intern researcher and a junior researcher at the Central Economic Mathematical Institute at the USSR Academy of Sciences. From 1986 through 2006, he progressed through the positions of junior researcher, researcher, senior researcher, and laboratory head at the Institute of Economics and Scientific and Technical Progress Forecasts at the USSR Academy of Sciences (later the Institute of National Economy Prognostication at the Russian Academy of Sciences). From 2000 through 2006 he held the position of General Director at the Center for Macroeconomic Analyses and Short-Term Prognostication.

Belousov shifted into politics in 2000, when he became an External Advisor to the Prime Minister, a position he held until 2006. From 2006 to 2008, he was the Deputy Minister of Economic Development and Trade, Deputy Minister of Economic Development. From 2008 until MAY 2012, he was a Director at the Government Department of Economy and Finance.

On 21 MAY 2012, Belousov took office as First Deputy Prime Minister and was appointed Minister of Economic Development by Presidential Executive Order. From 24 JUN 2013, he became a Presidential Aide, appointed again by Presidential Executive Order.

On 21 JAN 2020 Belousov became the First Deputy Prime Minister of Russia in Mikhail Mishustin's cabinet. In MAR 2020, Belousov was elected to be the Chairman of the Board of Directors for Russian Railways.

On 29 JAN 2020, Politico named Belousov as a possible replacement for Vladimir Putin. From 30 APR to 19 MAY, Vladimir Putin appointed Belousov to serve as acting Prime Minister of Russia as a temporary replacement while Mikhail Mishustin had coronavirus.

**Summary of Role(s):** Implementing the Russian Government's economic policy and is responsible for Russia's economic growth and the stabilization of the Russian markets. Coordinates the work of federal executive bodies and issues instructions. Coordinates activities of some federal agencies.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 01 MAR 2023, Belousov met with Kazem Jalali, the Iranian Ambassador to Russia, for bilateral discussions on, among other things, "developing the fleets and ports...in the Caspian region."

First announced on or around 08 FEB 2023, Belousov has been a leading supporter of proposed one-off windfall tax on Russian oligarchs that could increase state revenues by up to 300 billion rubles (or about \$3.6 billion USD). According to Belousov, this is because the oligarchs "understand that they had huge windfall profits for 2021 and 2022, simply massive, bigger than the budget," and that "[m]any of them are true patriots, no matter what people say about them. They identify very closely with the country." Of course, the underlying reality regarding this proposed tax is that the Russian economy has been hammered by declining trade revenue, poor currency exchanges, and such a high commitment to military expenditures that the government is now having to turn to the oligarchs who made billions under Putin for financial support.

On 27 JAN 2023, Japan sanctioned Belousov.

On 27 DEC 2022, Belousov announced Russia's 2023 budget would impose financial challenges amid a deficit and that the state's borrowing agreement with the Bank of Russia was a "rigid format [that] anticipates strict prioritization of expenses and projects." This comes as the Institute for International Finance projected Russia's economy shrank 15 percent over 2022 and will shrink an additional 3 percent in 2023.

On 18 NOV 2022, Belousov attended the Asia-Pacific Economic Cooperation (APEC) summit in Bangkok in Putin's place.

On 30 SEP 2022, the US sanctioned Belousov.

On 29 SEP 2022, New Zealand sanctioned Belousov.

On 29 JUL 2022, Switzerland sanctioned Belousov.

On 22 JUL 2022, Belousov signed a memorandum of understanding that serves as a side deal to the Black Sea Initiative.

The agreement is between Russia and the UN and looks to place Russian food products and fertilizers back into the commercial markets.

On 21 JUL 2022, the EU sanctioned Belousov.

**XXXVII. DMITRY YURYEVICH GRIGORENKO**

**Title(s):**

Deputy Prime Minister  
Chief of the Government Staff

**Role(s):**

Directly involved in the coordination of military supplies in Ukraine.



**Biographical Summary:** Dmitry Yuryevich Grigorenko (“Grigorenko”) was born in 1978 in the Tyumen Region. He graduated from Kuban Agricultural Institute and the Institute of International entrepreneurship and management in the specialty specialized in finance.

In 2000 he worked as a Tax specialist, Chief of State Tax Inspector of Interregional inspectorate for large taxpayers. Later in 2003 he was transferred to the Ministry of Tax and Collection and the Federal Tax Service Deputy Chief of the analysis program, head of taxation of commercial organizations and tax accounting of management. In 2008 he was made head of the Department of Administration income Tax of Commercial Organizations and Tax accounting of the Management of administration tax income.

In 2012 he became Head of Department of Income Tax and Special Tax Modes. In 2014 he became Head of Department of Taxation in the Federal Tax Service and later in the same year became Deputy Manager of Federal Tax Service. Grigorenko was responsible for setting up new local tax legislation for the territory of Crimea following its annexation in 2014.

Grigorenko was elected as deputy Prime Minister and Chief of Government staff in JAN 2020. In MAY 2020, he joined the supervisory board of VTB Bank, the second biggest Russian bank, replacing Anton Siluanov.

**Summary of Role(s):** Directly involved in the coordination of military supplies in Ukraine as a member of the “coordination council”. In his previous position as Deputy Director of the Federal Tax Service of the Russian Federation, Grigorenko was responsible for the creation of new local tax legislation on the territory of Crimea after its annexation in 2014.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 24 MAY 2023, Grigorenko was among the Russian representatives in Beijing for the Sino-Russian business forum along with Dmitry Chernyshenko, Denis Manturov, and several ministers including Minister of Transport Vitaly Savelyev, and Minister of Agriculture Dmitry Patrushev.

Although Chinese Prime Minister Li Qiang was in attendance (who stated: “[a]mid today’s global economic recovery we are facing numerous challenges, as uncertainty and instability are mounting. China is committed to high-quality development and top-level openness. We are ready to strengthen our mutually beneficial co-operation with all countries, including Russia”, there was a notable lack of Chinese businessmen in comparison to their Russian counterparts. According to an anonymous attendant, this was because “[t]he Chinese are warmly welcomed, but they are very afraid of sanctions. Even those big businessmen who wanted and were ready to speak publicly were not allowed to the meeting by the official authorities – they do not want to take even the smallest risk. No offence – their position is clear.”

On 21 OCT 2022, Putin appointed Grigorenko as one of Mishustin's deputies to a “coordination council” to strengthen the coordination of federal and regional authorities in ensuring that the Russian military has adequate supplies in Russia's war against Ukraine. Grigorenko is tasked with handling regulatory and financial issues on the council. The council is expected to report to Putin weekly.

On 15-17 OCT 2022, Grigorenko and Marat Khusnullin visited the islands of Iturup and Shikotan in order to “inspect them in preparation for establishing a Russian special economic zone covering the Northern Territories.” The Japanese government requested that the trip be canceled, however, this was ignored. The islands international status is disputed, falling under Russia administration while being claimed by Japan.

In JUL 2022, Grigorenko was asked by Deputy General Prosecutor, Anatoly Razinkin, to investigate Igor Moiseenko, the head of State Air Traffic Management Corporation in a corruption case. Alexander Vishnyakov, the director of the Cadre department, was put in charge of the investigation.

On 05 JUL 2022, Japan sanctioned Grigorenko.

On 02 JUN 2022, the US again sanctioned Grigorenko.

On 06 APR 2022, Australia sanctioned Grigorenko.

On 18 MAR 2022, New Zealand sanctioned Grigorenko.

On 15 MAR 2022, the US sanctioned Grigorenko, pursuant to E.O. 14024 Section 1(a)(i), as a person who operates or has operated in the defense and related material sector of the Russian economy. The UK sanctioned Grigorenko the same day.

On 14 MAR 2022, Canada sanctioned Grigorenko. The same day, according to Russian state media, Grigorenko met with Putin and discussed “improving control and oversight activities in Russia”.

On 25 FEB 2022, Switzerland sanctioned Grigorenko.

On 23 FEB 2022, the EU sanctioned Grigorenko “for actions and policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine” and “for providing financial and material support and benefiting from Russian decision-makers responsible for the annexation of Crimea or the destabilization of Eastern Ukraine.”



**XXXVIII. YURY PETROVICH TRUTNEV**

**Title(s):**

Deputy Prime Minister  
Presidential Plenipotentiary Envoy to the Far Eastern Federal District

**Role(s):**

Responsible for ongoing war in Ukraine.



**Biographical Summary:** Yury Petrovich Trutnev (“Trutnev”) was born 01 MAR 1956 in Perm, Perm Krai, RSFSR, USSR. In 1978 he graduated from the Perm Polytechnic Institute with a degree in Mining Engineering. During his time in university he interned with Oil Companies, Polaznaneft and Komineft, as a drill operator. He also was junior research associate at PermNIPIneft, developing oil and gas production equipment. From 1981-88, Trutnev worked at Perm City and Regional Young Communist League committees. In 1988 he founded the Kontakt physical fitness and recreation association.

In 1990, Trutnev, was CEO of EKS Limited Co. Then in 1996, CEO of shareholding company E.K.S. International Compromising EKS Group Enterprises.

Trutnev has been the Chairman of the Committee on Economic Policy and Taxes of the Regional Legislative Assembly and Deputy of the Perm City Duma since 1996.

In 1996, Trutnev began his political career, being elected mayor of Perm and Governor of the Perm Region in 2000. In 2004, he was appointed Natural Resources Minister.

Internal figures from the Russian government indicate Trutnev was one of the highest paid members of the government in 2008 and 2009. He reported an income of approximately \$5.34 million/155 million rubles in 2010.

In 2013 he was appointed Deputy Prime Minister of Russia and Presidential Envoy to the Far Eastern Federal District in the First Medvedev Cabinet. He was again re-appointed in 2018 with the Second Medvedev Cabinet and once again in 2020 with the Mishutin Cabinet. In this role, he is a non-permanent member of the Security Council of the Russian Federation (SCRF), where he “provides advice on and coordinates national security affairs, [and] he was involved in shaping the policy of the Russian government, which threatens the territorial integrity, sovereignty and independence of Ukraine.” The ACF describes this position as “assist[ing] in organizing and implementing actions and policies that undermine and threaten the territorial integrity, sovereignty and independence of Ukraine.”

Trutnev is on the board of directors for the hydroelectric company PJSC RusHydro. He is also the Chairman of the State Commission for Arctic Development.

**Summary of Role(s):** Responsible for ongoing war in Ukraine. Coordinates the work of federal executive bodies and issues instructions. Coordinates the work of the Ministry for the Development of the Russian Far East and Arctic.

**Organizational Membership:** United Russia (member of the Supreme Council and the Bureau of the Supreme Council of the United Russia party), PJSC RusHydro (board).

**Incidents and Events of Note:** On 19 MAR 2023, Trutnev called the Russian submarine forces “the guarantor of the territorial integrity and independence of [Russia], [Russia’s] nuclear shield, giving Russia the right to vote, ensuring the safety of millions of [Russian] citizens.” In this statement he also compared the current situation to “Soviet times.”

On 16 MAR 2023, Trutnev visited factories that make products for the military-industrial complex, citing that the factories’ work is “now important in order to protect our country.”

On 15 MAR 2023, Trutnev announced the re-opening of the Ozerny mining project which is supposed to begin in the summer.

On 3 MAR 2023, Trutnev announced Prime Minister Mikhail Vladimirovich Mishustin’s 11 initiative plan to further develop in the Far East, including increased mobilization, housing construction, and the training of personnel.

On 9 DEC 2022, Trutnev announced that a pilot program for youth military training centers in ten Russian and Ukrainian regions will see about 45,000 schoolchildren enroll in 2023. The

Institute for the Study of War (ISW) stated these were “to provide children from [ages] 14 to 18 with 'military sports training' and 'patriotic education.’” Trutnev added these centers would exist so that every Russian child can “be able to defend their Motherland” and ensure Russian soldiers who fight in Ukraine “return home alive.”

In NOV 2022, at the fourth meeting of the Russia-China Intergovernmental Commission on Cooperation and Development of the Far East and Baikal Region of Russia and of Northeast China, which took place via videoconference, Trutnev said “Russian-Chinese relations of all-round partnership and strategic interaction continue to develop dynamically in all areas. China is Russia’s main economic partner in the Far East. In 2021, trade between Far Eastern regions and the PRC increased by almost 30 percent. In JAN-AUG 2022, it rose by 45.5 percent, to reach \$12.1 billion.” Further, Trutnev said “I believe that we have the opportunity to develop our cooperation even further. There are currently 2,760 projects with a total investment of \$107.6 billion being implemented in the Far East using state support measures.” Also, Trutnev explained “The development of cross-border infrastructure is very important for us. Two cross-border bridges between Russia and China have been put into service, and now we need to increase traffic volumes on them.”

On 28 SEP 2022, New Zealand sanctioned Trutnev.

On 07 JUL 2022, Trutnev said that the oil output at Sakhalin 01 had plummeted to just 10,000 barrels per day from 220,000 bpd due to “restrictions.”

On 06 APR 2022, the US and Australia sanctioned Trutnev.

On 24 MAR 2022, the UK sanctioned Trutnev.

In MAR 2022, Trutnev notified Japan of Russia’s unilateral suspension of negotiations on a bilateral peace treaty.

On 28 FEB 2022, Canada sanctioned Trutnev.

**XXXIX. VIKTORIA/VICTORIA VALERIEVNA ABRAMCHENKO**

**Title(s):**

Deputy Prime Minister

**Role(s):**

Extensively involved in promulgating food related import/export information from Russia as well as answering questions regarding grain exports from Ukraine.



**Biographical Summary:** Viktoria Valerievna Abramchenko was born on 22 MAY 1975 in Chernogorsk, Khakass Autonomous Okrug, Krasnoyarsk Territory, RSFSR, USSR. Abramchenko graduated from Krasnoyarsk State Agrarian University in 1998 and from the Russian Presidential Academy of National Economy and Public Administration in 2004.

From 1998 to 2000, Abramchenko worked at the Committee for Land Resources and Land Management (Roskomzem) of the Russian Federation. For one year, from 2000 to 2001, she worked at the Land Cadastre Chamber. From 2001 through 2005, she held various positions including Deputy Department Head at the Federal Service for State Registration, Cadastre and Cartography and the Federal Agency for Real Estate Cadastre.

From 2005 through 2011, Abramchenko worked at the Russian Ministry of Economic Development and was the Deputy Director of the Ministry's Department of Real Estate. From 2011 to 2012, she was the Deputy Head of the Federal Service for State Registration. From 2012 through 2015, she held the position of Director, Department of Land Policy, Property Relations, and State Property at the Ministry of Agriculture of the Russian Federation. Then from 2015 to 2016, she held the position of State Secretary, Deputy Minister of Agriculture of the Russian Federation. From 2016 until 2020, she again held the position of Deputy Minister of Economic

Development of the Russian Federation, Head of the Federal Service for State Registration, Cadastre and Cartography.

On 21 JAN 2020, she Abramchenko appointed Deputy Prime Minister of the Russian Federation by a Presidential Executive Order. As a Deputy Prime Minister, Abramchenko is responsible for Russia's Agro-Industrial Complex, Natural Resources, and Ecology. This includes agricultural production, and she oversees helping to oppose sanctions imposed against Russia. The EU found that "she has overseen efforts to divert grain from Ukraine, without Ukraine's agreement, and is responsible for organizing events with the direct participation of representatives of illegally annexed Crimea."

Abranchenko has been awarded with the Medal of the Order for Services to the Fatherland, 2nd Class.

**Summary of Role(s):** Extensively involved in promulgating food related import/export information as well as answering questions regarding grain exports from Ukraine. Coordinates the work of federal executive bodies and issues instructions. Coordinates activities of some federal agencies.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** On 15 JUN 2023, Abramchenko stated that "Russia is securing a 'green [safe] corridor' for grains and any other foodstuff such as oilseeds...so it can be exported from Ukraine without hurdles" through the Azov Sea. She states Russia is expecting to harvest 130 million tons of grain in 2023, and expects to export to 11 countries including Serbia, Turkey, Israel, and Egypt: which have not joined the Western sanctions in an attempt to protect food security.

Ukraine, meanwhile, has accused Russia of using its military to steal and then profit off of the sale of their grain. They state their domestic production has dropped from about 86 million tons before the 2022 invasion to about 48.5 million tonnes a year.

On 24 MAR 2023, Abramchenko announced that Russia would be considering increasing their "grain purchases by the state intervention fund to 10 million tonnes" from the 3 million tonnes bought in 2022.

On 24 FEB 2023, Australia and New Zealand sanctioned Abramchenko.

On 23 FEB 2023, Canada sanctioned Abramchenko.

On 21 DEC 2022, Switzerland sanctioned Abramchenko.

On 16 DEC 2022, the EU sanctioned Abramchenko for her part in undermining “the territorial integrity, sovereignty and independence of Ukraine.”

On 16 JUN 2022, Abramchenko announced that Russia was creating a “green [safe] corridor” for foodstuffs to be exported from Ukraine. Also on 16 JUN 2022, Abramchenko blamed COVID-19 and the sanctions against Russia for the global food crisis.

On 09 JUN 2022, Ukraine sanctioned Abranchenko.

On 14 MAR 2022, Russia temporarily banned the exportation of grains and a lot of sugar exports to ex-Soviet countries. Abramchenko specified that it would still be allowed to “export grain within the quota under individual licenses.”

## **XL. YURY IVANOVICH BORISOV**

### **Title(s):**

Chief of Russia's space agency Roscosmos (JUL 2022 – PRES)

*Former Deputy Prime Minister (18 MAY 2018 – JUL 2022)*

### **Role(s):**

Top manager of the company that develops and manufactures military products that have been used by Russia in its war in Ukraine. Formerly, as Deputy Prime Minister, was in charge of weapons industries.



**Biographical Summary:** Yury Ivanovich Borisov (“Borisov”) was born on 31 DEC 1956 in Vyshny Volochek, Tver Region. In 1974, Borisov graduated from the Kalinin Suvorov Military School. In 1974, he then graduated from the Pushkin Higher Command School of Air Defense Radio Electronics. In 1985 Borisov graduated from Lomonosov Moscow State University. He obtained his PhD in engineering.

From 1978 through 1998, Borisov served as an officer in the Soviet Armed forces and the Russian Armed Forces. From 1998 to 2004, he held the position of Director General of the Modul Research and Technical Center. From 2004 to 2008, he became the head of the radio electronics industry and control system department at the Federal Agency for Industries as well as becoming the deputy head of the agency. From JUL of 2008 until MAR 2011, he was Deputy Minister of Industry and Trade of the Russian Federation.

In MAR 2011, he was appointed First Deputy Chairman of the Military Industrial Commission of the Government of the Russian Federation. On 15 NOV 2012 he was appointed Deputy Minister of Defense of the Russian Federation by Presidential Executive Order.

On 18 MAY 2018 he was appointed Deputy Prime Minister of the Russian Federation. In JUL 2022, Borisov transitioned from Deputy Prime Minister, where he was in charge of weapons industries, to Chief of Russia's space agency Roscosmos. Denis Valentinovich Manturov, the Minister of Industry and Trade, replaced Borisov as Deputy Prime Minister. Also in JUL 2022, Borisov announced that Russia will pull out of the International Space Station (ISS) after 2024.

However, in JUN and JUL 2023, Borisov became a key figure in Russia's pursuance diplomatic relations with foreign nations concerning space-related funding and information. Borisov also recanted Russia's intention to pull out of the ISS after 2024 stating the Russian government approved an extension for participation through 2028.

**Summary of Role(s):** Top manager of the company that develops and manufactures military products that have been used by Russia in its war in Ukraine

Formerly, as Deputy Prime Minister, was in charge of weapons industries, including technological and nuclear engineering supervision, military-technical cooperation with foreign countries and equipping the Russian state border. He coordinated the work of federal executive bodies and issued instructions.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 05 JUL 2023, following meetings in Kuala Lumpur, Borisov stated the Russian and Malaysian governments "have agreed to set up working groups for a detailed discussion of every area of cooperation between Roscosmos and the Malaysian Space Agency. I have no doubt that the agreements reached at the meeting will serve as a basis for further fruitful cooperation between our countries in the peaceful use of outer space."

On 30 JUN 2023, Borisov had a one-on-one meeting with Vladimir Putin, where Borisov stated in part: "Mr President, concerning public-private partnership, on June 27, in addition to the Meteor, we launched 39 small satellites designed by our private companies and universities. This was a serious step. Also, there were three satellites designed for Malaysia, the Republic of South Africa and Belarus – we continue to provide launch services for friendly nations." Borisov began meeting with these "friendly nations" the next week.

On 25 JUN 2023, Borisov visiting Egypt where he met with Dr. Sherif Sedky: the head of the Egyptian Space Agency. Their discussions centered on satellite production, manned program development, and surface space-related infrastructure.

On 26 APR 2023, the Roscosmos press office released a statement regarding Borisov's leadership concern Russia's future with the ISS, reading: "[t]oday State Space Corporation Roscosmos



Director General Yury Borisov has informed the heads of the space agencies from the partner countries under the project of the International Space Station that the Russian government has approved the extension of Russia's participation in the project to 2028." This statement is a contradiction to a statement from JUL 2022 by Borisov claiming Russia would pull out of the ISS after 2024.

On 23 FEB 2023, Canada sanctioned Borisov.

On 13 FEB 2023, Borisov announced the delay of the relief ship being sent to the MS-23 space station.

On 9 FEB 2023, Borisov announced Russia's intentions of wanting a joint development of their SU-75 Checkmate fighter program with India.

On JAN 25, 2023, Borisov announced Roscosmos plan to launch around one thousand satellites into orbit by 2030.

In JAN 2023, Borisov announced Roscosmos new deal with Iran companies to manufacture space parts, as well as a discussion of collaborating with the UAE Space Agency.

In DEC 2022, Borisov told the Russian newspaper *Vedomosti* that Roscosmos planned to borrow as much as \$660 million/50 billion rubles through bond sales to fund two new plants to produce satellites.

In JUL 2022, Borisov transitioned from Deputy Prime Minister, where he was in charge of weapons industries, to Chief of Russia's space agency Roscosmos. Denis Valentinovich Manturov, the Minister of Industry and Trade, replaced Borisov as Deputy Prime Minister. Also in JUL 2022, Borisov announced that Russia will pull out of the International Space Station after 2024.

On 09 JUN 2022, Ukraine sanctioned Borisov.

## **XLI. DMITRY NIKOLAEVICH CHERNYSHENKO**

**Title(s):**

Deputy Prime Minister for Tourism, Sport, Culture and Communications  
Board Member, Russian Railways

**Role(s):**

Responsible for ongoing war in Ukraine.



**Biographical Summary:** Dmitry Nikolaevich Chernyshenko (“Chernyshenko”) was born on 20 SEP 1968 in Saratov. Chernyshenko graduated from Stankin Moscow State Technological University with a degree in Computer Aided Design, with a Systems Engineer major. In 1989 he founded InformatiKa Marketing Service, one of the country’s first computer graphics studios. In 1993 he co-founded MediaArts, one of Russia’s largest communication holdings. He managed MediaArts, which specialized in advertising and sports marketing, for 12 years.

From 2005 to 2007, Chernyshenko held the position of General Director of the Sochi 2014 Bid Committee. From 2007 to 2014 he was the President of the Sochi 2014 Olympic Organizing Committee and the Sochi 2014 Paralympic Organizing Committee. Chernyshenko served as the President and Executive Board Chairman of the Kontinental Hockey League from 2014 until 2020. During this time, he was also the Chief Executive Officer of Gazprom-Media Holdings.

On 01 JAN 2020, he was appointed Deputy Prime Minister by Presidential Executive Order.

**Summary of Role(s):** Coordinates the work of federal executive bodies and issues instructions. Coordinates activities of some federal agencies.

**Organizational Membership:** President of Kontinental Hockey League, Board Chairman of Gazprom-Media, Member of the Supervisory Board of Sberbank of Russia.

**Incidents and Events of Note:** On 14 JUL 2023, Chernyshenko stated that prospective Russian Olympic athletes for the 2024 Paris Summer Olympics will not agree to condemn Russia's invasion of Ukraine. This comes as the International Olympic Committee (IOC) is deciding whether to allow Russian and Belarusian athletes to compete as "neutrals" at the upcoming games. Chernyshenko said of the IOC: "[o]f course, we always hope to receive an invitation, we ourselves do not refuse anything and are very happy if our athletes are given the opportunity to compete," but then argued this is sort of prerequisite would "not suit us. To those humiliations that the Anglo-Saxons come up with when they say: 'Speak under a neutral flag and without an anthem,' they now add that you must publicly condemn our decision. Of course, with this we do not agree."

On 01 JUL 2023, Chernyshenko stated that Russia would resume "regular aviation service with Cuba" effective immediately as "Cuba is Russia's key partner in Central America, and it is absolutely logical for economic relations to expand in all spheres." This comes one month after Chernyshenko was in Cuba where Russian and Cuban officials signed trade deals regarding sugar and rum output while supply Cuba with wheat and crude oil.

On 20 MAY 2023, Russia's deputy minister for science and higher education: Pyotr Kucherenko, died at age 46 on a flight from Cuba to Russia that Chernyshenko was on along with Andrei Guskov (Russia's deputy head of the Foreign Ministry's department for Latin America.) An emergency landing occurred in Southern Russia, but attempts to save Kucherenko's life were unsuccessful, no cause of death was reported.

On 20 MAR 2023, Chernyshenko greeted Chinese President Xi Jinping during Jinping's visit to Russia just days after the ICC issued an arrest warrant for Vladimir Putin.

On 23 FEB 2023, Canada sanctioned Chernyshenko.

On 01 MAR 2023, Chernyshenko spoke out against the International Olympic Committee (IOC) whose president, Thomas Bach has been considering a framework to allow Russian and Belarusian athletes to participate in the Paris 2024 Summer Games. He stated, "We saw how, at the behest of the Anglo-Saxons, all international organizations, starting with the IOC, began to put obstacles for the participation of our athletes in international sports competitions, and they continue to do so."

On 27 JAN 2023, Japan sanctioned Chernyshenko,

On 15 DEC 2022, the US sanctioned Chernyshenko.

On 22 NOV 2022, New Zealand sanctioned Chernyshenko.

In NOV 2022, Chernyshenko co-chaired the 19th meeting of Russian-Cuban Intergovernmental Commission with Deputy Prime Minister of Cuba, Ricardo Cabrisas.

On 24 OCT 2022, Chernyshenko met with Putin at the Kremlin.

On 09 JUN 2022, Ukraine sanctioned Chernyshenko.

On 15 MAR 2022, the UK sanctioned Chernyshenko.

On 04 MAR 2022, Switzerland sanctioned Chernyshenko.

On 28 FEB 2022, the EU sanctioned Chernyshenko.

Chernyshenko was removed from the IOC Coordination Commission Beijing 2022 by the International Olympic Committee, due to his involvement in the Russian doping scandal.

## XLII. TATYANA ALEKSEEVNA GOLIKOVA

**Title(s):**

Deputy Prime Minister

**Role(s):**

Deputy Head of the state body, responsible for destabilization of Ukraine.



**Biographical Summary:** Tatyana Alekseevna Golikova (“Golikova”) was born on 09 FEB 1966, in Mytishchi, Moscow Region. In 1987 she graduated from Moscow's Plekhanov Institute of Economics, with a degree in Labor Economics. Upon graduation, she began working as a junior researcher at the State Labor Committee's Labor Research Institute, wages department until 1990 where she became the leading economist, chief economist, Head of the Budget Policy, and Analysis section of the Finance Ministry's Budget Department. In 1995, Golikova obtained the position of Deputy Head of the Budget Department, Head of the General Department of the Finance Ministry's Consolidated Budget Division. From 1996 until 1998, she was the Deputy Head of the Finance Ministry's Budget Department. From APR 1998 through AUG 1998, Golikova was the Head of the Finance Ministry's Budget Department and member of the Finance Ministry's board. From AUG 1998 through JUN 1999, she was the Head of the Finance Ministry's Budget Policy Department and a member of the Finance Ministry's board.

From JUN 1999 through JUN 2002, Golikova held the position of Deputy Finance Minister and held the position of First Deputy Finance Minister from AUG 2002 until APR 2004. In APR 2004, Golikova again served as the Deputy Finance Minister. On 24 SEP 2007, she was appointed Healthcare and Social Development Minister. On 18 MAY 2018 she took office as Deputy Prime Minister of the Russian Federation.

Since 2003, Golikova has been married to Viktor Khristenko: who served as First Deputy Prime Minister for Russia under Putin from 1999 to 2000, Minister of Industry from 2004 to 2012, and Chairman of the Board of the Eurasian Economic Commission (EEC) from 2012 to 2016.

**Summary of Role(s):** Deputy Head of the state body, responsible for destabilization of Ukraine. Coordinates the work of federal executive bodies and issues instructions. Coordinates activities of some federal agencies.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** On 19 APR 2023, Golikova was involved in a minor spat with Vladimir Putin where Putin made clear his dislike of the name of the patriotic youth organization “Movement of the First” preferring instead his idea “Pioneers.” Putin asked Golikova “[w]ho are the first ones? They are pioneers, right?” Golikova reminded Putin was chosen by members of the State Duma, where Putin told her that he was aware of this, still preferred his name, but thought they should “consult with the children” first. Putin allegedly wants the name changed to “Pioneers” because it is much more subtle in nature and offers a clean break from the sort of names Russia and the former Soviet Union have used in the past: which were often name with clear ideological overtones.

Approximately 5,000 Russian children were initiated as members in MAY 2022, one month before the group was recognized by the State Duma. These children, as part of their initiation, took the "Pioneer oath", pledging to love to Russia and promising to "always live, learn and fight for the good of the Fatherland" and abide by the “Laws of the Pioneers.” Putin, as President of Russia, directly controls all three of the group’s governing bodies.

On 27 MAR 2023, Golikova met with President of the Senate of Zimbabwe Mabel Chinomona in Moscow. Topics involved bilateral cooperation on healthcare and education, with Golikova seeking to deepen “development of trade, economic, humanitarian and cultural contacts between our peoples.”

On 24 FEB 2023, the US, Australia, and New Zealand sanctioned Golikova.

On 23 FEB 2023, Canada sanctioned Golikova.

On 21 DEC 2022, Switzerland sanctioned Golikova.

On 16 DEC 2022, the EU sanctioned Golikova.

On 05 DEC 2022, Golikova met with First Lady of the Republic of Zimbabwe Auxillia Mnangagwa at the We Are Together international forum in Saint Petersburg. Golikova claimed

“[t]oday, Russian-Zimbabwean relations are rapidly gaining momentum. They are based on strong traditions of friendship and solidarity and mutual respect for each other's interests.”

On 28 OCT 2022, Alexei Navalny's Anti-Corruption Foundation reported that Golikova used \$830 million of stolen vaccine money to buy 5 villas and golf clubs throughout Western Europe.

In AUG 2022, Golikova said that 236,000 Russian workers were either on furlough or reduced hours as of the end of JUL, and that they are not part of officially 03 million people registered as unemployed in Russia.

On 30 SEP 2022, Golikova attended a ceremony celebrating Putin's attempted annexation of several Ukrainian territories.

On 09 JUN 2022, Ukraine sanctioned Golikova.

### **XLIII. MARAT SHAKIRZYANOVICH KHUSNULLIN**

**Title(s):**

Deputy Prime Minister for Construction and Regional Development

**Role(s):**

Responsible for Russian governmental policies about occupied Crimea, including providing water to Crimea and Sevastopol.



**Biographical Summary:** Marat Shakirzyanovich Khusnullin (“Khusnullin”), born 09 AUG 1966, in Kazan, Tatar ASSR, RSFSR, USSR. In 1990, he graduated from Kazan State Finance and Economics Institute with a degree in economics. Continuing his postgraduate education at Open University, taking a degree in Professional Management. In 2006, he also received a Candidate of Science in economics.

Between the years 2001-2010, Khusnullin served as Minister of Construction Architecture, Housing and Utilities of the Republic of Tatarstan. The program at the time was focused on development of large cities, bringing in a large number of federal investments.

On 21 JAN 2020, Khusnullin was appointed Deputy Prime Minister of Russia for construction and regional development under the Mishustin cabinet.

**Summary of Role(s):** Coordinates the work of federal executive bodies and issues instructions. Coordinates activities of some federal agencies. As Deputy Prime Minister of Russia for Construction and Regional Development, Khusnullin is responsible for Russian governmental policies about occupied Crimea, including providing water to Crimea and Sevastopol.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 18 MAY 2023, Khusnullin headlined the 14<sup>th</sup> International Economic Summit in Tartarstan. He stated “[o]ur slogan is trust and cooperation that has become



the pivotal factor in the development of relations between Russia and Muslim countries not only in the economic sphere but also in the diversity of all cooperation projects that truly manifest our strategic partnership,” and cited a thirty percent increase in trade between Russia and member nations of the Organization of Islamic Cooperation over the last three years.

On 05 MAY 2023, Khusnullin announced that full service had re-started on the second track of the Crimean bridge just seven months after being severely damaged by a massive explosion.

On 28 APR 2023, it was announced Khusnullin visited the Ukrainian city of Bakhmut, a city of key strategic importance to the Russian military. Surveying the damage, Khusnullin: referring to Bakhmut by its Russian name said it “is damaged, but it can be restored. We’ve done it before. As soon as the operational situation allows, we’ll start going in there and working on it.” It is not clear when Khusnullin visited Bakhmut.

On 18 MAR 2023, Khusnullin accompanies Russian President Vladimir Putin on his surprise visit to Mariupol. Khusnullin discussed reconstruction efforts, particularly in residential areas.

On 23 FEB 2023, Canada sanctioned Khusnullin.

On 14 OCT 2022, Khusnullin announced the Russian retreat from Kherson City. The same day, Khusnullin stated “several thousand” children from Kherson Oblast are “already in other regions of Russia, resting in rest homes and children’s camps.”

On 09 OCT 2022, just one day after a bomb severely damaged it, Khusnullin stated that “rail traffic on the Crimean bridge has been completely restored” and “all the scheduled trains” both passenger and freight “will pass in full,” and “[w]e have the technical skills for that.”

On 30 SEP 2022, Australia sanctioned Khusnullin.

On 01 SEP 2022, Khusnullin announced that North Korean workers have offered to help rebuild war torn sections of Ukraine. Discussions about what role North Korea will play in the aftermath of Russia’s invasion have been an ongoing topic between officials of the two countries.

In MAY 2022, Khusnullin also visited Kherson City and inspected the local port, a cargo railway station, and a factory.

On 08 MAY 2022, Khusnullin visited Mariupol and the eastern Ukrainian town of Volnovakha among other territories.

On 18 MAR 2022, New Zealand sanctioned Khusnullin.

On 15 MAR 2022, the UK sanctioned Khusnullin.

On 25 FEB 2022, Switzerland sanctioned Khusnullin.

On 23 FEB 2022, the EU sanctioned Khusnullin “for actions and policies which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, or stability or security in Ukraine.”

#### **XLIV. ALEXANDER VALENTINOVICH NOVAK**

**Title(s):**

Deputy Prime Minister

**Role(s):**

Deputy Head of the state body, responsible for destabilization of Ukraine.



**Biographical Summary:** Alexander Valentinovich Novak (“Novak”) was born on 23 AUG 1971 in the town of Avdeyevka in Ukraine.

In 1993, Novak graduated from the Norilsk Industrial Institute with a degree in Economics and Management for the Steel Industry. Then, in 2009, he graduated from the Lomonosov Moscow State University earning a degree in management.

Novak began his career in 1988 as a hydrometallurgy machine operator, 1st grade and worked his way up to becoming a technician, assistant engineer for labor efficiency and wages, economic expert, and finance office head of the accounts department at Zavenyagin Steel Combine, Norilsk by 1997. In 1997, he held the position of Department Head, board head, deputy director for economics at Zavenyagin Steel Combine, Norilsk. From 1999 to 2000, Novak became the deputy director for economics and deputy director for personnel at Norilsk Mining Company Transpolar Branch.

From 2000 to 2002, he served as Norilsk Deputy Mayor for economics and finance, Norilsk First Deputy Mayor. From 2002 through 2007, Novak held the position of Deputy Governor of the Krasnoyarsk Territory in charge of the Central Finance Board of the territorial administration, and from 2007 through 2008, Novak was the First Deputy Governor and Prime Minister of the Krasnoyarsk territory. From 2008 until MAY 2012, he served as the Deputy Minister of Finance. On 21 MAY 2012, Novak was appointed Minister of Energy by Presidential Executive Order.

On 10 NOV 2020, Novak was appointed Deputy Prime Minister by Presidential Executive Order and took office as Deputy Prime Minister of the Russian Federation the same day.

**Summary of Role(s):** Deputy Head of the state body, responsible for destabilization of Ukraine.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** On 04 JUN 2023, Novak: as co-chair of OPEC and OPEC+ stated following their ministerial meeting to agree to oil production of 40.46 million barrels per day (bpd) for the 2024 calendar year that “Russia will adjust its oil production level to 9.828 million barrels per day (according to independent sources) and will additionally extend its voluntary reduction by 500,000 barrels per day until the end of December 2024 as a precaution in coordination with the OPEC+ member states, which announced a voluntary oil output cut in April. This is a voluntary step, but it will also depend on the required production level coordinated” by the other nations and that the “overall oil production cut by the OPEC+ countries until the end of 2024 will amount to 3.66 million barrels per day from the October 2022 level.”

On 16 MAY 2023, Novak arrived in Tehran for a two-day visit touring plants making Iranian oil and gas equipment and meeting with his fellow co-chair of the Permanent Russian Iranian Commission on Trade: Iranian Oil Minister Javad Owji. There Novak stated the importance Iran serves to Russia’s energy, transportation, and infrastructure interests as “[t]he oil-and-gas industry is vital to our respective countries’ economies. Strengthening bilateral cooperation in this industry will certainly help Russia and Iran improve economic stability. We see great potential for exchanging experience in implementing projects in the production, transport and refining of hydrocarbons.”

On 01 APR 2023, Novak announced Russia will extend a 500,000-bpd oil production cut until the end of this calendar year.

On 28 MAR 2023, Novak had a phone call with Hungarian Minister of Foreign Affairs Péter Szijjártó, after which Szijjártó confirmed his opposition to possible nuclear energy sanctions against Russia, promising Hungary would veto any attempts by the EU.

On 15 DEC 2022, Novak met with Venezuelan Minister of Petroleum and Minister of Industries and National Production Tareck El Aissaimi in Caracas. In addition to oil and gas, they discussed Russian exports of wheat, meat, and dairy products to Venezuela and Russian imports of coffee and cocoa.

On 17 MAR 2023, Novak stated Russia needs to secure additional resources for new liquified natural gas projects to reach its medium-term export target of 100 million tons per year.

On 24 FEB 2023, Australia sanctioned Novak.

On 23 FEB 2023, the UK sanctioned Novak.

On 13 FEB 2023, Novak announced the country's plans to sell more than 80% of its crude oil exports to "friendly" countries this year. These "friendly" countries include countries such as China and India, which haven't participated in product bans, sanctions against Russia, and oil and oil product price capping—as well as Sri Lanka, which is in the throes of an economic crisis.

On 12 FEB 2023, Novak issued a new warning of a possible cut in the country's oil production, with his prepared remarks being emailed to the media in Moscow. Novak said the country's oil production may fall by 500,000 bpd in MAR, with the goal of "restoring market relations following the introduction of price caps on Russian oil and products by some countries". The minister also remarked that Russia considers price caps on its oil and oil products as "interference in market relations and the continuation of the destructive energy policy conducted [against Russia] by the countries of the collective West."

On 15 DEC 2023, Novak chaired the 16th meeting of the Russian-Venezuelan Intergovernmental Commission.

On 22 NOV 2022, Novak said "[Russia does] not plan to supply oil and petroleum products to countries that will apply the principle of a price cap with the subsequent reorientation of supplies to market-oriented partners or with a production reduction." The same day, New Zealand sanctioned Novak.

On 28 OCT 2022, Canada sanctioned Novak.

Novak was a keynote speaker at the 2022 Russian Energy Week forum, which was held in Moscow from 12-14 OCT 2022.

On 30 SEP 2022, the US sanctioned Novak.

## **XLV. ALEXEI/ALEXEY LOGVINOVICH OVERCHUK**

**Title(s):**

Deputy Prime Minister

**Role(s):**

Deputy Head of the state body, responsible for destabilization of Ukraine.



**Biographical Summary:** Alexei Logvinovich Overchuk (“Overchuk”) was born on 09 DEC 1964 in Korostyshev, Zhitomir Region, Ukraine.

In 1986, Overchuk graduated from the Moscow Timiryazev Agricultural Academy with a degree in Economic Cybernetics, and a PhD in economics.

Overchuk began his career in 1986, working as a senior laboratory technician at the Economic Cybernetics Department and progressed by 1993 to have held the positions of: junior research fellow, research fellow and senior research fellow at the laboratory for economic mechanism improvement at the Moscow Timiryazev Agricultural Academy. From 1993 to 1998, Overchuk worked as chief specialist, deputy head of the International Cooperation Department of the Russian State Committee on Land Resources and Land Management. From APR to JUL 1998, Overchuk served as the Head of the Department of State Registration of Real Estate Rights at the Russian State Land Committee. From JUL to DEC of 1998, he served as the Head of the Information and Analysis Department at the Russian State Land Committee and from 1999 through 2000 he served as the Head of the Information and Analysis Department at the Russian Land Policy Committee.

In AUG of 2000, Overchuk was appointed deputy head of the Russian Federal Cadastre Service. In APR 2004, he became the acting deputy head, before becoming the official Deputy Head of the Federal Real Estate Cadastre Agency in JUL 2004. From 2007 through 2008, Overchuk held

the position of deputy head of the Federal Agency on Special Economic Zones Management. From 2008 through 2010, Overchuk held senior positions at UFG Asset Management Group. In 2010, Overchuk became the advisor to the head of the Federal Taxation Service and was appointed deputy head of the Federal Taxation Service in 2011. On 21 JAN 2020, Overchuk was appointed Deputy Prime Minister of Russia by a Presidential Executive Order.

**Summary of Role(s):** Deputy Head of the state body, responsible for destabilization of Ukraine. His responsibilities in government include Eurasian integration, cooperation with international organizations (CIS, BRICS, G20, etc.) and planning and organizing international events with the Prime Minister. Coordinates the work of federal executive bodies and issues instructions.

Overchuk is believed to be heavily involved with the Eurasian integration project.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 19 MAY 2023, Overchuk spoke in favor of Asian and Islamic nations shifting away from dollar trade (USD), or: “de-dollarization.” Overchuk stated: “Of course, our relations with [the Islamic world] cannot but be influenced by the global shifts that are taking place and the global trends. We are talking about processes of de-dollarization and the creation of an independent financial system” and encouraged nations who undergoing de-dollarization to accelerate the pace they’re doing so.

On 04 APR 2023, Overchuk was received in Armenia by Prime Minister of Armenia Nikol Pashinyan and Deputy Prime Minister of Armenia Mher Grigoryan.

On 24 FEB 2023, Australia and New Zealand sanctioned Overchuk.

On 23 FEB 2023, Canada sanctioned Overchuk.

On 17 FEB 2023, Overchuk met with Turkmen President Serdar Berdimuhamedow and his father: former President of Turkmenistan Gurbananguly Berdimuhamedow, in Turkmenistan to discuss “promising areas of developing bilateral cooperation” and said Russia was “interested in developing cooperation in various areas, including in economy, trade, energy and transport.”

On 24 DEC 2022, the 21st session of the Intergovernmental Commission for Economic Cooperation between the Republic of Armenia and the Russian Federation was held in Moscow under the co-chairmanship of Deputy Prime Minister of Armenia Mher Grigoryan and Overchuk. Grigoryan noted a \$3.8 billion trade turnover between Armenia and Russia in the first ten months of 2022.

On 21 DEC 2022, Switzerland sanctioned Overchuk.

On 16 DEC 2022, the EU sanctioned Overchuk.

On 09 JUN 2022, Ukraine sanctioned Overchuk.

On 19 SEP 2022, Overchuk and Deputy Prime Minister Mghar Grigoryan of Armenia signed a program of economic cooperation between Russia and Armenia until 2025.

In SEP 2022, Overchuk participated in the Russian-Armenian interregional forum in Yerevan.



## **XLVI. DMITRY ANATOLYEVICH MEDVEDEV**

### **Title(s):**

Deputy Chairman of the Security Council of Russia

*Former* President of Russia

*Former* Prime Minister of Russia

### **Role(s):**

Responsible for ongoing war in Ukraine. Multitudinous propagandizer.



**Biographical Summary:** Dmitry Anatolyevich Medvedev (“Medvedev”) was born on 14 SEP 1965 in Leningrad. He is married to Svetlana Medvedeva, and has one son, Ilya, who was born in 1995. Medvedev holds a PhD in law and the title of associate professor. He graduated from the Faculty of Law of Leningrad State University in 1987 and completed post-graduate studies there in 1990. From 1990-1999 he taught at St Petersburg State University, and from 1990-1995 he also served as Adviser to Chairman of the Leningrad City Council, expert consultant with St Petersburg City Hall's Committee for External Affairs.

In 1999 he became Deputy Chief of Staff of the Government Executive Office, and from 1999-2000 he was Deputy Chief of Staff of the Presidential Executive Office. In 2000, he was appointed First Deputy Chief of Staff of the Presidential Executive Office. He served as the Chairman of the Board of Directors of Gazprom from 2000-2001, Deputy Chairman of this board later in 2001, and then in JUN 2002 was re-appointed Chairman of the Board. In OCT 2003, Medvedev was again appointed Chief of Staff of the Presidential Executive Office. In NOV 2005 he was appointed First Deputy Prime Minister.

On 07 MAY 2008, Medvedev assumed the office of President of the Russian Federation while Putin became the Russian Prime Minister due to term limits. On 08 MAY 2012, Medvedev was appointed by Putin as the prime minister, while Putin ascended back to the presidency. On 15 JAN 2020 Medvedev resigned from his role as Prime Minister—along with the rest of the government—to allow Putin to make sweeping constitutional changes. On 16 JAN 2020, Putin appointed Medvedev to the new office of deputy chairman of the Security Council.

Medvedev frequently, and openly, calls for the assassination of Western political figures.

**Summary of Role(s):** Responsible for ongoing war in Ukraine. Multitudinous propagandizer.

**Organizational Membership:** United Russia (since 2011).

**Incidents and Events of Note:** On 14 JUN 2023, Medvedev threatened communication cables on the oceans' floors could be targeted by Russia in retaliation for the Nord Stream pipeline. Medvedev stated: “[i]f we proceed from the proven complicity of western countries in blowing up the Nord Streams, then we have no constraints – even moral – left to prevent us from destroying the ocean-floor cable communications of our enemies.” According to the Australian Strategic Policy Institute “[t]hese cables facilitate around 99% of internet traffic as well as the telephone calls, data transfers and other telecommunications that enable modern life to function” in the Western world.

On 30 MAY 2023, in response to a statement made by British Foreign Secretary James Cleverly in Estonia the day before, Medvedev threatened the UK was a “legitimate military target” of Russia. He falsely claimed the UK was “de facto leading an undeclared war against Russia” and thus “any of its public officials (either military, or civil, who facilitate the war) can be considered as a legitimate military target.”

On 03 MAY 2023, after two drones were shot down near Vladimir Putin’s Kremlin residence, Medvedev: without evidence that these were from the Ukrainian military, advocated for the assassination of Volodymyr Zelenskyy. He stated “[a]fter today’s terrorist attack, there are no options left aside the physical elimination of Zelensky and his cabal.”

On 02 MAY 2023, access to the English version of Medvedev’s Twitter account was suspended after stating Poland should not exist as a nation “as long as no one but Russophobes is in power there” and falsely stating that Ukraine was “full of Polish mercenaries” who “must be ruthlessly destroyed.”

On 09 APR 2023, Medvedev claimed that Ukraine will “disappear” as “no one needs it” citing “a financial and political hell” Western Europe has experienced defending it. He then gravely, but

confidently, predicted “[s]uch a Ukraine is not needed by anyone on the planet. That is why it will not exist.”

On 31 MAR 2023, in a long Twitter post, Medvedev threatened NATO peacekeepers and, along with implying a Third World War, stated in part: “[i]t is also obvious that such ‘peacemakers’ are our direct enemies. Wolves in sheep’s clothing. They will be a legitimate target for our armed forces if they are deployed on the front line without Russia’s consent, with weapons in their hands and directly threaten us. And then these ‘peacekeepers’ must be ruthlessly destroyed. They are soldiers of the enemy. They are combatants, not ‘letter-writers’. And they will be killed in the course of hostilities. It remains to be seen whether Europe is ready for a long succession of coffins of its ‘peacekeepers.’”

On 23 MAR 2023, Medvedev threatened in a Telegram video that any attempt to arrest Putin by the ICC would equate to “a declaration of war on the Russian Federation,” and in hypothetically went Putin was arrested in Germany “in that case, all our assets - all our missiles et cetera - would fly to the Bundestag, to the Chancellor's office.”

On 11 MAR 2023, Medvedev again falsely compared Ukraine to Nazi Germany on Saturday when he suggested Ukraine be renamed “Schweinish Bandera-Reich” (“Pig Bandera-Reich”) in response to a Ukrainian petition calling on the Ukrainian government to rename the entirety of the Russian Federation “Moscow.”

According to report from MAR 2023 published by the Italian newspaper Il Foglio, Medvedev offered \$15 million to the Wagner Group to murder Italian Defense Minister Guido Crosetto.

On 24 FEB 2023, Medvedev said the only way for Moscow to ensure a lasting peace with Ukraine was to push back the borders of hostile states as far as possible, even if that meant the frontiers of NATO member Poland.

On 22 FEB 2023, Medvedev said “After all, it is obvious to all reasonable forces that if the US wants Russian defeat, then we are on the verge of a world conflict,” he continued. “If the US wants to defeat Russia, then we have the right to defend ourselves with any weapon, including nuclear.”

On 21 DEC 2022, Medvedev traveled to Beijing to meet with Chinese President Xi Jinping at the Diaoyutai State Guesthouse. There they discussed principally economic issues, but also international affairs including the crisis in Ukraine.

On 27 SEP 2022, Medvedev said Russia had the right to defend itself with nuclear weapons if the “very existence” of Russia was at risk, including any supposedly annexed territories in Ukraine.

On 07 SEP 2022, Ukraine sanctioned Medvedev.

On 27 JUL 2022, Medvedev shared a map on Telegram, described as predictions of “Western analysts,” which showed Ukraine, including its occupied territories, mostly absorbed by Russia, as well as Poland, Romania, and Hungary.

On 06 JUL 2022, Medvedev wrote on Telegram that it would be “crazy to create tribunals or courts for the so-called investigation of Russia’s actions”, claiming the idea of “punishing a country that has one of the largest nuclear potentials” may potentially pose “a threat to the existence of humanity.” Medvedev accused the US of creating "chaos and devastation around the world under the guise of ‘true democracy’”, concluding his message by saying “the US and its useless stooges should remember the words of the Bible: ‘Judge not, lest you be judged; so that one day the great day of His wrath will not come to their house, and who can stand?’”

On 06 APR 2022, the US sanctioned Medvedev.

On 25 MAR 2022, Australia sanctioned Medvedev.

On 18 MAR 2022, New Zealand sanctioned Medvedev.

On 16 MAR 2022, Switzerland sanctioned Medvedev.

On 15 MAR 2022, the UK sanctioned Medvedev.

On 02 MAR 2022, the EU sanctioned Medvedev.

On 01 MAR 2022, Japan sanctioned Medvedev.

On 28 FEB 2022, Canada sanctioned Medvedev.

Medvedev has propagandized the conflict on the world stage in too multitudinous a way to capture here.

**XLVII. SERGEI/SERGEY BORISOVICH IVANOV**

**Title(s):**

Special Representative of the President on Issues of Environmental Activities, Ecology and Transport

**Role(s):**

Responsible for ongoing war in Ukraine.



**Biographical Summary:** Sergei Borisovich Ivanov (“Ivanov”) was born 31 JAN 1953 in Leningrad. In 1975 he graduated from Leningrad State University from the English branch of the Department of Philology. Starting in the late 1970’s he worked on staff for the external intelligence services. In 1976 he graduated from Higher Courses of the KGB with a postgraduate degree in counterintelligence. After this he served in the Leningrad and Leningrad Oblast KGB Directorate. In 1981, he studied at the Red Banner Institute of KGB.

In the 1980s, Ivanov served as Second Secretary at the Soviet Embassy in Helsinki, working for the KGB. In NOV 1999, he was appointed as secretary of the Security Council of Russia. In this position he was to coordinate daily work of the council, but role was unclear because at the time it was a relatively new position. In DEC 1999, Ivanon was appointed as Russia’s Minister of Defense where his responsibility for overseeing military reform was emphasized. Then in MAY 2001, he was elected chairman of the Council of Commonwealth of Independent States Defense Ministers.

In NOV 2005, Ivanov was then appointed to the post of Deputy Prime Minister in Mikhail Fradkov’s Second Cabinet, focusing on the manufacturing industry and export of arms. In FEB 2007, President Putin then promoted him to First Deputy Prime Minister with responsibility over defense industry, aerospace industry, nanotechnology, and transport. In JUN 2007, he was then

appointed chairman of the Government Council for Nanotechnology. In DEC 2011, he was then appointed Chief of Staff of Presidential Administration of Russia.

On 12 AUG 2016, Ivanov was relieved from his Chief of Staff position by Putin, and he was then given the role of special envoy for transportation and the environment.

**Summary of Role(s):** Responsible for ongoing war in Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 30 SEP 2022, the US treasury again sanctioned Ivanov, pursuant to E.O. 14024.

On 18 MAR 2022, New Zealand sanctioned Ivanov.

On 04 MAR 2022, Switzerland sanctioned Ivanov.

On 03 MAR 2022, Japan sanctioned Ivanov.

On 25 FEB 2022, the US (again) and EU sanctioned Ivanov.

On 24 FEB 2022, Canada sanctioned Ivanov.

On 24 JUN 2020, Australia sanctioned Ivanov.

On 20 MAR 2014, the US sanctioned Ivanov in relation to Russia's annexation of Crimea.

Ivanov's son, Sergei Sergeevich Ivanov, was CEO of the Russian state-owned mining company Alrosa. Sergei Segeevich was sanctioned by the US along with his father on 25 FEB 2022. Alrosa is the second-largest diamond extracting and exporting company in the world after De Beers. Diamonds have been a notable exception to European sanctions, with Belgium opposing such blockades to prevent Russia from replacing Antwerp as long-time supplier to wealthy Middle Eastern nations.

Sergei Sergeevich was due to run Alrosa until 2025, but in DEC 2022 it was announced he was stepping down as CEO to join the private investment firm Volga Group, run by another longtime billionaire friend of Putin: Gennady Nikolayevich Timchenko.

**XLVIII. VYACHESLAV VIKTOROVICH VOLODIN**

**Title(s):**

Chairman of the State Duma of the Federal Assembly

**Role(s):**

Responsible for overseeing the political integration of the annexed Ukrainian region of Crimea into the Russian Federation. Responsible for ongoing war in Ukraine.



**Biographical Summary:** Vyacheslav Viktorovich Volodin (“Volodin”) was born 04 FEB 1964 in the Khvalynsky District. Volodin graduated from Saratov Institute of Mechanization of Agriculture in 1986 with a degree in mechanical engineering. In 1995 he received a legal degree in the Russian State Service Academy and in 1996 a PhD in law from the Interior Ministry’s Saint Petersburg Institute.

In 1990 Volodin was elected as a member of the City Council of Saratov. In 1992 Volodin was the Deputy Head of Administration of Saratov. Then in 1994, Deputy Chairman of the Saratov Regional Duma, in 1996 he became Governor of Saratov Region. In 1999 he was elected to the State Duma as Deputy Chairman and Head of the Fatherland-All Russia party.

In OCT 2010 he was appointed Deputy Prime Minister and in DEC 2011, became the First Deputy Chief of State of the Presidential Executive Office. In JAN 2017, he became a member of the Supreme Council of the United Russia Party and in OCT 2019, the 10th Chairman of the State Duma.

**Summary of Role(s):** Responsible for overseeing the political integration of the annexed Ukrainian region of Crimea into the Russian Federation. Responsible for ongoing war in Ukraine.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** On 19 JUN 2023, Volodin falsely claimed that Russians who fled to Europe following Russia's invasion of Ukraine were living in concentration camps. He stated, "In order to better understand the situation around those who left, it is enough to familiarize yourself with the statement of the Czech president, who invited Russian citizens living abroad to be sent to concentration camps." Volodin was misrepresenting and exaggerating a statement by President Petr Pavel who stated, "when there is an ongoing war, the security measures related to Russian nationals should be stricter than in normal times" and that though he was sympathetic to emigrating Russians, those "living in Western countries should be monitored much more than in the past because they are citizens of a nation that leads an aggressive war."

On 04 APR 2023, Volodin claimed on Telegram that "[t]he support of Washington and Brussels for the Kyiv authorities led to the creation of a terrorist state in the center of Europe."

On 02 APR 2023, in the aftermath of the ICC issuing an arrest warrant for Vladimir Putin, Volodin encouraged legislatures to criminalize any Russians collaborating with the ICC or the calling of the ICC decisions to be enforced on Russian territory.

On 13 JAN 2023, as Chairman of the State Duma Volodin suggested confiscating property of citizens who insult Russia while residing abroad. Volodin wrote that he has been observing recently how some Russian citizens, living abroad, "consider it possible to insult Russia, its residents, soldiers and officers, openly support villains, Nazis and murderers."

On 03 OCT 2022, Volodin formalized the illegal seizure of four discrepancies in the recorded vote, Volodin said the votes were unanimous, and attributed any discrepancy as a "technical failure."

On 21 SEP 2022, Putin announced a mobilization of military reservists and Volodin, as well as other top political officials, addressed the outrage within the country in the following days. Volodin said that she was aware of reports that some men, who were ineligible for the draft, had been called up to fight. In a message, Volodin said he "Appeals are coming in" and "Each case should be dealt with separately. If a mistake is made, it must be corrected." He added "All levels of government must understand their responsibility."

On 06 JUL 2022, Volodin discussed the US purchase of Alaska when he said, "When they attempt to appropriate our assets abroad, they should be aware that we also have something to claim back."

On 18 MAR 2022, New Zealand sanctioned Volodin.



On 11 MAR 2022, the US again sanctioned Volodin.

On 03 MAR 2022, Japan sanctioned Volodin.

On 25 FEB 2022, the US sanctioned Volodin.

On 31 DEC 2020, the UK sanctioned Volodin.

On 09 SEP 2020, among other Russian senior officials, met with Li Zhanshu, who is the third in the PRC's leadership as Chairman of the Standing Committee of the National People's Congress. Li told Russian lawmakers: "On the Ukraine issue, for example, the US and NATO are expanding directly on Russia's doorstep, threatening Russia's national security and the lives of Russian citizens. Given the circumstances, Russia has taken necessary measures. China understands, and we are coordinating on various aspects." Li also said at the meeting: "I believe Russia was cornered. In this case, to protect the core interests of the country, Russia gave a resolute response."

On 10 JUN 2020, Australia sanctioned Volodin.

On 02 APR 2020, Switzerland sanctioned Volodin.

On 03 MAR 2020, the EU sanctioned Volodin.

On 17 AUG 2018, ahead of hearings on a controversial proposal to raise the retirement age, opposition leader Alexei Navalny accused Volodin in a video expose of hiding millions of dollars in assets in his mother's name. Navalny's Anti-Corruption Foundation alleged that a spacious apartment valued at \$3.4 million/230 million rubles in Moscow and ten companies held in the name of Volodin's mother actually belong to the speaker.

On 28 APR 2014, Canada sanctioned Volodin.

## **XLIX. DMITRY VIKTOROVICH KOCHNEV**

**Title(s):**

Director of the Federal Protective Service

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Dmitry Viktorovich Kochnev (“Kochnev”) was born on 01 MAR 1964 in Moscow, Russian SFSR, USSR. From 1982 to 1984 Kochnev served in the Armed forces of the USSR. He then served in the law enforcement agencies of the USSR and Russia from 1984 to 2002. In 2002 he started working in the state security bodies of the Russian Federation. He was promoted to colonel in 2006.

Kochnev was the head of the Russian Presidential Security Service from JUN 2015 to MAY 2016, and was acting head from JUN 2015 to DEC 2015. On 26 MAY 2016 Kochnev was appointed the Director of the Federal Protective Service. In early JUN 2021 he was promoted to the rank of army general.

**Summary of Role(s):** Official of the body responsible for ongoing war in Ukraine. The Federal Protective Service (FSO) is a federal government agency that is concerned with the tasks related to the protection of several high-ranking state officials, mandated by the relevant law, including the President of Russia, as well as certain federal properties. The FSO includes the Russian Presidential Security Service and also has about 20,000 troops and controls the nuclear briefcase that can be used in the event of a nuclear war.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 26 JUN 2023, Kochnev was among the security delegation who met with Vladimir Putin who thanked them for their work in suppressing the Wagner Group rebellion on 23 and 24 JUN.

On 19 OCT 2022, Ukraine sanctioned Kochnev.

On 14 MAR 2022, Canada sanctioned Kochnev.

**L. ALEKSANDR/ALEXANDER VASILYEVICH BORTNIKOV**

**Title(s):**

Director of the Federal Security Service

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Aleksandr Vasilievich Bortnikov (“Bortnikov”) was born on 15 NOV 1951 in Perm, Russia. He is a Russian intelligence officer who has served as the Director of the Federal Security Service (FSB) since 12 May 2008. He graduated from the Leningrad Institute of Railway Engineers in 1973 and joined the Soviet Committee for State Security (KGB) in 1975 after graduating from Dzerzhinsky KGB Higher School in Moscow.

From 1975 to 2004, he worked in the secret police system in Leningrad/Saint Petersburg. In 2004, he became Deputy Director of the Federal Security Service, the Head of the Economic Security Service. In May 2008, Bortnikov was appointed Director of the FSB of Russia, chairman of the National Anti-Terrorism Committee, and a permanent member of the Security Council of Russia.

Aleksandr Bortnikov is also a member of the board of directors for Russia’s largest shipping company and hydrocarbon transporter, Sovkomflot.

**Summary of Role(s):** Official of the body responsible for ongoing war in Ukraine. The Federal Security Service is the Russian Federation's main security agency and is the main successor to the Soviet Union's KGB. As Director, Aleksandr Bortnikov oversees the entirety of the FSB and is a member of President Putin’s inner circle.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 26 JUN 2023, just days after the failed Wagner Group rebellion, Bortnikov was one of the first government officials to meet with Vladimir Putin. Also present at this meeting were Defense Minister Sergei Shoigu and National Guard head Viktor Zolotov.

On 21 FEB 2023, Bortnikov acknowledged Russia was notified of US President Joe Biden's arrival in Ukraine earlier that week, which the White House kept secret from the general public. He stated that "[w]e did not give guarantees of his safety. Just said we took the note." He added that the FSB is still in contact with the US on fighting terrorism, but at a diminished level since the invasion, stating: "No one wins from this (lack of cooperation). Everyone is interested in maintaining relations."

On 27 SEP 2022, Ukraine sanctioned Bortnikov.

On 25 MAR 2022, The Moscow Times noted that Bortnikov had disappeared from public view since around 11 MAR 2022, along with other senior officials including Sergey Shoigu, Igor Kostyukov and Viktor Zolotov. State TV programs in response subsequently broadcast a purported security council meeting on 24 MAR including brief appearances by many of the possibly missing men, including Bortnikov, but it appeared to simply be an edited version of the security council meeting on 11 MAR.

On 20 MAR 2022, the Security Service of Ukraine (SBU) alleged that Bortnikov was a favorite to replace Vladimir Putin among a group of Russian elites plotting to assassinate Putin in a bid to stabilize the economy and reestablish ties with the West following sanctions imposed on Russia for the 2022 invasion of Ukraine.

On 18 MAR 2022, New Zealand sanctioned Bortnikov.

On 03 MAR 2022, Japan sanctioned Bortnikov.

On 25 FEB 2022, the US again sanctioned Bortnikov.

On 02 MAR 2021, the US and Canada sanctioned Bortnikov.

On 01 OCT 2020, Australia sanctioned Bortnikov.

On 02 APR 2020, Switzerland sanctioned Bortnikov.

On 14 MAR 2020, the EU again sanctioned Bortnikov.

In JAN 2018, the investigative website Russiangate.com was shut down just three hours after publishing a report Bortnikov secretly owns real estate outside of Saint Petersburg. This included a \$5.3 million mansion and land plot: which did not appear in Bortnikov's end-of-year tax declarations and was deleted from the state property registry in 2017.

In 2014, the EU and Canada sanctioned Bortnikov for Russia's military intervention in Ukraine.

**LI. SERGEI BORISOVICH KOROLEV/KOROLYOV**

**Title(s):**

First Deputy Director of the Federal Security Service

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Sergei Borisovich Korolev (“Korolev”) was born on 25 JUL 1962, in Frunze, Kirghiz SSR, USSR. Korolev was from a military family—his late father was the commander of a military unit; Korolev’s father was friends with Viktor Zubkov and went on hunting with him.

Korolev worked for a private security firm in the 1990s and for the third department of the Economic Security Service of the Federal Security Service Directorate for the city of St. Petersburg and the Leningrad Region in the early 2000s. In 2007 Korolev was appointed advisor to the Minister of Defense and oversaw the Main Intelligence Directorate of the Russian Federation. Between 2011 and 2012 Korolev headed the Internal Security Directorate of the FSB of Russia.

On 08 JUL 2016, Sergei Korolev was promoted to the head of the Economic Security Service of the FSB of Russia. In this position, his duties, among others, included providing Russian President Vladimir Putin with dossiers on members of the government. On 24 FEB 2021, by decree of the President of Russia, he was appointed First Deputy Director of the FSB of Russia. In early JUN 2021, Korolev was awarded the rank of General of the Army. Vladimir Putin awarded him the rank of Army General, which is a distinctive senior rank reward. He is therefore supporting and benefitting from Russian decision makers responsible for the annexation of Crimea and destabilization of Ukraine. The FSB is one of the intelligence services

that provides Putin with intelligence before the commencement of the 2022 invasion. Korolev is responsible for actions which undermine and threaten the territorial integrity, sovereignty, and independence of Ukraine.

**Summary of Role(s):** Official of the body responsible for ongoing war in Ukraine. The Federal Security Service is the Russian Federation's main security agency and is the main successor to the Soviet Union's KGB. As First Deputy Director of the Federal Security Service, Korolev works directly for the agency's director, Aleksandr Bortnikov.

**Organizational Membership:** Supervisory Board of the National Research Center "Kurchatov Institute", Supervisory Board of Rosatom.

**Incidents and Events of Note:** On 01 NOV 2022, New Zealand sanctioned Korolev.

On 19 OCT 2022, Ukraine sanctioned Korolev.

On 29 JUL 2022, Switzerland sanctioned Korolev.

On 21 JUL 2022, the EU sanctioned Korolev.

On 18 MAY 2022, Australia sanctioned Korolev.

On 21 APR 2022, the UK sanctioned Korolev.

On 14 MAR 2022, Canada sanctioned Korolev.



## LII. VLADIMIR GRIGORIEVICH KULISHOV

**Title(s):**

First Deputy Director of the Federal Security Service  
Head of the Border Service of the Federal Security Service

**Role(s):**

FSB's Border Service under his command took part in systematic "filtration" operations and forced deportations of Ukrainians from the occupied territories of Ukraine.



**Biographical Summary:** Vladimir Grigorievich Kulishov ("Kulishov") was born on 20 JUL 1957 in Russia's southern Rostov region. In 1979, he graduated from the Kiev Institute of Civil Aviation Engineers and after graduation worked at a Rostov-in-Don-based civil aviation plant. In 1982, he joined Russia's state security agencies. He graduated from the USSR KGB Higher School.

Since 2000, Kulishov has been working in the central administration of the Federal Security Service in Moscow. In JUL 2003, he was appointed head of the Federal Security Service department for Saratov region. In 2004, he was appointed first deputy head of the Federal Security Service anti-terrorism directorate, and later he became head of the Federal Security Service department for the Chechen Republic. Since JUN 2008, Kulishov has been deputy director of the Federal Security Service and deputy head of administration of the National Anti-terrorism Committee.

In 2013 he received the post of First Deputy and head of the Border service.

**Summary of Role(s):** The functionaries of the FSB's Border Service under his command took part in systematic "filtration" operations and forced deportations of Ukrainians from the occupied territories of Ukraine. Russian border guards illegally subjected Ukrainian citizens to lengthy interrogations, searches, and detentions. The Federal Security Service is the Russian Federation's principal security agency and is the main successor to the Soviet Union's KGB. As First Deputy Director of the Federal Security Service, Kulishov works directly for the agency's director, Aleksandr Bortnikov.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 25 APR 2023, the Chinese and Russian governments entered into a maritime security cooperation agreement to share resources in international waters. Kulishov, who was instrumental in supporting this agreement, stated that this agreement will: “combat terrorism, illegal migration, fighting smuggling of drugs and weapons, as well as stopping illegal fishing.”

On 24 FEB 2023, Australia sanctioned Kulishov.

On 01 NOV 2022, New Zealand sanctioned Kulishov.

On 12 OCT 2022, Switzerland sanctioned Kulishov.

On 06 OCT 2022, the EU sanctioned Kulishov.

On 27 MAY 2022, Kulishov, in an interview with the Rossiyskaya Gazette Newspaper, asserted that “Nationalist and radical right-wing elements are trying to enter [Russia] under the guise of refugees.” He further recognized the “1.2 million Russian and Ukrainian citizens that have been authorized to enter the Russian Federation since mid-February.” Kulishov also mentioned the usage of strict control in identifying possible nationalists from the flow of refugees.

On 06 AUG 2014, Canada sanctioned Kulishov.

### LIII. NIKOLAI PLATONOVICH PATRUSHEV

**Title(s):**

Secretary of the Security Council

**Role(s):**

Official of the body responsible for ongoing war in Ukraine. Multitudinous propagandizer.



**Biographical Summary:** Nikolai Platonovich Patrushev (“Patrushev”) was born on 11 JUL 1951 in Leningrad. He was a general in Russia’s Army and has a PhD in law. Patrushev is a Russian politician, security officer and intelligence officer who served as Director of the Russian Federal Security Service (FSB), which is the main successor organization to the Soviet KGB (excluding foreign intelligence), from 1999 to 2008, and he has been Secretary of the Security Council of Russia since 2008.

He graduated from Leningrad Shipbuilding Institute in 1974, where he worked as an engineer until joining the KGB in 1975. From 1974-1975 he attended the Higher Courses of the KGB with the USSR Council of Ministers in Minsk. In 1975 he began to work at the counter-intelligence section of the KGB regional directorate for the Leningrad region where he later ended up being chief of the service for combatting contraband and corruption. Upon finishing year-long refresher courses at the Higher School of the KGB (now the FSB Academy), in JUN 1992, he was appointed Minister of State Security of Karelia, a post he held until 1994.

In 1994 Patrushev was appointed chief of the FSK Directorate of Internal Security, under Director Sergei Stepashin. After Stepashin’s resignation on 30 JUN 1995, Patrushev received the senior post of Deputy Chief of the FSB's Organisation and Inspection Department. In 1998 he was chief of the Control Directorate of the Presidential Staff from MAY-AUG, and from AUG-

OCT he was Deputy Chief of the Presidential Staff. In OCT 1998 he was appointed Deputy Director of the FSB and chief of the Directorate for Economic Security. In APR 1999, he became FSB First Deputy Director—and on 09 AUG the same year a decree by President Boris Yeltsin promoted him to Director, replacing Vladimir Putin.

Has been Secretary of the Security Council since 12 MAY 2008. This position is equivalent to the US national security adviser.

**Summary of Role(s):** Official of the body responsible for ongoing war in Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 29 JUN 2023, Patrushev called his Indian counterpart: NSA Ajit Doval, Russian Security Council Secy Nikolai Patrushev, where the two discussed “[t]he current issues of Russian-Indian cooperation in the field of security and the prospects for deepening within the framework of bilateral and multilateral formats...in detail.”

On 29 MAR 2023, Patrushev met with Indian Prime Minister Narendra Modi to discuss “issues of Russian-Indian bilateral cooperation and mutual interest” at the Shanghai Cooperation Organisation in India.

On 27 MAR 2023, Patrushev, in an interview with the state-run Rossiyskaya Gazeta newspaper, stated Russian military had the capability to destroy any nation on Earth, claiming: “For some reason, American politicians who are held captive by their own propaganda remain confident that in the event of a direct conflict with Russia, the US is capable of launching a preventive missile strike, after which Russia will no longer be able to respond,” and “This is short-sighted stupidity, and very dangerous...Russia is patient and does not intimidate anyone with its military advantage. But it has modern unique weapons capable of destroying any enemy, including the US, in case of a threat to its existence.”

On 22 FEB 2023, Patrushev met in Moscow with Wang Yi: a member of the Political Bureau of the Communist Party of China (CPC) Central Committee and director of the Office of the Foreign Affairs Commission of the CPC Central Committee.

On 15 NOV 2022, Patrushev said that Western-supplied arms and foreign mercenaries were priority targets for Russia’s forces fighting in Ukraine.

On 09 NOV 2022, Patrushev met with the Iranian president in Tehran following a meeting with Shamkhani, the secretary of the Supreme National Security Council (SNSC) of Iran.

On 18 MAR 2022, New Zealand sanctioned Patrushev.

On 01 MAR 2022, Japan sanctioned Patrushev.

On 25 FEB 2022, the US sanctioned Patrushev.

On 01 OCT 2020, Australia. sanctioned Patrushev.

On 02 APR 2020, Switzerland sanctioned Patrushev.

On 14 MAR 2020, the EU sanctioned Patrushev.

On 31 DEC 2020, the UK sanctioned Patrushev.

On 06 APR 2018, the US sanctioned Patrushev, pursuant to E.O. 13661.

On 06 AUG 2014, Canada sanctioned Patrushev.

Patrushev has propagandized the conflict on the world stage in too multitudinous a way to capture here.

#### LIV. RASHID GUMAROVICH NURGALIYEV/NURGALIEV

**Title(s):**

First Deputy Secretary of the Security Council

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Rashid Gumarovich Nurgaliyev (“Nurgaliyev”) was born in Zhetikara, Kazakh SSR, on 08 OCT 1956 and is of Volga Tatar ethnicity. He graduated from Kuusinen State University in Petrozavodsk in 1979. He later received a doctoral degree in economics. His thesis was on the “economic aspects of the formation of business undertakings in modern Russia.”

Nurgaliyev worked in the KGB Directorate of Karelia from 1981 to 1995. He then worked for its successor, the Security Ministry of Karelia from 1992 until 1994. In 1995 he moved to Moscow and was appointed chief inspector of the Inspectorial Directorate of Federal Counterintelligence Service (FSK), which became the Federal Security Service (FSB) by 23 JUN 1995, and head of a section of FSB Internal Security Department led by Nikolai Patrushev.

In 2002 he became the first deputy minister of interior of Russia. Nurgaliyev became minister of the Ministry of Internal Affairs in 2003. He was removed from office on 21 MAY 2012 and Vladimir Kolokoltsev replaced him in the post. Two days after his dismissal, on 23 MAY 2012, he was made Deputy Secretary of the Security Council of the Russian Federation (SCRF). Nurgaliyev holds the rank of Army General.

In FEB 2023, by decree of President Vladimir Putin, Nurgaliyev was appointed First Deputy Secretary of the Russian Security Council, replacing Yuri Averyanov.

**Summary of Role(s):** Official of the body responsible for ongoing war in Ukraine. The Security Council of the Russian Federation (SCRF) is a constitutional body of the Russian president that

works out the president's decisions on national security affairs and matters of strategic interest. The SCRF acts as a forum for coordinating and integrating national security policy. Nurgaliyev is a non-permanent member of the SCRF.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 28 SEP 2022, New Zealand sanctioned Nurgaliyev.

On 10 MAY 2022, Japan sanctioned Nurgaliyev.

On 06 APR 2022, the US sanctioned Nurgaliyev.

On 31 DEC 2020, the UK sanctioned Nurgaliyev.

On 01 OCT 2020, Australia sanctioned Nurgaliyev.

On 29 SEP 2020, Switzerland sanctioned Nurgaliyev.

On 12 SEP 2020, the EU again sanctioned Nurgaliyev.

On 06 AUG 2014, Canada sanctioned Nurgaliyev.

On 25 JUL 2014, the EU sanctioned Nurgaliyev.

**LV. SERGEY YEVGENYEVICH NARYSHKIN**

**Title(s):**

Director of the Foreign Intelligence Service

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Sergey Yevgenyevich Naryshkin (“Naryshkin”) is a Russian politician and businessman who has served as the director of the Foreign Intelligence Service since 2016. He was born 27 OCT 1954 in Saint Petersburg. He graduated from the Leningrad Mechanical Institute with the diploma of an “engineer radio mechanic.” It was there he met his future wife Tatyana Yakubchik, a fellow student, with whom he has two children - Andrey and Veronica. He likes to begin his mornings with a swim. His swim routine recently sparked a controversy when it was discovered that he frequents a pool owned by the controversial Azeri billionaire God Nisanov.

In 1982, Naryshkin was appointed Deputy Vice-Rector of the Leningrad Polytechnical Institute. Naryshkin and Putin met around that same time – when they both worked at the KGB regional headquarters in Leningrad, right after Naryshkin had graduated from one of Moscow’s most prestigious institutions – the Felix Dzerzhinsky Higher School of the KGB. Putin and Naryshkin, codenamed Comrades Platov and Naumov at the Red Banner Institute, spent a year learning the essentials of spy craft from veteran foreign intelligence officers. Putin learned German, Naryshkin learned French. Interestingly, neither was part of the powerful group of Middle East specialists (known as the Middle Eastern “mafia”) that came to dominate the higher rungs of the KGB’s foreign intelligence arm in the late 1980s and in the SVR after the collapse of the USSR.



Naryshkin and Putin had a lot of things in common, especially the traumas of losing close family members during the Nazi blockade of the city. Both also had parents who did not belong to the Communist elite. They grew up outside party ruling circles and had to confront the challenges of adulthood on their own. Driven by personal ambition to climb up the social ladder, they figured a job in the KGB – the most powerful Soviet institution outside the Communist Party – would enable them to make their mark on the world.

Naryshkin was dispatched as a diplomat to Brussels, working in the Soviet Embassy from 1988 to 1992. By day, he worked in the embassy's economic section, and by night Naryshkin recruited spies to steal Western science and technology secrets for the Soviet military-industrial complex. With the USSR on the verge of an economic collapse in the mid-to-late 1980s, Mikhail Gorbachev's KGB had put technical secrets at the top of its espionage agenda, even higher than political intelligence. His career as a spy came to an end when a fellow Soviet intelligence officer defected to the CIA and exposed Naryshkin's cover.

From 1992 until 1995, he worked in the Committee for Economy and Finance of Saint Petersburg Mayor Office. After he left, he became the chief of the external investment department of Promstroybank—a position he would hold until 1997. From 1997 until 1998, Naryshkin led the Investment Department of the Leningrad Oblast government.

From 1996 to 2004, Naryshkin had a seat on the board of Philip Morris Izhora, the Russian affiliate of the American tobacco giant, while at the same time working for the city government. He became a rich man by mingling his government and business positions.

From 1998 until 2004, he was the Chairman of the Committee for External Economic and International Relations of the government of Leningrad Oblast. In early 2004, he was a deputy head of the economic department of the Russian presidential administration. From MAR through SEP 2004, Naryshkin was a deputy chief of staff of the Russian government.

Since 2004, he has been a member of the board of directors of Sovkomflot and a deputy chairman of the board of directors of Rosneft. Since 31 AUG 2004, Naryshkin has also been Chairman of the Board of Directors of Channel One of Russian television.

Since 13 SEP 2004, he has been a Minister, Chief of Staff of the Government of Russia. On 15 FEB 2007, President Vladimir Putin announced that Naryshkin had been appointed Deputy Prime Minister of Russia for external economic activity, focusing on collaboration with the Commonwealth of Independent States. In MAY 2008, Naryshkin was appointed chief of the Presidential Administration of Russia. In MAY 2009, President Dmitry Medvedev appointed him chairman of the Historical Truth Commission.

Naryshkin was elected to the State Duma, the lower house of the Russian parliament in DEC 2011. When the Duma began meeting for its new term on 21 DEC 2011, Naryshkin was elected as Chairman of the State Duma; he received 238 votes in favor of his candidacy, while 88 deputies opposed him. In JUN 2012, Naryshkin signed a resolution on setting up a culture council under the State Duma speaker. The council is “a standing advisory body”. The tasks of the council are “the examination and drafting of initiatives on topical problems of legislative regulations in culture and associated industries, the development of recommendations on culture for the use in lawmaking”. On 02 SEP 2013, Naryshkin stated that there are no political prisoners in today’s Russia.

Since the rise of tensions between the EU and Russia in 2014, Naryshkin was perceived as one of the main coordinators of contacts with European far-right and far-left parties supporting Russian foreign policy in Europe.

In SEP 2016, Naryshkin was appointed as chief of Russia's Foreign Intelligence Service (SVR).

**Summary of Role(s):** Official of the body responsible for ongoing war in Ukraine. Publicly supported the deployment of Russian forces in Ukraine. Publicly supported the Russia-Crimea reunification treaty and the related federal constitutional law.

**Organizational Membership:** United Russia. Chairman of the Board of Trustees of the Russian Presidential Academy of National Economy and Public Administration (RANEPA).

**Incidents and Events of Note:** On 30 JUN 2023, Naryshkin again spoke with CIA Director William Burns. In a call that lasted about one hour, Burns made the call to assure the Kremlin that the US had nothing to do with the Wagner Group rebellion that week. However, according to Naryshkin claims “we considered and discussed what to do with Ukraine.” Though the CIA declined to comment on this, this would run counter to the US (and most Western nations) position to not speak or negotiate on Ukraine’s behalf (also referred to as: “nothing about Ukraine without Ukraine.”) When asked about Naryshkin’s alleged negotiations, the Ukrainian government rejected Naryshkin’s understanding of the conversation: questioning his authority saying “[t]oday, someone like Naryshkin has no leverage over how this war will end.”

On 24 MAY 2023, regarding US and UK policies towards Iran, Naryshkin said for the “Anglo-Saxons to take care of their own internal civil conflicts. Or better yet, go to...the devil” (or: “go to Hell.”)

On 14 NOV 2022, Naryshkin met with CIA Director William Burns and discussed the consequences of using nuclear weapons.

On 06 APR 2022, the US again sanctioned Naryshkin.

On 18 MAR 2022, New Zealand sanctioned Naryshkin.

On 03 MAR 2022, Japan sanctioned Naryshkin.

On 25 FEB 2022, the US sanctioned Naryshkin.

On 21 FEB 2022, days before Russia invaded Ukraine, Naryshkin received widespread attention in the global press for visibly trembling and “stutter[ing] uncomfortably” as Putin humiliated him publicly for “fumbling” his response to Putin’s questioning during a Security Council meeting concerning recognizing the Russian-backed separatist regions of Donetsk and Luhansk. Putin chided him, telling him at one point to “speak plainly Sergie.”

In JAN 2022, echoing a constant Russian theme, the SVR boss compared the government of Ukraine to the Nazis who invaded and occupied much of Russia during 1941-1945. Given that the Nazis are equated in Russian minds with absolute evil, Naryshkin’s metaphor sounded like an alarming call to all Russians to defeat another looming fascist invasion.

In DEC 2021, Naryshkin dismissed reports of a possible invasion of Ukraine asserting that it was “malicious propaganda by the US State Department”.

On 10 JUN 2020, Australia sanctioned Naryshkin.

On 02 APR 2020, Switzerland sanctioned Naryshkin.

On 12 MAR 2020, the EU sanctioned Naryshkin.

On 31 DEC 2020, the UK sanctioned Naryshkin.

On 12 MAR 2014, Canada sanctioned Naryshkin.

As a result of the 2014 Crimean crisis, the US government blacklisted Naryshkin and other close friends of the Russian president, including Sergei Ivanov and Gennadi Timchenko. Nevertheless, he made an official visit to the US, along with other Russian top security chiefs, at the end of JAN 2018.

**LVI. ANTON EDUARDOVICH VAINO**

**Title(s):**

Manager of the Presidential Administration

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.

Provided support to or promoted a policy or action which destabilized Ukraine.



**Biographical Summary:** Anton Eduardovich Vaino (“Vaino”) was born on 17 FEB 1972 in Tallinn. He graduated from the MGIMO, Faculty of International Relations, in 1996. From 1996 to 2001, he was an employee of the Russian Embassy in Japan, the Second Asia Department of the Russian Foreign Ministry.

In 2002-2004, Vaino worked in the Office of the Protocol of the President of the Russian Federation. Between 2004 and 2007, he was Deputy Head of the Protocol and Organizational Directorate of the President of the Russian Federation. In 2007, Vaino was appointed First Deputy Head of Protocol of the President of the Russian Federation. In 2007-2008, he was Deputy Chief of Staff of the Government of the Russian Federation.

Between APR 2008 and DEC 2011, Vaino served as a Deputy Chief of Staff of the Government. From DEC 2011 to MAY 2012, he was the Chief of Staff of the Government. Between MAY 2012 and AUG 2016, he served as a Deputy Head of the Presidential Executive Office. On 12 AUG 2016, he was appointed head of the Presidential Administration.

**Summary of Role(s):** As the Chief of Staff of the Presidential Executive Office, Vaino plays an active role in Kremlin decision-making process by taking part in the Russian ‘Security Council’ and influencing the elaboration of decisions by the President in the field of Russia’s defense and

national security. Vaino also attends meetings on socio-economic development of Crimea and Sevastopol.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** On 26 JUN 2023, Vaino was among the government officials thanked by Putin for their work in ending the Wagner Group rebellion. Vaino was seen a key ally of Putin during negotiations which Putin refused to take part in. Though Vaino's specific role is not known, the independent Russian news outlet Meduza speculates it was a fairly large role. According to Meduza, once it became clear to Prigozhin that his actions lacked widespread support: Vaino, President of Belarus Alexander Lukashenko, and Russian Ambassador to Belarus Boris Gryzlov were in direct communication with one another.

On 22 JUN 2023, Vaino met with Belarus Ambassador to Russia Dmitry Krutoi to discuss in addition to cooperation in foreign and domestic policy issues, a noted emphasis on youth-related policy. According to a Belarus press release, "in particular, the parties touched upon the organization of an expanded meeting with the participation of the leaders of Russian and Belarusian youth associations, the youth wings of political parties and representatives of the Standing Committee of the Union State to discuss the state of work with young people and promising areas of joint activities. The patriotic cultural and educational project 'Memory Train', organized by the Council of the Republic of the National Assembly of the Republic of Belarus and the Federation Council of the Federal Assembly of the Russian Federation, was especially noted."

The Memory Train is somewhat of a cultural exchange program on railways, which according to the Russian Federation Council is a "project will give young people from Russia and Belarus an opportunity to touch the history and feats of previous generations, as well as to establish direct youth contacts between the regions."

On 09 SEP 2022, Ukraine sanctioned Vaino.

On 06 APR 2022, the US sanctioned Vaino.

On 18 MAR 2022, New Zealand sanctioned Vaino.

On 15 MAR 2022, the UK, and for the second time Canada, sanctioned Vaino.

On 28 FEB 2022, Canada sanctioned Vaino.

On 25 FEB 2022, Australia and Switzerland sanctioned Vaino.

On 23 FEB 2022, the EU sanctioned Vaino.

## LVII. ALEKSANDR PETROVICH CHUPRIYAN

### **Title(s):**

*Former* First Deputy Minister of Emergency Situations (JUN 2018–MAR 2023)

*Former* Acting Minister of Emergency Situations (SEP 2021–MAY 2022)

### **Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Aleksandr Petrovich Chupriyan (“Chupriyan”) was born 23 MAR 1958 and is a Russian statesman, and political military commander, who is serving as the Acting Minister of Emergency Situations since 08 SEP 2021.

Aleksandr Chupriyan was born in Ukhta on 23 MAR 1958. He graduated from high school. From 1976 to 1978 he served in the Soviet Army. In 1979, Chupriyan was a firefighter in the service of the Fire Department of the Central Internal Affairs Directorate of the Leningrad Regional Executive Committee of the Soviet Ministry of Internal Affairs. He graduated from the courses of the middle commanding staff of the fire department in 1980. In 1980, he was the chief of the guard of the 14th militarized fire department of the 7th detachment of the paramilitary fire brigade. In 1982, he was the deputy head, then in 1983, he was promoted to the head of the 3rd militarized fire brigade of the 7th detachment of the paramilitary fire brigade, the Fire Department of the Central Internal Affairs Directorate of the Leningrad City Executive Committee. In 1987, he was the deputy chief of the 1st detachment of the paramilitary fire brigade.

In 1989, Chupriyan graduated from the Higher Engineering Fire-Fighting School of the Ministry of Internal Affairs of the USSR with a degree in firefighting and safety engineering. The same

year, Chupriyan was the head of the 1st detachment of the paramilitary fire brigade. In 1993, Chupriyan was the Deputy Head of the State Fire Service Directorate of the Main Directorate of Internal Affairs of Saint Petersburg and Leningrad Oblast. In 1996, he was the Deputy Head of the Department of the Saint-Petersburg University of the State Fire Service of the EMERCOM of Russia. In 1997, he was the acting Head of the State Fire Service Directorate of the Main Directorate of Internal Affairs of Saint Petersburg and the Leningrad Region.

In 2003, he was the Head of the Main Directorate of the State Fire Service of the EMERCOM of Russia. Since 2005, he was the Head of the North-West Regional Center of the Ministry of the Russian Federation for Civil Defense, Emergencies and Elimination of Consequences of Natural Disasters. Between 2006 and 2018, Chupriyan was the Deputy Minister of the Russian Federation for Civil Defense, Emergencies and Elimination of the Consequences of Natural Disasters.

In JUN 2018, Chupriyan was appointed as the First Deputy Minister of Emergency Situations. In SEP 2021, Chupriyan was appointed as Acting Minister of Emergency Situations. On 25 MAY 2022, Aleksandr Vyacheslavovich Kurenkov was appointed Minister of Emergency Situations, replacing Chupriyan, who served as Acting Minister of Emergency Situations since SEP 2021.

**Summary of Role(s):** The Minister of Emergency Situations, is the head of the Russian Ministry of Emergency Situations and is one of the five “presidential” ministers along with the ministers of defense, interior, foreign affairs, and justice. The Minister of Emergency Situations bears personal responsibility for performance assigned to the Ministry of emergency situations of Russia.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 30 MAR 2023, Chupriyan was dismissed by Vladimir Putin from his position as First Deputy Minister when Putin chose not to renew Chupriyan’s expiring five-year contract. No explanation was given as to why this decision was made, nor was a successor immediately named.

On 25 MAY 2022, Aleksandr Vyacheslavovich Kurenkov was appointed Minister of Emergency Situations, replacing Chupriyan, who served as Acting Minister of Emergency Situations since SEP 2021.

On 18 MAY 2022, Australia sanctioned Chupriyan.

On 21 APR 2022, the UK sanctioned Chupriyan.



On 14 MAR 2022, Canada sanctioned Chupriyan.

In early FEB 2022, Chupriyan visited the southern regions bordering Ukraine to prepare for “mass evacuations”.

## LVIII. MAXIM GENNADYEVICH RESHETNIKOV

**Title(s):**

Minister of Economic Development

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Maxim Gennadyevich Reshetnikov (“Reshetnikov”) was born 11 JUL 1979. He graduated from the Perm State University at the Department of Economic Cybernetics in 2000 with a degree in economics and mathematics. In 2002, he obtained a degree in linguistics-translator. The following year, 2003, he obtained a degree in Economic Sciences.

Starting in 2000, Reshetnikov worked with the Sterling Group Forecast and then began working in the Administration of the Perm Region, Perm Territory at the time. Following that he worked as head of the budget revenue and expense planning department, head of the regional finance and investment department, deputy head of the Main Directorate of Economics, First Deputy Chairman of the Regional Planning Department, and Director of the Department. Between 2006-2007, he was First Deputy Head of the Administration of the Governor of the Perm Krai. In 2007-2008, he became Deputy Director of the Department of the Intergovernmental Relations of the Ministry of Regional Development of the Russian Federation. From JUN 2008 to OCT 2009, he was Director of the Department for Monitoring and Evaluating the Performance of Government agencies of the Subject of the Russian Federation in the Ministry of Regional Development of the Russian Federation.

From OCT 2009–DEC 2010, he was appointed Director of the Department of Public Administration, Regional Development and Local-Self Government of the Apparatus of the Government of the Russian Federation. From DEC 2010 to APR 2012, he was First Deputy

Chief of Staff of the Mayor and the Government of Moscow. Then from APR 2012-FEB 2017, he was Minister of the Government of Moscow, Head of the Department of Economic Policy, and City Development.

In FEB 2017, he was temporarily appointed, by President Putin, as acting Governor of Perm Krai, winning the election by SEP 2017. In DEC 2017 he joined the United Russia Party and in JAN 2020, he was appointed Minister of Economic Development of the Russian Federation in Mikhail Mishustin's Cabinet.

**Summary of Role(s):** As Minister of Economic Development, Maxim Reshetnikov is responsible for infrastructure development programs in Crimea and Sevastopol, most notably under the federal target program "Social and Economic Development of the Republic of Crimea and Sevastopol until 2022" which has been extended until 2025. He has made public statements outlining the plans and priorities of the government of the Russian Federation concerning the economic development of Crimea and Sevastopol.

**Organizational Membership:** United Russia. Member of the Supervisory Council of the VTB Bank, a State-owned bank and associated with Dmitriy Grigorenko, member of the Supervisory Council of VTB Bank.

**Incidents and Events of Note:** On 16 JUN 2023, Reshetnikov spoke in St. Petersburg about increased expenditures of the Russian government. Not wanting to raise taxes, Reshetnikov is more in favor of budget cuts amid Russia's \$42 billion deficit stating "will be discussing heavily...the budget rule. [...] We will ... come back to it because we cannot go further with the parameters we agreed a year, a year-and-a-half ago."

On 13 JUN 2023, Reshetnikov stated Russia's E-Visa program would be scheduled to launch on 15 JUL 2023 once "technical issues" are resolved. Though originally planned to launch in 2021, the E-Visa is designed for citizens in over 50 "friendly" countries to apply for a Russian visa online. The visas are good for a 16 day stay during a 60-day window, which travel experts believe will be used by individual tourists, unable to see Russia as the travel industry heavily severed relations following the invasion of Ukraine, and due to the increased liabilities of a company taking tourists to a nation at war with a bordering country.

On 11 MAY 2023, Reshetnikov was in the UAE at the Annual Investment Meeting in Dubai. There: he stated working with Middle East and North African countries is "one of Russia's foreign economic policy priorities" and supported "develop[ing] joint projects," and "independent foreign policy." He also advocated creating independent banking and financial systems to avoid Western sanctions for Russia and these "reliable partners for Russia."

On 17 MAR 2023, at the MITT International Tourism Exhibition in Moscow, Reshetnikov announced construction of the second line of the Bushehr Nuclear Power Plant, development of new oil fields, and upgrades to railway services were all underway. He stated “Last year a record trade turnover level was reached. It soared 2.5-fold over the past three years thanks to the work of the intergovernmental commission, as well as the development of partnership contacts between businesses. This cooperation was largely fueled by the implementation of the temporary agreement on free-trade zones between the Eurasian (Economic) Union and Iran. We plan to sign a full-fledged agreement.”

On 08 JUL 2022, Reshetnikov met with Iran’s Central Bank Governor to discuss joint investments, removing legal barriers to mutual trade, and expanding banking and monetary cooperation.

On 09 JUN 2022, Ukraine sanctioned Reshetnikov.

On 02 JUN 2022, the US sanctioned Reshetnikov.

On 06 APR 2022, Australia sanctioned Reshetnikov.

On 18 MAR 2022, New Zealand sanctioned Reshetnikov.

On 15 MAR 2022, the UK sanctioned Reshetnikov.

On 14 MAR 2022, Canada sanctioned Reshetnikov.

On 25 FEB 2022, the EU and Switzerland sanctioned Reshetnikov.

## LIX. IGOR SHCHEGOLEV

**Title(s):**

Presidential Plenipotentiary Envoy to the Central Federal District

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Igor Shchegolev (“Shchegolev”) was born on 10 NOV 1965 in Vinnitsa, Ukraine. In 1982, he attended the Moscow State Linguistic University and graduated in 1984. He then attended Leipzig University and graduated in 1988 as a philologist. After graduating, he joined the Telegraph Agency of the Soviet Union (now the Information Telegraph of Russia *aka* ITAR-TASS). From 1988 to 1993, Shchegolev served as the Editor of the European Department at the TASS/ITAR-TASS news agency. Between 1993 and 1997, he served as an ITAR-TASS correspondent in Paris. Upon his return to Russia in 1997, he served as the Editor-in-Chief of the European Department of ITAR-TASS and deputy director of the ITAR-TASS news service.

In 1998, he left ITAR-TASS to work in government. Initially, he served as deputy head of the government corps of press officers, then briefly as the press secretary for Yevgeniy Primakov, but returned to lead the press officer corps. In 2000, he was appointed to the post of press secretary for then-acting President Vladimir Putin. At the end of 2001, he became the head of Presidential Protocol, which involved coordinating presidential trips overseas and within Russia. In 2004, his duties expanded to be head of the Kremlin Protocol. He remained in this role until 12 MAY 2008, when he was appointed Minister of Communications and Mass Media, as part of Putin’s second cabinet.

**Summary of Role(s):** The role of a Plenipotentiary Representative is to oversee the work of federal agencies in the region. This role is viewed as extensive and of considerable consequence. In this role, Shchegolev serves as a liaison between the federal subjects and the federal government. He is also primarily responsible for overseeing the compliance of the federal

subjects with federal laws. The Central Federal District comprises the Central and Central Black Earth economic regions and eighteen federal subjects (Oblasts). As of the 2010 Census, 38,427,539 Russians live in the Central Federal District.

Shchegolev serves as the chief advisor to President Vladimir Putin on matters concerning the World Wide Web and cyberspace in Russia. He is heavily involved in domestic censorship efforts.

**Organizational Membership:** While it cannot be confirmed, it is assumed that Shchegolev is a member of the United Russia political party, given his relationship and close proximity to the de facto leader of that party, Vladimir Putin.

**Incidents and Events of Note:** On 07 SEP 2022, Ukraine sanctioned Shchegolev.

On 06 APR 2022, the US again sanctioned Shchegolev.

On 18 MAR 2022, New Zealand sanctioned Schegolev.

On 15 MAR 2022, the UK sanctioned Shchegolev.

On 04 MAR 2022, Switzerland sanctioned Shchegolev.

On 03 MAR 2022, Japan sanctioned Shchegolev.

On 25 FEB 2022, the EU, the US, and Australia sanctioned Shchegolev.

On 06 OCT 2014, Canada sanctioned Shchegolev.

**LX. VLADIMIR VASILYEVICH USTINOV**

**Title(s):**

Presidential Plenipotentiary Envoy to the Southern Federal District

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Vladimir Vasilyevich Ustinov (“Ustinov”) was born on 25 FEB 1953 in Nikolayevsk-on-Amur, Russian SFSR, USSR. From 17 MAY 2000 to 02 JUN 2006, he served as the Prosecutor General of Russia. He also held the post of Minister of Justice until 2008.

**Summary of Role(s):** The role of a Plenipotentiary Representative is to oversee the work of federal agencies in the region. This role is viewed as extensive and of considerable consequence. In this role, Ustinov serves as a liaison between the federal subjects and the federal government. He is also primarily responsible for overseeing the compliance of the federal subjects with federal laws. The Southern Federal District shares borders with Ukraine, the Azov Sea, and the Black Sea, as well as Kazakhstan and the Caspian Sea. As of the 2010 Census, 16,319,253 Russians live in the Southern Federal District.

While serving as a plenipotentiary representative, Ustinov also serves as a non-permanent member of the Security Council of the Russian Federation.

**Organizational Membership:** While it cannot be confirmed, it is assumed that Ustinov is a member of the United Russia political party, given his close ties with Vladimir Putin.

**Incidents and Events of Note:** On 02 FEB 2023, Ustinov accompanied Vladimir Putin where they both laid flowers on the tomb of Soviet Marshal Vasily Chuikov in commemoration of the 80<sup>th</sup> anniversary of the Battle of Stalingrad. Ustinov made no comments, but Putin falsely stated

“[u]nfortunately we see that the ideology of Nazism in its modern form and manifestation again directly threatens the security of our country.” Putin then hinted at nuclear warfare telling western nations, particularly Germany, that “We don't send our tanks to their borders, but we have the means to respond, and it won't end with the use of armored vehicles, everyone must understand that.”

On 28 SEP 2022, New Zealand sanctioned Ustinov.

On 07 SEP 2022 Ukraine sanctioned Ustinov.

On 08 APR 2022, Australia sanctioned Ustinov.

On 06 APR 2022, the US sanctioned Ustinov again.

On 15 MAR 2022, the UK and Canada sanctioned Ustinov.

On 25 FEB 2022, the US Treasury announced that it had imposed additional sanctions on Ustinov, in response to Russia's invasion of Ukraine.

On 06 APR 2018, Ustinov was sanctioned by the US, pursuant to E.O. 13661, for being an official of the Government of the Russian Federation.



## LXI. ALEKSANDR VLADIMIROVICH GUTSAN

**Title(s):**

Presidential Plenipotentiary Envoy to the Northwestern Federal District

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Aleksandr Vladimirovich Gutsan (“Gutsan”) was born on 06 JUN 1960 in Siversky, Russian SFSR, USSR. From 20 JAN 2005 to 13 APR 2007, he served as the Deputy Director of the Federal Bailiff Service. From 13 APR 2007 to 07 NOV 2018, he served as the Deputy Prosecutor General of Russia. Since 07 NOV 2018, he has served as the Plenipotentiary Representative of the President of the Russian Federation in the Northwestern Federal District. Additionally, since 19 NOV 2018, he has served as a member of the Security Council.

**Summary of Role(s):** The role of a Plenipotentiary Representative is to oversee the work of federal agencies in the region. This role is viewed as extensive and of considerable consequence. In this role, Gutsan serves as a liaison between the federal subjects and the federal government. He is also primarily responsible for overseeing the compliance of the federal subjects with federal laws. The Northwestern Federal District comprises the Northern, Northwestern, and Kaliningrad economic regions and eleven federal subjects. As of the 2010 Census, 13,616,057 Russians live in the Northwestern Federal District.

While serving as a plenipotentiary representative, Gutsan also serves as a non-permanent member of the Security Council of the Russian Federation.

Holds Directorships in the Federal Bailiff Service (Deputy Director) and the Directorate of the Prosecutor General’s Office of the Russian Federation in the North-West Federal District (Head).

**Organizational Membership:** While it cannot be confirmed, it is assumed that Gutsan is a member of the United Russia political party, given his close ties with Vladimir Putin.

**Incidents and Events of Note:** On 10 FEB 2023, Gutsan joined Vladimir Putin in an unannounced tour of a forest processing plant in the remote town of Oktyabrsky. The plant is owned by billionaire and Putin ally Vladimir Butorin.

On 07 SEP 2022 Ukraine sanctioned Gutsan.

On 06 APR 2022, the US sanctioned Gutsan.

On 24 MAR 2022, the UK sanctioned Gutsan.

On 18 MAR 2022, New Zealand sanctioned Gutsan.

On 28 FEB 2022, Canada sanctioned Gutsan.

On 25 FEB 2022, Australia sanctioned Gutsan.

## LXII. ANATOLY ANATOLYEVICH SERYSHEV

**Title(s):**

Presidential Plenipotentiary Envoy to the Siberian Federal District

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Anatoly Anatolyevich Seryshev (“Seryshev”) was born on 19 JUL 1965 in Koblyakovo, Russian SFSR, USSR. In 1988, he graduated from the Irkutsk Institute of National Economy with a degree in economics. In 1990, he graduated from the Higher Courses of the KGB of the Soviet Union with a degree in officer with higher specialized education. From 1988 to 2016, he served in the security agencies, though no further information about such service is available.

From 2011 to 2016, Seryshev held the position of Head of the Directorate of the Federal Security Service in the Republic of Karelia. From 2016 to 2018, he served as deputy director of the Federal Customs Service. On 13 JUN 2018, Seryshev was appointed Assistant to the President of Russia which he served until becoming the Plenipotentiary Representative in 2021. Also in JUN 2018, Seryshev was appointed as a Board Member on the Presidential Anti-Corruption Council of the Russian Federation, where he still sits.

On 12 OCT 2021, he was appointed as the 6th Plenipotentiary Representative in the Siberian Federal District.

**Summary of Role(s):** The role of a Plenipotentiary Representative is to oversee the work of federal agencies in the region. This role is viewed as extensive and of considerable consequence. In this role, Seryshev serves as a liaison between the federal subjects and the federal government. He is also primarily responsible for overseeing the compliance of the federal subjects with federal laws. The Siberian Federal District comprises the West Siberian (part) and East Siberian

economic regions and ten federal subjects. As of the 2010 Census, 17,178,298 Russians live in the Siberian Federal District.

While serving as a plenipotentiary representative, Seryshev also serves as a non-permanent member of the Security Council of the Russian Federation.

**Organizational Membership:** While it cannot be confirmed, it is assumed that Gutsan is a member of the United Russia political party, given his close ties with Vladimir Putin.

Holds Directorships in the Office of the Federal Security Service of the Russian Federation for the Republic of Karelia (Head) and the Presidential Anti-Corruption Council of the Russian Federation).

**Incidents and Events of Note:** On 07 SEP 2022, Ukraine sanctioned Seryshev.

On 06 APR 2022, the US sanctioned Seryshev.

On 24 MAR 2022, the UK sanctioned Seryshev.

On 18 MAR 2022, New Zealand sanctioned Seryshev.

On 28 FEB 2022, Canada sanctioned Seryshev.

On 25 FEB 2022, Australia sanctioned Seryshev.

### LXIII. NIKOLAY NIKOLAYEVICH TSUKANOV

**Title(s):**

*Former* Presidential Plenipotentiary Envoy to the Ural Federal District (26 JUN 2018 – 9 NOV 2020)

**Role(s):**

Official of the body responsible for aggression against Ukraine in Crimea.



**Biographical Summary:** Nikolay Nikolayevich Tsukanov (“Tsukanov”) was born on 22 MAR 1965 in Lipovo, Russian SFSR, USSR. Upon graduating from school in 1980, Tsukanov entered a local special professional technical college (SPTU) and obtained a specialist degree as an electrical welder. From 1983 to 1985, he served in the Soviet army in a space communications guard battalion stationed in Czechoslovakia.

After 1985, he began to gain prominence as a local Komsomol (All-Union Leninist Communist League) leader. In the 1990s, he became a relatively successful businessman. In 1999, he graduated from the Higher School of Privatization and Entrepreneurship with a specialization in law.

In 2005, Tsukanov was elected to the post of Mayor of Gusec. In 2009, he became the head of the Gusec municipal area. In MAR 2009, he became chairman of the Council of municipal formations of Kaliningrad Oblast. In 2010, he was elected secretary of the local political council of the United Russia party. On 28 SEP 2010, he became Governor of Kaliningrad Oblast. On 26 JUN 2018, Tsukanov replaced Igor Kholmanskikh as the presidential envoy to the Ural Federal District. On 09 NOV 2020, Vladimir Yakushev replaced Tsukanov as the presidential envoy to the Ural Federal District.

Tsukanov has been employed by Rostelecom, Russia’s largest digital services provider, serving as their Senior Vice President for digitalization of industry and forestry since 17 NOV 2020.

**Summary of Role(s):** The role of a Plenipotentiary Representative is to oversee the work of federal agencies in the region. This role is viewed as extensive and of considerable consequence. In this role, Tsukanov serves as a liaison between the federal subjects and the federal government. He is also primarily responsible for overseeing the compliance of the federal subjects with federal laws. The Ural Federal District comprises the Central (part) and West Siberian economic regions and six federal subjects. As of the 2010 Census, 12,080,526 Russians live in the Ural Federal District.

While serving as a plenipotentiary representative, Ustinov also serves as a non-permanent member of the Security Council of the Russian Federation.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** In 2022, Tsukanov was included in HR6846: The *Corruption, Overthrowing Rule of Law, and Ruining Ukraine: Putin's Trifecta Act* or *CORRUPT Act* requiring “the President to report to Congress, within 30 days of this bill's enactment, a determination as to whether specified Russian persons meet the criteria to be subject to sanctions under laws that authorize sanctions relating to corruption or human rights violations.”

The CORRUPT Act passed the House on 20 SEP 2022 and was sent to the Senate, but no action was taken before the end of the 117<sup>th</sup> Congress.

#### LXIV. IGOR ANATOLYEVICH KOMAROV

**Title(s):**

Presidential Plenipotentiary Envoy to the Volga Federal District

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Igor Anatolyevich Komarov (“Komarov”) was born on 25 MAY 1964 in Engels, Russia. Komarov is a Russian industrialist, financier, and manager. He graduated from the Moscow State University in 1986 with a specialty in Economics.

From 1992 to 2002 he worked in credit and financial institutions in executive positions. He was Deputy General Director of OJSC Mining and Metallurgical Company Norilsk Nickel for Economics and Finance from 2002 to 2008. On 01 OCT 2009 Komarov was elected Chairman of the Board of Directors of ZAO GM-AVTOVAZ. On 16 OCT 2013 Komarov resigned as president of JSC AVTOVAZ and on 23 OCT 2013 by the order of then-Prime Minister Dmitry Medvedev was appointed deputy head of the Federal Space Agency.

In MAR 2014, the government appointed the head of the United Rocket and Space Corporation. On 24 MAY 2018, Komarov was dismissed from office as the General Director of Roscosmos State Corporation.

Since 07 SEP 2018 Komarov has been the Presidential Plenipotentiary Envoy to the Volga Federal District. In NOV 2018, he became a Member of the Presidential Council for Strategic Development and National Projects.

**Summary of Role(s):** The role of a Plenipotentiary Representative is to oversee the work of federal agencies in the region. This role is viewed as extensive and of considerable consequence. Komarov serves as a liaison between the Russian Federation and its subjects in the Volga Federal District.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** On 21-22 FEB 2023, Komarov and Special Representative of the Chinese Government on Eurasian Affairs Li Hui helped lead the 8<sup>th</sup> China-Russia Yangtze and Volga Rivers Youth Forum. This was held principally, if not exclusively, online. Komarov stated “[i]n recent years, we have deepened economic, trade, and technological cooperation with our Chinese partners and established the Sino-Russian University Alliance of the Upper and Middle Reaches of the Yangtze River and the Federal District along Volga River,” and “[t]he forum is a good opportunity to exchange experiences and ideas and to understand the cultural traditions and development achievements of the two countries.”

On 07 SEP 2022, Ukraine sanctioned Komarov.

On 06 APR 2022, the US sanctioned Komarov.

On 24 MAR 2022, the UK sanctioned Komarov.

On 18 MAR 2022, New Zealand sanctioned Komarov.

On 28 FEB 2022, Canada sanctioned Komarov.

On 25 FEB 2022, Australia sanctioned Komarov.



## LXV. YURY YAKOVLEVICH CHAIKA/CHAYKA

### Title(s):

Presidential Plenipotentiary Envoy to the North Caucasian Federal District (2020 – PRES)  
Prosecutor General of Russia (2006 – 2020)  
Minister of Justice (1999 – 2006)

### Role(s):

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Yury Yavoklevich Chaika (“Chaika”) was born 21 May 1951 in Nikolayevsk-on-Amur, Russian SFSR, USSR. Chaika is a Russian lawyer and politician, Presidential Envoy to the North Caucasian Federal District since 2020. Previously he served as Prosecutor General of Russia from 2006 to 2020 and Minister of Justice from 1999 to 2006.

Chaika began his career as an electrician working in a shipyard. After serving in the army, Chaika graduated from Sverdlovsk Institute of Law in 1976 and began work at Irkutsk Oblast Prosecutor’s Office where he served as an investigator and a deputy district prosecutor. In 1983, he became head of the investigations at the East Siberian Transport Prosecutor’s Office. From 1984 to 1992, Chaika worked in various positions for the Irkutsk Oblast Prosecutor's Office, the regional Communist Party, and the East Siberian Transport Prosecutor’s Office. In 1992, he was appointed Irkutsk Oblast prosecutor.

In 1995, he became the first deputy Russian prosecutor general. He was appointed by then Prosecutor General, his former classmate from Sverdlovsk Institute of Law. Chaika served as acting prosecutor general for a brief spell between APR and AUG 1999. From AUG 1999 to JUN 2006, he served as justice minister. On 23 JUN 2006, Chaika became Russian Prosecutor General, effectively swapping jobs with his predecessor who took up the post of justice minister.

In MAR 2017, Chaika served a key role as the Prosecutor General in the Russia's successful attempt to ban the practice of religion for Jehovah's Witnesses, which the Supreme Court of Russia upheld in APR 2017. Following this, Chaika headed the Russian state's prosecuting of Jehovah's Witnesses.

On 22 JAN 2020 he was appointed Presidential Plenipotentiary Envoy to North Caucasus Federal District after resigning from his previous post.

His son is Arytom/Artem Chaika, who on 14 OCT 2022 was appointed by Head of the Chechen Republic Ramzan Kadyrov as his advisor for humanitarian, social, and economic matters. According to Kadyrov, Chaika will coordinate the work of public organizations "within a framework of humanitarian and socio-economic projects involving the Chechen Republic."

**Summary of Role(s):** The role of a Plenipotentiary Representative is to oversee the work of federal agencies in the region. This role is viewed as extensive and of considerable consequence. Chaika serves as a liaison between the Russian Federation and its subjects in the North Caucasian Federal District.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 07 OCT 2022, Japan sanctioned Chaika.

On 29 JUL 2022, Switzerland sanctioned Chaika.

On 21 JUL 2022, the EU sanctioned Chaika.

On 06 APR 2022, the US sanctioned Chaika.

In APR 2022, Chaika gave state medals to service members who stood out during the alleged "special operation to de-nazify Ukraine."

On 18 MAR 2022, New Zealand sanctioned Chaika.

On 17 MAR 2022, he defended Russia's war on Ukraine and claimed that Ukrainian authorities had carried out genocide in Ukraine during a meeting with refugees from the so-called Donetsk People's Republic.

On 15 MAR 2022, the UK sanctioned Chaika.

On 28 FEB 2022, Canada sanctioned Chaika.

On 25 FEB 2022, Australia sanctioned Chaika.

On 21 JAN 2022, Ukraine sanctioned Chaika.

In MAR 2017, Chaika served a key role as the Prosecutor General in the Russia's successful attempt to ban the practice of religion for Jehovah's Witnesses, which the Supreme Court of Russia upheld in APR 2017. Following this, Chaika headed the Russian state's prosecuting of Jehovah's Witnesses. Since 2017, Jehovah's Witnesses have been subjected to lengthy prison sentences (often around seven or eight years) for merely practicing their religion. According to the US Commission on International Religious Freedom, since being classified as an "extremist" organization: "law enforcement authorities across Russia have made it a regular practice to raid, detain, and arrest Jehovah's Witnesses on 'extremism' charges directly related to their peaceful religious activities." The European Association of Jehovah's Witnesses estimates that as of MAR 2021: between 5,000 and 10,000 Jehovah's Witnesses have fled Russia fearing religious persecution. The routine arrests by police, prosecutions by the state, and convictions by the judiciary against Jehovah's Witnesses continue in Russia to this day.

On 01 DEC 2015, Alexei Navalany's Anti-Corruption Foundation released the results of a lengthy investigation about Chaika and his family. Accompanied with a 43-minute documentary entitled Chaika, the investigation and documentary detail alleged corruption by Chaika and his family members for personal gain as well as allegation surrounding connections with organized crime and criminal enterprises. Chaika denies these allegations.

## LXVI. IGOR VIKTOROVICH KRASNOV

**Title(s):**

Prosecutor/Attorney General

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Igor Viktorovich Krasnov (“Krasnov”) was born on 24 DEC 1975 in Arkhangelsk. Krasnov was a member of the Lenin Komsomol, a communist youth organization. Krasnov began his service as an investigator in the Kholmogorsky district of the Arkhangelsk region. He graduated from the Law Faculty of Pomor State University.

He started serving in the prosecutor's office in 1997. From 2006 to 2007, Krasnov was an investigator of the central office of the General Prosecutor's Office. In 2007, he joined the Investigative Committee at the prosecutor's office of the Russian Federation. In 2011, he was appointed senior investigator for important cases of the Investigative Committee of the Russian Federation.

On 30 APR 2016, Krasnov was appointed Deputy Chairman of the Investigative Committee of the Russian Federation by Alexander Bastrykin. On 20 JAN 2020, Russian President Vladimir Putin proposed that the Federation Council approve Krasnov as the Prosecutor General of Russia.

Krasnov has the rank of Lieutenant General of Justice as well as the rank of Actual State Counselor of Justice, which is the highest-class rank in the prosecutor's office. Krasnov is also a member of the Security Council of Russia.

**Summary of Role(s):** The Prosecutor General of Russia heads the system of official prosecution in known courts and heads the Office of the Prosecutor General of the Russian Federation. The Prosecutor General is the most powerful component of the Russian judicial system.

The Office of the Prosecutor General of Russia prosecutes in court on behalf of the State and represents the interests of a citizen or of the State in court in cases determined by law. The Office of the Prosecutor General of Russia also supervises the observance of laws by bodies that conduct detective and search activity, inquiry, and pretrial investigation. Furthermore, the Office of the Prosecutor General supervises the observance of laws in the execution of judicial decisions in criminal cases and is also entrusted in the application of other measures of coercion related to the restraint of personal liberty of citizens.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 13 JUL 2023, Krasnov was in Beijing to meet with Chen Wenqing of the Political Bureau of the Communist Party of China (CPC) Central Committee and head of the Commission for Political and Legal Affairs of the CPC Central Committee to discuss Chinese-Russian relations. Principally, the two were focused on making developments in law enforcement and judicial cooperation between the two nations. This also included stating, without evidence, that “NATO countries made significant efforts to destabilize international law enforcement cooperation and undermine the institutions of international criminal investigation, extradition and mutual legal assistance.”

On 23 JUN 2023, it is believed that Kamran informed Vladimir Putin about the creation of a criminal case for Yevgeny Prigozhin of the Wagner Group surrounding the armed mutiny of the Wagner Group that began the same day and concluded on 24 JUN 2023.

On 15 JUN 2023, Kamran hosted a trilateral meeting with his Azerbaijani and Armenian counterparts. They mainly discussed coordination between the countries regarding police powers, soldier safety, and civilian protection from areas heavily affected by land mines.

On 14 JUN 2023, Kamran hosted his Vietnamese counterpart: Prosecutor General of the Supreme People’s Procuracy Le Minh Tri in Moscow. There, the two signed a cooperation agreement, which according to Vietnam+/VietnamPlus is “to create a foundation for the further development of partnership between the two procuracy sectors in a practical and effective manner.”

On 16 MAR 2023, the Supreme Court of the Russian Federation granted a motion by Krasnov to recognize the Freedom of Russia Legion as a terrorist organization. The Freedom of Russia Legion is a pro-Ukrainian volunteer legion, consisting of defecting Russians and Belarusians:

both from the armed forces and civilians. Though already illegal in Russia (in JAN 2023, 22-year-old Kirill Belousov of the Saratov region, was sentenced to 5 years of hard labor for trying to join the Freedom of Russia Legion), it is now punishable with up to 20 years imprisonment.

On 31 JAN 2023, a video was released of Krasnov telling Putin about failures in mobilization during the Russian invasion. These included 9,000 troops who were improperly mobilized due to their health having to be returned home, soldiers who were not paid, and some lacking basic equipment like bulletproof vests. The video was quickly retweeted by Ukrainian officials.

On 30 SEP 2022, Australia sanctioned Krasnov.

On 28 SEP 2022, New Zealand sanctioned Krasnov.

On 07 SEP 2022, Ukraine sanctioned Krasnov.

On 08 AUG 2022, Krasnov announced the removal of 138,000 websites which he explained were sources of “fake news” which included information about the Kremlin and the invasion of Ukraine.

On 21 MAR 2022, Canada sanctioned Krasnov.

On 15 MAR 2022, the UK sanctioned Krasnov.

On 03 MAR 2022, Japan sanctioned Krasnov.

On 25 FEB 2022, the US again sanctioned Krasnov.

On 02 MAR 2021, the EU and US sanctioned Krasnov for the sentencing of the Russian opposition leader, Alexey Navalny.

**LXVII. DENIS VALENTINOVICH MANTUROV**

**Title(s):**

Deputy Prime Minister for Defense and Space Industry (JUL 2022 – PRES)  
Minister for Trade and Industry of the Russian Federation (FEB 2012 – PRES)

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.



**Biographical Summary:** Denis Valentinovich Manturov (“Manturov”) was born 23 FEB 1969 in Murmansk, Russia. Manturov graduated from the State Moscow University in 1999 and graduated in 2006 from Russian State Academy for State Service under the President of Russia.

Manturov started his career in politics as Deputy Director General of Ulan-Ude Aviation Plant in 1998 and in 2000 he became Commercial Director of The Mil Moscow Helicopter Plant. In 2001 Manturov became Deputy Chairman of Federal State Investments Corporation and later in 2003 he became Director General of United Industry Corporation, Oboronprom.

In 2007 Manturov started as Deputy Minister of Industry and Energy of the Russian Federation. In 2008, Manturov assumed the role of Deputy Minister of Industry and Trade of Russia. In 2012, Manturov was appointed as acting Minister of Industry and Trade in FEB and was re-approved in JUL.

In JUL 2022, Mansurov replaced Yury Borisov as Deputy Prime Minister.

**Summary of Role(s):** Official of the body responsible for ongoing war in Ukraine.

**Organizational Membership:** Board Member of United Aircraft Corporation of Russia.

**Incidents and Events of Note:** On 09 JUN 2023, Manturov nearly avoided being killed after he visited the town of Henichesk in the occupied region of Kherson. Manturov was there to inspect trade facilities and meet with the new governor, Vladimir Slado, who had just been installed by the Russian government. Just minutes after leaving, the area was hit by British Storm Shadow missiles launched by the Ukrainian military.

On 18 APR 2023, Manturov was in India for Eurasian Economic Commission. Speaking at India-Russia Business Dialogue, to encourage a Rupee-Rouble mechanism to settle dues in place of US dollars or Euros. He also sought preferred loans for Russian importers of Indian goods, Manturov also advocated for “the development of transport and logistics infrastructure as one of the most important tasks,” and expanding “direct air connectivity...a necessary condition for regular exchange of business delegations, an increase of mutual tourist flow.”

On 16 MAR 2023, Manturov stated Russia may confiscate Japanese assets at a Toyota manufacturing plant in Saint Petersburg and then transfer them to the Russian state entity NAMI in response to sanctions by the Japanese government. Vehicle production at the plant has been suspended since MAR 2022.

On 24 FEB 2023, Australia and New Zealand sanctioned Manturov.

On 26 JAN 2023, the US sanctioned Manturov.

On 12 JAN 2023, an irate Putin harshly reprimanded Manturov at a meeting for delays in ordering military aircrafts. Putin stated at separate times, “[w]hat are you fooling around for? When will the contracts be signed?”, along with “[t]hese 700 aircraft, including helicopters...you need to sort this out with the defense ministry...several enterprises still haven't received any orders”, and “[n]o, do it within a month. Don't you understand the situation we're in? It needs to be done in a month, no later.”

On 30 NOV 2022, the UK sanctioned Manturov.

On 07 NOV 2022, Manturov and Lavrov met with the Minister of External Affairs of India, S. Jaishankar.

On 28 OCT 2022, Canada sanctioned Manturov.

In JUL 2022, Manturov replaced Yury Borisov as Deputy Prime Minister.

On 09 JUN 2022, Ukraine sanctioned Manturov.



**LXVIII. ALEKSANDR/ALEKSANDER VYACHESLAVOVICH KURENKOV**

**Title(s):**

Minister of Emergency Situations (25 MAY 2022 – PRES)

**Role(s):**

Official of the body responsible for ongoing war in Ukraine.

Member of the so-called ‘People’s Council’ of the so-called ‘Donetsk People’s Republic’.



**Biographical Summary:** Aleksandr Vyacheslavovich Kurenkov (“Kurenkov”) was born 02 JUN 1972 in Moscow Oblast. In 1995, he began working as a physical culture teacher at Moscow School No. 312 while also studying at the Moscow State Academy of Physical Culture, where he graduated in 1998. He ended his teaching career in 1999 to join the Federal Security Service, where he held several posts until 2002, when he transferred to the Federal Protective Service.

He graduated from the Moscow Psychological-Social Institute in 2004. Kurenkov worked as a Federal Protective Service officer on the protective detail of then-Russian Prime Minister Viktor Zubkov between 2007 and 2008, with Zubkov later becoming Putin’s first deputy chairman. Kurenkov, according to Ministry of Emergency Situations sources, became a “Putin adjutant” in 2015.

On 25 MAY 2022, Kurenkov was appointed Minister of Emergency Situations, replacing Aleksandr Chupriyan.

**Summary of Role(s):** Official of the body responsible for ongoing war in Ukraine. Member of the so-called ‘People’s Council’ of the so-called ‘Donetsk People’s Republic’.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:**

On 21 JUN 2023, Kurenkov confirmed that 41 had died and 121 hospitalized after the 06 JUN 2023 breach of the Kakhovka Dam in Kherson Oblast, Ukraine. Kurenkov also added that over 8,000 people were displaced. As of 14 JUL, at least 58 people were killed, with as many as 31 others unaccounted for. The cause of the breach is still unknown, but most experts in the intelligence community suspect the Russian military was the cause.

On 24 FEB 2023, the US, New Zealand, and Australia sanctioned Kurenkov.

On 06 FEB 2023, following the destructive 7.7 magnitude earthquake in Turkey, Kurenkov said they had 100 search and rescue personnel on standby ready to be sent by two II-76 planes to Turkey as “Russia is always ready to help a friendly state whose citizens find themselves in a difficult situation.”

On 21 DEC 2022, Switzerland sanctioned Kurenkov.

On 19 OCT 2022, Ukraine sanctioned Kurenkov alongside other Russian officials because of their involvement in Russia’s invasion of Ukraine.

On 25 MAY 2022, Kurenkov was appointed Minister of Emergency Situations, replacing Aleksandr Chupriyan.

On 26 APR 2022, Canada sanctioned Kurenkov alongside other Russian officials because of their involvement in Russia’s invasion of Ukraine.

On 08 APR 2022, the EU sanctioned Kurenkov for having supported and implemented actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilized Ukraine.

## LXIX. MIKHAIL YEVGENYEVICH/EVGENIEVICH MIZINTSEV

### Title(s):

Deputy Commander of the Wagner Group (MAY 2023 – PRES)

Deputy Minister of Defense (SEP 2022 – APR 2023)

Head of the National Defense Control Center at the General Staff of the Russian Armed Forces  
(DEC 2014 – SEP 2022)

### Role(s):

Official of the body responsible for the ongoing war in Ukraine. Mizintsev led the siege of the Ukrainian Sea of Azov port of Mariupol and is known as the “Butcher of Mariupol.”



**Biographical Summary:** Mikhail Yevgenyevich Mizintsev (“Mizintsev”) was born 10 SEP 1962 in Averinskaya. Mizintsev started his military career in the Soviet Union in 1980 and continued to serve in the Russian Ground Forces after the Soviet Union disbanded.

Mizintsev allegedly orchestrated bombing campaigns during the Russian military intervention in the Syrian civil war, including at the Battle of Aleppo. He was accused of arranging a brutal bombing campaign that annihilated Aleppo.

During Russia’s invasion of Ukraine, Mizintsev commanded soldiers during the Siege of Mariupol, where he became known as the “butcher of Mariupol.”

On 24 SEP 2022, Mizintsev was appointed Deputy Minister of Defense, replacing Dmitry Bulgakov. Mizintsev holds the rank of colonel general. Mizintsev was previously head of the National Defense Control Center of Russia. Mizintsev himself was replaced on 30 APR 2023, by Alexey Kuzmenkov.

On 04 MAY 2023, Mizintsev became the Deputy Commander of the Wagner Group, serving under Yevgeny Prigozhin.

On 13 JUL 2023, Mizinstev was confirmed to have been detained by Russian security services.

**Summary of Role(s):** Official of the body responsible for ongoing war in Ukraine. Mizintsev, now Deputy Minister of Defense, was previously head of the National Defense Control Center of Russia. Mizintsev led the siege of the Ukrainian Sea of Azov port of Mariupol and is known as the “butcher of Mariupol.”

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 13 JUL 2023, both the Wall Street Journal and Moscow Times confirmed that Mizintsev was one of at least 13 senior military officers who were detained by Russian security services following the failed Wagner Group mutiny.

While the exact details of what (if any) role Mizintsev played in the Wagner Group’s failed mutiny under Yevgeny Prigozhin on 23 and 24 JUN 2023, Mizinstev has long been a key ally of Prigozhin leading up to the attempt. For example, Prigozhin had previously stated openly that he thought Mizinstev should have replaced Shoigu as defense minister. According to the Carnegie Endowment for International Peace: that at least being fired on 30 APR 2023, Mizinstev “has retained his influence among those officers who rose up through the ranks under his command, and it’s possible that Mizintsev’s reputation among those officers played a role in Wagner’s ability to occupy the Rostov military headquarters without any bloodshed.” In turn, this would mean “that the main group that Prigozhin was counting on to remain neutral or offer silent support was senior officers who made their careers under the reforms enacted by Serdyukov and Makarov. Interestingly, the establishment of Wagner and Prigozhin’s appointment as its head also date back to this time.”

On 04 MAY 2023, Mizintsev became the Deputy Commander of the Wagner Group, serving under Yevgeny Prigozhin.

On 30 APR 2023, Mizintsev was replaced as Deputy Minister of Defense for logistics by Alexey Kuzmenkov.

On 27 JAN 2023, Japan sanctioned Mizintsev.

On 01 NOV 2022, New Zealand sanctioned Mizintsev.

On 24 SEP 2022, Mizintsev was appointed Deputy Minister of Defense, replacing Dmitry Bulgakov.

On 19 OCT 2022, Ukraine sanctioned Mizintsev.

On 10 JUN 2022, Switzerland sanctioned Mizintsev.

On 03 JUN 2022, the EU sanctioned Mizintsev.

On 06 APR 2022, Australia sanctioned Mizintsev.

On 31 MAR 2022, the UK sanctioned Mizintsev.

On 14 MAR 2022, Canada sanctioned Mizintsev.

## LXX. AZATBEK ASANBEKOVICH OMURBEKOV

### **Title(s):**

Commander of the 64th Separate Motor Rifle Brigade (2020 – MAY 2022)

### **Role(s):**

Official of the body responsible for ongoing war in Ukraine. Omurbekov led the 64th Brigade in the siege of the Battle of Bucha and is known as the “Butcher of Bucha.”



**Biographical Summary:** Azatbek Asanbekovich Omurbekov (“Omurbekov”) was born on 17 SEP 1983 in Jaynak, Kashka-Suu, Aksy District, Jalal-Abad Region, Kyrgyz SSR, USSR. Neftekamsk. Omurbekov comes from a long line of military veterans. His father: Col. Asan Omurbekov, served in the military his entire life, including guarding the Kyrgyz border for nearly 10 years. His brother, Askarbek Omurbekov, is reportedly lieutenant colonel in the Russian FSB. Beyond this, little is known of Omurbekov’s life or education before 2014.

Omurbekov was previously in Ukraine when he led troops in the Crimean Peninsula in 2014. For his efforts, he was decorated with an award for outstanding military service from the then-Deputy Defense Minister of Russia: Dmitry Bulgakov.

Omurbekov was ordered by Aleksandr Chaiko to deploy to Belarus in JAN 2022 in preparation for the invasion the following month.

In the first weeks of Russia’s invasion, Omurbekov led an offensive on Bucha and Borodyanka. He was nicknamed “the butcher of Bucha” after his troops detained, looted, sexually assaulted, raped, tortured, mutilated, and murdered Ukrainian civilians during the Battle of Bucha from 27 FEB to 31 MAR 2022.

War crimes under Omurbekov's direction are too multitudinous to be captured here. However, many soldiers including Daniil Frokin have confessed to killing civilians at Omurbekov and Lt. Colonel Andrey Prokurat's direct orders. (Frokin himself received a suspended sentence by a Russian court for murdering civilians.) Additionally, soldier Nikita Chibrin detailed the disregard for civilians. This included the order to kill any civilian with a cell phone and said his former 64<sup>th</sup> Brigade would "run away, then I found out they were rapists. They raped a mother and her daughter. The alleged rapists were beaten by the commanders. However, these soldiers were never fully punished for their crimes. They were never jailed. They were just fired." Furthermore, Ukrainian reporter Evgeny Spirin described how "[s]ome of the killed children had their arms tied up. Children.... They were tying up children. There were shot dogs. Killed women. Girls younger than ten with their vaginas torn apart.."

In APR 2022, Omurbekov was promoted from Lieutenant Colonel to Colonel. Likely as a reward for his massacres in Bucha.

In MAY 2022, Omurbekov was replaced as the 64th Brigade's commander by Acting Commander Lt. Colonel Vasilij Shcherbakov. Omurbekov was redeployed to the Battle of Donbas.

On or around 03 JUL 2022, President of Russia Vladimir Putin awarded Omurbekov the title of "Hero of the Russian Federation", Russia's highest award, in a secret ceremony.

Omurbekov does not appear to have played a major, active role in Russian military operations following the Bucha massacres.

**Summary of Role(s):** Official of the body responsible for ongoing war in Ukraine. Omurbekov led the 64th Brigade in the siege of the Battle of Bucha and is known as the "Butcher of Bucha."

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 09 MAY 2023, despite having maintained a low profile following the massacres Omurbekov directed in the Bucha massacre, Omurbekov made a rare public appearance: riding a tank in a Victory Day parade.

On 24 FEB 2023, Australia sanctioned Omurbekov.

On 01 NOV 2022, New Zealand sanctioned Omurbekov.

On 19 OCT 2022, Ukraine sanctioned Omurbekov.

On 05 JUL 2022, Japan sanctioned Omurbekov.

By 03 JUL 2022, Omurbekov had been awarded by Vladimir Putin with the title of “Hero of the Russian Federation,” Russia's highest award, in a secret ceremony.

On 28 JUN 2022, the US sanctioned Omurbekov along with the entire 64th Brigade for having “killed numerous civilians, detained civilians, beat detained civilians, conducted mock executions of civilians, dismembered civilians including removing parts of their scalps and removing their limbs, burned civilians, and seized and damaged civilian homes and property” across Bucha.

On 10 JUN 2022, Switzerland sanctioned Omurbekov.

On 03 JUN 2022, the EU sanctioned Omurbekov citing his “direct responsibility in killings, rapes and torture in Bucha.”

On 06 MAY 2022, Canada sanctioned Omurbekov.

In MAY 2022, Omurbekov was replaced by Acting Commander Lt. Colonel Vasiliy Shcherbakov as the commander of the 64th Brigade. According to the Institute for the Study of War: the 64th Separate Motor Rifle Brigade has likely been, or if not already: will be, destroyed. They say this is “part of an intentional Kremlin effort to conceal war crimes it committed in Kyiv Oblast.”

On 21 APR 2022, the UK sanctioned Omurbekov.

In MAR 2022, Omurbekov was key figure in the Bucha massacre. Due to the vastness and extent of the numerous tragedies of the Bucha massacre: please see “MAR 2022 Invasion of Bucha” under the Most Egregious Crimes Index for a thorough and detailed investigation of related war crimes in Bucha.



## LXXI. ALEKSANDR VLADIMIROVICH DVORNIKOV

### **Title(s):**

*Former* Commander in Chief of the Southern Military District (2016 – JAN 2023)

*Former* Commander of Russian forces in Ukraine (APR – JUN 2022)

### **Role(s):**

Top official responsible for one of the five military districts in Russia.

*Former* Top official responsible for all Russian forces in Ukraine.



**Biographical Summary:** Aleksandr Vladimirovich Dvornikov (“Dvornikov”) was born on the 22 AUG 1961 in Ussuriysk, Primorskiy Krai, Russia. Dvornikov graduated from the Ussuriysk Suvorov Military School in 1978 and joined the Soviet Army. Dvornikov also attended the Moscow High Command Training School until graduating in 1982. From 1982, he served in the Far Eastern Military District as a platoon and then company commander, and as a battalion chief of staff. In 1991, Dvornikov graduated from the Frunze Military Academy. Dvornikov became a deputy battalion commander in the Western Group of Forces.

Between 1992 and 1994, Dvornikov commanded the 154th Separate Motor Rifle Battalion of the 6th Separate Guards Motor Rifle Brigade. In 1995, he became chief of staff and deputy commander of the 10th Guards Tank Division's 248th Motor Rifle Regiment. Dvornikov became regimental commander in 1996.

In 1997, he transferred to command the 1st Guards Motor Rifle Regiment of the 2nd Guards Tamanskaya Motor Rifle Division in the Moscow Military District. Between 2000 and 2003 he was chief of staff and then commander of the 19th Motor Rifle Division in the North Caucasus Military District.

In 2005, Dvornikov became deputy commander and chief of staff of the 36th Army in the Siberian Military District. In 2008, he took command of the 5th Red Banner Army. Dvornikov became deputy commander of the Eastern Military District in 2011. From MAY 2012 to JUN 2016, he served as chief of staff and first deputy commander of the Central Military District. Between NOV and DEC 2012, he was acting commander of the district.

On 13 DEC 2012, Dvornikov became a lieutenant general. On 13 DEC 2014, Dvornikov was promoted to colonel general.

In SEP 2015, Dvornikov became the first commander of the Russian Armed Forces in Syria during the Russian military intervention in Syria. Dvornikov is known as the “Butcher of Syria.”

In JUL 2016, Dvornikov became the Southern Military District’s acting commander and was confirmed to the position on 20 SEP 2016. The Southern Military District is one of the five military districts in Russia. It is the smallest military district in Russia by geographic size. The Southern Military District allegedly includes Ukraine’s Crimea and Sevastopol.

On 23 JUN 2020, Dvornikov was promoted to the rank of army general.

In APR 2022, Dvornikov was appointed the Commander of Russian forces in Ukraine. In JUN 2022, Dvornikov was replaced by Gennady Zhidko.

On 23 JAN 2023, Dvorkikov was replaced as the Commander of the Southern District by Colonel General Sergei Kuzovlev.

**Summary of Role(s):** Top official responsible for one of the five military districts in Russia. Former top official responsible for all Russian forces in Ukraine. Responsible for the actions of the Black Sea Fleet and other military forces of the Russian Federation against Ukraine on 25 NOV 2018 which prevented access by Ukrainian vessels to their coast on the Sea of Azov.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 23 JAN 2023, Dvorkikov was replaced as the Commander of the Southern District by Colonel General Sergei Kuzovlev.

On 01 NOV 2022, New Zealand sanctioned Dvornikov.

On 19 OCT 2022, Ukraine sanctioned Dvornikov.

In JUN 2022, Dvornikov was replaced by Gennady Zhidko.

On 10 MAY 2022, Japan sanctioned Dvornikov.

In APR 2022, Dvornikov was appointed the Commander of Russian forces in Ukraine.

On 12 MAR 2022, the EU sanctioned Dvornikov.

On 16 MAR 2022, Switzerland sanctioned Dvornikov.

On 08 APR 2021, Australia sanctioned Dvornikov.

On 31 DEC 2020, the UK sanctioned Dvornikov.

On 15 MAR 2019, Canada sanctioned Dvornikov.

In MAR 2019, the EU sanctioned Dvorkikov due to his role in the Kerch Strait incident.

**LXXII. VIKTOR NIKOLAYEVICH SOKOLOV**

**Title(s):**

Commander in Chief of the Black Sea Fleet (AUG 2022 – PRES)

**Role(s):**

Commands the entirety of the Black Sea Fleet of the Russian Navy—the fleet positioned in the Black Sea within the territorial waters of Ukraine.



**Biographical Summary:** Viktor Nikolayevich Sokolov (“Sokolov”) was born 04 APR 1962. He graduated from the M.V. Frunze Higher Naval School in Leningrad on 30 JUN 1985. He was sent to serve in the Pacific Fleet where he rose from the position of commander of the mine-torpedo warfare department aboard a ship, to eventually command a minesweeper. Sokolov was then appointed chief of staff of the 187th division of minesweepers from SEP 1993 until SEP 1994, and then as commander of the 81st division of minesweepers of the Pacific Fleet, from SEP 1994 until AUG 1995. On 30 JUL 1998, he graduated from the N. G. Kuznetsov Naval Academy.

In 1998 Sokolov became head of the operational management department at the Pacific Fleet's headquarters, followed by chief of staff and then commander of a brigade of surface ships. He took the advanced courses at the Military Academy of the General Staff of the Armed Forces, and on graduating in 2006, became deputy commander, and then commander, of the Primorsky Flotilla. In 2012 he moved to the Northern Fleet and took command of the Kola Flotilla.

Sokolov returned to the Pacific Fleet as head of the operational management department of the fleet's headquarters until JUN 2000, after which he became chief of staff of the Primorsky Flotilla's 165th brigade of surface ships, and then the brigade's commander from SEP 2002 until SEP 2004. Sokolov was then once more on secondment for training purposes, studying at the

Military Academy of the General Staff of the Armed Forces from SEP 2004 until JUL 2006, before again returning to the Pacific Fleet, this time in the post of deputy commander of the Primorsky Flotilla from AUG that year. In AUG 2010 he was advanced to commander of the Flotilla, holding the post until SEP 2012, when he was moved to the Northern Fleet to take command of the Kola Flotilla. In AUG 2013 he was appointed deputy commander of the Northern Fleet.

In mid-2016 Sokolov was assigned to command a detachment of the Northern Fleet, based around the aircraft carrier Admiral Kuznetsov and the battlecruiser Pyotr Velikiy, for operations off the coast of Syria during the Russian intervention there.

Sokolov served as deputy commander of the Northern Fleet for almost seven years, before being appointed head of the N. G. Kuznetsov Naval Academy on 17 JAN 2020.

On 17 AUG 2022, Sokolov was appointed Russian Black Sea Fleet commander, replacing Igor Osipov.

On 25 MAY 2023, the Security Service of Ukraine publicly announced and notified Sokolov that his ordering of the shelling of Ukrainian energy facilities (which caused the deaths of at least four civilians), evidence points to his violation of numerous laws under the Criminal Code of Ukraine. If charged and convicted, Sokolov faces a maximum punishment of life imprisonment for his actions.

**Summary of Role(s):** Commands the entirety of the Black Sea Fleet of the Russian Navy—the fleet positioned in the Black Sea within the territorial waters of Ukraine.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** In JUN 2023, Sokolov acknowledged that as Russian military bases on the Crimean Peninsula have come under attack on a regular basis, especially by naval drones in the Black Sea Fleet stationed in Sevastopol, the Russian military has had to tighten defenses there. This also comes at a time where, according to British intelligence, Russia has ramped up its usage of trained dolphins and other marine animals to help protect at-risk areas like Sevastopol.

On 25 MAY 2023, the Press Services of the Security Service of Ukraine (SSU) announced that the SSU had evidence to prove since at least 10 AUG 2022 Sokolov had personally given orders approving regular combat launches of 3M14 Caliber cruise missiles into Ukraine. These missiles have been principally targeted at Ukrainian energy facilities, but geographically occurred all across Ukraine. As a result, at least four civilians were killed and another forty were injured according to the SSU.

Sokolov was informed by investigators that as a result of the shelling, he was suspected of violating several articles of the Criminal Code of Ukraine. This includes Art. 28 (pt. 2) with Art. 438 (pt. 1) and Part 2 of Art. 28 (pt. 2) with Art. 438 (pt. 2) (violation of the laws and customs of war, committed by a group of persons according to a prior conspiracy). It also includes Art. 110 (pt. 3) (encroachment on the territorial integrity and inviolability of Ukraine). Finally, it also includes Art. 28 (pt. 2) with Art. 437 (pt. 2) (planning, preparation, unleashing and waging of an aggressive war, committed by a group of persons based on a prior conspiracy).

If charged and convicted, Sokolov potentially faces life imprisonment for these violations of domestic Ukrainian law.

On 17 AUG 2022, Sokolov was appointed Russian Black Sea Fleet commander, replacing Igor Osipov.

**LXXIII. ALEKSANDR ALEKSEYEVICH MOISEYEV/MOISEEV**

**Title(s):**

Commander in Chief of the Northern Military District/Northern Fleet Joint Strategic Command  
(MAY 2019 – PRES)

**Role(s):**

Top official responsible for one of the five military districts in Russia.



**Biographical Summary:** Aleksandr Alekseyevich Moiseyev (“Moiseyev”) was born 16 APR 1962 in the settlement of Borskoe in the Gvardeysky District of Kaliningrad Oblast, USSR. In 1981 he was called up for military service in the Ural Military District, and between 1982 and 1987 he studied at the A. S. Popov Naval Radio-Electronic Institute in Leningrad.

Moiseyev then joined the Northern Fleet, where he initially served as an engineer on nuclear-powered submarines. After starting in the engineering branch, he moved into specializing in combat and warfare control. Commended for his service and promoted, he took command of his own boat, from which he performed the first commercial space launch in the navy’s history, as well as the first commercial payload that had ever been sent into orbit from a submarine. He undertook further study at the Naval Academy and the Military Academy of the General Staff, interspersed with the command of submarine squadrons.

In 2018 he took command of the Black Sea Fleet and oversaw a period of expansion within the fleet. He has also courted controversy with regards to relations with Ukraine following the Russian military intervention in Ukraine from 2014 onwards, and the Kerch Strait incident in NOV 2018.

In MAY 2019, he was appointed commander of the Northern Military District/Northern Fleet Joint Strategic Command (“Northern Military District”). The Northern Military District is the third largest military-administered district by geographic size.

**Summary of Role(s):** Top official responsible for one of the five military districts in Russia.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** Moiseyev was most likely responsible for the close incident between two Russian and two NATO aircrafts in international airspace above the Russian Arctic and Norwegian maritime borders during a command and staff exercise on 15 MAR 2023.

On 01 JUN 2022, Moiseyev announced the Admiral Golovko frigate would become the first of the Russian fleet to be armed full-time with Zircon hypersonic cruise missiles by the end of the year. The Zircon travels at nine times faster than the speed of sound and can hit a target from at least 1,000 miles away.



**LXXIV. ALEKSANDR CHAIKO**

**Title(s):**

*Former* Commander in Chief of the Eastern Military District (NOV 2021 - OCT 2022)

**Role(s):**

*Former* Top official responsible for one of the five military districts in Russia.



**Biographical Summary:** Aleksandr Yuryevich Chaiko (“Chaiko”) was born on 27 JUL 1971 in Golitsyno, Moscow Oblast, USSR. In 1988, he graduated from the Moscow Suvorov Military School before continuing his education at the Moscow Higher Combined Arms Command School where he graduated in 1992.

In JUN 2013, Chaiko was the Deputy Army Commander of the Central Military District. On 08 JUL 2014, he was appointed Commander of the 20th Guards Combined Arms Red Banner Army, after the reconstruction of the 1st Guards Red Banner Tank Army in 2014, he became the Commander of the 1st Guards Red Banner Tank Army of the Western Military District until APR 2017. In 2015, he also served as first chief of staff of the Grouping of Forces of the Russian Armed Forces Syria. He was promoted to a lieutenant general on 12 DEC 2016.

From SEP 2019 to NOV 2020 and from FEB 2021 to JUN 2021, he was the Commander of the Group of Forces of the Armed Forces of Russia in Syria. On 11 JUN 2021, Chaiko was promoted Colonel General.

In 2020, he received the Hero of Russia award from President Vladimir Putin.

On 12 NOV 2021, Chaiko became the Commander of the Eastern Military District. The Eastern Military District is one of the five military districts in Russia and the second largest military district in Russia by geographic size.

Chaiko earned a global reputation as a brutal leader in Syria in 2019 and 2020. Human Rights Watch states that he may be responsible for widespread attacks against hospitals, schools, and populated areas in the Idlib Governorate. The attacks killed 1600 civilians and displaced 1.4 million people. He is also believed to have ordered the arrest and deportation of war correspondents critical of him, notably Oleg Blokin, in Syria.

During the 2022 Russian invasion of Ukraine, troops under Chaiko's command tortured and executed hundreds of Ukrainian civilians during the Kyiv offensive. Chaiko commanded the assault on Kyiv from the Ukrainian village of Zdvyzhivka from 20-31 MAR 2022.

As of OCT 2022, Chaiko is no longer leading the Eastern Military District after major Russian losses in northeast Ukraine in SEP 2022 and Ukraine's recapture of Lyman, in the Donetsk region.

**Summary of Role(s):** Top official responsible for one of the five military districts in Russia. Top official responsible for Russian military operations in Syria.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** In NOV 2022, Chaiko, who was reassigned to Syria following his dismissal in OCT 2022, met with Syrian Democratic Forces (SDF) commander-in-chief Mazloum Aldi. He has so far failed to convince the SDF and Kurdish forces to withdraw from the Syrian border.

As of OCT 2022, Chaiko is no longer leading the Eastern Military District after major Russian losses in northeast Ukraine in SEP 2022 and Ukraine's recapture of Lyman, in the Donetsk region. He was replaced by Rustam Muradov, who was dismissed himself on 06 APR 2023.

On 29 JUN 2022, the UK sanctioned Chaiko.

During the Kyiv offensive from 24 FEB to 04 APR 2022, troops under Chaiko's command tortured and executed hundreds of Ukrainian civilians. Perhaps as a result of this, but more likely from his failure to take Kyiv: Chaiko has played a limited role in the Ukrainian invasion ever since.

On 21 JUN 2018, Ukraine sanctioned Chaiko.

**LXXV. RUSTAM USMANOVICH MURADOV**

**Title(s):**

*Former* Commander in Chief of the Eastern Military District (OCT 2022 – APR 2023)

**Role(s):**

*Former* Top official responsible for one of the five military districts in Russia.



**Biographical Summary:** Rustam Usmanovich Muradov (“Muradov”) was born 21 MAR 1973 in Chinar, Derbentsky District of the Dagestan ASSR, Russian SFSR, USSR. Muradov studied at the local Chinar high school. He then graduated from the Kazan Suvorov Military School. Being in military service since 1990, he graduated from the Leningrad Higher Combined Arms Command School and Combined Arms Academy of the Armed Forces of the Russian Federation with honors in 1995.

In 1996, he was a platoon and company commander. In 2008, he was appointed the commander of the 242nd Motor Rifle Regiment, and until 2009, served as the commander of the 17th Separate Guards Motor Rifle Brigade. From 2009 to 2012, he was commander of the 36th Separate Guards Motor Rifle Brigade of the Eastern Military District. In 2012, he was promoted to a major general. From 2012 to 2013, he served as the head of the 473rd Lysychansk District training center of the Central Military District. From 2013 to 2015, he studied in the Military Academy of the General Staff of the Russian Armed Forces.

From 2015 to 2017, he served as the First Deputy Chief and Chief of Staff of the 41st Russian Combined Arms Army. In 2016, he was the representative of Russia at the Joint Russian-Ukrainian Center for Control and Coordination of Ceasefire and Stabilization of the Line of Delimitation of the Parties (JCCC) in Donbas. On 05 MAR 2016, in Donbas, Muradov, along with other representatives of the Russian side in the JCCC, came under fire for about 20 minutes.

In 2017, he was appointed as a military adviser in Syria. Muradov was awarded the title of Hero of the Russian Federation in the same year. Then, he served as the Commander of the 2nd Guards Red Banner Army of the Central Military District until Andrey Kolotovkin replaced him in 2018. Since then, he's the Deputy Commander of the Southern Military District. He was promoted to lieutenant general on 20 FEB 2020 by the decree of the President of Russia, Vladimir Putin. On 11 NOV 2020, he was appointed the commander of the Russian peacekeeping forces in Nagorno-Karabakh, after a peace agreement ending the war over the region. He was replaced by Major General Mikhail Kosobokov on 09 SEP 2021.

On 07 OCT 2022, General Muradov was appointed Commander of Eastern Military District. The Eastern Military District is one of the five military districts in Russia and the second largest military district in Russia by geographic size.

In late MAR 2023, Muradov was fired from his position of Commander of the Eastern Military District. This came after a three-week battle failed to take over the Ukrainian coal-mining city of Vuhledar. Lieutenant General Andrey Kuzmenko has replaced Muradov, but it is not yet clear if this will be in a permanent or acting capacity.

**Summary of Role(s):** Top official formerly responsible for one of the five military districts in Russia. While the Eastern Military District is based in Russia's Far East, much of its personnel is currently taking part in Russia's invasion of Ukraine. Muradov led troops in Ukraine's eastern regions of Donetsk and Luhansk.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** It was reported that on 20 APR 2023 by Russian military blogger Voenkor Kotenko Z that Vladimir Putinian leader signed a decree formally dismissing General Rustam Muradov and forcing Zhuravlyov into retirement, following a series of military campaign failures.

On 27 MAR 2023, Murdaov was fired from his role as Commander of the Eastern Military District after a failed battle for Vuhledar that saw dozens of armored vehicles lost as well as incidents of Russian tanks running over their own troops. He left the position about one week later.

On 23 FEB 2023, Canada sanctioned Muradov.

On 07 NOV 2022, a scathing letter by Marines of Russia's 155<sup>th</sup> Naval Infantry Brigade to regional governor Oleg Kozhemyako blamed their generals including Muradov for 'playing down the number of losses for fear of being held responsible.' They claimed "[y]et again we

were thrown into an incomprehensible attack by Generals Muradov and Akhmedov, so that Muradov could get bonuses from [chief of the general staff Valery] Gerasimov, and his promised Hero of Russia” medal. The Marines also asked “[h]ow long will mediocrities like Muradov and Akhmedov plan military operations for the sake of their reports, and for receiving awards at the cost of so many lives?” claiming the generals “don't care about anything but themselves, they call [soldiers] cannon fodder.” They lastly requested Kozhemyako to “get in touch with the supreme [commander Putin] so that a commission is sent to investigate what happened.”

On 19 OCT 2022, Ukraine sanctioned Muradov.

On 12 APR 2022, Japan sanctioned Muradov.

On 18 MAR 2022, New Zealand sanctioned Muradov.

On 15 MAR 2022, the UK sanctioned Muradov.

On 04 MAR 2022, Switzerland sanctioned Muradov.

On 28 FEB 2022, the EU sanctioned Muradov.

On 25 FEB 2022, Australia sanctioned Muradov.

**LXXVI. ALEKSANDER LINKOV**

**Title(s):**

*Former* Acting Commander in Chief of the Central Military District (NOV 2022 – FEB 2023)

**Role(s):**

Top official responsible for one of the five military districts in Russia.



**Biographical Summary:** There is not much information about Aleksander Linkov (“Linkov”) online. However, he previously chaired the organizational and mobilization department of the Central Military District. Linkov holds the rank of major general.

On 03 NOV 2022, Linkov was appointed Acting Commander of Russia’s Central Military District. The Central Military District is one of the five military districts in Russia and is the largest military district in Russia by geographic size and population at 54.9 million people.

**Summary of Role(s):** Former top official responsible for one of the five military districts in Russia, in an acting capacity.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 17 FEB 2023, Lieutenant-General Andrey Mordvichev became the Commander in Chief of the Central Military District, ending Linkov’s tenure as Acting Commander.

On 03 NOV 2022, Alexander Linkov was appointed Acting Commander of Russia’s Central Military District.

**LXXVII. ALEXANDER ALEXANDROVICH ZHURAVLYOV**

**Title(s):**

*Former* Commander in Chief of the Western Military District (NOV 2018 – JUN 2022)

**Role(s):**

*Former* Top official responsible for one of the five military districts in Russia.



**Biographical Summary:** Alexander Alexandrovich Zhuravlyov (“Zhuravlyov”) was born on 05 DEC 1965 in Golyshmanovo, Tyumen Oblast, Russian SFSR, USSR.

Zhuravlyov graduated from the Chelyabinsk Higher Tank Command School in 1986 and the Malinovsky Military Armored Forces Academy in 1996. In 2008 Zhuravlyov graduated from the General Staff Academy. Zhuravlyov was stationed in Czechoslovakia (1986–1991), the Volga (1991–1994), Far Eastern (1994–2006), North Caucasus (2008–2008), Central (2010–2015), and Southern Military Districts (2015). He has served as the chief of staff of the 58th Army and as commander of the 2nd Guards Combined Arms Army before being transferred to the Southern Military District in 2015, having previously been promoted to lieutenant general in 2014.

In JUL 2016, Zhuravlyov was appointed as the commander of the Russian military forces in Syria, replacing Aleksandr Dvornikov. He held this post until DEC 2016, when he was replaced by Andrey Kartapolov.

On 22 NOV 2017, Zhuravlyov was appointed commander of the Eastern Military District, replacing Sergey Surovikin, who transferred to command the Russian Aerospace Forces. In JAN 2018, he once again took command of the contingent of Russian military forces stationed in Syria, having taken over from Sergey Surovikin.

In NOV 2018, Zhuravlyov was appointed commander of the Western Military District.

As commander of the Western Military District, Zhuravlyov was responsible for the Russian troops that invaded northern Ukraine during the 2022 Russian invasion of Ukraine, before Aleksandr Dvornikov was appointed overall commander of Russian forces in Ukraine on 09 APR 2022.

On 13 MAY 2022, CNN reported that newly collected evidence identified Zhuravlyov ordering the use of 17 cluster bombs, cluster munition fired from the 300mm Smerch multiple rocket launcher, by the 79th Rocket Artillery Brigade against civilian targets in Kharkiv on 27–28 FEB 2022.

In JUN 2022, Andrei Sychevoi was appointed Commander in Chief of the Western Military District, according to Russian State Media replacing Zhuravlyov. The Western Military District is one of the five military districts in Russia and is the second smallest military district in Russia by geographic size. The Western Military District is headquartered in the General Staff Building in Saint Petersburg.

**Summary of Role(s):** Former top official responsible for one of the five military districts in Russia. As commander of the Western Military District, Zhuravlyov was responsible for the Russian troops that invaded northern Ukraine during the 2022 Russian invasion of Ukraine, before Aleksandr Dvornikov was appointed overall commander of Russian forces in Ukraine on 09 APR 2022.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** It was reported that on 20 APR 2023 by Russian military blogger Voyenkor Kotenko Z that Vladimir Putin signed a decree formally dismissing General Rustam Muradov and forcing Zhuravlyov into retirement, following a series of military campaign failures.

On 19 OCT 2022, Ukraine sanctioned Zhuravlyov.

In SEP 2022, Roman Berdnikov was appointed Commander in Chief of the Western Military District, according to Russian State Media replacing Zhuravlyov. However, it is alleged that from JUN to SEP 2022 Andrei Sychevoi held this position until he was allegedly captured by Ukrainian forces.

On 13 MAY 2022, CNN reported that newly collected evidence identified Zhuravlyov ordering the use of 17 cluster bombs, cluster munition fired from the 300mm Smerch multiple rocket



launcher, by the 79th Rocket Artillery Brigade against civilian targets in Kharkiv on 27–28 FEB 2022.

On 18 MAR 2022, New Zealand sanctioned Zhuravlyov.

On 15 MAR 2022, the UK sanctioned Zhuravlyov.

On 25 FEB 2022, Australia sanctioned Zhuravlyov.

**LXXVIII.     ANDREI/ANDREY IYANOVICH SYCHEVOI**

**Title(s):**

*Former* Commander in Chief of the Western Military District (JUN – SEP 2022)

**Role(s):**

*Former* Top official responsible for one of the five military districts in Russia.



**Biographical Summary:** Andrei Sychevoi (“Sychevoi”) was born 16 MAY 1969 in Troitskaya, Krymsky District, Krasnodar Krai, Russian SFSR, USSR. Sychevoi holds the rank of Lieutenant General.

Sychevoi allegedly held the position of Commander in Chief of the Western Military District from JUN to SEP 2022 replacing Alexander Zhuravlyov. In SEP 2022, Roman Berdnikov was appointed as Commander in Chief. captured by Ukrainian forces.

In early SEP 2022, Sychevoi appears to have been captured by Ukrainian forces in Kharkiv. This is due to the similar appearance between the man seen captured and Sychevoi. However, this has not been confirmed.

As of 14 JUL 2023, it remains unclear if Sychevol was in fact captured, and if so: whether he is still alive and still being held.

**Summary of Role(s):** Former top official responsible for one of the five military districts in Russia. The Western Military District is one of the five military districts in Russia and is the second smallest military district in Russia by geographic size. The Western Military District is headquartered in the General Staff Building in Saint Petersburg.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** On 19 OCT 2022, Ukraine sanctioned Sychevoi.

In SEP 2022, Roman Berdnikov was appointed Commander in Chief of the Western Military District, according to Russian State Media replacing Alexander Zhuravlyov. However, it is believed that from JUN to SEP 2022 Sychevoi held this position until he was allegedly captured by Ukrainian forces.

In early SEP 2022, Sychevoi appears to have been captured by Ukrainian forces in Kharkiv. This is due to the similar appearance between the man seen captured and Sychevoi. However, this has not been confirmed.

On 06 MAY 2022, Canada sanctioned Sychevoi.

On 12 APR 2022, Japan sanctioned Sychevoi.

On 18 MAR 2022, New Zealand sanctioned Sychevoi.

On 15 MAR 2022, the UK sanctioned Sychevoi.

On 04 MAR 2022, Switzerland sanctioned Sychevoi.

On 28 FEB 2022, the EU sanctioned Sychevoi.

On 25 FEB 2022, Australia sanctioned Sychevoi.

**LXXIX. ROMAN BORISOVICH BERDNIKOV**

**Title(s):**

*Former* Commander in Chief of the Western Military District (SEP 2022 – DEC 2022)

**Role(s):**

Top official formerly responsible for one of the five military districts in Russia.



**Biographical Summary:** Roman Borisovich Berdnikov (“Berdnikov”) was born on 31 AUG 1974 in the town of Kamen-na-Obi, Altai Territory. From 1981 to 1989 he studied at the city school No. 4. In 1989, he entered the Suvorov Military School in Kiev and graduated in 1991. Berdnikov later graduated from the Moscow Higher Military Command School in 1995.

After commanding a regiment for 2.5 years, Berdnikov became a deputy brigade commander. He took command of the 59th Separate Motor Rifle Brigade of the Eastern Military District in FEB 2012 and was promoted to the rank of major general on 11 JUN 2014. He continued commanding the brigade until AUG 2014, when he joined the Military Academy of the General Staff.

He was promoted to the rank of lieutenant general on 10 DEC 2020. In OCT 2021, he was appointed Commander of the Group of Forces of the Armed Forces of the Russian Federation in the Syrian Arab Republic. Berdnikov was still in Syria as of 09 MAY 2022, when he reviewed the Victory Day Parade at Khmeimim Air Base.

In SEP 2022, Berdnikov was appointed Commander in Chief of the Western Military District, according to Russian State Media replacing Alexander Zhuravlyov. However, it is alleged that from JUN to SEP 2022 Sychevoi held this position until he was allegedly captured by Ukrainian forces.

The Western Military District is one of the five military districts in Russia and is the second smallest military district in Russia by geographic size. The Western Military District is headquartered in the General Staff Building in Saint Petersburg.

In DEC 2022, Berdnikov was replaced with Yevgeny Nikiforov.

**Summary of Role(s):** Former top official responsible for one of the five military districts in Russia.

**Organizational Membership:** Unknown.

**Incidents and Events of Note:** By DEC 2022, Berdnikov, as well as Sergey Kuzylev, who is believed to have also held the position of Commander in Chief of the Western Military District, lost their position to Yevgeny Nikiforov.

In SEP 2022, Berdnikov was appointed Commander in Chief of the Western Military District, according to Russian State Media replacing Alexander Zhuravlyov. However, it is alleged that from JUN to SEP 2022 Andrei Sychevoi held this position until he was allegedly captured by Ukrainian forces.

On 05 JUN 2022, while engaging in combat in the Donbas region in Ukraine, rumors of Berdnikov being killed in action circulated. These rumors were obviously incorrect given Berdnikov's promotion and later removal from his position as Commander in Chief of the Western Military District. However, given that the Kremlin confirmed the death of Major-General Roman Kutuzov the same day. There is speculation the Kremlin confirmed the death of Kutuzov to cover up the possible death of Berdnikov: a far more famous figure in Russia. In all reality, it's much more likely that observers mixed up the two men given that they each have the same first name.

On 09 MAY 2022, Berdnikov was in Syria where he reviewed the Victory Day Parade at Khmeimim Air Base.

**LXXX. VLADIMIR VLADIMIROVICH YAKUSHEV**

**Title(s):**

Presidential Plenipotentiary Envoy to the Ural Federal District (NOV 2020 – PRES)

**Role(s):**

Official body responsible for ongoing war in Ukraine.



**Biographical Summary:** Vladimir Vladimirovich Yakushev (“Yakushev”) was born on 14 JUN 1968 in Neftekamsk. From 1986 to 1988, he served in the Army. In 1993, he graduated from University of Tyumen with a degree in law. From 1993-1998, Yakushev had a progressive banking career. In 1997, he graduated from University of Tyumen with a degree in economics.

In 2001, Yakushev started his political career as vice governor of Tyumen Oblast. From 2005 to 2018, he was Governor of Tyumen Oblast. Yakushev was Minister of Construction, Housing and Utilities from 18 MAY 2018 to 09 NOV 2020.

On 09 NOV 2020, Yakushev was appointed Presidential Plenipotentiary Representative to the Ural Federal District, replacing Nikolay Tsukanov.

**Summary of Role(s):** Official body responsible for ongoing war in Ukraine. The role of a Plenipotentiary Representative is to oversee the work of federal agencies in the region. This role is viewed as extensive and of considerable consequence. In this role, Yakushev serves as a liaison between the federal subjects and the federal government. He is also primarily responsible for overseeing the compliance of the federal subjects with federal laws. The Ural Federal District comprises the Central (part) and West Siberian economic regions and six federal subjects. As of the 2010 Census, 12,080,526 Russians live in the Ural Federal District.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** On 16 JUN 2023, Yakushev met in Moscow with Iranian Minister of Roads and Urban Development Mehrdad Bazrpash to discuss Russia's interest in importing cement and other building and raw materials from Iran.

On 07 SEP 2022, Ukraine sanctioned Yakushev.

On 06 APR 2022, the US sanctioned Yakushev.

On 24 MAR 2022, the UK sanctioned Yakushev.

On 18 MAR 2022, New Zealand sanctioned Yakushev.

On 28 FEB 2022, Canada sanctioned Yakushev.

On 25 FEB 2022, Australia sanctioned Yakushev.

On 09 NOV 2020, Yakushev was appointed Presidential Plenipotentiary Representative to the Ural Federal District.

**LXXXI. YEVGENY VIKTOROVICH PRIGOZHIN**

**Title(s):**

Founder and Head of the Wagner Group

**Role(s):**

Directs the largest organized group of private mercenaries in Russia. Multitudinous propagandizer for military affairs.



**Biographical Summary:** Yevgeny Viktorovich Prigozhin (“Prigozhin”) was born on 01 JUN 1961 in Leningrad, Russian SFSR, Soviet Union. After a failed attempt to become a professional cross-country skier, Prigozhin turned to petty crime. After having been given a suspended sentence for stealing in NOV 1979, Prigozhin was arrested again in 1981 for stealing, and received a 12-year sentence for robbery and fraud. He served a total of nine years (1981-90) in prison: having been pardoned in 1988, but not released until 1990.

After his release, Prigozhin became a hot dog vendor, and from around 1991 to 1997 was a major investor in local grocery chains. In 1995, Prigozhin began opening luxury restaurants in Russia. In 2000, he cooked for President Putin and Japanese Prime Minister Mori. He personally served President Putin and French President Jacques Chirac at his restaurant in 2001. He also served US President George W. Bush in 2002.

Prigozhin then began earning lucrative government contracts, these contracts led to him being nicknamed “Putin’s chef.” This included his company Concord Company that received hundreds of millions of dollars for feeding schools and government agencies. He also received a \$1.2 billion contract with the Russian military in 2012. That same year, he moved into a luxurious compound equipped with its own helipad. By this time, he owned at least one private jet and a 115-foot yacht.

In MAY 2014, Prigozhin founded the private military contracting company Wagner Group. At the time, this was to support Russian forces in the 2014 invasion of Donbas, which Prigozhin stated, falsely, was where “the genocide of the Russian population of Donbas began.” Wagner



Group operates beyond the law in Russia: where private military contracting is forbidden. However, Prigozhin and Wagner have deep ties with President Vladimir Putin that effectively gives Wagner Group a state-granted monopoly. From the viewpoint of the Russian government, the Wagner Group is effectively an extension of the Russian military. The Wagner Group receives military equipment from the Russian Ministry of Defense and communicates intelligence with the Main Directorate of the General Staff of the Armed Forces of the Russian Federation (GRU) intelligence agency.

Wagner Group actually has a formal headquarters: a modern, 23-story glass office building in the industrial district of Saint Petersburg. According to company spokeswoman Anastasia Vasilevskaya, Wagner is “[m]ostly we are interested in [working with] those who are patriotic.”

Wagner’s involvement in foreign “dirty wars” prior to the invasion of Ukraine is too complex to be fully detailed here. However, their involvement has been traced to civil wars in Syria, Libya, Mali, and the Central African Republic. They almost always fight with the side aligned with the Russian government. They took part in the Battle of Khasam on 07 FEB 2018: fighting against Syrian Democratic Forces (SDF) and about 40 US troops. In JUL 2018, three Russian journalists investigating Wagner in the Central African Republic were found murdered. Though it was not proven Wagner was behind the murders, the Russian foreign ministry deflected any blame towards Wagner.

Wagner has played a crucial role in the 2022 invasion. This has principally been in the form of recruiting mercenaries to strengthen the official Russian military’s position. Most notably, this has involved recruiting incarcerated Russian prisoners since at least SEP 2022. Prigozhin himself promised freedom to inmates who serve in Wagner as “nobody goes back behind bars.” Additionally in AUG 2022, Wagner began using billboards to recruit new members, which in effect acknowledges not only their existence but Wagner’s legality not only in but *with* the Russian state.

Wagner does not invest much in their mercenaries beyond their pay, Prigozhin frankly warns recruits that there is a realistic chance they will not survive six months. Wagner does not then offer support for injured mercenaries, with the wife of one reporting he “went blind from [a] shock wave, his eyes were full of shrapnel. Two months in a hospital in Luhansk. Three months in Anapa until it became inflamed, then they treated him in Vityazevo. They sent him to Calypso, where there is no medicine, no medical staff, no doctors...[t]hey don’t care about our guys.”

Prigozhin has also admitted to interference in US elections. This came principally through the Internet Research Agency (IRA) he founded in mid-2013. The IRA has been called a “troll factory” as it mainly serves to create fake accounts on social media, online news outlets, and discussion boards. In addition to using these accounts to attempt to influence the 2016 US Presidential Election, the IRA has recently been focused on advancing the Russian government's

interest in the invasion of Ukraine online: by influencing both Russians and non-Russians. The IRA, but not Prigozhin, was indicted by the U. Department of Justice on 16 FEB 2018 for intending to interfere “with US elections and political processes.”

Prigozhin stated on 14 FEB 2023 that while he founded IRA, he has not been involved with running it recently, saying “I’ve never just been the financier of the Internet Research Agency. I invented it, I created it, I managed it for a long time.” This came just months after acknowledging his, and the Russian governments, interference in US elections, stating on 07 NOV 2022 that “we interfered, we interfere and we will interfere,” in a manner that is “[c]arefully, precisely, surgically and in our own way, as we know how. During our pinpoint operations, we will remove both kidneys and the liver at once.”

According to the Washington Post, through his authority in Wagner: Prigozhin is one of few people who feels comfortable enough telling Russian President Vladimir Putin directly about his mistakes in Ukraine. Prigozhin has also appeared willing to get into very public spats with high-ranking Russian generals, including Aleksandr Matovnikov, and has called members of the Russian parliament “useless” concerning the war effort.

In an alleged attempt to remove Sergei Shoigu and Valery Gerasimov from their respective positions, Prigozhin directed a failed mutiny attempt with the Wagner group on 23 and 24 JUN 2023. This rebellion began with a takeover of Rostov-on-Don and concluded with a firefight with Russian soldiers on the M4 just miles from Moscow. The event failed to see Shoigu and Gerasimov from power, saw Prigozhin’s immediate exile to Belarus, caused the deaths of at least 13 Russian soldiers, and caused international embarrassment for Putin and the Russian military: nearly being brought to their knees by a group of mercenaries who were primarily needed in the first place to fill in the military’s gaps from their continued failure to defeat Ukraine.

Given the vastness of the Wagner Group and the top-down nature of Prigozhin’s leadership and authority, it is highly unlikely that individual soldiers knew about the rebellion in advance or was something particularly advocated for. In fact, Putin acknowledged this in his televised address stating that most soldiers were “dragged” into the conflict “by deceit or threats” and urged them to not follow Prigozhin’s instructions. For a summary of the affair, timeline of the affair, see the “Incidents and Events of Note” section below.

It was later revealed that on JUN 29 Prigozhin had a nearly three-hour long meeting with Vladimir Putin in Russia. The exact details of the meeting remain unclear.

On 06 JUL 2023, Lukashenko stated on Prigozhin’s status: “[a]s for Prigozhin, he’s in St Petersburg. He is not on the territory of Belarus.”

**Summary of Role(s):** Prigozhin operates a private army of mercenaries who exist outside of Russian law, but at the pleasure of the Russian government. As the founder and head of the Wagner Group, Prigozhin not only tolerates but encourages war crimes by his soldiers who do not appear to follow any international norms in the law of war.

**Organizational Membership:** Wagner Group, Internet Research Agency.

**Incidents and Events of Note:** On 12 JUL 2023, the Ministry of Defense reported that mercenaries of the Wagner Group are completing the handover of weapons to the Russian military. This has included over 20,000 firearms; 2,500 metric tons of munitions; and over 2,000 pieces of heavy equipment that includes tanks, rocket launchers, heavy artillery, and air defense systems.

On 06 JUL 2023, while it was still highly likely that Prigozhin was still in Belarus, Lukashenko stated on Prigozhin's status: "[a]s for Prigozhin, he's in St Petersburg. He is not on the territory of Belarus."

On 04 JUL 2023, 10 billion RUB (110 million USD) in cash from Wagner offices, including the 4 billion RUB reported to have been immediately confiscated from the headquarters, was officially returned to Prigozhin. No information about the confiscated gold bullion, weapons, documents, or powder was noted.

On 29 JUN 2023, Prigozhin had returned to Russia and held a near-three-hour meeting with Putin. Approximately 35 people from both the Russian government and soldiers from Wagner were present. This meeting was not acknowledged by either party until the Kremlin disclosed it on 10 JUL.

On 27 JUN 2023, it was reported that Prigozhin was living inside of a hotel in Minsk that did not have any windows. Numerous "suicides" of high-ranking Russian figures, especially oligarchs, have occurred since the invasion of Ukraine by falling out of windows.

On 24 JUN 2023, following Prigozhin's failed mutiny attempt, the Federal Security Service (FSS) raided the lavish Wagner headquarters in St Petersburg. Though not officially confirmed, it is believed that the raid yielded over 4 billion rubles (47 million USD) in cash, an unclear amount of US dollars (though photographs from the raid show large bundles of twenty and fifty dollar bills), six pistols, falsified documents including various passports for Prigozhin under different names, five kilograms (11 pounds) of gold bullion (worth about \$335,000 to \$345,000 USD), and another five kilograms of some sort of white powder.

According to Prigozhin: the large amounts of cash were used primarily for paying soldiers and families of deceased soldiers (a one-time payment of 5 million rubles: about \$60,000 USD, is made to the families upon the soldier's death, as well as standard office expenses. Prigozhin said

he kept much of this money in two “minibuses.” It should be noted that Wagner soldiers typically receive about twice the salary of those in the official Russian military, which has been a key selling point to non-incarcerated Russians who sign up to fight for the Wagner Group.

From 23 JUN 2023 until 24 JUN 2023, Prigozhin directed a failed mutiny attempt with the Wagner Group. Prigozhin began by circulating a video that reportedly showed a missile strike on a Wagner camp of soldiers. According to Prigozhin, this, and other acts by the Ministry of Defense, killed 2,000 Wagner soldiers. None of this can be confirmed, and some observers in the intelligence community believe the video was likely staged.

Prigozhin then issued a call for individuals to join him and Wagner in confronting the ministry. This call to arms was received by former Wagner soldiers (who though retired, were effectively on “stand-by”) and citizens of Moscow and Rostov-on-Don: who were seemingly randomly called by members of the Wagner Group. Prigozhin also continued berating senior members of the Russian military: mainly Minister of Defense Sergei Shoigu and Chief of the General Staff Valery Gerasimov of being incompetent. After this, the Federal Security Service (FSS) of Russia initiated legal proceedings against Prigozhin. These concerned Article 279 of the Russian Criminal Code, which addresses armed rebellion. Likewise, Channel One Russia: a state-run network held an emergency broadcast to reject Prigozhin’s claim of Wagner soldiers having been attacked the Ministry of Defense. Putin made a nationally televised address calling Prigozhin’s actions “treason” and vowing to suppress the rebellion.

In the early morning of 24 JUN 2023, Prigozhin and Wagner left Luhansk, entered Russia, and soon captured Rostov-on-Don, after little to no confrontation. Wagner forces began placing landmines around the city. After meeting with senior members of the Russian military and government, including Yunus-bek Yevkurov and Vladimir Alekseyev: who failed to convince Prigozhin to stop, Prigozhin entered a bunker in the city, and appeared to have directed the Wagner Group’s movements from there. There were mixed reactions from the civilians of Rostov-on-Don regarding Wagner’s presence, but there was no general panic, although shootings and explosions were reported: likely from Wagner soldier’s inability to address the confusion and resistance some met them with.

A long convoy, likely under the command of senior Wagner official Dmitry Utkin, then began to advance to the capital of Moscow: including approximately 5,000 soldiers, tanks, armored military vehicles, civilian vehicles, and a vast supply of weapons, while likely a few thousand soldiers remained in Rostov-on-Don.

At and around the city of Voronezh, the Wagner Group, and the Russian Air Force (RAF) were engaged in a series of deadly confrontations, where the RAF notably lost an II-22M airborne command-center plane (one of only a dozen that the Russian military had) and at least six helicopters: which were shot down by Wagner soldiers. Wagner then took control of the city of

Voronezh, but faced heavy confrontation from local military personnel, and saw Wagner launch missiles in the city: with one hitting an oil depot.

Troops then traveled north along the M4 highway, which was likely a tactical error given the Russian military's ability to quickly demolish sections of their own highway, set up roadblocks, and create defensive lines along the Oka River. "Stay-at-home" orders were issued to civilians and firefights between the Wagner Group and Russian military soon began.

During this time, Prigozhin was in continual contact with senior staff negotiating his end game once it became clear he was outmatched. He made attempts to speak to Vladimir Putin, who refused to talk to him. Rather, Chief of Staff Anton Vaino, Nikolai Patrushev of the Security Council, and Russian ambassador to Belarus Boris Gryzlov. Belarus's president Alexander Lukashenko served as an unofficial mediator, acting on Putin's behalf, and was widely seen as being instrumental in successfully brokering an agreement to end the conflict. This included protection of Wagner soldiers from criminal charges, prosecution, or possible retaliation in exchange for a ceasefire, with charges being dropped against Prigozhin in return for his exile to Belarus, and Wagner soldiers who did not engage in rebellion would be offered the chance to sign contracts with the Ministry of Defense. Though not confirmed, it likely also included a stipulation that mercenaries turn their weapons over to the Russian military.

Wagner soldiers would withdraw from Rostov-on-Don just before midnight on 24 JUN 2023. They also began withdrawing from Voronezh the following day.

At least 13 Russian soldiers were killed throughout the rebellion, though possibly as high as 29.

Given the vastness of the Wagner Group and the top-down nature of Prigozhin's leadership and authority, it is highly unlikely that individual soldiers knew about the rebellion in advance or was something that was particularly advocated for. In fact, Putin acknowledged this in his televised address stating that most soldiers were "dragged" into the conflict "by deceit or threats" and urged them to not follow Prigozhin's instructions.

On 20 MAY 2023, Prigozhin and Wagner soldiers successfully captured almost all of the Ukrainian city of Bakhmut. The Battle of Bakhmut had been the longest and bloodiest battle of the Russian invasion. First beginning on 01 AUG 2022, Bakhmut has been described as a "meat grinder" and "vortex" for Russian and Ukrainian militaries. Western estimates claim that over 20,000 Russian soldiers have died, with a total of over 60,000 Russian casualties; and that over 20,000 Ukrainian soldiers have been killed or wounded since fighting began.

On 05 MAY 2023, Prigozhin released an expletive-ridden tirade directed towards Defense Minister Sergei Shoigu and Chief of General Staff Valery Gerasimov. This principally surrounded what Prigozhin considered to be an inadequate amount of ammunition and supplies that were provided to Wagner.

In the video, Prigozhin is surrounded by dozens of corpses of deceased Wagner soldiers. Prigozhin then looked into the camera and called out Shoigu and Gerasimov furiously questioning “[w]e have a 70% shortage of ammunition. Shoigu! Gerasimov! Where is the ammunition?” Referencing the bodies, he was surrounded by, Prigozhin then said “[t]hese are Wagner lads who died today. The blood is still fresh.” and then accused Shoigu and Gerasimov of inadequacy arguing the soldiers “came here as volunteers and they're dying so you can get fat in your offices.”

Prigozhin later made another statement to Shoigu and Gerasimov, as well as President Vladimir Putin threatening: “[o]n May 10, 2023, we are obliged to transfer positions in the settlement of Bakhmut to units of the defense ministry and withdraw the remains of Wagner to logistics camps to lick our wounds. I’m pulling Wagner units out of Bakhmut because in the absence of ammunition they’re doomed to perish senselessly.”

On 19 APR 2023, former inmates-turned-Wagner mercenaries Azamat Uldarov and Alexei Savichev confessed to the mass murdering Ukrainian civilians, injured Ukrainian prisoners of war, and Russian servicemen who deserted or abstained from combat. They said the order to kill Ukrainians came directly from Prigozhin.

Uldarov detailed one example in Bakhmut where under his command, his team murdered about 30-40 Ukrainian children hiding in a basement. Uldarov also talked about personally murdering a girl about 5-6 years old.

Savichev testified to making teenage Ukrainian girls strip and then shooting any that had tattoos. Savichev justified this under the false logic that those that had tattoos were not civilians but members of the Azov battalion: a nationalist sector of the Ukrainian military.

Though Prigozhin denies these allegations, many of these details can be confirmed not just from Uldarov and Savichev’s testimonies, but by the certificates of the release from their former penitentiaries, the medals they’ve received from the Wagner Group for their “courage”, and Uldarov’s pardon: personally signed by Russian President Vladimir Putin.

On 16 APR 2023, Prigozhin stated in a blog post that it would be ideal for Russia to end the war claiming “Russia has achieved all of its planned goals—and, in some respects, we really have achieved them” without elaborating on what they were.

On 08 APR 2023, a video recorded by Wagner soldiers surfaced showing the remains of two Ukrainian soldiers who had been beheaded. The video was heavily shared on Russian social media. It is not yet known if the beheadings caused, or occurred after, the soldiers’ deaths.

By 25 MAR 2023, Prigozhin announced on Telegraph that more than 5,000 former Russian criminals had been pardoned after completing their contracts with the Wagner Group.

On 22 MAR 2023, an unnamed prisoner recounted his witnessing one of Prigozhin's attempts to recruit Wagner members. Prigozhin allegedly described it as "[w]e are a paramilitary organized crime group, with its own internal code, which sometimes does not comply with the Criminal Code of the Russian Federation."

As of DEC 2022, the Wagner Group had an estimated 50,000-plus members, up from the roughly 8,000 they are believed to have had in APR 2022. This is most likely from their aggressive campaigning in Russian prisons, but that has been out of necessity from the Russian military's difficulties in the invasion.

On 13 NOV 2022, the Wagner Group released a video depicting members executing a Russian deserter with a sledgehammer. The victim was likely returned to the Russians in a prisoner exchange. Prigozhin stated "[i]t seems to me that this film should be called: 'A dog dies a dog's death'" and that "It was an excellent directional piece of work, watched in one breath. I hope no animals were harmed during filming."

On 07 NOV 2022, Prigozhin admitted to attempting to interfere with US elections, and states he will continue to do so in the future.

On 23 OCT 2022, Prigozhin arrived via helicopter to prison in the Urals to recruit Wagner members. According to one prisoner, Prigozhin told inmates "The Russian army had shat the bed, that they'd all lost, and that they were worthless. And that Putin had put his hope in us to win the war." This yielded about 300 recruits.

On 19 OCT 2022, Ukraine sanctioned Prigozhin.

On 01 OCT 2022, Prigozhin criticized generals in the Russian military saying "[a]ll these bastards ought to be sent to the front barefoot with just a submachine gun."

On 15 SEP 2022, Prigozhin spoke to inmates at a prison in Mordovia. In a leaked video, he told them "[t]he war is tough, it's nothing like the Chechen war. [...] The first sin is desertion. No one backs out and no one retreats. No one turns themselves in. [...] The second sin is drugs and alcohol. [...] The third sin is marauding: including any sexual contacts with local women, flora, fauna, men, anything. If you survive six months, you go home after receiving a full pardon. Those who want to stay can stay with us. There is no option to return to prison. Those who arrive [on the front lines] but then change their minds will be marked as deserters and sent off to the firing squad." before adding "[y]ou have five minutes to make a decision."

It was also on 15 SEP 2022 that a social media post by Prigozhin responded to domestic criticism about recruiting prisoners for Wagner (and the Russian war effort). He replied it is "either prisoners or your children - you decide."

On 24 MAY 2022, three Wagner soldiers: Sergey Vladimirovich Sazanov, Alexander Alexandrovich Stupnitsky, and Sergey Sergeevich Sazonov became the first specific Wagner soldiers to be wanted by Ukrainian officials for war crimes. This came after they, along with five Russian soldiers, tortured and killed unarmed civilians in the town of Motyzhin, and killed “execution style” the town’s mayor Olha Sukhenko, her husband Ihor, and son Oleksandr, along with a fourth, unidentified man who reports described “had tape covering his eyes and zip-ties lying next to him, indicating he may have been bound. His head had a large hole in it.” The bodies were placed in a shallow mass grave, although it is not clear how many people in total were executed.

On 04 MAY 2022, Switzerland sanctioned Prigozhin.

On 21 APR 2022, the EU sanctioned Prigozhin.

On 18 MAR 2022, New Zealand sanctioned Prigozhin.

On 03 MAR 2022, the US and Japan sanctioned Prigozhin.

On 25 FEB 2022, Australia sanctioned Prigozhin.

On 23 FEB 2022, Canada sanctioned Prigozhin.

On 26 FEB 2021, Prigozhin was added to the Federal Bureau of Investigation’s (FBI’s) “wanted list.” In JUL 2022, the US State Department offered a reward of up to \$10 million for information on Prigozhin and/or the IRA (principally in connection to their attempts to interfere with the 2016 US Presidential Election.)

On 31 DEC 2020, the UK sanctioned Prigozhin.

Prigozhin has propagandized the conflict on the world stage in too multitudinous a way to capture here.



**LXXXII. MARIA ALEKSEEVNA LVOVA-BELOVA**

**Title(s):**

Presidential Commissioner for Children's Rights

**Role(s):**

Serves as the ombudsman for children under the care of the Russian state. Multitudinous propagandizer for children's affairs.



**Biographical Summary:** Maria Lvova-Belova (“Lvova-Belova”) was born on 25 OCT 1984 in Penza, Russian SFSR, USSR. Lvova-Belova appears to have had a traditional upbringing and graduated from the A. A. Arkhangelsky College of Culture and Arts in 2002. She graduated with honors with a degree in “Variety Orchestra Conduct[ing].” Around 2003, Lvova-Belova also began studying at Samara State Academy of Culture and Arts but did not return to school after having her first child.

Since 2003, Lvova-Belova has been married to Pavel Kogelmanz: who was ordained a priest at Mitrofanov Church in Penza on 17 AUG 2019. They have at least 23 children: 5 biological, 5 adopted, and 13 disabled children who she said, “are in my custody as well, but they do not live with me.” One of her 5 adopted children, a 15-year-old boy from Mariupol, is likely a victim of the invasion, and was adopted by Lvova-Belova in FEB 2023.

From 2000 to 2005, Lvova-Belova worked as a guitar teacher at Penza's children music schools as well as her alma mater: the A. A. Arkhangelsky College of Culture and Arts College. In 2008, she co-founded the Blagovest Penza Regional Public Organisation for Social Adaptation. She headed this organization until 2020.

Lvova-Belova is heavily involved in childcare and physically or mentally disabled persons' local charities; she founded the Kvartal Louis on 01 NOV 2014 for young wheelchair users deprived of parental care to “live, get an education and work. She was the Executive Director of Kvartal Lui until 2020. On 21 JUN 2017, Veronika’s House “the first active boarding house in Russia for young people with a severe degree of disability”, an initiative Lvova-Belova championed, opened. Former occupants of Veronika’s House claim they were instructed to take out large personal loans at Lvova-Belova’s request to pay for care, which the occupants would then repay with their disability pensions. In 2018, she also helped launch the Novyie Berega Art Estate in the nearby village of Bogoslovka for “people with disabilities and families raising children with disabilities [to] live and implement social projects.”

In 2011, Lvova-Belova entered local government when she was elected to the Civic Chamber of Penza Oblast. She served two non-consecutive terms: from 2011 to 2014 and again from 2017 to 2019. On 08 SEP 2019, she was re-elected, but declined to serve. From 2017 to 2019, Lvova-Belova also served in the Civic Chamber of the Russian Federation. In 2019, she was elected co-chair of the All-Russia People's Front regional headquarters.

She joined United Russia in 2019, and on 24 NOV was elected to the Presidium of the General Council of the United Russia as co-chair of the working group to support civil society. She is a close ally of former President and Prime Minister Dmitry Medvedev.

In SEP 2020, she was appointed to the Senate by Penza Oblast Governor Ivan Belozertsev and was reappointed following Penza’s snap election on 17-19 SEP 2021. Lvova-Belova resigned a month later after President Vladimir Putin appointed her as the Federal Commissioner for Children's Rights after Anna Kuznetsova resigned.

In this role, Lvova-Belova has openly advocated for stripping the Ukrainian identities of children and teaching them to love Russia instead. Lvova-Belova said the large-scale adoptions are to help “preserve [children’s] right to live under a peaceful sky.” However, she highlighted the clear role nationalism has played in these adoptions stating that children sang the Ukrainian national anthem before adoption but have “transformed into a love of Russia.”

Since Russia’s invasion of Ukraine, Lvova-Belova has effectively been supervising the forcible deportation of Ukrainian children into the Russian state adoption system. According to the United Nations, at least 16,221 children have been forcibly transferred by Russia across state lines as of 16 MAR 2023. That number has increased to at least 19,393 as of 09 MAY 2023 according to Newsweek.

On 17 MAR 2023, the International Criminal Court (ICC) issued an arrest warrant for Lvova-Belova, as well as President Vladimir Putin, for forcibly taking Ukrainian children across state lines during Russia’s invasion of Ukraine.

The ICC claims that Lvova-Belova is “is allegedly responsible for 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).” They added that “[t]here are reasonable grounds to believe that Ms. Lvova-Belova bears individual criminal responsibility for the aforementioned crimes, for having committed the acts directly, jointly with others and/or through others (article 25(3)(a) of the Rome Statute).”

**Summary of Role(s):** Serves as the ombudsman for children under the care of the Russian state. Multitudinous propagandizer for children’s affairs. Principally, Lvova-Belova ensures the Russian state works to strip Ukrainian children of their cultural identity and senses of heritage. Lvova-Belova also serves to spread disinformation that minimizes the actions the Russian government has taken against Ukrainian children’s interests as well as minimizing the tremendous gravity of these actions.

**Organizational Membership:** United Russia.

**Incidents and Events of Note:** On 19 MAY 2023, UN Special Representative for Children and Armed Conflict Virginia Gamba held a controversial meeting with Lvova-Belova in Moscow. Though this was done in Gamba’s official capacity, it was not well-received by human rights groups and the US government. Ukrainian Ambassador to the UN said of Gamba’s meeting that “it was her [own] intention” but did not know the details of it.

Farhan Haq, the Deputy Spokesman for the UN, defended the meeting between Gamba and Lvova-Belova, stating “[r]egarding Ms. Lvova-Belova, I would only add the point that [she] has the responsibility within the Russian Federation for important areas of Ms. Gamba’s mandate. It is important for Ms. Gamba to be able to meet with relevant officials in order to further her work regarding the protection of children.”

For her own part, Lvova-Belova praised the meeting. She stated that “[t]he conversation turned out to be constructive and sincere – without politics. After all, we are united by a sense of personal responsibility for the life and safety of children.” Lvova-Belova added that the two also “discussed various forms of further cooperation with the UN and other international organizations” to protect children.

On 11 MAY 2023, Lvova-Belova spoke at the St. Petersburg International Legal Forum, where she mocked Ukrainian parents trying to retrieve their children from the Russian state. She said the children were taken to be “re-educated” from “powerful propaganda” in Ukraine. She then blamed their parents, arguing that “[w]hen they say, ‘return our children,’ where should we return them? To abusers? To those who didn’t take care of them? [...] The kind of propaganda

that was used in Ukraine will not pass so easily.” She then also claimed that accusations of Ukrainian children suffering in Russia is propaganda from the Ukrainian government and their parents, stating “[t]hey search for the children through social networks and ask them to make videos about how hard it is for them to live in Russia.”

According to Newsweek, as of 09 MAY 2023, Lvova-Belova has overseen the abduction of 19,393 Ukrainian children to Russia. Only 364 are known to have been reunited with their families. The number of Ukrainian children abducted is likely much higher, with Ukrainian authorities believing it to be “a few hundred thousand.”

On 05 APR 2023, Lvova-Belova, via video, spoke at a UN Security Council meeting about evacuating children from conflict zones. This prompted members from the US, UK, Albania, and Malta to walk out.

On 04 APR 2023, Lvova-Belova publicly rejected the ICC’s arrest warrant and their claims. Along with a plethora of disinformation, she stated “[a]s far as the ICC's accusations are concerned, we don't understand what we are accused of. Give us the facts and we will look into it. So far, it all looks like a farce without specifics and is incomprehensible.”

On 22 MAR 2023, when asked about her arrest warrant being issued by the ICC, Lvova-Belova defended her actions stating “[h]ow is one supposed to react to news which is based on myths, fakes, and stories which people thought up themselves? What were we supposed to do? Leave the children under bombing?” without acknowledging that the Russians were illegally bombing Ukrainian families.

On 17 MAR 2023, Lvova-Belova was declared an international fugitive with the ICC issuing a warrant for her arrest for the unlawful deportation and transfer of children.

On 17 JAN 2023, Japan sanctioned Lvova-Belova.

On 19 OCT 2022, Ukraine sanctioned Lvova-Belova.

On 27 SEP 2022, Lvova-Belova spoke about a group of 30 children Russia “evacuated” from Mariupol, she said “[a]t first, they said bad things about the [Russian] president. They said all sorts of awful things, sang the Ukrainian national anthem, said 'Glory to Ukraine! Then some time passed. These children were placed in foster families in the Moscow region. One of the boys was placed in my family, and I saw with my own eyes how this integration takes place. [...] Now, none of them want to go back. They say, 'we're very happy here in Russia.' Maybe there was some negativity at the beginning, but their transformation has resulted in a love for Russia.”

On 15 SEP 2022, the US sanctioned Lvova-Belova.

In autumn of 2022, after visiting the annexed regions of Ukraine, Lvova-Belova stated she planned in 2023 to open “centers for adolescents” to “give them special attention”, and to deploy teams to reach out to “street children” in the occupied territories.

Sometime between FEB 2022 and AUG 2022, Lvova-Belova adopted a then-sixteen-year-old Ukrainian boy named Filip from Mariupol. Filip, in interviews, states that his biological mother died from cancer in 2017. Lvova-Belova proudly tells audiences about the change in Filip’s personality stating in AUG 2022 “[m]y adopted son runs after my young children and says, ‘I will eat the Muscovite.’ And this manifests itself in everything,” she said. “He tells them how he used to go out with a flag to demonstrate in support of Ukraine, how he used to celebrate various Ukrainian holidays. And he is proud of it!” She also admits “[h]e really is a foreigner” who “didn’t watch the same films and cartoons that our children in Russia watched. He didn’t listen to the same music. He learned history differently.” before chillingly concluding that “[h]is mind works differently.”

On 19 AUG 2022, Canada sanctioned Lvova-Belova.

On 29 JUL 2022, Switzerland sanctioned Lvova-Belova.

On 21 JUL 2022, the EU sanctioned Lvova-Belova.

On 01 JUL 2022, Australia sanctioned Lvova-Belova.

On 16 JUN 2022, the UK sanctioned Lvova-Belova.

In 2021, she was awarded the Presidential Certificate of Honour.

In JAN 2016, she was awarded the Prince Vladimir Award for her contributions to the development of charity.

Lvova-Belova has propagandized the conflict on the world stage in too multitudinous a way to capture here. However, to give a basic understanding of what generally occurs: Ukrainian children are forcibly transferred (usually by the Russian military) often regardless of whether or not they are orphans or if they’re in any immediate danger. They are then quickly funneled through the Russian state adoption process and given new homes. They frequently have their names changed in favor of Russian ones and are issued Russian documentation including Russian passports. Russian families take part in these adoptions for multiple reasons: on a wide spectrum ranging from genuine compassion to financial benefits from the state. These coexist

alongside standard considerations like infertility that makes adoption an ideal option, especially as Russia is experiencing a declining birth rate. But regardless of the reason, both the adoptive families and the children are fed disinformation by Lvova-Belova and the state. For the families: this includes indoctrination that the children are being “saved” from a Nazified Ukrainian state. For the children: this includes emotional scarring including ideas that their parents did not love them while attending “re-education” schools to indoctrinate them with the Russian language, culture, and identity.



## **THE GLOBAL ACCOUNTABILITY NETWORK'S UKRAINE ACCOUNTABILITY PROJECT**

# C

*Considerations for the Setting up of*  
**The Special Tribunal for Ukraine  
on the Crime of Aggression**



**Global Accountability Network**  
July 2022





The Ukraine Task Force of The Global Accountability Network Presents:

***Considerations for the Setting up of  
The Special Tribunal for Ukraine on the Crime of Aggression***

**LEAD WRITERS:** Professor David M. Crane, Kanalya Arivalagan, Rohan Bhattacharjee, Lotta Lampela

**EDITORS:** Professor David M. Crane, Kelly Adams, Kanalya Arivalagan, Rohan Bhattacharjee, Mia Bonardi, Lotta Lampela, Christopher Martz, Kate Powers

**THE GLOBAL ACCOUNTABILITY NETWORK: UKRAINE TASK FORCE, 2022**

**PROJECT LEADER:** Professor David M. Crane, Former Chief Prosecutor, Special Court for Sierra Leone

**EXECUTIVE DIRECTOR:** Christopher Martz

**DIRECTORS:**

Kelly Adams

Kanalya Arivalagan

Mia Bonardi

Matthew McCartin

The Ukraine Task Force (UKTF) aims to produce non-partisan, high quality analysis of open-source materials and to catalogue that information relative to applicable bodies of law, including the Geneva Conventions, the Rome Statute of the International Criminal Court, and the Criminal Code of Ukraine.

The UKTF primarily creates documentation products in a narrative and graphical format, as well as a quarterly and annual trend analysis of ongoing crimes. Furthermore, the UKTF publishes issue-specific white papers. Its clients include Transnational NGOs, the United Nations, U.S. Department of State, and the Public Interest International Law & Policy Group (PILPG). The UKTF is working closely with Ukrainian partners, including the Ukraine Bar Association (UBA), which has graciously provided volunteers for our investigative efforts.

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## I. INTRODUCTION

Over many decades, the international community has experimented with various justice mechanisms to hold those who commit atrocity crimes accountable. Until the early 1990's, there were few efforts to do so. The idea grew out of a bold new step by the victorious allies at the end of World War II. The International Military Tribunals (IMT) at Nuremberg and Tokyo became the cornerstones for future efforts.

After the Cold War, the international community faced back-to-back atrocities in Yugoslavia and Rwanda. A more relevant and active United Nations Security Council (UNSC) created two ad hoc tribunals under Chapter 7 of the Charter of the United Nations (UN Charter). These two tribunals would last for twenty years and cost billions of dollars, but bringing justice for many human lives proved to be worth this cost and effort. After seeing the results of these tribunals, the international community realized that international justice could be achieved.

This was the age of accountability which saw a two-decade long development of modern international criminal law that developed the jurisprudence that allows consideration of prosecuting Vladimir Putin and the Kremlin commanders accountable for the invasion of Ukraine today. New theories and structures were created in Sierra Leone and Cambodia, with the long-held idea of a permanent court coming to fruition in 2002. The International Criminal Court (ICC) is now twenty years old and is the leading justice mechanism for Ukraine in holding perpetrators accountable for war crimes and crimes against humanity, and perhaps incitement to genocide.

The international crime of aggression, stemming from the crimes against peace theories of Nuremberg, has risen to the forefront of international concern related to the invasion of Ukraine by Russian Federation forces. The invasion is, purely and simply, an act of aggression. Aggression has not yet been prosecuted in the modern era, as the International Criminal Court currently does not have the jurisdiction to prosecute this international crime perpetrated in Ukraine as discussed in Section IV.A.2. Thus, a new justice mechanism must be created.

This white paper lays out a practical way by which the crime of aggression can be investigated and prosecuted through the establishment of an international tribunal for Ukraine just as it has been done successfully in Sierra Leone. The Special Court for Sierra Leone (SCSL) showed that the UN and a Member State can enter into a bilateral treaty to create an international court to prosecute military and political leaders for committing international crimes, including the prosecution of a sitting Head of State.

International tribunals are and will remain viable alternatives to other justice mechanisms such as the ICC, regional courts, and domestic courts. With proper planning, such tribunals have been efficient and effective in addressing atrocities. This would be a way to prosecute those who bear the greatest responsibility for the invasion of Ukraine by Russian Federation forces.

The approach of this white paper is to review the creation, set up, and subsequent operations of the first hybrid international tribunal, the Special Court for Sierra Leone, and take those successful lessons learned to map out proven methodologies for the creation of the Special Tribunal for Ukraine.

*We have done this before, and we can do it again.* The necessary experience, jurisprudence, and proper rules of procedure and evidence to investigate, indict, and prosecute Vladimir Putin and his commanders for the crimes of aggression in the invasion of Ukraine are readily available. The political moment is upon us, and it is time to execute.

## II. JUSTICE MECHANISMS FOR UKRAINE

### A. ICC

The ICC was established in 1998 by the Rome Statute.<sup>1</sup> It acts as a permanent international criminal tribunal under which individuals who commit or attempt to commit war crimes, crimes against humanity, genocide, or the crime of aggression, may be prosecuted and held accountable for their conduct.<sup>2</sup> Per the Rome Statute, the ICC can exercise subject matter jurisdiction when one or more of these four core international crimes are committed, and can exercise territorial jurisdiction when these crimes are committed by a State Party national, in the territory of a State Party, or in a State that has accepted jurisdiction of the ICC on an ad hoc basis.<sup>3</sup>

Alternatively, the ICC may exercise jurisdiction where the crimes were referred to the ICC Prosecutor by the UNSC pursuant to the resolution adopted in Chapter 7 of the UN Charter.<sup>4</sup> The Prosecutor may begin an investigation before issuing a warrant if the crimes were referred to by the UNSC, or if a State Party requests an investigation for crimes that appear to have been committed within the jurisdiction of the ICC.<sup>5</sup> Even otherwise, the Prosecutor may initiate a preliminary investigation on the basis of information on crimes within the jurisdiction of the Court, *proprio motu* (on its own initiative).<sup>6</sup> The Prosecutor is expected to analyze the seriousness of the information received, and may seek additional information from States, organs of the United Nations, inter-governmental or non-governmental organizations, or other reliable sources that the Prosecutor deems appropriate.<sup>7</sup> If the Prosecutor concludes that there is a reasonable basis to proceed with an investigation, the Prosecutor must seek authorization from a Pre-Trial Chamber to begin a formal investigation.<sup>8</sup> If the Pre-Trial Chamber determines that there is a reasonable basis to proceed with an investigation, and that the case appears to fall within the jurisdiction of the ICC based on the criteria listed above, it shall authorize the investigation.<sup>9</sup>

In early March 2022, ICC Prosecutor Karim Khan announced that his office had launched investigations on “any past and present allegations of war crimes, crimes against humanity or

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<sup>1</sup> Rome Statute of the International Criminal Court, Adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, July 17, 1998, UN Doc. A/CONF.183/9, Art. 71, available at: <https://iccforum.com/rome-statute> [hereinafter Rome Statute].

<sup>2</sup> Rome Statute, Art. 71.

<sup>3</sup> Rome Statute, Art. 12.

<sup>4</sup> Rome Statute, Art. 13.

<sup>5</sup> Rome Statute, Art. 14.

<sup>6</sup> Rome Statute, Art. 15.

<sup>7</sup> Rome Statute, Art. 15.

<sup>8</sup> Rome Statute, Art. 15.

<sup>9</sup> Rome Statute, Art. 15.

genocide committed on any part of the territory of Ukraine by any person.”<sup>10</sup> His decision was grounded in Article 14 of the Rome Statute, following State referrals from 39 State Parties.<sup>11</sup> While ICC’s jurisdiction over crimes against humanity, war crimes, and genocide, in the context of the Russian Federation’s invasion into Ukraine on 24 February 2022, is in no way questionable, the same cannot be concluded for its jurisdiction over the crime of aggression.

For the ICC to have jurisdiction over the crime of aggression, the aggressor must be a State Party to the Rome Statute.<sup>12</sup> Russia, the aggressor here, is not a State Party to the Rome Statute.<sup>13</sup> Alternatively, the ICC could have jurisdiction if the UNSC requested the ICC to investigate the matter.<sup>14</sup> Such a request will not be forthcoming because of Russia’s veto power.<sup>15</sup>

Thus, the ICC has no jurisdiction over the crime of aggression, and in this case, it is imperative for the international community to explore other alternatives as discussed in Section IV.A.2. An international tribunal is the most prudent path forward.

## B. *Hybrid International War Crimes Tribunal*

### 1. *History*

The conventional understanding that national leaders could act with impunity within territories under their control had been expressed succinctly by Henry Morgenthau, the U.S. ambassador to the Ottoman Empire, in 1915.<sup>16</sup> Writing about the United States’ role in the Armenian genocide, Morgenthau noted that “[he] had no right to interfere...the treatment of Turkish subjects by the Turkish Government was purely a domestic affair . . .”<sup>17</sup> This historically accepted principle, however, underwent a dramatic transformation in 1945 when the Nuremberg trials took place.

Founded after deliberations in London by the victorious allies, the IMT was set up as the first international criminal body to recognize the authority to universally condemn and prosecute international crimes, setting precedence that the rest of the world must care about the human rights violations within the border of other States.<sup>18</sup> Although Nuremberg trials did not serve as an

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<sup>10</sup> Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: “I have decided to proceed with opening an investigation”, INT’L CRIM. CT. (Feb. 28, 2022), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-i-have-decided-proceed-opening>.

<sup>11</sup> *Id.*

<sup>12</sup> Rome Statute, Art. 15 *bis*(4).

<sup>13</sup> Jaime Lopez & Brady Worthington, *The ICC Investigates the Situation in Ukraine: Jurisdiction and Potential Implications*, *Law Fare* (Mar. 10, 2022), <https://www.lawfareblog.com/icc-investigates-situation-ukraine-jurisdiction-and-potential-implications>.

<sup>14</sup> Rome Statute, Art. 13.

<sup>15</sup> Shelby Magid & Yulia Shalomov, *Russia’s veto makes a mockery of the United Nations Security Council*, ATLANTIC COUNCIL (Mar. 15, 2022), <https://www.atlanticcouncil.org/blogs/ukrainealert/russias-veto-makes-a-mockery-of-the-united-nations-security-council/>.

<sup>16</sup> Henry Morgenthau, *Ambassador Morgenthau’s Story: Talaat Tells Why He “Deports” The Armenians*, 217 (1918), <https://net.lib.byu.edu/estu/wwi/comment/morgenthau/Morgen25.htm>.

<sup>17</sup> *Id.*

<sup>18</sup> Caitlin E. Carroll, *Hybrid Tribunals are the Most Effective Structure for Adjudicating International Crimes Occurring Within a Domestic State*, L. SCHOOL STUDENT SCHOLARSHIP 1 (2013), [https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1090&context=student\\_scholarship](https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1090&context=student_scholarship).

exemplar for future tribunals due to its tainted perception of having furthered “victor’s justice,” it pioneered international humanitarian law and established helpful legal precedent.<sup>19</sup> Since then, the world has witnessed the establishment and successes of numerous international criminal tribunals – namely, the International Criminal Tribunal for the former Yugoslavia (ICTY); the International Criminal Tribunal for Rwanda (ICTR); the Extraordinary Chambers in the Courts of Cambodia (ECCC); and the Special Court for Sierra Leone (SCSL).<sup>20</sup>

The foremost strength as manifested by all these tribunals, however, was its proven ability to “pierce the veil of immunity” otherwise enjoyed by senior government officials in their respective national courts.<sup>21</sup>

## 2. *Piercing the veil of immunity*

Heads of State and senior government officials have immunity from jurisdiction of national courts of other States, under principles of customary international law.<sup>22</sup> That decision was reaffirmed by the International Court of Justice (ICJ) in the *Yerodia* judgment, where the court held that the incumbent Minister of Foreign Affairs of Congo had jurisdictional immunity from an arrest warrant issued by a magistrate in Belgium, notwithstanding serious charges of war crimes and crimes against humanity.<sup>23</sup> The idea of immunity stems from the age-old conception that one sovereign state does not adjudicate on the conduct of another state.<sup>24</sup> However, the same principle of jurisdictional immunity is inapplicable for international criminal tribunals. This is partly because of the inapplicability of the principle of sovereign equality since international criminal tribunals are not organs of States and they instead derive their mandates from the international community.<sup>25</sup> In addition, the inapplicability of jurisdictional immunity has solid grounding in a bedrock of formidable legal precedence. The SCSL’s reasoning from a seminal case illustrates exactly that.<sup>26</sup>

The Appeals Chambers of the SCSL ultimately held that Charles Taylor, then-incumbent President of Liberia, did not have immunity from criminal prosecution by an international criminal tribunal that stemmed from his official status as Head of State.<sup>27</sup>

First, there was legal precedence of numerous instances of international criminal tribunals, distinctly noting within their statutes that the official status of defendants would not serve as impediments to the court’s personal jurisdiction over them. Examples include provisions in Article 7 of the IMT Charter also known as the Nuremburg Charter – a reformulation of which was

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<sup>19</sup> *Id.* at 3.

<sup>20</sup> *Id.*

<sup>21</sup> Larry D. Johnson, *United Nations Response Options to Russia’s Aggression: Opportunities and Rabbit Holes*, JUST SECURITY (Mar. 1, 2022), <https://www.justsecurity.org/80395/united-nations-response-options-to-russias-aggression-opportunities-and-rabbit-holes/>.

<sup>22</sup> Arrest Warrant of 11 April 2000 (Dem. Rep. Congo v. Belg.), Judgment, 2002 I.C.J. 3 (Feb. 14), <https://www.icj-cij.org/public/files/case-related/121/121-20020214-JUD-01-00-EN.pdf>.

<sup>23</sup> *Id.* at 23.

<sup>24</sup> *Id.*

<sup>25</sup> See Prosecutor v. Taylor, Case No. SCSL-2003-01-I, Decision on Immunity from Jurisdiction (May 31, 2004).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 25.

incorporated by the International Law Commission in its report and accepted by the UN General Assembly (UNGA) as early as 12 December 1950; Article 7(2) of the Statute of the ICTY; Article 6(2) of the Statute of the ICTR; Article 27(2) of the Statute of the ICC; and subsequently, Article 6(2) of the Statute of SCSL.<sup>28</sup> Article 6(2) of the Statute of the SCSL serves as a helpful illustration of the language of such incorporation into similar Statutes: “The official position of any accused persons, whether as Head of State or Government or as a responsible Government official, shall not relieve such a person of criminal responsibility nor mitigate punishment.”<sup>29</sup>

The ICJ’s *Yerodia* judgment, although holding that the Congolese Minister of Foreign Affairs had immunity from a Belgium court, also significantly observed that “Ministers for Foreign Affairs may be subject to criminal proceedings before *certain international criminal courts*.”<sup>30</sup> Most pertinently, the ICJ, specifically listed the ICTY, ICTR, and the “future” ICC as examples of “certain international criminal courts,” which would have jurisdiction in such cases.<sup>31</sup>

The SCSL reemphasized its international character. Referencing its international mandate that stems from UNSC Resolution 1315, the SCSL pointed out its similarities in competence and jurisdiction to that of the ICTY, ICTR, and the ICC, and asserted that it shared traditional characteristics with classical international organizations, dispelling any notion that courts not established by the UNSC’s Chapter 7’s “coercive” authority was not sufficiently international.<sup>32</sup>

A special tribunal established by bilateral agreement between the UN Secretary General and the Government of Ukraine, backed by a UNGA resolution as in the recent case of the ECCC (explained in greater detail in Sections 7.A.1 and 7.A.2), would similarly be able to pierce through this veil of immunity that protects Russian leaders from prosecution. This is especially pertinent since the crime of aggression, as defined in Article 8 *bis*, is a “leadership crime” – holding only the senior-most authorities culpable, who usually would have enjoyed immunity under customary international law.<sup>33</sup> Of course, among other reasons, an international tribunal would also be seen as the most legitimate, enjoying a broader international mandate due to the role of the UNGA and international support.

To avoid any constitutional concerns that may arise during *ex ante* review by the Constitutional Court of Ukraine (CCU), the agreement between Ukraine and the UN should specify that the new tribunal will be international and not domestic or hybrid (which would avoid conflict with Constitution of Ukraine’s Article 125 prohibiting any “special or extraordinary court.”).<sup>34</sup> It should

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<sup>28</sup> *Id.* at 21-25.

<sup>29</sup> *Id.* at 22.

<sup>30</sup> Arrest Warrant of 11 April 2000, *supra* note 22, at 26 (emphasis added).

<sup>31</sup> Arrest Warrant of 11 April 2000, *supra* note 22, at 26.

<sup>32</sup> Prosecutor v. Taylor, *supra* note 25, at 19.

<sup>33</sup> *Supra* note 21. The definition in the Rome Statute is narrower than the one used in the Nuremberg trials, where a leader was considered to be one who had the “actual power to shape and influence the policy of their nation, prepare for, or lead their country into or in an aggressive war.” Nikola Hajdin, *The Nature of Leadership in the Crime of Aggression: The ICC's New Concern*, 17 INT'L CRIM. L. REV. 543 (2017).

<sup>34</sup> Alexander Komarov & Oona Hathaway, *The Best Path for Accountability for the Crime of Aggression Under Ukrainian and International Law*, JUST SECURITY (Apr. 11, 2022), <https://www.justsecurity.org/81063/the-best-path-for-accountability-for-the-crime-of-aggression-under-ukrainian-and-international-law/>.



also specify that the tribunal is auxiliary, not complementary to the domestic courts, avoiding conflict with the Constitution of Ukraine's Article 124.<sup>35</sup>

However, please note that Ukraine could also cure either prohibition through an amendment of its Constitution. To amend the Constitution of Ukraine, the people must vote through a national referendum, a new and democratic process recently signed into law in 2021.<sup>36</sup> Such a referendum can be a change to an already existing amendment or an addition to the amendments.<sup>37</sup>

### C. *An EU regional court*

Another alternative is the establishment of a European-regional hybrid tribunal. The proposals for regional hybrid tribunals have resurfaced many times, most recently in the aftermath of the Syrian crisis. It was proposed then that Turkey, Lebanon, and Jordan in particular, could invoke protective jurisdiction given the acute destabilization in the region.<sup>38</sup> NATO or another regional organization such as the Organization of Islamic Cooperation or the Arab League could also create such a tribunal.<sup>39</sup> Although this proposal did not ultimately come into fruition, it was endorsed by many legal scholars and most notably by ICC Prosecutor Fatou Bensouda.<sup>40</sup>

A similar proposal in the present circumstances may be considered, with the Council of Europe (CoE) as an appropriate forum. Ukraine joined the CoE on 9 November 1995.<sup>41</sup> While it is true that the Council does not have the direct authority to establish such a tribunal, Article 15(a) of the Statute of the CoE shows an illuminating path forward.

Article 15(a) of the CoE Statute permits the Committee of Ministers to consider adopting “a common policy” to further the “aim of the Council of Europe.”<sup>42</sup> Among the most prominent aims of the CoE, as manifested by its placement within the very first article in Article 1(a) of the CoE Statute, is to “achieve greater unity between its members.”<sup>43</sup> It is under this broad phrasing that the Council could decide to establish a hybrid tribunal.<sup>44</sup> While the exercise of such authority requires a unanimous vote of the Committee of Ministers under Article 20(a)(vi), achieving such unanimity should not be a cause for concern because of the high political will in that region.<sup>45</sup>

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<sup>35</sup> *Id.*

<sup>36</sup> Alisa Shushkovska & Harald Jepsen, *Ukraine adopts new and improved referendum law*, ATLANTIC COUNCIL (Feb. 18, 2021), <https://www.atlanticcouncil.org/blogs/ukrainealert/ukraine-adopts-new-and-improved-referendum-law/>.

<sup>37</sup> *Id.*

<sup>38</sup> Beth Van Schaack, *Options for Accountability in Syria*, JUST SECURITY (May 22, 2014), <https://www.justsecurity.org/10736/options-accountability-syria/>.

<sup>39</sup> *Id.*

<sup>40</sup> Al Arabiya News, *ICC's Bensouda would support Syria Special Tribunal if ICC path is blocked*, AL ARABIYA NEWS (May 20, 2020), <https://english.alarabiya.net/News/middle-east/2014/05/18/Interview-ICC-prosecutor-to-examine-alleged-British-crimes-in-Iraq-war>.

<sup>41</sup> *Ukraine*, COUNCIL OF EUR., <https://www.coe.int/en/web/portal/ukraine> (last visited June 27, 2022).

<sup>42</sup> Statute of the Council of Europe, Art. 15(a), May 5, 1949, ETS No. 001.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Kevin Jon Heller, *The Best Option: An Extraordinary Ukrainian Chamber for Aggression*, OPINIO JURIS (Mar. 16, 2022), <https://opiniojuris.org/2022/03/16/the-best-option-an-extraordinary-ukrainian-chamber-for-aggression/>.

Russia is no longer a member of the CoE, and none of the 46 Member States have publicly defended Russia's invasion of Ukraine. Moreover, the European Union Parliament, the most united it has ever been, has already adopted a resolution calling for a "special international tribunal" to investigate Russian leaders for the crime of aggression against Ukraine.<sup>46</sup> Most notably, however, the Parliamentary Assembly of the Council of Europe (PACE) itself, has already adopted a *unanimous* resolution, urging for the setting up of an ad hoc international criminal tribunal, with a mandate to "investigate and prosecute the crime of aggression allegedly committed by the political and military leadership of the Russian Federation."<sup>47</sup> Therefore, it is reasonable to assume that unanimity on such a vote is likely. Such a regionally supported hybrid tribunal could be based on the Extraordinary African Chambers that successfully prosecuted the former President of Chad, Hissène Habré.<sup>48</sup>

For the concept of an Extraordinary Ukrainian Chamber for Aggression (EUCA), such a structure could work complementarily. A treaty creating an "Extraordinary Ukrainian Chamber for Aggression" could be adopted pursuant to normal CoE processes: the text would be negotiated within the institutional framework of the CoE; the Committee of Ministers would adopt the final text of the treaty; then, the treaty would be presented to Member States for their signature.<sup>49</sup> The treaty would provide, *inter alia*, that the EUCA be a part of Ukraine's judicial system, have jurisdiction over aggression, that EUCA judges and prosecutors be drawn from Ukraine and/or from various CoE Member States, and that Ukraine and CoE Member States jointly finance EUCA's work and carry out investigations on a collaborative basis.<sup>50</sup>

The constitutionality of such a hybrid court, however, functioning within the Ukrainian judicial system, might violate the Constitution of Ukraine's Article 125. First, since EUCA will have a distinct procedure for deciding cases, and it will be created to replace other domestic courts which currently have jurisdiction over the matter, it will likely be seen as an "extraordinary court."<sup>51</sup> Second, the process of creation of a domestic court, within the Ukrainian judicial system, may not allow for international involvement.<sup>52</sup> Third, the creation of the EUCA may be seen as a challenge to the supremacy of the Supreme Court of Ukraine. Lastly, the EUCA might be determined not to fit within the "territoriality and specialization" on which the Ukrainian judiciary is based.<sup>53</sup> Therefore, it is best if a purely international tribunal is formulated rather than a hybrid one.

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<sup>46</sup> European Parliament Press Release 20220517IPR29931, *Ukraine: MEPs want a Special International Tribunal for Crimes of Aggression* (May 19, 2022), <https://www.europarl.europa.eu/news/en/press-room/20220517IPR29931/ukraine-meps-want-a-special-international-tribunal-for-crimes-of-aggression>.

<sup>47</sup> Council of Europe., *PACE calls for an ad hoc international criminal tribunal to hold to account perpetrators of the crime of aggression against Ukraine*, COUNCIL OF EUR. (Apr. 28, 2022) <https://www.coe.int/en/web/portal/-/pace-calls-for-an-ad-hoc-international-criminal-tribunal-to-investigate-war-crimes-in-ukraine>.

<sup>48</sup> Heller, *supra* note 45.

<sup>49</sup> Heller, *supra* note 45.

<sup>50</sup> Heller, *supra* note 45.

<sup>51</sup> Komarov & Hathaway, *supra* note 34.

<sup>52</sup> Komarov & Hathaway, *supra* note 34.

<sup>53</sup> Komarov & Hathaway, *supra* note 34.

## D. Domestic Courts

### 1. Ukraine

Prosecutions against war crimes and crimes against humanity are proceeding in the fullest vigor within the Ukrainian legal framework. While it is noteworthy that Ukraine's prosecutor general has opened over 9,000 investigations into Russian war crimes and crimes against humanity, a Ukrainian court, in lightning speed, has already convicted one Russian soldier for war crimes under its domestic war crimes statute, for the killing of a 62-year-old civilian on 28 February 2022.<sup>54</sup>

Further prosecutions in Ukraine are in progress and may even take place under Article 437 of Ukraine,<sup>55</sup> criminalizing the act of aggression against Ukraine.

### 2. EU Member States

In March 2022, Ukraine's prosecutor formed a joint investigation team (JIT) on the aggressive war and crimes committed by the armed forces of the Russian Federation in the territory of Ukraine, within the framework of investigations initiated in Ukraine, Poland, and Lithuania.<sup>56</sup> As of 16 March 2022, the Polish prosecutor's office had already interviewed 300 witnesses relating to Russian war crimes, and the ICC Prosecutor had announced that he was coordinating with Polish prosecutors to ensure access to evidence for its own prosecutions.<sup>57</sup> While investigations on the crime of aggression are underway in Poland and Lithuania, grounded in universal jurisdiction,<sup>58</sup> it is important to note that universal jurisdiction is hardly an exhaustive legal basis for such investigations.<sup>59</sup> Instead, Ukraine's delegation of its own grounds of criminal jurisdiction (discussed further in Section IV.B), through bilateral or multilateral agreements with other EU Member States, can also most effectively serve as legal alternatives to universal jurisdiction.<sup>60</sup> This

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<sup>54</sup> Peggy McGuinness & Ezra N. Rash, *Understanding International Justice for Atrocity Crimes in Ukraine*, NYSBA (June 7, 2022), <https://nysba.org/understanding-international-justice-for-atrocity-crimes-in-ukraine/>.

<sup>55</sup> CRIMINAL CODE OF UKRAINE, Art. 437 (Ukr.), available at, [https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/08/criminal\\_code\\_0.pdf](https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/08/criminal_code_0.pdf).

<sup>56</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, INT'L CRIM. CT. (Mar. 2, 2022), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-receipt-referrals-39-states>.

<sup>57</sup> *Id.*

<sup>58</sup> Universal jurisdiction is where a State can prosecute those who commit the four international core crimes, even if the individual is not from the State prosecuting. *Universal Jurisdiction*, INT'L JUST. RESOURCE CTR., <https://ijrcenter.org/cases-before-national-courts/domestic-exercise-of-universal-jurisdiction/> (last visited June 27, 2022). Furthermore, *jus cogens* refers to a peremptory norm within general international law that are so morally abhorrent that universal jurisdiction arises out of the obligation to prevent and punish those who violate it. The non-exhaustive list of *jus cogens* include genocide, crimes against humanity, slavery. Int'l Law Comm'n Rep. on the Work of Its Seventy-First Session, U.N. Doc A/74/10, ¶ 56, Conclusion 23 (2019), available at <https://legal.un.org/ilc/reports/2019/english/chp5.pdf>.

<sup>59</sup> Diane Orentlicher, *How States can Prosecute Russia's Aggression With or Without "Universal Jurisdiction,"* JUST SECURITY (Mar. 24, 2022), <https://www.justsecurity.org/80818/how-states-can-prosecute-russias-aggression-with-or-without-universal-jurisdiction/>.

<sup>60</sup> *Id.*

is because the EU, similar to the role of European External Action Service during the post-conflict reconstruction of the Balkan States,<sup>61</sup> has the infrastructure to provide judicial assistance.<sup>62</sup>

### III. THE INTERNATIONAL CRIMES

There are four international crimes: genocide, crimes against humanity, war crimes, and crime of aggression.<sup>63</sup> The first three developed over time from 18<sup>th</sup> century and are codified in the Rome Statute, which details each of these crimes.<sup>64</sup> For instance, Article 6 defines genocide, Article 7 details the scope of crimes against humanity, and Article 8 discusses war crimes. The fourth core international crime, the crime of aggression, developed in the 20<sup>th</sup> century and adopted much later in 2017.<sup>65</sup>

#### A. Genocide

Article 6 of the Rome Statute explicitly states that for there to be a charge of genocide, the perpetrator must commit *any one* of the enumerated acts, with the specific “intent to destroy, in whole or part, a national, ethnical, racial or religious group.”<sup>66</sup> The enumerated acts include:

- (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;
- (e) Forcibly transferring children of the group to another group.<sup>67</sup>

The ICTR has charged and tried individuals for violations of Article 6 of the Rome Statute. In *Prosecutor V. Nahimana, Barayagwiza, & Ngeze*, the Prosecutor charged the leaders of the political party in Rwanda, led by Barayagwiza, with genocide and incitement of genocide. The Coalition pour la défense de la république (CDR), the dominant political party, used a “common media front” to incite genocide against the Tutsi population.<sup>68</sup> In what became dubbed as “The Media Case,” the three individuals charged were convicted “of direct and public incitement to genocide, conspiracy, and instigating genocide, extermination, and persecution” in trial at the

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<sup>61</sup> Bosnia and Herzegovina.

<sup>62</sup> See *EU Projects with Bosnia and Herzegovina*, EU (Aug. 5, 2021), [https://www.eeas.europa.eu/bosnia-and-herzegovina/eu-projects-bosnia-herzegovina\\_en?s=219](https://www.eeas.europa.eu/bosnia-and-herzegovina/eu-projects-bosnia-herzegovina_en?s=219).

<sup>63</sup> Eur. Union Agency for Crim. Just. Coop, *Core International Crimes*, EUR. UNION AGENCY FOR CRIM. JUST. COOP., <https://www.eurojust.europa.eu/crime-types-and-cases/crime-types/core-international-crimes> (last visited June 15, 2022).

<sup>64</sup> *Crimes Against Humanity*, OFF. ON GENOCIDE PREVENTION & RESP. TO PROTECT, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml> (last visited June 15, 2022).

<sup>65</sup> CICC, *The Crime of Aggression*, COAL. FOR THE INT’L CRIM. CT., <https://www.coalitionfortheicc.org/explore/icc-crimes/crime-aggression> (last visited June 15, 2022).

<sup>66</sup> ICC, *Rome Statute of the International Criminal Court*, INT’L CRIM. CT. 1, 3, <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf> (last visited June 15, 2022).

<sup>67</sup> *Id.*

<sup>68</sup> Catharine A. MacKinnon, *International Decisions*, 103 AM. J. OF INT’L L. 97-8 (Jan. 2009), <https://www.jstor.org/stable/20456724>.

ICTR.<sup>69</sup> The Appeals Chamber detailed that the charge of inciting genocide can be successful when noting that incitement to genocide led to an “outbreak of mass physical killing.”<sup>70</sup> The Appeals Chamber looked specifically at the time between the broadcast of such incitement and the killing of persons.<sup>71</sup> The temporal jurisdiction of the ICTR was meant to also include “continuous” crimes that served to achieve the goal of genocide, i.e. planning.<sup>72</sup> In this instance, the Appeals Chambers held that the start of the temporal jurisdiction was 1 January 1994, instead of 6 April 1994, the actual start of genocide.<sup>73</sup>

However, all of the elements of the crime must be met during that time as well. For Ngeze, one of the defendants, the causation element was not met. The Appeals Chamber held that there was more of causal connection post 6 April 1994 compared to the connection prior that date, thus reversing the conviction of Ngeze. The Appeals Chamber could not determine if Ngeze’s actions “substantially contributed to genocide.”<sup>74</sup> But, in order to create preventative measures for future genocidal acts, both the Trial and Appeals Chambers held that “incitement [is] punishable whether or not the incited acts occurred.”<sup>75</sup>

The majority consensus from both the Trial and Appeals Chamber is that media can incite genocide and be used as a tool to persecute.<sup>76</sup> It held that “media leaders can be held responsible for incitement through media or for acts media cause, and that this causal link need not be proven exclusive or essential.”<sup>77</sup>

## B. Crimes against humanity

Article 7<sup>78</sup> defines crimes against humanity as “a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”<sup>79</sup> This statute has a *mens rea* of “knowledge” for the Prosecutor to prove, but this element does not require that the perpetrator had actual knowledge of the attack, but rather the *intent* “to further such an attack.”<sup>80</sup> Furthermore, the crimes against humanity can occur either during conflict or peacetime.<sup>81</sup>

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<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> Sophia Kagan, *The “Media case” before the Rwanda Tribunal: The Nahimana et al. Appeal Judgement*, 3 Hague Just. J. 83, 86 (2008), [http://www.haguejusticeportal.net/Docs/HJJ-JJH/Vol\\_3\(1\)/Media\\_Case\\_Kagan\\_EN.pdf](http://www.haguejusticeportal.net/Docs/HJJ-JJH/Vol_3(1)/Media_Case_Kagan_EN.pdf)

<sup>73</sup> *Id.*

<sup>74</sup> *Id.* at 88.

<sup>75</sup> MacKinnon, *supra* note 68.

<sup>76</sup> MacKinnon, *supra* note 68, at 99.

<sup>77</sup> MacKinnon, *supra* note 68, at 99.

<sup>78</sup> For detailed analysis of this section, please refer to Kelly Adams et al., *Russian War Crimes Against Ukraine: The Breach of International Humanitarian Law by the Russian Federation*, GLOB. ACCOUNTABILITY NETWORK 26-7 (Apr. 2022), <https://syrianaccountabilityproject.syr.edu/docs/russian-war-crimes-against-ukraine-the-global-accountability-network.pdf>.

<sup>79</sup> Rome Statute, Art. 7(1).

<sup>80</sup> ICC Elements, Art. 8(2).

<sup>81</sup> Leila N. Sadat, *Putting Peacetime First: Crimes Against Humanity and the Civilian Population Requirement*, 31 EMORY INT’L L. REV. 197, 197 (2017), <https://scholarlycommons.law.emory.edu/eilr/vol31/iss2/1>.

Generally, the ICC has routinely held that there must be a certain level of direct control the perpetrator must have in order to be responsible for the conduct of those under the individual's command.<sup>82</sup>

### C. War crimes

Article 8<sup>83</sup> of the Rome Statute details the scope of what war crimes means, including war crimes that occur during international or non-international conflict.<sup>84</sup> The first subsection of Article 8 lists the grave breaches and the next subsection details other violations of laws of armed conflict.<sup>85</sup> The ICC Prosecutor need only prove that the perpetrator had the “awareness of the factual circumstances that established the existence of an armed conflict. . .”<sup>86</sup> Generally, the Prosecutor must prove all the elements of a crime, including that the perpetrator either “directed or participated in the conduct,” in order to convict the individual.<sup>87</sup>

### D. Crime of Aggression

The crime of aggression, a part of Article 8, has the caveat of *bis* – meaning that it was inserted by resolution RC/Res.6 in 2010 by State Parties to the Rome Statute.<sup>88</sup> It is a relatively new crime that has been codified as one of the core international crimes. Historically, the act of war was not seen as a violation of international law; however, after World War II, the sentiment towards aggression shifted regarding the existing territories and its political independence.<sup>89</sup> When first drafting the crime of aggression, the drafters noted two caveats: “individual or collective self-defence by states involving the use of force is authorized by article 51 of the Charter and...the use of force can be authorized by the UN Security Council as under article 42 of the UN Charter.”<sup>90</sup>

For the sake of clarity, the timeline for codifying the crime of aggression is as follows:

- 24 October 1945 – The UN included “threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations” in Article 2(4) of the UN Charter.<sup>91</sup>

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<sup>82</sup> Prosecutor v. Jean-Pierre Bemba Gombo, Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against Trial Chamber III's “Judgment pursuant to Article 74 of the Statute,” ¶ 30 (ICC June 8, 2018).

<sup>83</sup> For detailed analysis of this section, please refer to Kelly Adams et al., *Russian War Crimes Against Ukraine: The Breach of International Humanitarian Law by the Russian Federation*, GLOB. ACCOUNTABILITY NETWORK 27-8 (Apr. 2022), <https://syrianaccountabilityproject.syr.edu/docs/russian-war-crimes-against-ukraine-the-global-accountability-network.pdf>.

<sup>84</sup> Rome Statute, Art. 8.

<sup>85</sup> Rome Statute, Art. 8(a-c).

<sup>86</sup> ICC Introduction, Art. 8(c).

<sup>87</sup> ICC Elements, Art. 8.

<sup>88</sup> Rome Statute, Art. 8 *bis*(1).

<sup>89</sup> Int'l Crimes Database, *Crime of Aggression*, INT'L CRIMES DATABASE, <https://www.internationalcrimesdatabase.org/Crimes/CrimeOfAggression> (last visited June 15, 2022).

<sup>90</sup> *Id.*

<sup>91</sup> *The Crime of Aggression – A Brief History*, THE GLOB. CAMPAIGN FOR RATIFICATION & IMPLEMENTATION OF THE KAMPALA AMENDMENTS ON THE CRIME OF AGGRESSION, <https://crimeofaggression.info/history/> (last visited June 29, 2022).

- December 1974 – The UNGA adopted Resolution 3314(29) to define the crime of aggression in order to provide guidance to the UNSC as to what that crime would entail.<sup>92</sup>
- July 1998 – While discussing what to add as crimes under the jurisdiction of the ICC, the crime of aggression was included, but the definition and jurisdiction over the crime was deferred.<sup>93</sup>
- February 2009 – The Special Working Group on the Crime of Aggression “found a consensus agreement” as to how the crime of aggression can be defined.<sup>94</sup>
- 11 June 2010 – The 2010 Kampala Review Conference integrated the definition of the crime of aggression, thus allowing State Parties to pass Resolution RC/Res.6.<sup>95</sup>
- 2017 - The “Assembly of States Parties will have to take a further one-time decision to activate the Court’s jurisdiction, no earlier than 2017. Also, one year must have passed since the 30<sup>th</sup> ratification before the Court can exercise its jurisdiction over the crime of aggression.”<sup>96</sup>

Article 8 *bis* of the Rome Statute dictates that “planning, preparation, initiation or execution, by a person” who has direct control over either the political or military branch of the State is a “manifest violation of the Charter of the United Nations.”<sup>97</sup> The perpetrator need not have made a “legal evaluation” for the purpose of using armed forces within the confines of the UN Charter’s definition.<sup>98</sup> The Prosecutor must construe the term “manifest” as an objective qualification.<sup>99</sup>

It is necessary for the perpetrator to either plan, prepare, initiate, or execute the act of aggression and be in a position in which the individual has the power to exercise control over the political or military branch or direct either branch to perform the act of aggression.<sup>100</sup> Second, the act of aggression must have been committed.<sup>101</sup> Third, the perpetrator must have been aware that such an act was inconsistent with the definition set forth in UN Charter.<sup>102</sup> Fourth, the act must have constituted a manifest violation of the UN Charter.<sup>103</sup> Last, the “perpetrator was aware of the factual circumstances that established such a manifest violation” of the UN Charter.<sup>104</sup>

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<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> Int’l Crimes Database, *supra* note 89.

<sup>98</sup> ICC Introduction, Art. 8 *bis*(2).

<sup>99</sup> ICC Introduction, Art. 8 *bis*(3).

<sup>100</sup> ICC Elements, Art. 8 *bis*(2); more than one person may meet the requirements.

<sup>101</sup> ICC Elements, Art. 8 *bis*(3).

<sup>102</sup> ICC Elements, Art. 8 *bis*(4).

<sup>103</sup> ICC Elements, Art. 8 *bis*(5).

<sup>104</sup> ICC Elements, Art. 8 *bis*(6).

Article 8 *bis*'s non-exhaustive list includes “invasion or attack by the armed forces of a State” within the territory of another State, “bombardment by the armed forces, blockade of the ports . . . , an attack by the armed forces of a State against that of another State,” whether it is on land, by sea or air, and others.<sup>105</sup> This non-exhaustive list was meant to assist the UNSC in its determination as to what amounts to a crime of aggression, rather than focus solely on criminal accountability.<sup>106</sup> Once the UNSC finds that an act amounts to a crime of aggression, it is a matter of having jurisdiction over the perpetrator.

#### IV. JURISDICTIONAL ISSUES OVER THE INTERNATIONAL CRIMES

The Nuremberg Charter and the Tokyo Charter set up the first international tribunals that broke “the monopoly over criminal jurisdiction” on international crimes and created a jurisdictional template for future international tribunals.<sup>107</sup> The temporal, territorial, personal, and subject-matter jurisdiction of an international tribunal is a result of lobbying and negotiations, tailored to the situation within the international political comfort zone.<sup>108</sup>

##### A. *Jurisdiction of the International Criminal Court*

The Rome Statute sets the jurisdictional framework for the ICC, permitting it to prosecute individuals for the “most serious crimes of concern to the international community as a whole” for one or more of the four core international crimes.<sup>109</sup> The ICC jurisdiction can be considered general, with the exception of the crime of aggression.<sup>110</sup>

In addition to the ICC and special international tribunals, States may exercise universal jurisdiction over the core international crimes under customary international law.<sup>111</sup> Again, as to the crime of aggression, this right is however contested as discussed below in Section IV.A.2.<sup>112</sup>

##### 1. *ICC's Jurisdiction over War Crimes, Crimes Against Humanity, Genocide*

With regard to war crimes, crimes against humanity, and genocide, the ICC's jurisdiction begins after the Rome Statute's entry into force or with the entry into force for a State Party.<sup>113</sup> It covers cases where one or more of the four core international crimes have been committed by a State Party national, in the territory of a State Party, in the territory of a state that has accepted the jurisdiction of the ICC, or by a national of a state that has accepted the jurisdiction of the ICC by

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<sup>105</sup> Rome Statute, Art. 8 *bis*(2)(a-g).

<sup>106</sup> Int'l Crimes Database, *supra* note 89.

<sup>107</sup> Eileen Skinnider, *Experiences and Lessons from Hybrid Tribunals: Sierra Leone, East Timor, and Cambodia*, 3 APYIHL 243, 246 (2007). *See also*, Michael J. Matheson & David Scheffer, *The Creation of Tribunals*, 110 AM. J. INT'L L. 173, 182 (2016).

<sup>108</sup> *See e.g.*, Matheson & Scheffer, *supra* note 107, at 173.

<sup>109</sup> Rome Statute, Art. 5.

<sup>110</sup> *See e.g.*, Michael J. Matheson & David Scheffer, *supra* note 107, at 186.

<sup>111</sup> Michael P. Scharf, *Universal Jurisdiction and the Crime of Aggression*, 53 HARV. INT'L L.J. 357, 388 (2012).

<sup>112</sup> Based on an “understanding” between the negotiators of the crime of aggression amendment, it was not to be interpreted as creating a right for national courts to prosecute the crime of aggression under universal jurisdiction. *Id.* at 359-360.

<sup>113</sup> Rome Statute, Art. 11.



lodging a declaration with the Registrar of the ICC.<sup>114</sup> The ICC may only prosecute natural persons who were not under the age of eighteen at the time of the alleged commission of a crime.<sup>115</sup>

There are three jurisdictional triggers for the ICC: (1) a referral by a State Party, (2) a referral by the UNSC, acting under Chapter 7 of the UN Charter, and (3) an investigation initiated by the ICC Prosecutor.<sup>116</sup> The Prosecutor may initiate a preliminary examination *proprio motu* (on their own initiative) but must seek authorization from the Pre-Trial Chamber to begin a formal investigation *proprio motu*. If the Pre-Trial Chamber considers that there is a reasonable basis to proceed with an investigation, and that the case appears to fall within the jurisdiction of the Court, it authorizes the commencement of the investigation.<sup>117</sup>

Neither Ukraine nor Russia is a State Party to the Rome Statute, but Ukraine has officially accepted the ICC jurisdiction by submitting two declarations pursuant to Article 12(3) of the Rome Statute. The first declaration, submitted in April 2014, accepted ICC jurisdiction with respect to alleged crimes committed on Ukrainian territory from 21 November 2013 to 22 February 2014; the second, submitted in September 2015, extended this time period on an open-ended basis to encompass ongoing alleged crimes committed throughout the territory of Ukraine from 20 February 2014 onwards.<sup>118</sup> With these declarations, Ukraine has accepted the ICC jurisdiction “for the purpose of identifying, prosecuting and judging the perpetrators and accomplices of acts committed in the territory of Ukraine” from 21 November 2013 onwards.

## 2. *Why Not the Crime of Aggression?*

The jurisdictional regime of the crime of aggression is different from that of crimes against humanity, genocide, and war crimes. While the Rome Statute, negotiated in 1998, included the definition of the other three core international crimes, it was not until 2009 that the States Parties were able to agree on the definition of the crime of aggression.<sup>119</sup> The conditions for jurisdiction were established a year later,<sup>120</sup> and they are significantly narrower than in the other three situations. Based on the Rome Statute Articles 15 *bis* and 15 *ter*, the ICC cannot exercise its jurisdiction over crimes of aggression committed by nationals of States not party to the Rome Statute or on those States’ territories, unless the UNSC, acting under Chapter 7 of the UN Charter,

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<sup>114</sup> Rome Statute, Art. 12.

<sup>115</sup> Rome Statute, Arts. 25-26.

<sup>116</sup> Rome Statute, Art. 13.

<sup>117</sup> Rome Statute, Art. 15.

<sup>118</sup> *Ukraine*, INTERNATIONAL CRIMINAL COURT (June 2, 2022, 9:00 PM), <https://www.icc-cpi.int/ukraine>.

<sup>119</sup> Jennifer Trahan, *Revisiting the History of the Crime of Aggression in Light of Russia’s Invasion of Ukraine*, 2 ASIL INSIGHTS 1, 1-2 (Apr. 19, 2022), [https://www.asil.org/sites/default/files/ASIL\\_Insights\\_2021\\_V26\\_I2.pdf](https://www.asil.org/sites/default/files/ASIL_Insights_2021_V26_I2.pdf). Note that the negotiations were open to all UN Member States or members of International Atomic Energy Agency or specialized agencies. RETHINKING THE CRIME OF AGGRESSION. INTERNATIONAL AND INTERDISCIPLINARY PERSPECTIVES 257 (Stefanie Bock & Eckart Conze eds., 2020) (ebook).

<sup>120</sup> Jennifer Trahan, *supra* note 119, at 3.

refers the situation to the Prosecutor.<sup>121</sup> The temporal jurisdiction of the ICC over the crime of aggression was activated as of 17 July 2018.<sup>122</sup> No jurisprudence exists yet.

In principle, the triggers for ICC's exercise of jurisdiction over the crime of aggression are similar to the other core international crimes (State Party referral, Security Council referral, *proprio motu*). In practice, however, the ICC's exercise of jurisdiction over the crime of aggression is largely controlled by the UNSC. Should the Prosecutor wish to proceed with an investigation of a crime of aggression *proprio motu*, they must first verify if the UNSC has made a determination of an act of aggression committed by the state concerned and notify the Secretary-General of the United Nations of the situation before the ICC.<sup>123</sup> The Prosecutor may proceed if the UNSC has made such a determination; the Prosecutor may also proceed in the absence of such a determination within six months after the notification, only if the UNSC does not specifically request the Prosecutor to cease proceedings and the Pre-Trial Division has authorized the commencement of the investigation.<sup>124</sup>

Since neither Russia nor Ukraine is a State Party to the ICC, the Prosecutor does not have jurisdiction over crimes of aggression committed by Russian nationals in Ukraine under Article 15 *bis*. With Russia's veto power and practice in the UNSC,<sup>125</sup> it is unrealistic to expect a Security Council referral under Article 15 *ter*.

However, with the conflict ongoing, the international community must look for other solutions to prosecute Russian perpetrators for the crime of aggression.

### B. *Ukraine's Delegation of Jurisdiction*

There are many ways in which Ukraine could delegate its jurisdiction. First, Ukraine can delegate its territorial jurisdiction to a built-for-purpose aggression tribunal, as well as to one or more States willing to prosecute the crime of aggression.<sup>126</sup> Second, Ukraine can also delegate its passive personality<sup>127</sup> jurisdiction that enables it to punish crimes committed by foreign nationals against Ukrainian citizens.<sup>128</sup> Finally, Ukraine can delegate the jurisdiction pursuant to the protective principle, which enables States to prosecute "crimes committed by foreign nationals outside of their territory which threaten their vital interests."<sup>129</sup> "[T]he principle's rationale is . . . based on the necessity to protect vital State interests, including sovereignty, security, political

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<sup>121</sup> Interestingly, the resolution activating the jurisdiction of the Court over the crime of aggression seems to go even further, stating that the article enters into force only for those States Parties that have accepted or ratified the amendment. Assembly of State Parties to the ICC Res. ICC-ASP/16/Res.5 (Dec. 14, 2017), [https://asp.icc-cpi.int/sites/asp/files/asp\\_docs/Resolutions/ASP16/ICC-ASP-16-Res5-ENG.pdf](https://asp.icc-cpi.int/sites/asp/files/asp_docs/Resolutions/ASP16/ICC-ASP-16-Res5-ENG.pdf).

<sup>122</sup> *Id.*

<sup>123</sup> Rome Statute, Art. 15 *bis*.

<sup>124</sup> Rome Statute, Art. 15 *bis*.

<sup>125</sup> On 25 February 2022, Russia vetoed a draft resolution intended to end the Russian Federation's military offensive against Ukraine. *Security Council Fails to Adopt Draft Resolution on Ending Ukraine Crisis, as Russian Federation Wields Veto*, UNITED NATIONS (Feb. 25, 2022), <https://www.un.org/press/en/2022/sc14808.doc.htm>.

<sup>126</sup> *Id.*

<sup>127</sup> The passive personality principle allows states, in limited cases, to claim jurisdiction to try a foreign national for offenses committed abroad that affect its own citizens. See Orentlicher, *supra* note 59.

<sup>128</sup> Orentlicher, *supra* note 59.

<sup>129</sup> Orentlicher, *supra* note 59.

independence and governmental functions.”<sup>130</sup> Since the Russian Federation’s aggression against Ukraine poses similar national security threats to the sovereignty of other similarly situated States in the region, such as Poland, the source of this jurisdiction is not just limited from the Ukrainian delegation of jurisdiction but can be exercised independently by the neighboring States as well.

Relying on Ukrainian delegations of jurisdiction has its advantages for other States. Most notably, it will allow States to bypass the prevailing debate on whether universal jurisdiction includes the crime of aggression in the first place, which would authorize their national courts to exercise jurisdiction in these circumstances. This prevailing debate is among the foremost factors for which many States are reluctant to start investigations.<sup>131</sup> Relying on an unambiguous delegation of Ukrainian jurisdiction would help alleviate any hesitation.

However, there are two pertinent concerns with the above approach. First, the issue of immunities for government officials in national courts will remain ever more relevant in such arrangements. Second, the scheme’s compliance with the provisions of the Ukrainian Constitution is also questionable.

Article 124 of the Constitution disallows the delegation of judicial powers to other bodies.<sup>132</sup> It is on this basis that the CCU had pronounced that the Rome Statute was inconsistent with the Constitution of Ukraine, since in the eyes of the CCU, the jurisdiction of the ICC was “complementary” to the jurisdiction of the Ukrainian courts and thereby, encroached upon the exclusive jurisdiction of the Ukrainian courts.<sup>133</sup> This contrasts with the CCU upholding the European Court of Human Rights (ECHR) jurisdiction over Ukraine, reasoning that the ECHR’s jurisdiction was “auxiliary,” and provided for jurisdiction only “after all domestic remedies have been exhausted,” thereby, not crossing into the exclusive functions of the Ukrainian courts.<sup>134</sup> While a specific amendment was passed by the Parliament to exempt the ICC from this provision, the provision remains an important detriment to the delegation of Ukrainian jurisdiction.<sup>135</sup>

### *C. Jurisdiction of an International Court – The Special Tribunal for Ukraine*

The elements of the jurisdiction of international tribunals are situation-specific. In the following, possible options are considered for the jurisdictional framework of a Special Tribunal for Ukraine.

First, regarding subject-matter jurisdiction, it seems widely accepted that the Special Tribunal for Ukraine should only have jurisdiction over the crime of aggression to limit the tribunal’s focus

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<sup>130</sup> Orentlicher, *supra* note 59.

<sup>131</sup> Alexander Komarov & Oona Hathaway, *Ukraine’s Constitutional Constraints: How to Achieve Accountability for the Crime of Aggression*, JUST SECURITY (Apr. 5, 2022), <https://www.justsecurity.org/80958/ukraines-constitutional-constraints-how-to-achieve-accountability-for-the-crime-of-aggression/>.

<sup>132</sup> *Id.*

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

and eliminate redundancy with the ICC’s efforts.<sup>136</sup> The Ukrainian government agrees with this method since it has expressed willingness to align the Ukrainian domestic definition of the crime of aggression to the one governed by the Rome Statute Article 8 *bis*.<sup>137</sup>

Second, previous prominent hybrid international tribunals, the Special Court for Sierra Leone (SCSL) and the Extraordinary Chambers in the Courts of Cambodia (ECCC), have had limited personal jurisdiction over those “who bear the greatest responsibility” and “over the senior leaders of Democratic Kampuchea and those who were most responsible. . .”<sup>138</sup> Similarly, the Rome Statute defines the crime of aggression as a leadership offense that can only be attributed to “a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression.”<sup>139</sup> Thus, there is substantial precedence for narrowing the scope of the jurisdiction to political and military leaders.

Third, different options are being considered for the start of the period covered by the tribunal. The first option presented by the White Paper on the Model Special Tribunal would be to start the jurisdiction in 2014, which would allow for processing Russian acts, including cyberattacks, since the beginning of the conflict in Crimea.<sup>140</sup> The other option would be to limit the temporal jurisdiction to the most recent invasion, which commenced on 24 February 2022. Ukraine seems to favor temporal jurisdiction that starts in February 2014.<sup>141</sup> Regardless of the decision, with the conflict ongoing, the temporal jurisdiction should not have an ending date.<sup>142</sup>

Last, regarding territorial jurisdiction, there would be jurisdiction encompassing either the “aggressor state” and the “victim state,” including the role of Belarus which must be considered an aggressor state as well.<sup>143</sup>

#### *D. Other Mandates for the International Justice Mechanisms*

##### *1. Ukraine*

For various reasons including efficiency and reconciliation, international criminal law and practice support trials close to the affected community.<sup>144</sup> Ukraine has already sentenced Russian soldiers for war crimes under Part 1 of Article 438 of the Criminal Code of Ukraine.<sup>145</sup> Chapter 20

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<sup>136</sup> Jennifer Trahan, *White Paper on the Model Special Tribunal for the Crime of Aggression Recommended by the UNGA and negotiated by the UN and Ukraine*, 1, 2 (May 22, 2022) (unpublished memorandum) (on file with author) (hereinafter “White Paper on the Model Special Tribunal”).

<sup>137</sup> Dr. Anton Korynevych, Ambassador-at-large in the Ministry of Foreign Affairs of Ukraine, Address at the Public International Law and Policy Group Expert Roundtable: Putin: Pathways to Prosecution (June 3, 2022).

<sup>138</sup> Statute of the Special Court for Sierra Leone, Art. 1; Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea, Art. 2.

<sup>139</sup> Rome Statute, Art. 8 *bis*.

<sup>140</sup> White Paper on the Model Special Tribunal, *supra* note 136, at 3.

<sup>141</sup> Dr. Anton Korynevych, *supra* note 137.

<sup>142</sup> White Paper on the Model Special Tribunal, *supra* note 136, at 3.

<sup>143</sup> White Paper on the Model Special Tribunal, *supra* note 136, at 3.

<sup>144</sup> Heller, *supra* note 45.

<sup>145</sup> Rebekah Yeager-Malkin, *Russia soldiers sentenced to 11.5 years in prison for war crimes in Ukraine*, JURIST (May 31, 2022, 02:58 AM), <https://www.jurist.org/news/2022/05/russia-soldiers-sentenced-to-11-5-years-in-prison-for-war-crimes-in-ukraine/>.

of the Ukrainian Criminal Code, governing criminal offenses against peace, security of mankind and international legal order, also includes a provision on planning, preparation, and waging of an aggressive war under Article 437.<sup>146</sup> Thus, a Ukrainian domestic court could exercise jurisdiction over crimes of aggression.

## 2. *European Union or EU Member States*

Some have suggested a hybrid tribunal created by an agreement between Ukraine and the European Union.<sup>147</sup> The European Union does not have any jurisdiction over criminal law,<sup>148</sup> but it did establish the Special Investigative Task Force to investigate inhumane treatment of people and illicit trafficking in human organs in Kosovo in 2011, and was instrumental in the establishment of the Kosovo Specialist Chambers and Specialist Prosecutor's Office for the consequent criminal proceedings in 2015. The Specialist Chambers were established by an exchange of letters between the President of Kosovo and the EU High Representative for Foreign Affairs/Vice President of the Commission.<sup>149</sup>

The Kosovo Specialist Chambers is a hybrid tribunal operating within the Kosovo justice system but with a chamber in the Netherlands, and an international staff.<sup>150</sup> It has jurisdiction over individual perpetrators of certain crimes against humanity, war crimes, and other crimes under Kosovo law, committed between 1 January 1998 and 31 December 2000.<sup>151</sup> The jurisdiction encompasses natural persons of Kosovo/Federal Republic of Yugoslavia (FRY) citizenship or persons accused of committing crimes against persons of Kosovo/FRY citizenship.<sup>152</sup> The

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<sup>146</sup> An English translation of the Criminal Code of Ukraine is available on the SHERLOC portal of the United Nations Office on Drugs and Crime. Sherlock, UNODC, [https://sherloc.unodc.org/cld/uploads/res/document/ukr/2001/criminal-code-of-the-republic-of-ukraine-en\\_html/Ukraine\\_Criminal\\_Code\\_as\\_of\\_2010\\_EN.pdf](https://sherloc.unodc.org/cld/uploads/res/document/ukr/2001/criminal-code-of-the-republic-of-ukraine-en_html/Ukraine_Criminal_Code_as_of_2010_EN.pdf) (last visited June 20, 2022). The formulation is similar to the definition of “crimes against peace” in the UN Charter establishing the Nuremberg Tribunal. Michael P. Scharf, *supra* note 111, at 369.

<sup>147</sup> Heller, *supra* note 45. Heller included an option of a hybrid tribunal created by agreement between Ukraine and the Council of Europe. Russia however ceased to be a member of the organization as of March 16, 2022, thus voiding the opportunity. Upon its withdrawal, Russia informed of its intention to denounce the European Convention on Human Rights. Comm. of Ministers, *Resolution CM/Res (2022)2 on the cessation of the membership of the Russian Federation to the Council of Europe* (Mar. 16, 2022). The Council of Europe has since added its support to the establishment of an ad hoc international criminal tribunal for the investigation and prosecution of the crime of aggression, “on the basis of a multilateral treaty concluded by a group of States” and endorsed by the United Nations General Assembly. Eur. Parl. Ass., *Report of the Committee on Legal Affairs and Human Rights*, Doc. No. 15510 (Apr. 26, 2022).

<sup>148</sup> For a concise summary on the topic, see *Division of Competences within the European Union*, EUR-LEX, <https://eur-lex.europa.eu/EN/legal-content/summary/division-of-competences-within-the-european-union.html> (last visited June 3, 2022).

<sup>149</sup> In practice, the HR/VP committed to the extension of the mandate of the EULEX Mission in Kosovo, which had been agreed upon by the Council of the European Union in Council Joint Action 2008/124/CFSP. Law 04/L-274 on the Ratification of the International Agreement between the Republic of Kosovo and the European Union Rule of Law Mission in Kosovo, Apr. 23, 2014, [https://www.scp-ks.org/sites/default/files/public/04-l-274\\_a.pdf](https://www.scp-ks.org/sites/default/files/public/04-l-274_a.pdf).

<sup>150</sup> Nationals of the 27 EU member states and additional contributing states (Canada, Norway, Switzerland, Turkey, United States) are eligible to apply. *KSC at a Glance*, KOSOVO SPECIALIST CHAMBERS, [https://www.scp-ks.org/sites/default/files/public/content/ksc\\_at\\_a\\_glance-en.pdf](https://www.scp-ks.org/sites/default/files/public/content/ksc_at_a_glance-en.pdf) (last visited June 3, 2022).

<sup>151</sup> Reported in the CoE Parliamentary Assembly Report 12462. Eur. Parl. Ass., *Report of the Committee on Legal Affairs and Human Rights*, Doc. No. 12462 (Jan. 7, 2011).

<sup>152</sup> *KSC at a Glance*, *supra* note 150.

situation in Kosovo, which had been recognized by the UNSC in its resolution 1244, is not directly comparable to the situation in Ukraine.<sup>153</sup> In theory, however, a similar hybrid model might be feasible in the case of the crimes of aggression committed in Ukraine.

Thus far, the EU efforts have been focused on supporting Ukraine and the ICC in prosecutions.<sup>154</sup> In May 2022, the European Parliament adopted a resolution addressing “the fight against impunity for war crimes in Ukraine,” calling for the EU institutions to support the establishment of a “special international tribunal for the punishment of the crime of aggression committed against Ukraine by the political leaders and military commanders of Russia and its allies.”<sup>155</sup> Since the resolution refers to established multilateral forums such as the UN and the CoE,<sup>156</sup> there is no indication that the EU is looking to host the tribunal.

Several European Union Member States have opened investigations into crimes committed in Ukraine, but only few have appropriate universal jurisdiction over the crime of aggression in their criminal codes.<sup>157</sup> Three EU Member States have viable options under their respective penal codes: Estonia has universal jurisdiction over the crime of aggression; the Czech Republic over “preparation of aggressive war;” and Bulgaria over “crimes against peace.”<sup>158</sup> An uncharted option could be a coalition of the willing, built around one or more of these countries.

## V. THE MANDATES FOR THE INTERNATIONAL JUSTICE MECHANISMS

### A. “Those responsible”- ICTY & ICTR vs “Greatest Responsibility”- SCSL

The ICTY and ICTR, established in the aftermath of the Cold War, provided in Article 1 of their respective statutes that they “shall have the power to prosecute persons responsible for serious violations of international humanitarian law.”<sup>159</sup> Contrastingly, the SCSL Statute conferred on the tribunal “the power to prosecute persons who bear the greatest responsibility” for international humanitarian and Sierra Leonean law violations.<sup>160</sup> This shift in the mandate, pronounced by the statutes, notably within the span of only a decade, can be understood by looking at the underlying contexts of the period.

In resolutions preceding the creation of the ICTY and ICTR, the UNSC repeatedly emphasized its resolve to bring to justice all those persons responsible for the commission of international

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<sup>153</sup> S.C. Res 1244 (June 10, 1999).

<sup>154</sup> *EU solidarity with Ukraine*, COUNCIL OF THE EUR. UNION, <https://www.consilium.europa.eu/en/policies/eu-response-ukraine-invasion/eu-solidarity-ukraine/> (last visited June 20, 2022).

<sup>155</sup> Resolution of 19 May 2022 on the fight against impunity for war crimes in Ukraine. EUR. PARL. DOC. P9 TA (2022) 0218. Art. O.

<sup>156</sup> *Id.*

<sup>157</sup> The German Code of Crimes against International Law criminalizes aggression in Section 13 of the VStGB, but the law applies only if the perpetrator is a German national or if the offense is directed against Germany. OPEN SOC’Y JUST. INITIATIVE & TRIAL INT’L, UNIV. JURISDICTION L. & PRAC. IN GER. 11-17 (Mar. 2019).

<sup>158</sup> The scope and application of the principle of universal jurisdiction. U.N. Secretary-General, *Report of the Secretary-General prepared on the basis of comments and observations of Governments*, UNGA A /65/181 29-30 (July 29, 2010).

<sup>159</sup> Charles Chernor Jalloh, *Prosecuting Those Bearing “Greatest Responsibility:” The Lessons of the Special Court for Sierra Leone*, 96 MARQ. L. REV. 863, 863 (2013).

<sup>160</sup> *Id.*

crimes.<sup>161</sup> This is because the international community faced a climate of ongoing hostilities, and the immediate policy goal was to end further commission of heinous offenses.<sup>162</sup> Resolutions, overstating the international community's abilities to bring to justice a wider set of perpetrators, were meant to be a deterrent, becoming an intrinsic part of the statutes.<sup>163</sup> While the tribunals enjoyed broad scopes of authority when there was a clear anticipation and support for justice, the aspirations were soon tempered by realities of "tribunal fatigue."<sup>164</sup>

There were discussions among powerful countries, especially the United States, about the viability of the ad-hoc Chapter 7 tribunal model.<sup>165</sup> It was driven primarily by concerns about the slow pace of the international trials and the spiraling costs of the courts.<sup>166</sup> While the total expenditures of ICTY and the ICTR were \$1.2 billion and \$1 billion respectively,<sup>167</sup> the total expenditure of the SCSL was \$300 million.<sup>168</sup> For various pragmatic reasons, such as the need to show concrete results in the early days, those ad hocs also ended up prosecuting otherwise insignificant perpetrators, such as Duško Tadić and Jean-Paul Akayesu.<sup>169</sup> These factors led to a deliberate decision, in a move to what was perceived to be a more financially viable and a more politically acceptable model, to limit the jurisdiction of future courts, like the SCSL.<sup>170</sup> Notably, even the Rules of Procedures of the ICTY and the ICTR later went on to reflect "greatest responsibility," a sign of a wider shift in the acceptable mandates of international criminal tribunals.<sup>171</sup>

The UNSC's decision to limit the jurisdiction of the SCSL to those with the "greatest responsibility," therefore, was driven by pragmatic, political, economic, and other realpolitik considerations.

### *B. A Recommendation for the Special Tribunal for Ukraine*

Because the crime of aggression, as defined in article 8 *bis*, is a "leadership crime," it is not necessary to specify that those to be prosecuted would only be those who bear "the greatest responsibility," as the SCSL's Statute did, because the definition of the crime already limits those who may be prosecuted.<sup>172</sup>

If the scope were to be defined anyway, then limiting the scope to those with the "greatest responsibility" would be the most prudent due to the challenging political and economic realities of the world today.

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<sup>161</sup> Joseph Rikhof, *Who are Most Responsible in International Criminal Law?*, 3 PKI GLOB. JUST. J. 77, 77 (2019).

<sup>162</sup> *Id.*

<sup>163</sup> Jalloh, *supra* note 159, at 876.

<sup>164</sup> Jalloh, *supra* note 159, at 878.

<sup>165</sup> Jalloh, *supra* note 159, at 878.

<sup>166</sup> Jalloh, *supra* note 159, at 878.

<sup>167</sup> Rupert Skilbeck, *Funding Justice: The Price of War Crimes Trials*, 3 HUM. RTS. BRIEF, 6 (2008).

<sup>168</sup> Lansana Gberie, *The Special Court for Sierra Leone rests – for good*, AFRICA RENEWAL (Apr. 2014), <https://www.un.org/africarenewal/magazine/april-2014/special-court-sierra-leone-rests-%E2%80%93-good>.

<sup>169</sup> Jalloh, *supra* note 159.

<sup>170</sup> Jalloh, *supra* note 159.

<sup>171</sup> Jalloh, *supra* note 159.

<sup>172</sup> White Paper on the Model Special Tribunal, *supra* note 136, at 5.

## VI. PROSECUTING SITTING HEADS OF STATE

For the first time since the Nuremberg trials, the international community is looking to bring perpetrators of the crime of aggression to justice.

Head of State immunity from jurisdiction in other States has for centuries been considered a core principle of sovereignty,<sup>173</sup> recognized by the ICJ.<sup>174</sup> The sitting Heads of State enjoy immunity *ratione personae*, personal or procedural immunity, which protects them from being adjudicated by the courts of another state. Immunity *ratione materiae*, substantive or functional immunity, instead shields the acts committed as a Head of State, and it extends also to former heads of state.<sup>175</sup> Functional immunity, as explained below, has eroded in international criminal law since the Nuremberg trials.<sup>176</sup> Contemporary international criminal law recognizes that the principle is not absolute.<sup>177</sup>

The Statutes of the ICTY, ICTR, the SCSL, and the ICC all include a provision stating that the official position of the accused shall not relieve them of criminal responsibility.<sup>178</sup>

The ICJ elaborated on the issue of immunity in *Yerodia*. It implied that while prosecuting sitting Head of States was outside of domestic courts' jurisdiction, even when international crimes have been committed, the immunity of an incumbent Head of State could be waived by an international court.<sup>179</sup>

The SCSL conviction of Charles Taylor, the former President of Liberia, stands out as the only successful case of prosecuting a former Head of State in an international court. The former Yugoslav President, tried at the ICTY, died in detention before his judgment was rendered,<sup>180</sup> and the President al-Bashir of Sudan, indicted by the ICC on 4 March 2009, is still at large.<sup>181</sup>

In fact, there appears to be a trend protesting international jurisdiction over Heads of State and avoiding cooperation with the ICC. Since the issuance of his arrest warrant, al-Bashir has reportedly visited several UN and ICC Member States without being turned away or arrested.<sup>182</sup>

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<sup>173</sup> See, e.g., Brian Man-ho Chok, *Let the Responsible be Responsible: Judicial Oversight and Over-Optimism in the Arrest Warrant Case and the Fall of the Head of State Immunity Doctrine in International and Domestic Courts*, 30 AM. U. INT'L L. REV. 489, 496 (2015).

<sup>174</sup> See, e.g., Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment, 2002 I.C.J. 3, ¶ 51 (Feb. 14).

<sup>175</sup> Scharf, *supra* note 111, at 383.

<sup>176</sup> See, e.g., Leila Nadya Sadat, *Heads of state and other government officials before the International Criminal Court: the uneasy revolution continues*, ELGAR COMPANION TO THE INT'L CRIM. CT. 96, 100-101 (Margaret deGuzman & Valerie Oosterveld eds., 2020).

<sup>177</sup> See Chok, *supra* note 173, at 489.

<sup>178</sup> The ICTY Statute, Art. 7(2); The ICTR Statute, Art. 6(2); The SCSL Statute, Art. 6(2); Rome Statute, Art. 27. On the debate on the meaning of Article 27 of the Rome Statute, see Sadat, *supra* note 179.

<sup>179</sup> Arrest Warrant of 11 April 2000, *supra* note 174, at ¶ 51. See also, Scharf, *supra* note 111, at 384.

<sup>180</sup> *Indicted genocide suspect Slobodan Milosevic died of heart attack – UN*, UNITED NATIONS (Mar. 12, 2006), <https://news.un.org/en/story/2006/03/171842-indicted-genocide-suspect-slobodan-milosevic-died-heart-attack-un>.

<sup>181</sup> *Al Bashir Case*, INT'L CRIM. CT. (June 11, 2022, 10:35 AM), <https://www.icc-cpi.int/darfur/albashir>.

<sup>182</sup> *Omar al-Bashir*, COAL. FOR THE INT'L CRIM. CT., <https://www.coalitionfortheicc.org/cases/omar-albashir> (last visited June 21, 2022).



Some countries, such as the Kingdom of Jordan (Jordan), have justified their inaction by Article 98(1) of the Rome Statute, which provides that “[t]he Court may not proceed with a request for surrender or assistance which would require the requested State to act inconsistently with its obligations under international law with respect to the State or diplomatic immunity of a person or property of a third State, unless the Court can first obtain the cooperation of that third State for the waiver of the immunity.”<sup>183</sup> Thus, Jordan asserted that Heads of State retain their immunity under international law so long as they remain in office and refused to surrender al-Bashir to the ICC without Sudan’s consent.<sup>184</sup> However, the Appeals Chamber of the ICC concluded that there was “no immunity that Jordan would have been required to ‘disregard’ by executing the Court’s arrest warrant” and “there was no need for a waiver by Sudan of Head of State immunity.”<sup>185</sup> The ICC firmly stated that “[n]o immunities under customary international law operate in such a situation to bar an international court in its exercise of its own jurisdiction.”<sup>186</sup>

The following section will briefly examine the case of Charles Taylor to understand the elements that led to its success. After that, the lessons learned are laid out for the crime of aggression committed by the Russian military forces under the command of President Putin in Ukraine.

#### *A. Case Study - the Indictment and Prosecution of President Charles Taylor of Liberia*

The indictment, prosecution, and consequent conviction of the former Liberian President, Charles Taylor, broke the shield of international impunity of Heads of State for the first time since the Nuremberg trials. The conviction Charles Taylor on 26 April 2012 by the SCSL was “a major departure from the impunity that heads of state traditionally enjoyed”<sup>187</sup> and, in the words of the SCSL itself, opened a “new era of accountability.”<sup>188</sup> The Taylor case also created a new precedent for the indictment of sitting Heads of State: President Taylor was indicted on 7 March 2003 and would not resign until five months later.<sup>189</sup>

One of the keys to the success of the SCSL was its mandate<sup>190</sup> and its jurisdiction, established in the Statute of the SCSL. The SCSL had the “power to prosecute persons who [bore] the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996, including those leaders who, in committing such crimes, had threatened the establishment of and implementation of the peace process in Sierra Leone.”<sup>191</sup> The Statute expressly waived the immunity of high-level officials:

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<sup>183</sup> Rome Statute, Art. 98(1).

<sup>184</sup> Sadat, *supra* note 176, at 98.

<sup>185</sup> Prosecutor v. Omar Hassan Ahmad Al-Bashir, ICC-02/05-01/09 OA2, Judgment in the Jordan Referral re Al-Bashir Appeal, ¶ 7 (May 6, 2019).

<sup>186</sup> *Id.*, ¶ 2.

<sup>187</sup> Human Rights Watch, *Even a ‘Big Man’ Must Face Justice. Lessons from the Trial of Charles Taylor*. HUM. RTS. WATCH (July 25, 2012), <https://www.hrw.org/report/2012/07/25/even-big-man-must-face-justice/lessons-trial-charles-taylor>.

<sup>188</sup> Prosecutor v. Charles Ghankay Taylor, Case No. SCSL-2003-01-I, Summary Judgement, ¶ 102 (Apr. 26, 2012).

<sup>189</sup> Kirsten Keith, *Blood Diamonds and War Crimes: The Case against Charles Taylor*, 15 S.CROSS U. L. REV. 99, 99 n.3 (2012).

<sup>190</sup> See David Crane, *Hybrid Tribunals - Internationalized National Prosecutions*, 25 PENN ST. INT’L L. REV. 803 (2007).

<sup>191</sup> The Statute of the Special Court for Sierra Leone, Art. 1(1).

“The official position of any accused persons, whether as Head of State or Government or as a responsible government official, shall not relieve such person of criminal responsibility nor mitigate punishment.”<sup>192</sup>

Taylor’s original indictment in March 2003 was on seventeen counts of war crimes, crimes against humanity, and other serious violations of international humanitarian law with individual criminal responsibility pursuant to Article 6(1) and with superior responsibility pursuant to Article 6(3) of the SCSL Statute.<sup>193</sup> Upon the SCSL Prosecutor’s request, the indictment and the arrest warrant were kept under seal.<sup>194</sup> An opportunity to serve the indictment to Taylor arose early June 2003, when the Liberian President was visiting Ghana for then-ongoing peace talks. The Prosecutor made the decision to have the indictment delivered to the Ghanaian authorities on 4 June 2003, but President Kufour, who was chairing the peace talks, refused to act on it and instead, he helped Taylor flee.<sup>195</sup> The following day, the Prosecutor published a press release announcing the indictment and declaring Taylor’s arrest warrant outstanding.<sup>196</sup>

Two months later, in August 2003, arguably to escape international justice, Taylor agreed to resign his Presidency. Feeling protected by West African governments and the Security Council, he accepted an offer of safe haven in Nigeria.<sup>197</sup> Through counsel, he contested SCSL’s jurisdiction based on his functional immunity, but in May 2004, the Appeals Chamber of SCSL dismissed the challenge.<sup>198</sup> By Spring 2006, enough domestic, regional, and international momentum had been gathered for Nigeria to arrest Taylor and transfer him to Liberia, where the UN peacekeepers took him into the custody of the SCSL.<sup>199</sup>

The trial before the Trial Chamber of the SCSL opened on 4 June 2007, and the process came to its conclusion on 26 September 2013, when the Appeals Chamber upheld Taylor’s conviction and sentence.<sup>200</sup> The former President of Liberia was convicted as individually responsible on eleven counts for planning, aiding, abetting the commission of crimes pursuant to Article 6(1) of the SCSL Statute.<sup>201</sup> The Trial Chamber however found that the Prosecution failed to prove

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<sup>192</sup> *Id.* at Art. 6(2).

<sup>193</sup> Prosecutor v. Charles Ghankay Taylor, Case No. SCSL-2003-01-I, Indictment (Mar. 7, 2003), <http://www.rscsl.org/Documents/Decisions/Taylor/003/SCSC-03-01-I-001.pdf>. The indictment was amended twice in the following years. The final indictment included five counts of crimes against humanity, five counts of war crimes, and one count of other serious violations of international humanitarian law. The Statute entitled the SCSL to prosecute also certain crimes under Sierra Leonean Law, but Taylor was not indicted for any such crimes. Charles Chernor Jalloh, *The Law and Politics of the Charles Taylor Case*, 43 DENV. J. INT’L L. & POL’Y 229, 248-249 (2015).

<sup>194</sup> Prosecutor v. Charles Ghankay Taylor, Case No. SCSL-2003-01-I, Decision Approving the Indictment and Order for Non-Disclosure (Mar. 7, 2003), <http://www.rscsl.org/Documents/Decisions/Taylor/003/SCSL-03-01-I-003.pdf>.

<sup>195</sup> Jalloh, *supra* note 193, at 250-251.

<sup>196</sup> Press Release, SCSL Office of the Prosecutor, Statement of David M. Crane, Chief Prosecutor (June 5, 2003), <http://www.rscsl.org/Documents/Press/OTP/prosecutor-060503.pdf>.

<sup>197</sup> Human Rights Watch, *supra* note 187.

<sup>198</sup> Prosecutor v. Charles Ghankay Taylor, Case No. SCSL-2003-01-I, Decision on Immunity from Jurisdiction (Appeals Chamber), ¶ 52 (May 31, 2004).

<sup>199</sup> Jalloh, *supra* note 193, at 250-257.

<sup>200</sup> Prosecutor vs. Charles Ghankay Taylor, SPECIAL COURT FOR SIERRA LEONE AND THE RESIDUAL SPECIAL COURT FOR SIERRA LEONE, <http://www.rscsl.org/Taylor.html> (last visited June 11, 2022).

<sup>201</sup> *Id.*

Taylor's superior responsibility under Article 6(3) beyond a reasonable doubt.<sup>202</sup> As Taylor showed no remorse, the judges adopted a punitive approach and sentenced Taylor to fifty years in prison.<sup>203</sup>

Each phase of the ten-year process was “marked by high legal and political drama,”<sup>204</sup> including international debate between pragmatists and idealists of international criminal law.<sup>205</sup> Regardless, the Taylor trial created important jurisprudence for cases against Heads of State, and reoriented “international criminal justice toward a punitive model in response to atrocities.”<sup>206</sup> It has been considered a “testament to the potentially valuable role that international criminal tribunals can make to the enhancement of regional and global security.”<sup>207</sup>

## *B. Prosecuting President Vladimir Putin*

Crimes of aggression have not been the subject of an international tribunal since the Nuremberg trials. Now, the elements of the crime of aggression are present in Russian invasion of Ukrainian territory in February 2022 – if not already in 2014 – and there appears to be no doubt about the command responsibility of President Vladimir Putin.

### *1. The Law*

In adjudicating international criminal cases involving Heads of State, the issues of jurisdiction and immunity are inevitably linked. The jurisdiction of an international court or tribunal over the crime of aggression in Ukraine has been discussed in Section IV.A.2. It seems established that in addition to Ukraine exercising territorial jurisdiction, another domestic court could exercise universal jurisdiction over the crime of aggression, or an international tribunal could have such jurisdiction. The above brief study on the issue of immunity appears to narrow down the options for prosecuting an incumbent leader of a State to international and hybrid tribunals.

In sum, current international criminal law allows the indictment and prosecution of Heads of State by international and hybrid tribunals, whether they be of a permanent, ad hoc, or hybrid nature. The cases of Presidents Milošević, Taylor, and al-Bashir<sup>208</sup> provide important jurisprudence on the sovereign equality of States not preventing an international criminal tribunal from indicting or prosecuting a Head of State over a crime within its jurisdiction.

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<sup>202</sup> Prosecutor v. Charles Ghankay Taylor, Case No. SCSL-03-01-A, Judgment (Sept. 26, 2013), <http://www.rscsl.org/Documents/Decisions/Taylor/Appeal/1389/SCSL-03-01-A-1389.pdf>.

<sup>203</sup> Shahram Dana, *The Sentencing Legacy of the Special Court for Sierra Leone*, 42 GA. J. INT'L & COMP. L. 615, 630 (2014).

<sup>204</sup> Jalloh, *supra* note 193, at 236.

<sup>205</sup> See Jalloh, *supra* note 196, at 250-54. On the peace versus justice debate; see generally, Kenneth A. Rodman, Kenneth A. Rodman, *Peace Versus Justice*, ENCYCLOPEDIA OF GLOB. JUST. 824 (Chatterjee D.K. ed., 2011).

<sup>206</sup> Dana, *supra* note 203, at 686.

<sup>207</sup> Jalloh, *supra* note 193, at 237.

<sup>208</sup> Prosecutor v. Slobodan Milošević, Case No. IT-02-54 (Int'l Crim. Trib. for the Former Yugoslavia); Prosecutor v. Charles Ghankay Taylor, Case No. SCSL-2003-01-I; Prosecutor v. Omar Hassan Ahmad Al Bashir, Case No. ICC-02/05-01/09.

The question of indictment and adjudication over the crime of aggression *in absentia* must be addressed, as well. Based on the ICJ jurisprudence, cases of universal jurisdiction over the crime of aggression should never be tried without the suspect present, but investigations and indictments *in absentia* may be acceptable.<sup>209</sup> Thus, it would seem that with its organic statute allowing, a special tribunal could have the jurisdiction to indict a sitting Head of State, even *in absentia*. For the prosecution to commence, however, will require the presence of the suspect.

## 2. *The Political Realities: A patchwork of precedents, clock ticking*

Bringing Russian military and political leadership, let alone President Putin himself, to justice over the crime of aggression is no easy feat.

First, Ukraine and its like-minded allies must find a way of establishing a special tribunal with jurisdiction over the crime of aggression and over a sitting Head of State. The SCSL was established by an agreement between the UN and the Government of Sierra Leone, pursuant to Security Council Resolution 1315 (2000) of 14 August 2000,<sup>210</sup> but a referral from the UNSC here is currently an unrealistic expectation. The ECCC, established with the support of General Assembly Resolution 57/2208 of 27 February 2003, could instead provide inspiration for an UN-led process.

Decisions of the General Assembly on important questions, such as recommendations with respect to the maintenance of international peace and security, shall be made by a two-thirds majority of the members present and voting.<sup>211</sup> As only votes cast in favor or against are counted towards the total number of votes,<sup>212</sup> abstentions are crucial. The UNGA Resolution on Aggression against Ukraine,<sup>213</sup> adopted on 2 March 2022, gained as many as 141 votes in favor, with 5 countries against and 35 countries abstaining.<sup>214</sup> It seems promising, but the outrage of the UN community, with momentum for action with it, tends to fade away quickly. On 7 April 2022, the UNGA vote on the suspension of the rights of membership of the Russian Federation in the Human Rights Council (HRC) consisted of only 93 in favor, 24 against, with 58 abstaining.<sup>215</sup>

Looking at the geopolitical picture, the vote on suspending Russia from the HRC seems to reflect a realistic projection. Based on the global reaction on this invasion, approximately a third of the world is taking measures against Russia, a third has supported Russia's actions, and the final third struggles to stay neutral.<sup>216</sup> In order to get the support – or agreement to abstain from voting – of countries in the middle such as India, Brazil, or Saudi Arabia, concessions will have to be made. Recognizing the power of a precedent, guaranteeing immunity for the Heads of State may be a factor.

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<sup>209</sup> Scharf, *supra* note 111, at 387.

<sup>210</sup> Accessible at *Digital Library*, UNITED NATIONS, <https://digitallibrary.un.org/record/420605?ln=en>.

<sup>211</sup> U.N. General Assembly Rules of Procedure, Rule 83.

<sup>212</sup> *Id.* at Rule 86.

<sup>213</sup> G.A. Res. ES-11/1 (Mar. 2, 2022).

<sup>214</sup> Twelve countries were counted as non-voting. *Digital Library*, UNITED NATIONS, <https://digitallibrary.un.org/record/3959039?ln=en>.

<sup>215</sup> A.Res. ES-11/3 (Apr. 7, 2022).

<sup>216</sup> *Russia can count on support from many developing countries*, THE ECONOMIST (Mar. 30, 2022), <https://www.eiu.com/n/russia-can-count-on-support-from-many-developing-countries/>.

When discussing whether the UNGA must also come to an agreement on establishing a Special Tribunal with jurisdiction over the crime of aggression including the ability to indict sitting Heads of State is when another set of challenges arises. The indictment alone will be a delicate matter. Putin enjoys the support of a large part of his people,<sup>217</sup> and international condemnation of a lawfully elected leader of a country could further alienate the Russian people from the West. Without entering a debate on peace versus justice, the possible counterproductive effect on global stability in the longer term needs to be acknowledged. In Charles Taylor’s case, it has been suggested that the indictment by SCSL contributed to his loss of power,<sup>218</sup> but for the above reasons, a similar unfolding is unlikely in Russia. While the Trial Chamber of the SCSL underscored Charles Taylor’s “betrayal of public trust,”<sup>219</sup> the situation in Ukraine is not directly comparable to the one in Liberia and Sierra Leone.

Even if President Putin were to step down for any reason other than a coup, it is highly unlikely that the Russian government would extradite him to be prosecuted.<sup>220</sup> The countries supporting the Russian government could equally be expected to follow the approach of Jordan or the African Union in the case of President al-Bashir of Sudan.<sup>221</sup> Even so, recognizing the odds against getting President Putin in front of a Special Tribunal, the case must be brought forward. The world needs to see the international community react to the Russian crime of aggression. For countries bordering powerful, aggressive neighbors, inaction would be a terrifying message and a possible forecast of their short-term future.

## VII. THE UNITED NATIONS AND SETTING UP OF A SPECIAL TRIBUNAL FOR UKRAINE FOR THE CRIME OF AGGRESSION

### A. *In general*

#### 1. *The Security Council*

The UNSC’s authority to establish an international criminal tribunal, stems from Article 39 and Article 41 of the UN Charter, which gives it the authority to determine the existence of any threat to international peace, “recommend,” and “decide” on appropriate measures, “not involving the use of armed force.”<sup>222</sup> The ICTY and the ICTR were established in accordance with the exercise of these powers. However, such was not the case with the SCSL.

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<sup>217</sup> Peter Hobson, *Putin’s approval rating soars since he sent troops into Ukraine, state pollster reports*, Reuters (April 8, 2022, 9:42 AM), <https://www.reuters.com/world/europe/putins-approval-rating-soars-since-he-sent-troops-into-ukraine-state-pollster-2022-04-08/>.

<sup>218</sup> Jalloh, *supra* note 193, at 229.

<sup>219</sup> Prosecutor v. Charles Ghankay Taylor, Case No. SCSL-03-01-T, Summary Judgment, ¶¶ 101-103 (Apr. 26, 2012).

<sup>220</sup> For an insightful analysis on the societal foundations of the regime, see Graeme Robertson & Samuel Greene, *The Kremlin Emboldened: How Putin Wins Support*, 28 J. DEMOCRACY, no. 4, 2017, at 86-100.

<sup>221</sup> The African Union initially adopted a joint decision not to cooperate with the ICC in executing of the arrest warrant issued against Al-Bashir. See generally, Dire Tladi, *The African Union and the International Criminal Court: The battle for the soul of international law*, 34 SAYIL 57 (2009), <https://cpb-us-e2.wpmucdn.com/sites.uci.edu/dist/9/798/files/2012/11/Tladi-AU-and-ICC.pdf>.

<sup>222</sup> U.N. Charter, Art. 39, 41.

While there was a Security Council resolution of 14 August 2000 (notably not invoking Chapter 7) requesting the Secretary-General to negotiate an agreement between the UN and the Government of Sierra Leone, the SCSL was *not* created by the Security Council (as the Yugoslav and Rwanda tribunals had been) but created by bilateral agreement between Sierra Leone and the UN.<sup>223</sup> The establishment of the SCSL is the foremost example of the UN's authority to establish an international criminal tribunal, without the help of the UNSC's enforcement authority under Article 41 of the UN Charter.

## 2. *The General Assembly*

The UNGA has no direct authority to establish an international criminal tribunal.<sup>224</sup> Under Articles 10, 11, 12 and 14 of the UN Charter, the UNGA's powers are limited to making recommendations, as confirmed by the ICJ in the *Certain Expenses* case.<sup>225</sup> The UNGA lacks the ability to take enforcement action, which is the exclusive prerogative of the UNSC. As the ICTY Appeals Chamber made clear in the *Tadić* case, the establishment of a criminal tribunal (i.e. the creation of compulsory criminal jurisdiction) is a form of such coercive or enforcement action.<sup>226</sup> It must be noted, however, that such direct authority to create tribunals, is not necessary in the matter of Ukraine. The GA could, instead, take steps to support an exercise of criminal jurisdiction possessed by one or more UN Member States. The foremost example is the GA's creation of the ECCC.<sup>227</sup>

In the case of the ECCC, the UNGA introduced a resolution recommending the UN Secretary General to enter into a bilateral agreement with the Government of Cambodia for establishing a criminal tribunal. The resolution establishing the ECCC was approved by the General Assembly (resolution 57/228 of May 13, 2003.).<sup>228</sup> This recent precedence is a perfect illustration of the UNGA's ability to create such a tribunal, without the help of the UNSC.<sup>229</sup> The only additional requirement would be the government of Ukraine's participation and consent to the agreement.<sup>230</sup>

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<sup>223</sup> Prosecutor v. Charles Ghankay Taylor, Case No. SCSL-03-01-T, Summary Judgment, ¶¶ 101-103 (Apr. 26, 2012).

<sup>224</sup> Derek Jinks, *Does the U.N. General Assembly have the authority to establish an International Criminal Tribunal for Syria?*, JUST SECURITY (May 22, 2014), <https://www.justsecurity.org/10721/u-n-general-assembly-authority-establish-international-criminal-tribunal-syria/>.

<sup>225</sup> *Certain Expenses of the United Nations*, Advisory Opinion, 1962 I.C.J 151, 165 (July 20).

<sup>226</sup> Prosecutor v. Tadić, Case No. IT-94-1-I, Decision on Defence Motion for Interlocutory Appeal on Jurisdiction, ¶¶ 37-40, 44 (Int'l Crim. Trib. for the Former Yugoslavia Oct. 2, 1995).

<sup>227</sup> Jennifer Trahan, *U.N. General Assembly Should Recommend Creation of Crime of Aggression Tribunal for Ukraine: Nuremberg Is Not the Model*. JUST SECURITY (Mar. 7, 2022), <https://www.justsecurity.org/80545/u-n-general-assembly-should-recommend-creation-of-crime-of-aggression-tribunal-for-ukraine-nuremberg-is-not-the-model/>.

<sup>228</sup> *Id.*

<sup>229</sup> *Id.*

<sup>230</sup> *Id.*

### 3. *The Role of the Secretary General*

Article 98 of the UN Charter empowers the UN Secretary General to perform “functions as are entrusted to it by the [General Assembly or the Security Council] . . . .”<sup>231</sup> When the UNGA, or the UNSC for that matter, passes a resolution recommending the Secretary General to enter into a bilateral agreement with the Government of Ukraine, the Secretary General is duty-bound to follow those instructions and finalize a bilateral agreement.<sup>232</sup> This was the route followed for both the creation of the SCSL and ECCC.<sup>233</sup>

In ordinary circumstances, the Secretary General has also used his “good offices” to mediate in an international conflict and play an integral role in global issues.<sup>234</sup> “Good offices” refers to “steps taken publicly and in private, drawing upon [the Secretary General’s] independence, impartiality and integrity, to prevent international disputes from arising, escalating or spreading.”<sup>235</sup> Examples of the use of such “good offices” vary from Hammarskjöld’s promotion of an armistice between Israel and Arab States, Javier Perez de Cuellar’s negotiation of a cease-fire to end the Iran-Iraq War, to the incumbent Secretary General Antonio Guterres’s role in the promotion of multilateral climate-change agreements.<sup>236</sup> It is unlikely that such “good offices” would be of much use in the present context, considering Mr. Guterres’s vehement condemnation of Russia.

#### *B. A Suggested Methodology – A Bilateral Treaty*

##### *1. The General Assembly authorizes the SG to enter into negotiations with the Republic of Ukraine to set up a Special Tribunal*

To start the process, the Government of Ukraine could write to the Office of the UN Secretary General asking to negotiate for the creation of a tribunal.<sup>237</sup> The UNGA could request, by the passing of a resolution by the requisite two-thirds majority, that the Secretary General enter into negotiations with Ukraine to conclude a bilateral agreement and establish a Ukrainian international tribunal for the crime of aggression. As stated before, the UNGA does not have the direct authority to create the tribunal. However, such direct authority is unnecessary as illustrated by the case of ECCC.<sup>238</sup> The UNGA created the ECCC by passing Resolution 57/228, requesting the Secretary General to continue bilateral negotiations between the Government of Cambodia and the Secretary

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<sup>231</sup> U.N. Charter, Art. 98.

<sup>232</sup> *Id.*

<sup>233</sup> Trahan, *supra* note 227.

<sup>234</sup> Council on Foreign Relations, *The Role of the UN Secretary-General*, COUNCIL ON FOREIGN RELS. (Oct. 5, 2021), <https://www.cfr.org/background/role-un-secretary-general>.

<sup>235</sup> UN, *The Role of the Secretary General*, UNITED NATIONS, <https://www.un.org/sg/en/content/the-role-of-the-secretary-general#:~:text=The%20Charter%20describes%20the%20Secretary,and%20other%20United%20Nations%20organs> (last visited June 18, 2022).

<sup>236</sup> Council on Foreign Relations, *supra* note 234.

<sup>237</sup> White Paper on the Model Special Tribunal, *supra* note 136, at 5.

<sup>238</sup> G.A. Res. 57/228.

General to establish an extraordinary court.<sup>239</sup> After the end of bilateral negotiations, the UNGA passed Resolution 57/228(b), which approved the ECCC.<sup>240</sup>

## 2. *The Secretary General enters into negotiations with Ukraine – A bilateral treaty*

The UNGA's recommendation to the Secretary General will provide him with the political mandate to negotiate the creation of the tribunal and conclude a treaty between the United Nations, as an international institution with legal personality, and the Government of Ukraine.<sup>241</sup>

## 3. *Ukraine's role – Parliamentary approval*

While the authority to conclude treaties are with the President of Ukraine under Article 106(3) of the Constitution, the Verkhovna Rada (Parliament) holds the ultimate authority to approve the treaties and "consent to the binding character of international treaties of Ukraine."<sup>242</sup> Such approved treaties, consented to be binding by the Verkhovna Rada, become a part of the national legislation of Ukraine under Article 9 of the Constitution.<sup>243</sup> The CCU can also issue advisory opinions to the President and his Cabinet, on the constitutionality of the treaty, if requested by the President or his Cabinet, under Article 151 of the Constitution.<sup>244</sup>

## C. *Appointment of Key Tribunal Personnel – Practical considerations*<sup>245</sup>

### 1. *In general: A rolling series of appointments*

Not everyone that will work for the tribunal needs to be hired all at once because that would be inefficient. Personnel should be brought on where necessary and where needed to accomplish the mandate of the tribunal. In addition, contractors can be brought on throughout the life of the tribunal as needed so that not everyone has to be an employee of the tribunal all at once. Contracting out specific and needed services will save money while maximizing effort.

### 2. *The Prosecutor*

A prosecutor must not only be a good lawyer but an experienced diplomat and politician in his or her own right. In addition, the Prosecutor must have international criminal law experience at the highest level. We have individuals who have been international prosecutors and have set up international courts and tribunals. There is no need to hire an individual who has little to no experience in prosecution at the international level. Moreover, selecting someone based on

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<sup>239</sup> G.A. Res. 57/228.

<sup>240</sup> G.A. Res. 57/228(b).

<sup>241</sup> White Paper on the Model Special Tribunal, *supra* note 136, at 5.

<sup>242</sup> CONSTITUTION OF UKRAINE, June 28, 1996, Art. 106(3).

<sup>243</sup> CONSTITUTION OF UKRAINE, Art. 9.

<sup>244</sup> CONSTITUTION OF UKRAINE, Art. 151.

<sup>245</sup> The remaining sections are direct reflections of the Founding Chief Prosecutor of the Special Court for Sierra Leone, Professor David M. Crane, who used these techniques, leading to the successful establishment of what was the world's first hybrid international war crimes tribunal.



geographic location or regional/international political purposes is a futile gesture and could prove to be counterproductive. Thus, experience must be the focus rather than political gestures.

### *3. The Registrar*

Like the prosecutor, only an individual who has been an experienced registrar in an international tribunal or court should be considered. Again, there are numerous persons internationally who have that experience. The position of registrar is critical for efficient running of the tribunal. Prior experience will ensure that the tribunal will run smoothly and accomplish its mandate.

### *4. The Judiciary*

Judges for any court or tribunal should have international judicial experience with a proven track record of judicial abilities in a court at the trial level or the appellate level. Today, there is a broad base of experience within international judicial circles and that pool of jurists must be where the judges will be appointed for this tribunal.

## *D. Funding Options*

Funding is always a challenge. It is subject to the ebb and flow of political and diplomatic perspectives and concerns. Fortunately, there are past case studies that demonstrate how best to fund this new tribunal. The basic rule is that there cannot be any appearance of impropriety, such as using funding to influence the accomplishment of the tribunal's mandate or other outcomes.

### *1. UN funding*

The standard methodology is to place the funding of the tribunal within the budgetary process of the UN system. Though cumbersome and slow, a UN-funded tribunal has a consistent stream of monies that the tribunal can rely on to accomplish its mandate. The oversight of the expenditures would be accomplished within the UN system as well. Also, consider a series of subvention grants as an alternative method.

### *2. State party contributions*

Another option would be to seek voluntary contributions by any and all States Parties who have an interest in the tribunal and its mandate. The contributions would be annually based on a submitted budget by the tribunal. Oversight would be through an appointed management committee overseen by the UN Office of the Legal Advisor. This system has worked in the past with the SCSL and it has been found to be more efficient than the established UN funded procedures. The challenge is that it puts the burden for raising funds on the tribunal's senior personnel. This can be a distraction as well as potentially raising the appearance of impropriety because of its capability of influencing outcomes. Contributions can be not only in cash, but also property and the secondment of personnel.

### *E. Location of the Special Tribunal for Ukraine*

Initial location of the tribunal would be where it is most practical and efficient. A temporary location should be considered to ensure that choosing a permanent location does not slow down the initial set up of the tribunal. The two important factors in location are both political factors and security. A possible early location could be The Hague or in Geneva via UN facilities. A permanent location should be closer to Ukraine for symbolic and political reasons, but a downside of the tribunal being in Ukraine is that it could detract from the appearance of independence and impartiality and may face a very real threat of destruction by the Russian Federation and its allies. Thus, Warsaw, Poland would be within a close proximity to Ukraine, yet allowing for securing the tribunal from outside threats.

### *F. Logistical Considerations – Further practical considerations*

#### *1. Personnel*

The focus on hiring persons should be around the mandate of the tribunal and its mission. Personnel should have experience in operating at the international level, particularly in working with international courts and tribunals. Hiring should be done in a graduated and on a “as needed” basis. The hiring of contractors is an important consideration as opposed to career UN personnel. Since the focus will be on experience, use of UN career personnel may be appropriate and necessary. If the hiring process is within the UN administrative system, then the lack of an ability to quickly bring on needed personnel has to be factored in the initial set up of the tribunal. If the tribunal personnel hiring system is outside the UN administrative system, efficiency in bringing on personnel will increase and make it easier to hire based on need or hire contractors. Pay scales and grading of positions would be similar to the UN system for ease of personnel transition and budgeting. This method was used by the Special Court for Sierra Leone with great success.

#### *2. Translators and Associated Services*

There is a strong need for qualified interpreters and translators from the very beginning for simultaneous translation capability which will be required for defendants and victim testimony alike. The languages of immediate need would be Russian and Ukrainian. Accommodating other languages can be accomplished on a case-by-case basis.

#### *3. Buildings*

It is imperative that the buildings that house the tribunal can withstand attempts by outside forces to destroy the facilities. Hardening of the site will be very important and use of military facilities should be considered. It may not be necessary to build a tribunal facility unless procurement of buildings by other means proves futile.

#### 4. *Transportation*

Secure vehicles will be necessary to ensure safety of tribunal personnel. Armored cars and other vehicles are a requirement due to a very real threat. These vehicles can be donated by interested States Parties to the tribunal.

#### 5. *Security for the tribunal*

Security is going to be an expensive and constant need for personnel, property, victims/witnesses, residences, etc. The risk of destruction, harassment, and kidnapping is very real. Close protection of key tribunal personnel is paramount, including for all witnesses. Location of the tribunal will be critical and influences the risk assessments and security that is needed for protection. Again, location on a military base may be necessary, and use of a UN or domestic armed force must be considered as well.

#### G. *The importance of setting up a strategic plan: Build the plan around the mandate*

A strategic plan is essential for an efficient creation of an international tribunal. A suggested template can be found in the Appendix A, which provides a guide. Such a plan assists all organs of the tribunal to coordinate and build a justice mechanism that meets the mandate given to it by the international community. A plan also allows the oversight organization to understand the progress of the new tribunal in accomplishing its mandate and allow for further assist in funding and budgeting.

#### H. *A prosecution plan – Practice Tips*

##### 1. *Consider not just the law, but the politics, diplomacy, practical, as well as cultural perspectives*

A prosecutor needs to create a prosecution plan that establishes culpability of potential actors based on the mandate, the facts, and the law. The creative documents will in large measure lay out the crimes over which the tribunal has the subject matter jurisdiction, as well as *in personem* and temporal jurisdiction. In this case, the crime in question is the crime of aggression, an established international crime.<sup>246</sup>

Along with considering the law, an experienced prosecutor should also consider the political and diplomatic setting and ramifications of charging perpetrators for international crimes. How does the investigation and indictment of various senior actors, to include a sitting Head of State, impact the region where the atrocity takes place? Ethically, a prosecutor cannot consider or consult with any outside actors related to the alleged crimes for a favor or influence, yet a prosecutor can certainly develop professional and even personal relationships with various political or diplomatic actors to maintain the practical support necessary to accomplish the tribunal's mandate. Diplomats will appreciate understanding the overall strategic plan, being briefed on the status of various

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<sup>246</sup> *The Crime of Aggression – A Brief History*, *supra* note 91.

actions, and being asked for their perspectives politically and practically on the overall effectiveness of the tribunal.

Practically, the prosecutor answers to many constituents locally, regionally, and internationally: UN organizations, States Parties, regional organizations, nongovernmental organizations, various elements of civil society, the press and media, and most importantly, the victims and their families. Each of these constituents has direct or indirect interest in the overall plan, the impact of the tribunal's actions on their individual missions and mandates, and in coordinating their actions with the work of the tribunal. These constituents need to be consulted and methodologies developed to work with the tribunal. All this was done with great effectiveness by the Special Court for Sierra Leone.

## *2. Is the justice we seek the justice they want?*

The final consideration is more of a recognition of how the local and regional cultural entities view justice and what they would consider a just result to the tribunal's work. A key question to ask is: **Is the justice we (the international community) seek, the justice they (the victims) want?** At the end of the day, the only focus for any international tribunal is seeking justice for the victims. All of this is for and about the victims. Considering and factoring a type of cultural perspective into the prosecution plan will greatly assist the victims in understanding that their interest is the priority.

### *I. Other considerations*

#### *1. Political "buy in"*

The bright red thread of the creation and sustainment of international tribunals is politics. This is not political influence, but the simple fact that these justice mechanisms are creatures of political events and political compromise. Politics are in the DNA of any tribunal or court. The efficient and successful efforts by a tribunal in achieving its mandate is through the political support of the international community. Without it, the justice mechanism will not succeed in achieving justice for the victims of an atrocity.

#### *2. Involving academia*

Academics are an important resource to assist the tribunal at many levels. This support can come in the form of research as well the provision of interns. An academic consortium made up of various universities and think tanks is a very efficient use of bona fide experts in the fields of modern international humanitarian and criminal law. Interns are an excellent source of onsite support to trial teams and other tribunal offices.

#### *3. Outreach*

***This is an essential and absolute requirement.*** Outreach within the region and location of the atrocities establishes confidence and understanding within the locality of the crimes and with the victims. As a tribunal is for and about the victims, they need to be heard, listened to, and asked for

their perspectives. This can be done by using various media techniques. Most importantly, town-hall meetings with senior tribunal personnel are critical. Without an outreach program, the ultimate success of the tribunal will be in question. The Special Court for Sierra Leone set the standard for a successful outreach program.

#### *4. An advisory board?*

There is broad experience practically and academically within the international community related to atrocity accountability. The establishment of an advisory board to assist various organs of the tribunal may be of use and possibly ensure that various issues, concerns, and challenges are wholly and carefully considered.

#### *5. The importance of NGOs*

Nongovernmental organizations are an important resource and should be used appropriately to support the tribunal within their individual mandates. NGO's have unique perspectives and information, and drawing upon this will enhance efficiency. The establishment of an NGO or civil society advisory board has shown to be an effective way of coordination within the NGO community.

#### *6. Building a relationship with the press and other media*

The press and social media will tell the "story" of the tribunal and ensure that the efforts of the tribunal are known and highlighted in a way that assists the tribunal in ensuring political and practical buy in for the tribunal's work. Social media is also an untapped and misunderstood medium that can assist the tribunal in ensuring awareness and understanding of the actions by the tribunal. Regular meetings and conferences with the press helps build understanding and trust between the tribunal and media outlets, as well as informing the interested public.

#### *7. Witness protection*

Due to the circumstances of the conflict and the ability of the Russian Federation to reach potential witnesses, worldwide victim and witness protection is critical and will be an expensive and necessary program. Experienced witness protection personnel will have to be hired and various covered locations will need to be considered to ensure that the tribunal's witnesses are kept safe to testify at future trials.

A witness support unit should be created for witness protection within the Office of the Prosecutor. A standard practice within the United States, for example, is ensuring the safety of critical witnesses. Safety is one consideration; another is to ensure the witness is telling the truth. There is a pool of experienced witness support personnel internationally and the creation of such a unit is encouraged. This was done successfully by the Office of the Prosecutor, Special Court for Sierra Leone.

## 8. *A Public Defender's Office*

International tribunals need to be seen as fair and open by all participants and observers. All alleged defendants are presumed to be innocent until proven guilty beyond a reasonable doubt in an open tribunal. Fundamental fairness is key. Defense teams need to be given equal support to ensure that fairness. An office that ensures defense teams are supported shows that a tribunal is truly fair.

## VIII. CONCLUSIONS/RECOMMENDATIONS

The setting up of an international war crimes tribunal to prosecute the crime of aggression perpetrated by the Russian Federation against Ukraine is very possible. The international community must take this political moment to hold Vladimir Putin and his commanders accountable for all of their crimes, including the crime of aggression. Heads of State are no longer immune for their acts while in office when they have committed international crimes.

An international tribunal created with a proper mandate of greatest responsibility, with the support of Ukraine, funded appropriately based on a sustainable budget, with a proper organization based on a realistic strategic plan and prosecution plan, will prove to be the most effective way of dealing with the crime of aggression perpetrated by the Russian Federation.

Strongmen around the world are watching and waiting to see what the international community does in response to the Russian aggression. If we do nothing or create a “half measure,” it will create a precedent, leading the world into a dark and unstable place. A Special Tribunal for Ukraine is the most efficient and effective justice mechanism to uphold the rule of law and restore international peace and security not just in the conflict zone, but around the world.

## IX. APPENDICES

### A. *General Milestones for the Set Up of the Special Tribunal for Ukraine*

1. Create a working group of interested States. The goal is to make a recommendation for an effective and efficient justice mechanism to hold the Russian Federation and its leadership accountable an act of aggression for the invasion of Ukraine.
2. Draft a United Nations General Assembly resolution that calls for accountability for the aggressive invasion of Ukraine by the Russian Federation, authorizing the UN Secretary General to take all necessary actions to ensure there is accountability for the Russian Federation's unlawful actions and including negotiations with Ukraine to create an international tribunal for the crime of aggression.
3. Enter into negotiations with Ukraine to create an international war crimes tribunal called the UN Special Tribunal for Ukraine.
4. Create a management committee within the Office of the Legal Advisor of the UN after agreement and signing.

5. Hold a donors' conference for interested State Parties for funding and in-kind contributions.
6. Establish the organs of the tribunal with the appointment of a Chief Prosecutor/Deputy and Registrar first.
7. Begin putting together the Office of the Prosecutor and Registry.
8. Open an initial office in New York or Geneva. Begin planning a set up of an operational location, to include a field office in Ukraine.
9. Create a Trial Chamber and an Appeals Chamber when appropriate, after full operational capacity by the Office of the Prosecutor and Registry.

*B. Suggested Strategic Considerations*

*Mandate of the Special Tribunal:* Prosecute those who bear the greatest responsibility for the crime of aggression against Ukraine by the Russian Federation and other associated international crimes.

*Two possible initial location(s):* New York, The Hague, Geneva.

*Possible operational location(s):* Warsaw, Poland; Berlin, Germany; Paris, France, along with field offices in Ukraine when and where possible/needed.

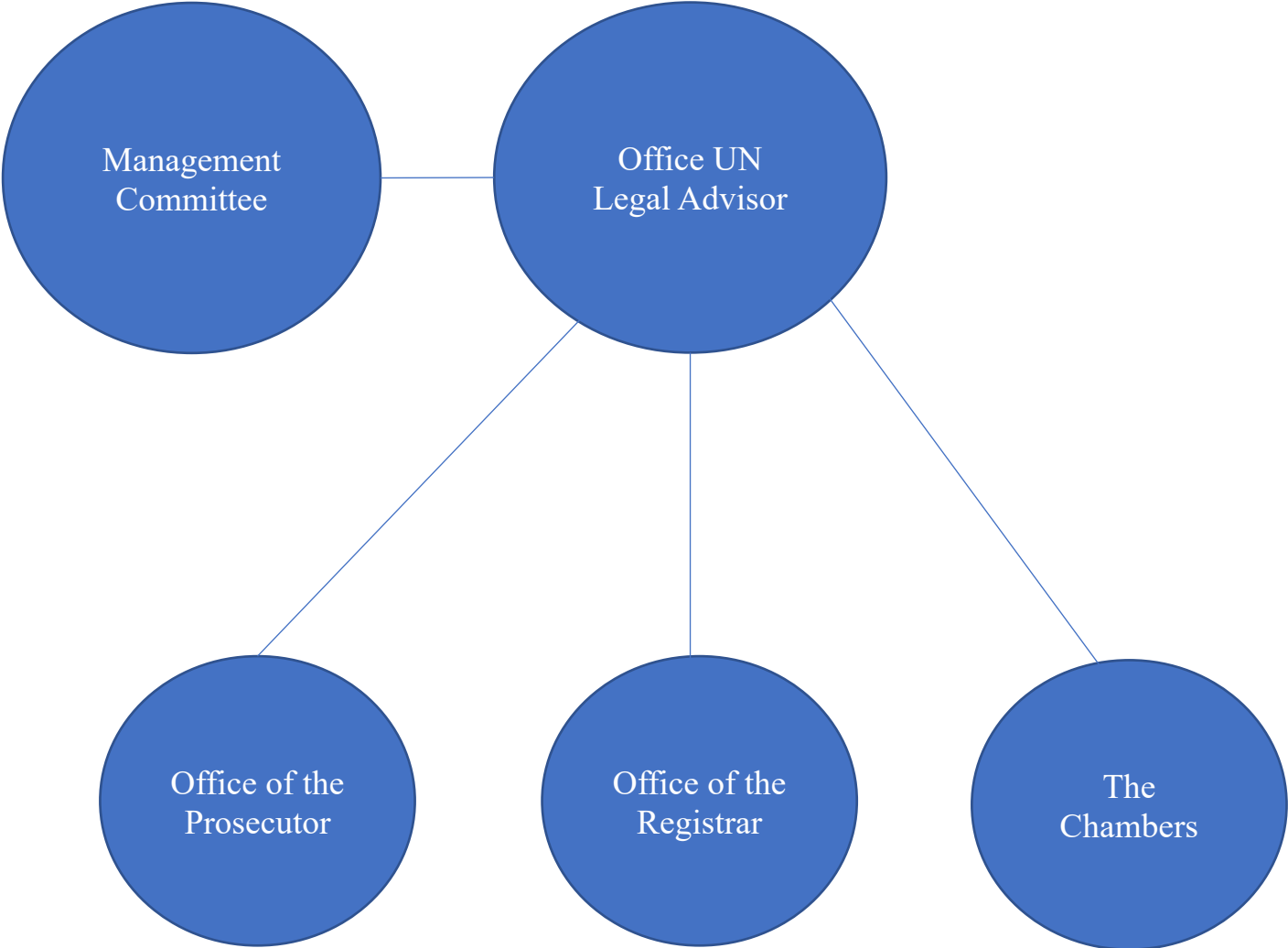
*C. Funding*

- Funding must be voluntary and overseen by a Management Committee within the UN Office of the Legal Advisor.
- In-kind contributions could be solicited as well as office space, furniture, information technology, vehicles, personnel secondment, security, etc.
- Estimated initial first year costs are \$25 million (based on the initial cost of the UN SCSL, 2002-03). The goal is to hold a donors' conference annually to raise those funds.

*D. Organizational Charts*

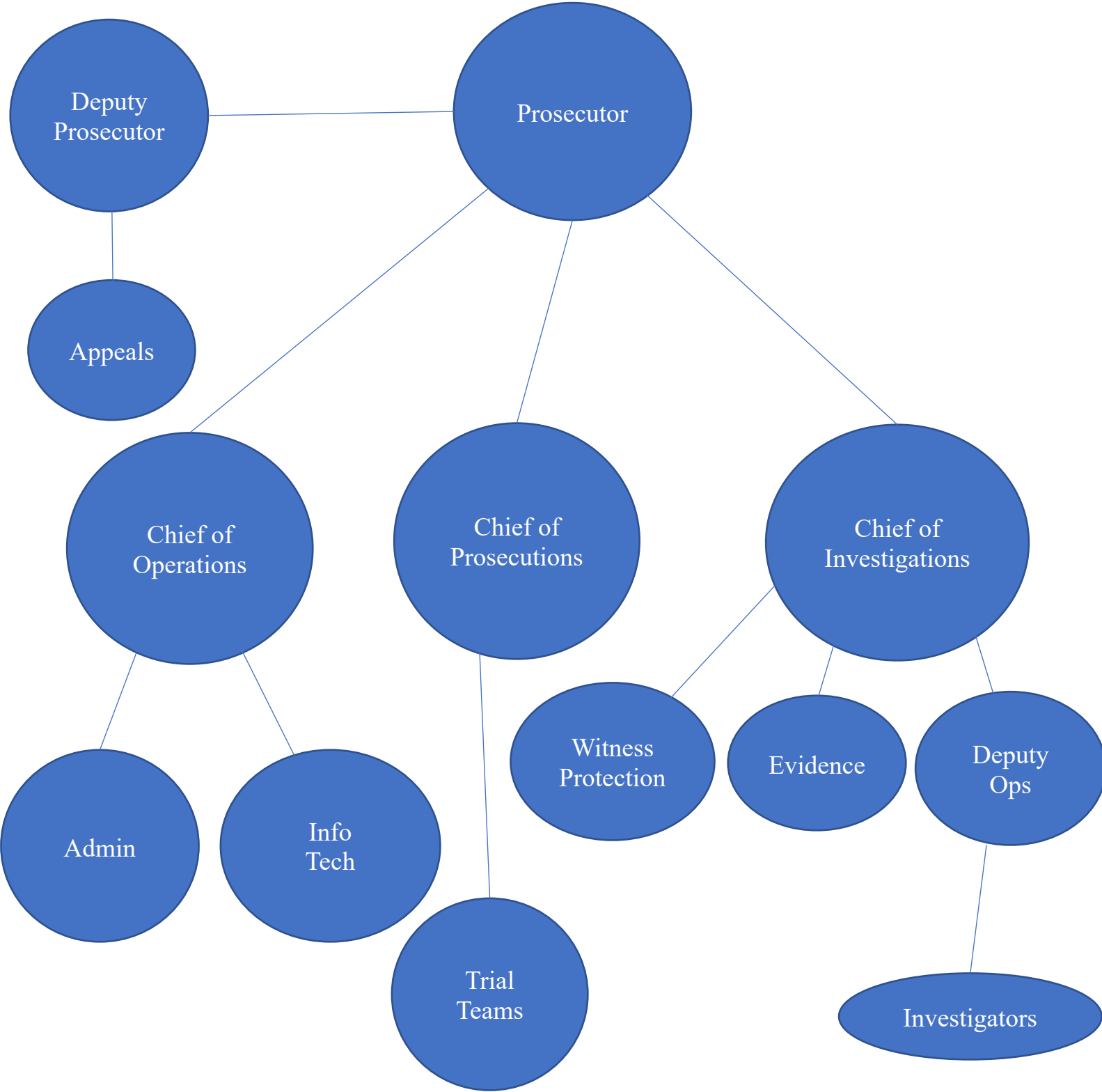
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# Organizational Chart - General

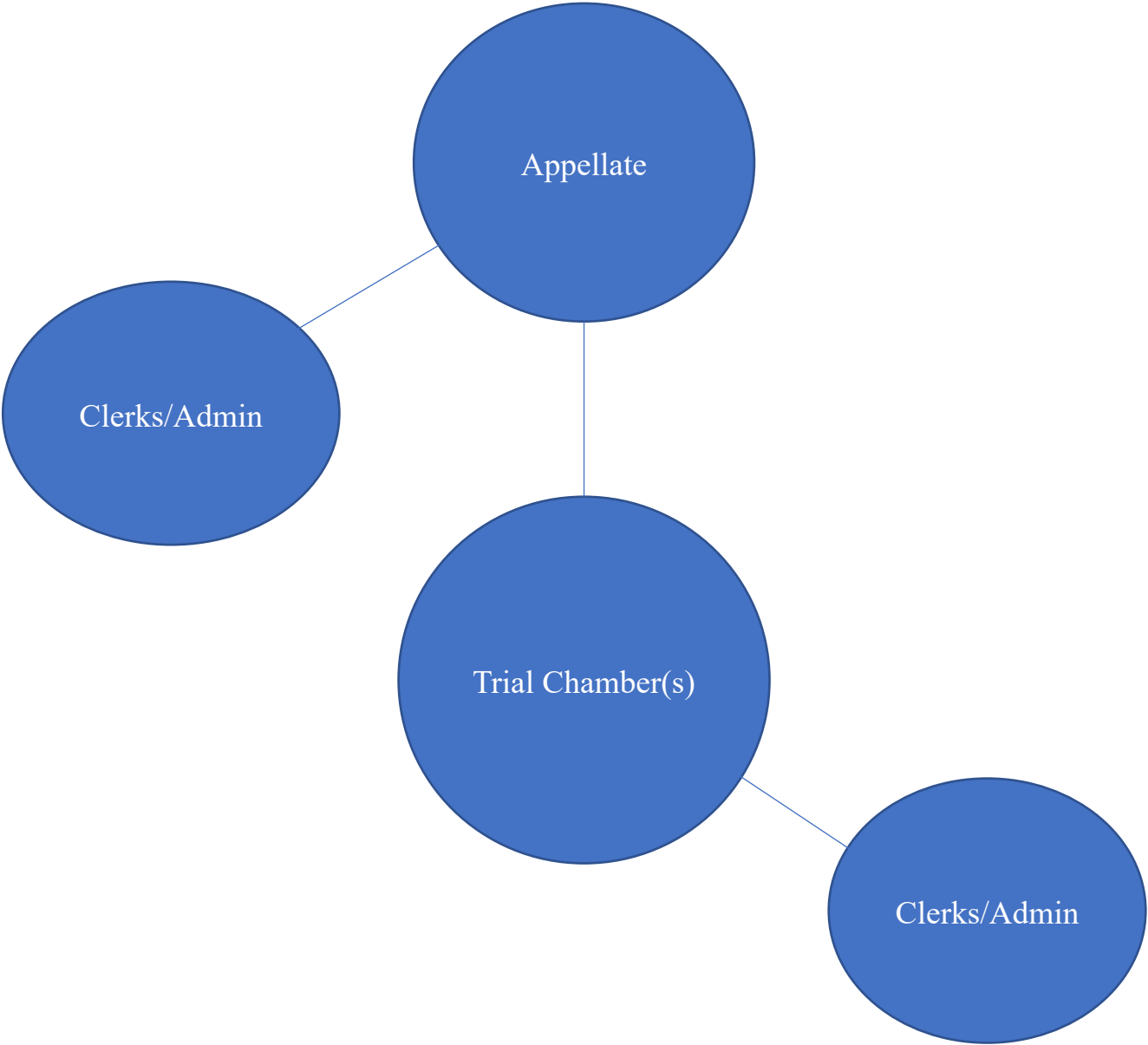




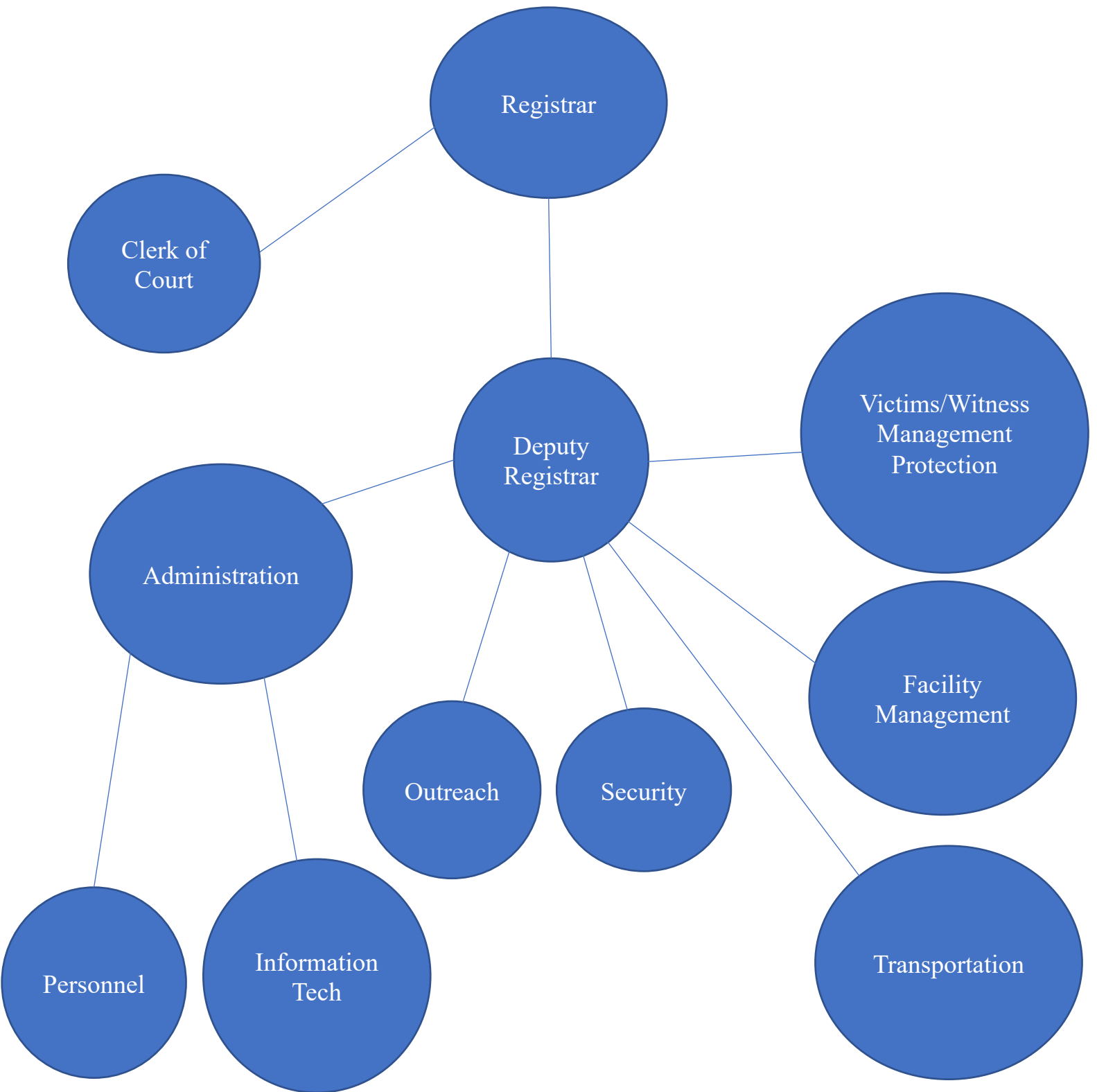
# Office of the Prosecutor



# Chambers



# Office of the Registrar





## **THE GLOBAL ACCOUNTABILITY NETWORK'S UKRAINE ACCOUNTABILITY PROJECT**

# **D**

**PROPOSAL FOR A RESOLUTION BY THE  
UNITED NATIONS GENERAL ASSEMBLY  
&  
ACCOMPANYING PROPOSAL FOR A STATUTE  
OF A SPECIAL TRIBUNAL FOR UKRAINE  
ON THE CRIME OF AGGRESSION**



Ukraine Task Force of the Global Accountability Network

7 September 2022



The Ukraine Task Force of The Global Accountability Network Presents:

**PROPOSAL FOR A RESOLUTION BY THE UNITED NATIONS GENERAL ASSEMBLY AND  
ACCOMPANYING PROPOSAL FOR A STATUTE OF A SPECIAL TRIBUNAL FOR UKRAINE ON THE  
CRIME OF AGGRESSION**

7 September 2022

**LEAD WRITERS:** Ambassador (Ret.) Hans Corell, The Honorable Irwin Cotler, P.C., O.C, O.Q.,  
Ad.E., Professor David M. Crane, Lotta Lampela

**EDITORS:** Rohan Bhattacharjee, Mia Bonardi, Aaron Ernst, Lotta Lampela

**THE GLOBAL ACCOUNTABILITY NETWORK: UKRAINE TASK FORCE, 2022**

**PROJECT LEADER:** Professor David M. Crane, Former Chief Prosecutor, Special Court of Sierra  
Leone

**EXECUTIVE DIRECTOR:** Christopher Martz

**DIRECTORS:** Kelly Adams, Kanalya Arivalagan, Mia Bonardi, Matthew McCartin

The Ukraine Task Force (UKTF) aims to produce non-partisan, high-quality analysis of open-source materials and to catalogue that information relative to applicable bodies of law; including the Geneva Conventions, the Rome Statute of the International Criminal Court, and the Criminal Code of Ukraine.

The UKTF primarily creates documentation products in a narrative and graphical format, as well as a quarterly and annual trend analysis of ongoing crimes. Furthermore, the UKTF publishes issue-specific white papers. Its clients include Transnational NGOs, the United Nations, the U.S. Department of State, and the Public Interest International Law & Policy Group (PILPG). The UKTF is working closely with Ukrainian partners, including the Ukraine Bar Association (UBA), which has graciously provided volunteers for our investigative efforts.

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## **I. A Critical Moment in Modern History: Countering Aggression**

This past February there was a paradigm shift in the geopolitical balance of the global community. A paradigm, put together almost eighty years ago under a United Nations (UN) to resolve disputes peaceably with resort to force as a last measure, was brushed aside by a permanent member of the UN Security Council. The invasion by the Russian Federation into Ukraine, a fellow Member State, was a singular assault on a rules-based world order where strongmen act, not to maintain international peace and security, but in their own national interests. This approach to world order has not been seen since the 1930s. We have gone back to the future, and it augurs poorly for the UN and the rule of law unless action under the rule of law happens to counter the threat.

Decisions made by Member States of the UN in the next several weeks will determine the type of world order that will take shape for the rest of this century. Since, the world's democracies came together, took appropriate steps to sanction Russian actions, and began an accountability process for the many international crimes perpetrated by the Russian Federation. The International Criminal Court (ICC) is investigating allegations of war crimes and crimes against humanity as it was set up to do according to its international mandate. At many levels, discussions of creating a justice mechanism for the crime of aggression are taking place in Europe and North America. The ICC lacks jurisdiction in this matter regarding the crime of aggression, but the need for a tribunal or court to account for that aggression by the Russian Federation is critical.

The crime of aggression perpetrated by the Russian Federation must be dealt with under the rule of law. The invasion by the Russian Federation is not a European problem, but an international one. This aggression challenges the very idea of the UN Charter, and an appropriate response should be led by the UN to hold President Putin and his inner circle accountable for the invasion and successive criminality. The UN was created to deal with aggression of the kind that the Russian Federation has now committed. If the UN chooses to do little or nothing now, then the question arises: Why have a United Nations?

Despite all this, there is a clear and legally appropriate path to maintaining the rule of law and protecting the UN paradigm. Since the invasion in February of 2022, the UN General Assembly has condemned the invasion, as well as the violations of international humanitarian law by the Russian Federation by significant majorities. This is an appropriate cornerstone for further action to create a Special Tribunal for Ukraine on the Crime of Aggression to account for the Russian Federation's invasion into Ukraine.

This white paper contains a sample UN General Assembly Resolution recommending to the UN Secretary-General that he enter into a bilateral treaty with Ukraine to establish a Special Tribunal for Ukraine on the Crime of Aggression, as well as a creative statute for that tribunal. It is important to note that a similar effort by the UN happened in 2001-2002 when it created the Special Court for Sierra Leone, the world's first hybrid international tribunal. Asked by Sierra Leone to help create a justice mechanism to account for international crimes, the UN Secretary-General entered into a bilateral treaty to create the Special Court for Sierra Leone.

The materials in this white paper build upon important lessons learned in Sierra Leone to create a model by which the UN can once again use to set up a Special Tribunal for Ukraine on the Crime



of Aggression. We have done this before, and we can do it again. The three drafters of this model contained in this white paper were instrumental in creating the Special Court for Sierra Leone. This white paper shows the international community a practical and real-world model to seek justice for the people of Ukraine and accountability for their violators.

A Special Tribunal for Ukraine on the Crime of Aggression should be designed to work closely with the ICC, working in coordination in all investigatory efforts, sharing expertise, and seeking a common purpose. Providing efficiencies, the two justice mechanisms must work together.

We would in this context like to mention that we have read with great respect the letter dated 12 August 2022 from the representatives of Latvia, Liechtenstein and Ukraine to the United Nations addressed to the Secretary-General (UN document A/ES-11/7-S/2022/616). It contains very important information and proposals. Against this background, we concluded – based in particular on our experiences from the Special Court for Sierra Leone – that it would be of assistance to Ukraine, other UN Member States, and the Secretary-General to present this white paper.

We would also like to refer to the result of the Fourteenth International Humanitarian Law Roundtable, organized by the Robert H. Jackson Center on 29 and 30 August 2022. An important part of the discussions focused on the creation of a Special Tribunal for the crime of aggression against Ukraine. During the discussions, several speakers emphasized the need for urgent action here. The following is a quote from the Principles Document reflecting the debates among the participating present and former prosecutors in international criminal tribunals as well as legal practitioners, experts, academics, and stakeholders:

There is an urgent need for a viable proposal for the creation of a competent international tribunal with appropriate jurisdiction to prosecute those bearing the greatest responsibility for the crimes of aggression against the people of Ukraine. With that said, any domestic or international tribunals' work, including those exercising extraterritorial jurisdiction, should not diminish but enhance the work of the ICC.<sup>1</sup>

The time to act is now. Vladimir Putin's ultimate weapon is time, distraction, and distortion. As time goes on, the world moves on as well. After a long hard and cold winter with fuel rationing, the international community, particularly Europe, may have less resolve in 2023 in dealing with accountability for domestic and international crimes committed in Ukraine by the Russian Federation. It happened in Syria and it can happen with Ukraine.

If we appease our way out of the Ukraine crisis with little to no accountability for Russian aggression, it will be a signal to the rest of the world's tyrants, strongmen, and dictators that the United Nation's paradigm based on the rule of law is a sham. Democracies around the world must remain strong in holding the Russian Federation accountable. The content of this white paper is a part of this accountability and gives the UN the opportunity to hold strong.

Ambassador (Ret.) Hans Corell

The Hon. Irwin Cotler

Dr. David M. Crane

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<sup>1</sup> The Second Chautauqua Principles, August 30, 2022 (see Annex A).

## II. Proposal for a Resolution by the United Nations General Assembly<sup>2</sup>

77/ \_\_. Special Tribunal for Ukraine on the Crime of Aggression<sup>3</sup>

*The General Assembly,*

*Reaffirming* the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,<sup>4</sup>

*Recalling* the obligation of all States under Article 2 of the Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means,<sup>5</sup>

*Recalling also* the obligation under Article 2 (2) of the Charter, that all Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the Charter,<sup>6</sup>

*Determined* to establish conditions under which justice and respect for the obligations arising from the Charter, treaties, and other sources of international law can be maintained,<sup>7</sup>

*Recalling* General Assembly resolution 377 A (V) of 3 November 1950, entitled “Uniting for peace”, and taking into account that the lack of unanimity of the permanent members of the Security Council at its 8979th meeting has prevented it from exercising its primary responsibility for the maintenance of international peace and security,<sup>8</sup>

*Taking note* of Security Council resolution 2623 (2022) of 27 February 2022, in which the Council called for an emergency special session of the General Assembly to examine the question contained in document S/Agenda/8979,<sup>9</sup>

*Reaffirming* its resolutions A/ES-11/1 of 2 March 2022 and A/ES-11/2 of 24 March 2022,

*Deeply concerned* about the very serious crimes committed within the territory of Ukraine against the people of Ukraine and at the prevailing situation of impunity,<sup>10</sup>

*Affirming* that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures

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<sup>2</sup> The footnotes are not for inclusion in the final document but to facilitate the analysis of the formulations in the draft.

<sup>3</sup> The document number is intentionally left blank.

<sup>4</sup> UNGA Res. A/ES-11/1, preambular paragraph 1.

<sup>5</sup> *Id.*, preambular paragraph 2.

<sup>6</sup> *Id.*, preambular paragraph 3.

<sup>7</sup> Adapted from the preambular paragraph 3 of the Charter of the United Nations.

<sup>8</sup> UNGA Res. A/ES-11/1, preambular paragraph 5.

<sup>9</sup> *Id.*, preambular paragraph 4.

<sup>10</sup> Adapted from S/RES/1315 (2000), preambular paragraph 1.

at the national level and by enhancing international cooperation,<sup>11</sup>

*Determined* to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes,<sup>12</sup>

*Reaffirming* the importance of compliance with international humanitarian law, and *reaffirming further* that persons who commit or authorize serious violations of international humanitarian law are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice in accordance with international standards of justice, fairness and due process of law,<sup>13</sup>

*Taking note* in this regard of the letter dated dd mm 2022 from the President of Ukraine to the Secretary-General (S/2022/\_\_\_\_, annex),<sup>14</sup>

*Recognizing* the desire of the Government of Ukraine for assistance from the United Nations in establishing a strong and credible tribunal that will meet the objectives of bringing justice and ensuring lasting peace,<sup>15</sup>

*Noting with appreciation* the steps already taken by the Prosecutor of the International Criminal Court in response to the referrals by States Parties to open an investigation into the Situation in Ukraine,

*Noting further* the negative impact of the security situation on the administration of justice in Ukraine and the pressing need for international cooperation to assist in strengthening the judicial system of Ukraine,<sup>16</sup>

*Acknowledging* the important contribution that can be made to this effort by qualified persons from other Member States of the United Nations, international organizations, and non-profit organizations to expedite the process of bringing justice and reconciliation to Ukraine and the region,<sup>17</sup>

*Reiterating* that the situation in Ukraine continues to constitute a threat to international peace and security in the region,<sup>18</sup>

*Resolved* to guarantee lasting respect for and the enforcement of international justice,<sup>19</sup>

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<sup>11</sup> Rome Statute, preambular paragraph 4.

<sup>12</sup> *Id.*, preambular paragraph 5.

<sup>13</sup> S/RES/1315 (2000), preambular paragraph 6.

<sup>14</sup> Date and document number are intentionally left blank.

<sup>15</sup> S/RES/1315 (2000), preambular paragraph 9.

<sup>16</sup> *Id.*, preambular paragraph 11.

<sup>17</sup> *Id.*, preambular paragraph 12, with “non-profit organizations” added.

<sup>18</sup> *Id.*, preambular paragraph 13.

<sup>19</sup> Rome Statute, preambular paragraph 11.

1. *Reiterates* the need for the full implementation of resolutions A/ES-11/1 of 2 March 2022, entitled “Aggression against Ukraine”, and A/ES-11/2 of 24 March, 2022, entitled “Humanitarian consequences of the aggression against Ukraine”,
2. *Requests* the Secretary-General to negotiate an agreement with the Government of Ukraine to create an independent Special Tribunal consistent with this resolution, and *expresses* its readiness to take further steps expeditiously upon receiving and reviewing the report of the Secretary-General referred to in paragraph 8 below,<sup>20</sup>
3. *Recommends* that the subject matter jurisdiction of the Special Tribunal should cover the crime of aggression, including the planning, preparation, initiation or execution, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations, committed within the territory of Ukraine,<sup>21</sup>
4. *Recommends further* that the Special Tribunal should have personal jurisdiction over persons in a position effectively to exercise control over or to direct the political or military action of a State,<sup>22</sup>
5. *Underlines* that official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility for the crime of aggression,<sup>23</sup>
6. *Expresses appreciation* for the efforts of the Prosecutor of the International Criminal Court, noting that the Special Tribunal shall be complementary to its jurisdiction, and *urges* the Special Tribunal to develop liaison and coordination offices with the Office of the Prosecutor of the International Criminal Court,
7. *Emphasizes* the importance of ensuring the impartiality, independence and credibility of the process, in particular with regard to the status of the judges and the prosecutors,<sup>24</sup>
8. *Requests* the Secretary-General to submit a report to the General Assembly on the implementation of this resolution, in particular on his consultations and negotiations with the Government of Ukraine concerning the establishment of the Special Tribunal, including recommendations, no later than 30 days from the date of this resolution,<sup>25</sup>
9. *Invites* the Secretary-General to include recommendations on the following:
  - (a) any additional agreements that may be required for the provision of the international assistance which will be necessary for the establishment and functioning of the Special Tribunal;
  - (b) the level of participation, support and technical assistance of qualified persons from Member States of the United Nations that will be necessary for the efficient, independent and impartial

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<sup>20</sup> Adapted from S/RES/1315 (2000), operative paragraph 1.

<sup>21</sup> *Id.*, operative paragraph 2.

<sup>22</sup> *Id.*, operative paragraph 3.

<sup>23</sup> Adapted from the Rome Statute, Art. 27(1).

<sup>24</sup> Adapted from S/RES/1315 (2000), operative paragraph 4.

<sup>25</sup> *Id.*, operative paragraph 6.

functioning of the Special Tribunal;

(c) the amount of voluntary contributions, as appropriate, of funds, equipment and services to the Special Tribunal, including through the offer of expert personnel that may be needed from States, intergovernmental organizations and non-governmental organizations,<sup>26</sup>

10. *Decides* to remain actively seized of the matter.<sup>27</sup>

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<sup>26</sup> *Id.*, operative paragraph 8.

<sup>27</sup> *Id.*, operative paragraph 9.

### **III. Proposal for a Statute of a Special Tribunal for Ukraine on the Crime of Aggression<sup>28</sup>**

Having been established by an Agreement between the United Nations and the Government of Ukraine pursuant to General Assembly resolution \_\_\_\_ (2022) of dd mm yyyy,<sup>29</sup> the Special Tribunal for Ukraine on the Crime of Aggression (hereinafter "The Special Tribunal") shall function in accordance with the provisions of the present Statute.

#### **Article 1** **Competence of the Special Tribunal**

1. The Special Tribunal shall have the power to prosecute persons responsible for the crime of aggression against Ukraine, committed in the territory of Ukraine since 20 February 2014.

#### **Article 2** **Crime of Aggression<sup>30</sup>**

1. For the purpose of this Statute, "crime of aggression" means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

2. For the purpose of paragraph 1, "act of aggression" means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as an act of aggression:

- (a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
- (b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
- (c) The blockade of the ports or coasts of a State by the armed forces of another State;
- (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- (f) The action of a State in allowing its territory, which it has placed at the disposal of

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<sup>28</sup> Unless otherwise indicated, this Statute mirrors the general structure and language of the Statute of the Special Court for Sierra Leone, accessible at <http://www.rscsl.org/Documents/scsl-statute.pdf>. The footnotes are not for inclusion in the final document but to facilitate the analysis of the formulations in the draft.

<sup>29</sup> The document number and date are intentionally left blank.

<sup>30</sup> Definition as in the Rome Statute, Art. 8*bis*.

another State, to be used by that other State for perpetrating an act of aggression against a third State;

(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

### **Article 3** **Individual Criminal Responsibility**

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in article 2 of the present Statute shall be individually responsible for the crime.
2. The official position of any accused persons, whether as Head of State or Government or as a responsible government official, shall not relieve such person of criminal responsibility nor mitigate punishment.
3. The fact that any of the acts referred to in article 2 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior had failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.
4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the Special Tribunal determines that justice so requires.

### **Article 4** **Concurrent Jurisdiction**

1. The Special Tribunal and the national courts of Ukraine shall have concurrent jurisdiction.
2. The Special Tribunal shall have primacy over the crime of aggression over the national courts of Ukraine. At any stage of the procedure, the Special Tribunal may formally request a national court to defer to its competence in accordance with the present Statute and the Rules of Procedure and Evidence.
3. The Special Tribunal shall act in coordination with the International Criminal Court. In the event of the same individuals being prosecuted by the Special Tribunal and the International Criminal Court, the Special Tribunal shall have primacy over the crime of aggression.

### **Article 5** **Non bis in idem**

1. No person shall be tried before a national court of Ukraine for the crime of aggression referred

to in article 2 of the present Statute for which he or she has already been tried by the Special Tribunal.

2. A person who has been tried by a national court for the crime of aggression referred to in article 2 of the present Statute may be subsequently tried by the Special Tribunal if:

- a. The act for which he or she was tried was characterized as an ordinary crime; or
- b. The national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the Special Tribunal shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

#### **Article 6** **Amnesty**

An amnesty or any other types of immunity granted to any person falling within the jurisdiction of the Special Tribunal in respect of the crime of aggression referred to in article 2 of the present Statute shall not be a bar to prosecution.

#### **Article 7** **Organization of the Special Tribunal**

The Special Tribunal shall consist of the following organs:

- a. The Chambers, comprising of two Trial Chambers and an Appeals Chamber;
- b. The Prosecutor; and
- c. The Registry.

#### **Article 8** **Composition of the Chambers**

1. The Chambers shall be composed of eleven (11) independent judges, who shall serve as follows:

- a. Six judges shall serve in the Trial Chambers, of whom two shall be judges appointed by the Government of Ukraine with the concurrence of the Secretary-General of the United Nations (hereinafter “the Secretary-General”), and four judges appointed by the Secretary-General;<sup>31</sup>

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<sup>31</sup> Alternatively: Six judges shall serve in the Trial Chambers, appointed by the Secretary-General of the United Nations (hereinafter “the Secretary-General”).



b. Five judges shall serve in the Appeals Chamber, of whom two shall be judges appointed by the Government of Ukraine with the concurrence of the Secretary-General, and three judges appointed by the Secretary-General.<sup>32</sup>

2. Each judge shall serve only in the Chamber to which he or she has been appointed.
3. The judges of the Appeals Chamber and the judges of the Trial Chamber, respectively, shall elect a presiding judge who shall conduct the proceedings in the Chamber to which he or she was elected. The presiding judge of the Appeals Chamber shall be the President of the Special Tribunal.
4. If, at the request of the President of the Special Tribunal, an alternate judge or judges have been appointed by the Government of Ukraine or the Secretary-General, the presiding judge of a Trial Chamber or the Appeals Chamber shall designate such an alternate judge to be present at each stage of the trial and to replace a judge if that judge is unable to continue sitting.

### **Article 9** **Qualification and Appointment of Judges**

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. They shall be independent in the performance of their functions, and shall not accept or seek instructions from any Government or any other source.
2. In the overall composition of the Chambers, due account shall be taken of the experience of the judges in international law at the international criminal law level, including international humanitarian law and human rights law, and criminal law. To be considered as a judge, they must have prior trial experience at the international level.
3. The judges shall be appointed for a three-year period and shall be eligible for reappointment.

### **Article 10** **Rules of Procedure and Evidence**

1. The Rules of Procedure and Evidence of the Special Court for Sierra Leone obtaining at the time of the establishment of the Special Tribunal shall be applicable *mutatis mutandis* to the conduct of the legal proceedings before the Special Tribunal.
2. The judges of the Special Tribunal as a whole may amend the Rules of Procedure and Evidence or adopt additional rules where the applicable Rules do not, or do not adequately, provide for a specific situation.

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<sup>32</sup> Alternatively: Five judges shall serve in the Appeals Chamber, appointed by the Secretary-General.

**Article 11**  
**The Prosecutor**

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for the crime of aggression against Ukraine, committed in the territory of Ukraine since 20 February 2014. The Prosecutor shall act independently as a separate organ of the Special Tribunal. He or she shall not seek or receive instructions from any Government or from any other source.
2. The Office of the Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor shall, as appropriate, be assisted by the Ukrainian authorities concerned.
3. The Prosecutor shall be appointed by the Secretary-General for a three-year term and shall be eligible for re-appointment. He or she shall be of high moral character and possess the highest level of professional competence, and have extensive experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor must have prior prosecutorial experience as a prosecutor at the international level.
4. The Prosecutor shall be assisted by a Ukrainian Deputy Prosecutor, and by such other Ukrainian and international staff as may be required to perform the functions assigned to him or her effectively and efficiently.

**Article 12**  
**The Registry**

1. The Registry shall be responsible for the administration and servicing of the Special Tribunal.
2. The Registry shall consist of a Registrar and such other staff as may be required.
3. The Registrar shall be appointed by the Secretary-General and shall have prior international registry experience. He or she shall serve for a three-year term and be eligible for re-appointment.
4. The Registrar shall set up a Victims and Witnesses Unit within the Registry. This Unit shall provide, in consultation with the Office of the Prosecutor, protective measures and security arrangements, counseling and other appropriate assistance for witnesses, victims who appear before the Tribunal and others who are at risk on account of testimony given by such witnesses.

**Article 13**  
**Rights of the Accused**

1. All accused shall be equal before the Special Tribunal.
2. The accused shall be entitled to a fair and public hearing, subject to measures ordered by the Special Tribunal for the protection of victims and witnesses.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statute, he or she shall be entitled to the following minimum guarantees, in full equality:

- a. To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;
- b. To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;
- c. To be tried without undue delay;
- d. To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;
- e. To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;
- f. To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the Special Tribunal;
- g. Not to be compelled to testify against himself or herself or to confess guilt.

#### **Article 14** **Judgement**

The judgement shall be rendered by a majority of the judges of the Trial Chamber or of the Appeals Chamber, and shall be delivered in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

#### **Article 15** **Penalties**

1. The Trial Chamber shall impose upon a convicted person imprisonment for a specified number of years. In determining the terms of imprisonment, the Trial Chamber shall, as appropriate, have recourse to the practice regarding prison sentences similar to those practices in the Special Court for Sierra Leone.

2. In imposing the sentences, the Trial Chamber should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chamber may order the forfeiture of the property, proceeds and any assets acquired unlawfully or by criminal conduct, and their return to their rightful owner or to the State of Ukraine.

**Article 16**  
**Appellate Proceedings**

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chamber or from the Prosecutor on the following grounds:
  - a. A procedural error;
  - b. An error on a question of law invalidating the decision;
  - c. An error of fact which has occasioned a miscarriage of justice.
2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chamber.
3. The judges of the Appeals Chamber of the Special Tribunal shall be guided by the decisions of other international criminal courts and tribunals.

**Article 17**  
**Review Proceedings**

1. Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chamber or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit an application for review of the judgement.
2. An application for review shall be submitted to the Appeals Chamber. The Appeals Chamber may reject the application if it considers it to be unfounded. If it determines that the application is meritorious, it may, as appropriate:
  - a. Reconvene the Trial Chamber;
  - b. Retain jurisdiction over the matter.

**Article 18**  
**Enforcement of Sentences**

1. Imprisonment shall be served per agreement with appropriate State Parties. If circumstances so require, imprisonment may also be served in any of the States which have concluded with the International Criminal Court an agreement for the enforcement of sentences, and which have indicated to the Registrar of the Special Tribunal their willingness to accept convicted persons. The Special Tribunal may conclude similar agreements for the enforcement of sentences with other States.
2. Conditions of imprisonment shall be governed by the law of the State of enforcement subject to the supervision of the Special Tribunal. The State of enforcement shall be bound by the duration of the sentence, subject to article 19 of the present Statute.

**Article 19**  
**Pardon or Commutation of Sentences**

1. If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the Special Tribunal accordingly. There shall only be pardon or commutation of sentence if the President of the Special Tribunal, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.
2. The Special Tribunal will have the final decision on any pardon or commutation of sentence.

**Article 20**  
**Working Language**

The working language of the Special Tribunal shall be English, with due regard for the importance of the Russian and Ukrainian languages to the proceedings.

**Article 21**  
**Annual Report**

The President of the Special Tribunal shall submit an annual report on the operation and activities of the Tribunal to the Secretary-General and to the Government of Ukraine.

**Annex A. The Second Chautauqua Principles**  
(Continue to next page)



# The Second Chautauqua Principles

## August 30, 2022

*In the spirit of humanity and peace, we who assembled here at the Chautauqua Institution recognize the prevailing impunity enjoyed by atrocity criminals around the world compels the international criminal justice system and individual practitioners to renew our commitment to a global vision of the rule of law and to develop and refine practical responses to atrocity crimes and to secure justice for victims and accountability for perpetrators.*

*To that end, after presiding over robust debates driven by legal practitioners, experts, academics, and stakeholders, I offer the following principles to practitioners, diplomats, and politicians grappling with these realities:*

### **I. Atrocity Prevention is the Foundation of Accountability.**

Atrocities rarely appear suddenly. Instead, the commission of human rights abuses often involving the targeting of the judiciary and the rule of law, the narrowing of space for civil society, and the commission of torture and other abuses typically precede atrocities. International human rights bodies and other global stakeholders should heed these warning signs and employ best practices in addressing looming crises. This may help to avert an atrocity cascade in which human rights abuses become endemic and a situation devolves into massive and systemic violations, war becomes more likely, and the commission of crimes against humanity near inevitability.

### **II. The Future of Accountability Presents New Challenges to Combating Impunity.**

A commitment to prosecuting atrocities at the state and international level is essential to the principle of accountability and to combat impunity. States should incorporate the International Criminal Court (ICC) crimes of genocide, war crimes, crimes against humanity and aggression in their national legislation to be able to prosecute core crimes. The ICC and other global actors should continue to enhance the universal reach of the Rome Statute by encouraging ratification by States, and by entering into cooperative arrangements with non-State Parties who may support the goals of the Court.

In considering the future of accountability, global stakeholders should consider developing new institutions at the national or regional level including hybrid tribunals or internationalized national courts. International courts with jurisdiction over transnational crimes may be a useful addition as well. These should incorporate Rome Statute crimes and modes of liability should be based upon customary international law. There is a legal duty to prevent genocide under the Genocide Convention if there is a likelihood of its commission. There is also a duty codified in common article I of the 1949 Geneva Conventions to respect and ensure all obligations under the Conventions including the prohibition of war crimes are respected. States should negotiate and adopt a treaty on crimes against humanity that contains a similar obligation.

Criminal prosecutions should also be paired with other transitional justice mechanisms supporting local needs including, for example, established truth and reconciliation commissions. Global stakeholders should look to empower local communities to address human rights abuses, address atrocity crimes, and intervene in a context-sensitive and inclusive manner. The international community should consider the adoption of new crimes to address new or ongoing harms. These could include developing a model law on Ecocide, accounting for cyber-attacks, and other new modalities of war in existing legal frameworks. Additionally, a global investigative mechanism must be established with adequate support from the international community to ensure quality fact-finding missions can be completed in a timely and efficient manner to inform judicial proceedings and ensure due process.

### **III. Current Law and Existing Judicial Mechanisms are Insufficient to Adequately Secure Justice for the Crime of Aggression.**

In the judgment of the International Military Tribunal at Nuremberg, the Tribunal the crime of aggression was recognized as “the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.” While the crime of aggression is defined in Article 8*bis* of the Rome Statute and represents customary international law, no competent judicial institutions have jurisdiction to prosecute those most responsible for this crime. States should consider fixing this jurisdictional gap at the ICC.

On February 24, 2022, nearly seventy-six years after the IMT’s landmark judgment, Russia launched an unlawful invasion of Ukraine. Both national and international judicial systems need to prosecute those most responsible for the crimes of aggression committed in Ukraine. International tribunal jurisprudence, which renders head of state immunity inapplicable regarding international crimes, including the crime of aggression, should inform their prosecution strategies. It is also essential that, in the event of its establishment, any tribunal or court addressing the unlawful invasion into Ukraine is fair, impartial, and not directed at any particular party or State. Any new tribunal or court must adhere to a clear evidentiary standard of proof of guilt beyond a reasonable doubt.

There is an urgent need for a viable proposal for the creation of a competent international tribunal with appropriate jurisdiction to prosecute those bearing the greatest responsibility for the crimes of aggression against the people of Ukraine. With that said, any domestic or international tribunals’ work, including those exercising extraterritorial jurisdiction, should not diminish, but enhance the work of the ICC.

### **IV. New Legal and Practical Approaches are Required to Curtail Unlawful Acts Perpetrated by Mercenaries and other Irregular Forces Engaged and Directed by States.**

As States continue to engage in the use of mercenaries and irregular forces, the legal definition of a mercenary must reflect the common characteristics of modern mercenaries. To wit, the nationality limitations codified in Article 47 of Additional Protocol 1 to the Geneva Conventions should be removed in order to ensure that malign State actors cannot use loopholes in the existing definition to insulate themselves from criminal liability. All other appropriate practical and legal measures should also be taken to ensure mercenaries and irregular forces act as lawful combatants and all high contracting parties remain in compliance with the duties



international humanitarian law requires. Finally, because States bear responsibility for the unlawful acts of their agents, States engaging in the use of mercenaries and irregular forces should provide those forces the same international humanitarian law training they would to armed forces.

*As chair of the Fourteenth International Humanitarian Law Roundtable, I call upon the international community to keep the spirit of the Nuremberg Principles alive by calling to attention and putting into action the Principles included herein.*



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**Fatou Bensouda**

*Chair, 14th International Humanitarian Law Roundtable*



## **THE GLOBAL ACCOUNTABILITY NETWORK'S UKRAINE ACCOUNTABILITY PROJECT**

# **E**

# The Seven Practical Steps for the Set up of A Special Tribunal for Ukraine on the Crime of Aggression

# Recall...



**The bright red thread of tribunal creation is POLITICS.**

**In considering setting up a tribunal and developing a prosecution plan you must consider:**

- The political impact;**
- The diplomatic support;**
- The legal issues;**
- The practical impact;**
- The cultural considerations...**



***Is the justice the international community seeks the justice the people of Ukraine want?***



# Step One:

**Where is the atrocity zone?**

**Are international crimes being committed?**

**Who is committing these crimes?**

**Is the parties capable of investigating and prosecuting these crimes?**

**Does their domestic law cover the crimes?**

**Who has the proper jurisdiction over the crimes?**

**It can be overlapping.**



# Step Two



**What is the appropriate justice mechanism to account for the international crimes?**

**Domestic, regional, international?**

**If international...what type of court?**

**Does the International Criminal Court have jurisdiction?**

**Regardless, politically or practically is there another justice mechanism to deal with accountability by the international community?**

**Ad hoc (under Chap. 7 of the UN Charter)**

**Hybrid (by UN/state party agreement)**

**Domestic court with international components**

**What is the most efficient and effective model to deal with the atrocities?**

***Are there any jurisdictional or immunities that impact the decision?***



# Step Three



**Consider how best to create the tribunal (if not the International Criminal Court)?**

**Via regional arrangement?**

**Under United Nations auspices?**

**Under the United Nations paradigm?**

**The Security Council**

**A Resolution**

**The General Assembly after a request by Ukraine to set up a tribunal**

**A Recommendation to enter into a bi-lateral treaty**



# Step Four



**With the UN General Assembly resolution, negotiate and enter into a bi-lateral agreement with Ukraine.**

**Statute**

**Mandate of tribunal (see next slide)**

**Rules of Procedure and Evidence**

**Funding? Options: Assessed, voluntary, (mandatory)**

**Establish a Management Committee of voluntary states. Ukraine is an ex officio member.**

**Recommendation: Members of the STUK will be employees of the tribunal not the UN.**





# Mandate



**To prosecute those who bear the greatest responsibility for perpetrating the crime of aggression and associated crimes by the Russian Federation and other member states of the United Nations against the Republic of Ukraine from 2014 to the present.**

**Subject matter jurisdiction: Aggression, aiding/abetting aggression**

**In personem jurisdiction: Senior political and military leadership of the Russian Federation and other associated United Nations member states**

**Temporal jurisdiction: From 2014 to the present.**



# Step Five



**Management committee working with the Legal Advisor for the United Nations begin process of selecting a Prosecutor and Registrar.**

**Must have held a similar position in a prior international court or tribunal.**

**Recommend to the UN Secretary General their selection.**

**Prosecutor and Registrar appointed.**

**Undersecretary Rank.**

**Temporary offices opened in New York at UN headquarters.**

**Voluntary funds deposited in an appropriate account.**



# Step Six



**Prosecutor develops overall strategy based on mandate.**

**A prosecution strategy is separate and confidential.**

**Registrar begins setting up office.**

**Consider The Hague with a branch office in Kyiv.**

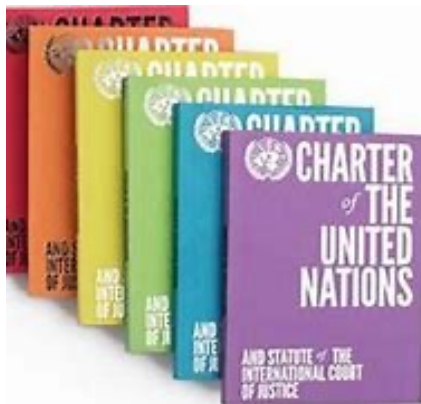
**Hiring process of tribunal employees begins.**

**Priority to the Office of Prosecutor.**

**Prosecutor and Registrar travel to the Hague and negotiate an agreement of collaboration and mutual support with the International Criminal Court.**

**Develop liaison capabilities with the European Union, NATO, and Ukraine**

**Essential to ensure an efficient process of investigations, indictment, and eventual trial.**



# Step Seven



The STUK begins its work...

**Prosecutor (based on prosecutorial plan and in coordination with the International Criminal Court and other legal entities);**

**Begins investigations against those who bear the greatest responsibility for the crime of aggression and associated crimes.**

**Recommend setting up various task forces that include trial counsel, investigators, and support staff.**

**Registrar continues to build support offices for the STUK.**

**Task Forces:**

- 1. Putin**
- 2. Political Leadership**
- 3. Military Leadership**
- 4. Associated member states**



# Considerations of Note



**The STUK will focus on cost efficiencies.**

**Hiring will be done on a phased “as needed” basis.**

*Consider contractors, secondments, interns, and support consortiums.*

**Judges will be appointed when *necessary and needed*.**

**Consider joint trials with one trial chamber of three judges with alternates. Up until trial phase judges will serve on an “as needed basis” and only full time when trials begin.**

**One appellate chamber of five judges with alternates. Appellate judges will only serve on an “as needed” basis, not full time.**

**Judges must have served previously in an international court or tribunal.**



# Considerations of Note



**Physical and personal security is paramount.**

**The risk is high that the Russian Federation will take measures to hinder and disrupt the tribunals work.**

**Buildings need to be hardened.**

**Consider a discreet location.**

**NATO base in the Netherlands?**

**Vehicles armored.**

**Personal protection of tribunal leadership (perhaps even families).**



# Considerations of Note



## The tribunal should operate in phases.

**Phase 1: Set up (Estimated time: 2 months).**

**Phase 2: Investigatory Phase with initial indictment.  
(Estimated time: up to 1 year).**

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**Phase 3: Pretrial Phase. (Estimated time:  
To be determined).**

*Starts when political, practical, and legal circumstances allow.*

**Phase 4: Trial Phase with sentencing. (Estimated time:  
to be determined).**

**Phase 5: Appellate Phase. (Estimated time: to be determined).**

**Phase 6: Post trial and residual phase. (Estimated time: to be determined).**



# Of note...

***We have done this before...successfully...***

To include a sitting head of state.

The aggression by the Russian Federation and others is an affront to the United Nations paradigm and international peace and security!

Other strongmen around the world are watching...

If we do nothing...these strongmen will be emboldened and will take regional matters into their own hands.

If we do nothing...why have a United Nations?

The aggression by the Russian Federation is what the whole UN paradigm was set up to prevent.

