

# UNPACKING ATROCITY CRIMES IN UKRAINE: SECOND MEETING OF GPAAAC

14 September 2022 Session Summary



**GPAAAC**

THE GLOBAL PARLIAMANTARY  
ALLIANCE AGAINST ATROCITY  
CRIMES

## **Unpacking Atrocity Crimes in Ukraine: Second Meeting of GPAAAC**

**14 September 2022**

### **Session Summary**

The aim of the second meeting of the Global Parliamentary Alliance Against Atrocity Crimes (GPAAAC) was to delve into war crimes and crimes against humanity committed by Russia in Ukraine, and to explore ways to hold the Russia government accountable. "Unpacking Atrocity Crimes in Ukraine" featured seven expert speakers, two discussants and thirty civil society representatives and policymakers in attendance. Each speaker gave a statement on the ongoing atrocities in Ukraine, current efforts to investigate war crimes and crimes against humanity, and the role that parliamentarians can play in protecting civilians. The event was hosted under Chatham House Rules.

#### **Bringing atrocity crimes to the forefront**

Atrocity crimes should be front and center for the international community, speakers agreed. Russia has broken just about every rule of law, norm, convention, and standard related to international law, the protection of civilians, genocide, and ethnic cleansing, one panelist emphasized. This is not simply a war of aggression but a total and wholesale assault on the fundamental rights of all people, a war on freedom and democracy.

Now that Russia is under pressure as a result of Ukraine's military advances, the coalition has to add pressure on Russia, including by providing more military armament to Ukraine, continuing current justice efforts, and accelerating information campaigns. One speaker stated that Ukrainians will be right to hold us accountable for not engaging from the start and if we refuse to act more forcefully. The international community has failed in its responsibility to protect doctrine.

Numerous participants focused on the forcible transfer of Ukrainians and the alleged filtration system set up by Russia. Around 3,000,000 Ukrainians crossed into Russia against their will as of February this year, but we do not know how many of them were forcibly transferred. A speaker informed the group that Human Rights Watch (HRW) issued a report titled "[Ukraine: Torture, Disappearances in Occupied South](#)" which found forty-two cases in which Russian troops forcibly disappeared civilians or held them arbitrarily. Many of civilians were also tortured. Ukrainian civilians were forcibly transported to Russia while others had to choose between dying under shelling or agreeing to be transferred. It is important to underline that the forcible transfer of civilians is a war crime under international humanitarian law and may constitute a crime against humanity. It was also emphasized that children have forcibly transferred and assimilated. Not only does this go against the Optional Protocol to the Convention on the Rights of the Child but the forcible transfer of children from a protected group to another group is an act that amounts to genocide according to the Convention on the Prevention and Punishment of the Crime of Genocide.

Little is known about what happens to people who end up in Russia against their will. They appear to go through temporary reception centers where they are interrogated by Russian law enforcement agents about their political views, among other things. Many are also forced to sign statements identifying

themselves as victims or witnesses to Ukrainian war crimes. We do not know how many Ukrainians have gone through this system but a [report](#) published by the Conflict Observatory identified that Russia and Russia-aligned forces operate at least twenty-one facilities in and around Donetsk Oblast that are part of the filtration system.

There appear to be four types of facilities involved in filtration: (1) registration, (2) holding, (3) secondary interrogation, and (4) detention. The purpose of the system is to identify people who could be dangerous to Russian forces and authorities. This means that there are secondary interrogations and long-term detention for individuals who are considered suspects.. They are detained and put in prisons where conditions are dismal. Even though HRW did not document torture cases in connection with filtration system, the organization has documented torture and cruel integrated treatment in facilities operated by Russian affiliated armed groups in Ukraine.

One of the panelists explained that Russian and European volunteers are working tirelessly to help people forcibly transferred to Russia get extricated and leave for the European Union or return to Ukraine, if they wish to do so. Older people, people with disabilities, people who do not have smartphones or financial resources, are particularly vulnerable. It is important for international organizations such as the International Committee of the Red Cross and the United Nations High Commissioner for Refugees to communicate to them that they have the right to leave under international law. More efforts must be made to assist people who have been forcibly transferred.

It was agreed that investigations into the filtration camps should not be the end of the story. It is a platform for additional investigations, especially investigation on the ground. The GPAAAC could play a role in coordinating efforts in order to avoid redundancy or re-traumatizing victims. There needs to be interoperability on investigations, as well as more coordination between governments and civil society groups who are taking part in investigative efforts.

### **Holding Russia accountable**

Elected officials and citizens have to know far more about what kind of crimes have been and continue to be committed, what the penalties are and what elected officials can do to bring perpetrators to justice. We need broader coalitions to support justice efforts.

It was emphasized that Ukraine presents a unique opportunity to hold perpetrators of war crimes and crimes against humanity accountable since access to information and the ability to be on the ground to collect evidence are unprecedented. There has also been a unique response from the International Criminal Court, which opened an investigation within the first weeks of the war. There are active national efforts to investigate atrocities, something that was not seen in Syria, Yemen and Ethiopia.

One of the experts explained that the organization she works for is currently conducting considerable work on universal jurisdiction, meaning the idea that international crimes can be prosecuted by a state or international organizations, regardless of where the alleged crime was committed and regardless of the accused's nationality. While countries have very limited universal jurisdictional regime, some states have absolute universal jurisdiction. The panelist's organization is currently identifying which countries can exercise universal jurisdiction and in what circumstance. Since many Ukrainians have sought asylum to

Eastern and Western Europe, as well as North and South America, the organization is currently mapping out where such cases could be brought.

According to the same panelist, there are also efforts to broaden the category of people who have access to justice. Ukrainians fleeing to Europe are now given so-called temporary protection status, which gives them quick and easy access to protection, but there needs to be clarification about what it means in terms of their access to justice and whether they could bring claims under universal jurisdiction.

One idea also brought forward by a panelist is the repurposing of frozen assets in order to support Ukraine, especially future efforts to rebuild infrastructure, including health and educational facilities.

The current interest and commitment to accountability for Ukraine should reinvigorate the entire system of universal jurisdiction cases, which often rely on refugees and migrants to provide evidence and testify in trials. Lessons learned from Ukraine should be applied to other conflicts.

### **Russian disinformation and technology**

*“Regarding how we handle the Russian Information war since 2014, someone recently said we're building the plane while flying. Well, my diagnosis is even worse. The plane is melting while we're building it.”*

One of the panelists spoke about the importance of technology in this conflict. Humanity is now inventing and deploying digital technologies that transform our societies in ways we cannot handle. Information is being weaponized, technologies are compromising privacy and contributing to the polarization of our societies.

The problem with our information disorder is fourfold, according to the speaker:

- Hostile foreign state actors use propaganda designed to trigger our emotions, create confusion and to sow division.
- Domestic scammers, partisans, populists and extremists create and boost harmful content.
- Digital platforms and search engines have polarization as their business model.
- Humans are part of the problem: they are not rational actors and most of their decisions are based on emotions.

We have a structural and systemic problem that needs to be fixed as soon as possible. This hybrid threat requires a whole of society response because they undermine our societies from all sides and via all sectors of society.

On a positive note, the speaker said that we can be in awe of how Ukrainians are using the information domain to show how they are resisting Russia's invasion. New technologies have also given us new ways to gather, verify, map and document data that can be used to hold Russia to account for war crimes. Regarding Open-source intelligence (OSINT) investigations and evidence, one speaker emphasized the need to improve admissibility standards in courts and to build proper precedent.

### **The role of international institutions**

One expert was particularly critical of NATO's lack of engagement. He argued that NATO reluctance to go into Ukraine when Russia invaded the country was a failure to act and an irresponsible gesture in regards to the Responsibility to Protect doctrine. President Putin's threat of nuclear weapons was a bluff that will be used in the future, given that it worked in the current case. NATO providing ammunition and equipment as Ukrainians are dying and are being abused is a demonstration of fear of casualties, self-interest and not wanting to truly commit to protect civilians. This lack of engagement left the door open to massive abuses of human rights, and in fact, to genocide.

Another speaker believes that the war in Ukraine and atrocities committed by Russia should serve as a moment of reckoning. On the eve of the opening of the UN General Assembly, we need to accelerate efforts to bring the Ukraine issue to the floor of the General Assembly with both statements on atrocities and recommendations on what to do about them. This is the moment for a broader mobilization of resources to actually make sure that atrocities are back front and center on the international calendar.

### **The role of parliamentarians**

*"If we want to be able to say never again honestly, then the international community needs to back those words up the deeds and ensure it stops now and indeed never happens again. If we're not going to do that, we shouldn't say it anymore."*

The speakers agreed that the activism of parliamentarians and parliamentary networks is crucial and that they have a role to play in giving new momentum to an international system in crisis. Members of Parliament (MP) recognized that it is in the self-interest of their respective countries to take a forceful stand, and the most effective way in which MPs can be effective is if they are united in speaking with a single voice.

One MP underlined that the invasion of Ukraine woke up European parliamentarians. They have rediscovered the importance of their position, including Roberta Metsola, the president of the European Parliament, who has visited Ukraine to show solidarity and engagement.

However, the power of parliamentarians is still not yet sufficiently utilized even though they have the power to hold governments accountable and to influence public opinion. Several solutions were proposed.

First, Canada has an All-Party Parliamentary Group for the Prevention of Genocide, a group of parliamentarians of all parties in both houses, that was formed in 2006 to inform and instruct, maybe educate parliamentarians and their staffs on crimes against humanity and genocide. That group still exists but has not been given any authority in Parliament and needs to be revived.

Second, Canada and its allies need to form an interdisciplinary interagency group to mount a coordinated response. Canada's own War Crimes Justice Department units have been underfunded for years. Canada has to recover and reclaim its expertise in this area.

Third, one MP noted that the role of MPs at the European level can be threefold:

- Communication with voters on why it is important for the European Union to side with Ukraine.

- Taking common action, including through the EU-Ukraine Parliamentary Association Committee in order to define priorities, put pressure on Member States, and take a position on matters such as impunity for crimes against humanity, for war crimes, and for the crime of aggression.
- Pioneering new ideas or creating legislative structures: setting up a special tribunal for the crimes of aggression; legislating on issues such as the confiscation of assets of Russian oligarchs and the Russian State; working with the Committee on Fundamental Rights in order to hold Russia accountable while respecting the values of the EU.

Fourth, in Canada, the Canada-Ukraine Parliamentary Friendship Group is a group of elected Members of Parliament of all parties in Canada's Parliament that has worked to strengthen Canada's work with Ukraine in the interest of both our countries. At the national level, parliamentarians could help in the following manner:

- 1) Stopping ongoing violations: Military support is the most important element in the short term. Canada has provided about \$625 million worth of military aid to Ukraine and imposed sanctions.
- 2) Justice: Canada referred the situation in Ukraine to the ICC and provides financial support to RCMP officers in support of the ICC investigations. Canada also co-sponsored three UN General Assembly resolutions to condemn Russia's aggression in Ukraine and to suspend Russia from the Human Rights Council
- 3) Humanitarian aid: Canada provided over \$300 million in humanitarian aid, including for refugees outside of Ukraine.
- 4) Ensuring that it never happens again: harsher sanctions against Russia are required to ensure it never happens again and not just in Ukraine, but elsewhere around the world.