

SANCTIONS AND ACCOUNTABILITY: THIRD MEETING OF THE GLOBAL PARLIAMENTARY ALLIANCE AGAINST ATROCITY CRIMES

19 October 2022 Session Summary



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More than seven months into Russia’s invasion of Ukraine, the European Union, the United States, Canada, and other countries swiftly imposed wide-ranging diplomatic and economic sanctions. The aim of the third meeting of The Global Parliamentary Alliance Against Atrocity Crimes (GPAAAC) was to look at the impact of sanctions on Russia’s actions in Ukraine and the prospect for more economic penalties. “Sanctions and Accountability” featured four speakers and thirty civil society representatives, researchers, and policymakers in attendance. The speakers gave statements on investigations of war crimes committed by Russia in Ukraine, ongoing economic sanctions against Russia and Russian officials, and the necessity to impose more targeted sanctions against individuals and economic sectors.

Accountability

In Russia’s invasion of Ukraine, many violations of international humanitarian law have been made apparent. Russia is targeting civilians and civilian infrastructure, including nuclear plants, energy, water supplies, and hospitals. The speakers state that the crimes also include acts of torture, rape, and the forcible transfer of over 7000 children for adoption in Russia. Numerous projects and mechanisms have been developed to hold Russia accountable for crimes committed against Ukrainians. These include collecting data on the ground in real time, and utilizing new technologies to gather, verify, map and document the data.

Since the start of the war, Ukraine’s General Prosecutor Office has opened over 3900 criminal cases. Many NGOs and investigative journalists, legal experts, and civil society members are gathering evidence and documenting crimes. One of the speakers emphasized the importance of these efforts not only because the scale and scope of the crimes required a lot of help but because Russia is determined to spread disinformation about its actions in Ukraine.

In terms of accountability, two speakers agreed that Russia’s veto power at the Security Council is an obstacle to accountability. Consequently, Ukraine has developed the proposal to establish the Special Tribunal for the Punishment of the Crime of Aggression against Ukraine. Although it will take time to develop such a tribunal, it is needed and the idea has gained the support of lawyers, policymakers, government officials, and civil society groups.



Investigations: the work of the Reckoning Project

The Reckoning Project was created on February 25th by war correspondent Janine di Giovanni, Russian disinformation expert Peter Pomerantsev, and Ukrainian journalist Nataliya Gumanyuk. Years of experience working in war zones and witnessing three genocides, taught di Giovanni that there is a disconnect between people on the ground who witness and document atrocities and getting this evidence in front of courts. Citing Bosnia as an example, she said that 20,000 women were raped during the war but only a handful of people were indicted or brought to The Hague.

To gather evidence and investigate crimes committed by Russian troops, the Reckoning Project works with Ukrainian journalists and researchers on the ground, whom they have trained to make sure that the methodology adheres to international legal standards. The founders of the project specifically sought to empower Ukrainians to do this type of work instead of relying solely on American or European organizations. The team also works with legal experts and data analysts, Yale's Conflict Observatory, sociologists and criminal justice lawyers at the University of Michigan's law school, Ukrainians courts, and the Office of the Prosecutor General.

Di Giovanni mentioned various ongoing war crime investigations in which the Reckoning Project is involved, including Russia's attack on Kramatorsk train station in which dozens of people were killed. For this investigation, the Project is collaborating with Yale's Conflict Observatory to build a case that can be presented to prosecutors.

The greatest challenge is just the sheer number of incidents. Di Giovanni, who has experienced numerous wars, including the Syrian conflict, says some of the cruelty she has seen coming out of Ukraine is amongst the worst she's ever seen. One of the biggest concerns is the excessive use of force against civilians, including attacks against the Kramatorsk train station or the Kremenchuk shopping mall. The Reckoning Project's team is also looking at crimes committed by Russian troops during the occupation of Chernihiv and Kharkiv and looking at the occupation of Zaporizhzhya as a crime of nuclear terrorism. Researchers are looking for patterns and using Russia's actions in Syria as an example of when the Russian army targeted hospitals and schools in this war. Another case the Reckoning Project is investigating is the forcible transfer of Ukrainian children to Russia for adoption, and the use of filtration camps.

Another major challenge is coordination. Many groups in Ukraine and abroad are documenting and gathering evidence. Di Giovanni spoke with the United States Ambassador-at-Large for War Crimes, Beth Van Schaack, to find ways to coordinate findings, especially findings from Ukrainians on the ground. There is a need to coordinate best practices to achieve results: "As someone who has gone through so many wars and saw justice denied continuously in Syria, in Bosnia, in Rwanda, even in Yemen, with Uyghurs, we want to see justice brought to Ukraine."



Finally, the Project focuses on advocacy. From her own experience, Di Giovanni knows that the public's attention to conflicts wanes after 6 months. The aim of the Project is therefore to "hold Russia accountable in the Court of public opinion and keep the pressure on the public to understand what is going on there."

Disinformation

There has been an increase in disinformation on the far left and the far right of the political spectrum, both of which claim that the West is at fault in this conflict or that the West is the aggressor. The aim of this disinformation, according to one of the speakers, is to make us look the other way or to justify Russia's actions in Ukraine. Yet, from the Holodomor to the present, Russia committed atrocity crimes and targeted specific groups. Now, Russian forces are tearing down Holodomor memorials across the country, closing museums, changing textbooks, and forcing youth to learn Russian.

In Canada, Russian disinformation has found inroads. Indeed, one audience member explained that the new Premier of Alberta, Danielle Smith, had to circle back some of the claims she has made in the past regarding the war in Ukraine. We cannot let Russia turn the truth on its heads. The participant, who monitors foreign influence operations, underlines that Russia has used the threat of nuclear war or a nuclear armageddon for many years. This narrative has migrated to far right and far left media in the West. Fox News host Tucker Carlson had a long anti-Ukrainian rant suggesting that the West, in its support for Ukraine, is dragging the world towards nuclear Armageddon. This shows that Russia has an ear and megaphone in the West.

To counter Russian disinformation, President Zelensky wants to show the truth, including the fact that Ukraine is building a democracy with a strong civil society and free media. To fight disinformation, Ukraine needs the support of international civil society, NGOs, and universities to combat disinformation from threatening the world and slowing down the support of Ukraine.

The Magnitsky Act

Financier and political activist Bill Browder recounted his long-existing experience with Russia, in particular the murder of his Ukrainian-born Russia lawyer, Sergei Magnitsky, when he sought to expose corruption and misconduct by Russia government officials. Magnitsky was arrested by Russian authorities, tortured for 358 days, and murdered in 2009. Since then, Browder has made it his mission to hold the Kremlin accountable for its crimes.

After exploring various avenues for justice, which include a disappointing meeting with the head of the International Criminal Court and the possibility of applying universal jurisdiction, Browder came up with what would become the Magnitsky Act, meaning targeted asset freezes and visa bans for people who



were involved in Sergei's death and other similar cases. The Magnitsky Act was passed in the United States in 2012 and in Canada in 2017. There are now 35 countries where the Magnitsky Act is applicable. Browder admitted that it is hard to look at visa banning and asset freezing as an appropriate consequence for ongoing crimes committed by Russia in Ukraine, yet it is something that can be done now. Now, some 40 oligarchs have been sanctioned out of 118. More must be done and there are oligarchs living in Turkey and the United Arab Emirates who should be targeted as well.

As governments may feel pressured to spend less money on supporting Ukraine, the idea that a Republican U.S. Congress may stop providing funds to Ukraine, scares Bill Browder. He believes an option could be to use the \$350 billion of Russia's foreign reserves which are currently frozen in foreign banks because of sanctions. Russia would then pay for defence spending and for the reconstruction of Ukraine. While many bureaucrats in major capitals say it cannot be done, Browder believes this is a lack of political will.

“We need to be doing stuff right now, today, putting pressure in every way possible so that Putin can't afford to continue this war that he doesn't have the money and that the Ukrainians have the money to carry on.”

Sanctions: targeting specific sectors.

A member of the Belgian Parliament speaking at the meeting said sanctions constitute a crucial and effective element in the ongoing war but added that there is still a lot of space for improvement and gaps to be filled. He explained that when the European Union adopted a new package of sanctions in early October two big sectors of the Russian economy were missing: the diamond industry and the energy sector.

The diamond sector generates a lot of profit. Russian mining giant Alrosa has a profit of about \$1 billion for the Russian Federation, 90% of the Russian diamond production. The company has ties to the Russian military and directly to Vladimir Putin himself yet is still “selling blood diamonds to Europe and in particular Antwerp”. When President Zelinsky spoke to the Belgian Parliament, he called on Belgian parliamentarians to ban the import of blood diamonds from Russia. This has yet to be done.

The second sector that should be targeted is the nuclear sector. The Russian nuclear giant Rosatom, which operates the now infamous nuclear plant in Zaporizhzhya, is still the importer of ca. 40% of the uranium used in nuclear reactors in Europe. To this day, Russian nuclear reactors are still present in Europe, including in Finland, Hungary, Bulgaria, and the Czech Republic. The Russian nuclear fuel industry remains untouched by European sanctions even though it has targeted Russian oil, gas, and coal. Yet members of the European Parliament were already calling for the termination of all nuclear plant deals with Russia's



Rosatom in their very first resolution calling for sanctions against Russia. Hungary and Bulgaria are the most vocal in opposing sanctions.

“At a time when Vladimir Putin is threatening Europe with nuclear weapons, I think it is completely crazy and anachronistic to notice that we're still cooperating with this major Russian agency.”

One participant stressed that Western sanctions are working. Since the war began, \$150 million worth of assets have been seized and coalition allies are working together to impose sanctions on dual use technologies. This influences Vladimir Putin's ability to make war.

The same speaker suggested that we need to start considering secondary sanctions. India has been buying up a lot of Russian oil. We need to think about imposing secondary sanctions here and could buy up oil currently providing revenue for Russia. Iran, for its part, has been selling weapons to Russia, including drones that have been used to target civilians in recent days. The US is planning to pass targeted sanctions against Iran.

Russia's invasion of Ukraine provides clear evidence of the weakness of the appeasement policy. The lack of sanctions for the annexation of Crimea gave President Putin a green light. One speaker argued that we are finally seeing the effect that broader sanctions can have on the Russian economy and its ability to develop and wage a war. There are many areas, especially the oil and energy sectors, that provide revenue for Russia's war and should therefore be targeted with sanctions.