

Use of genocide by the Russian Federation in the conduct of hybrid activities and warfare in Ukraine

Stosowanie ludobójstwa przez Federację Rosyjską w ramach prowadzenia działań hybrydowych i wojny na Ukrainie

Использование геноцида Российской Федерацией в рамках гибридных действий и войны в Украине

Zastosowania gеноциду Російською Федерацією під час проведення гібридних операцій та війни в Україні

RYSZARD JAKUBCZAK

Police Academy in Szczytno

e-mail: prof.rjakubczak@gmail.com, <https://orcid.org/0000-0002-2557-0742>

Summary: Both the Russian hybrid activities and warfare include the use of genocide to strengthen the Kremlin's position and overcome Ukrainians. It can be observed within many spheres, but mainly as the Russian Federation falsely accuses Ukraine of committing genocide against Russians and claims that the West supports it. Russians commit war crimes that fulfil all the requirements to be considered genocide. The Kremlin uses genocide as a part of cognitive warfare, trying to influence not only the way the Ukrainians are thinking but also how they are behaving. In unofficial channels, there is much content showing Russian violence to generate fear and diminish the resilience of Ukrainians. Bearing in mind how much Russia has already lost with respect to the hybrid war in Ukraine, it is more and more likely that the Kremlin will focus in the future on hybrid activities and will try to exploit the potential of the threats that have already materialised. Principally, the hybrid warfare potential of genocide has been explored by Russians to various extent.

This work addresses chosen aspects of the use of genocide by the Russian Federation in the conduct of hybrid activities and warfare in Ukraine from 2022, as well as the motivation behind it.

Key words: genocide, hybrid activities, hybrid warfare, cognitive warfare, the war in Ukraine, Russian Federation

Streszczenie: Zarówno rosyjskie działania hybrydowe, jak i wojna hybrydowa obejmują wykorzystanie ludobójstwa w celu wzmocnienia pozycji Kremla i pokonania Ukrainy. Można to zaobserwować na wielu płaszczyznach, ale głównie w fałszywych rosyjskich oskarżeniach Ukrainy o popełnienie ludobójstwa na Rosjanach i Zachodu o wspieranie tego, również w faktach, że Rosjanie popełniają zbrodnie wojenne, które spełniają wszystkie przesłanki, aby uznać je za ludobójstwo, dodatkowo Kreml wykorzystuje ludobójstwo jako część wojny kognitywnej, próbując wpłynąć nie tylko na sposób myślenia Ukraińców, lecz także na ich zachowanie. W szczególności w nieoficjalnych kanałach pojawia się wiele treści pokazujących zbrodnie dokonane przez Rosjan w celu wywołania strachu i zmniejszenia odporności Ukraińców. Biorąc pod uwagę, jak wielkie straty Rosja poniosła w związku z wojną hybrydową na Ukrainie, jest coraz bardziej prawdopodobne, że Kreml skupi się w przyszłości na działaniach hybrydowych i spróbuje wykorzystać potencjał zagrożeń, które już się zmaterializowały. Zasadniczo, z uwzględnieniem powyższego, przydatność wykorzystania zbrodni ludobójstwa przy prowadzeniu działań hybrydowych była eksplorowana przez Rosjan w różnym zakresie.

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Niniejsze opracowanie dotyczy wybranych aspektów stosowania ludobójstwa przez Federację Rosyjską w ramach prowadzenia działań hybrydowych i wojny na Ukrainie od 2022 r., a także motywacji, która za tym stoi.

Słowa kluczowe: ludobójstwo, wojna hybrydowa, działania hybrydowe, wojna kognitywna, wojna w Ukrainie, Federacja Rosyjska

Резюме: Как российские гибридные действия, так и гибридная война России предполагают использование геноцида для укрепления позиций Кремля и поражения Украины. Это проявляется на многих уровнях, но главным образом в ложных обвинениях России в адрес Украины в геноциде россиян и Запада в поддержке этого, но также в том, что россияне совершают военные преступления, которые отвечают всем требованиям, чтобы считаться геноцидом. Кроме того, Кремль использует геноцид как часть когнитивной войны, пытаясь повлиять не только на мышление украинцев, но и на их поведение. В частности, на неофициальных каналах появляется множество материалов, показывающих преступления, совершенные россиянами, чтобы посеять страх и снизить сопротивляемость украинцев. Учитывая, какой большой ущерб Россия понесла в связи с гибридной войной в Украине, становится все более вероятным, что в будущем Кремль сосредоточится на гибридных действиях и попытается использовать потенциал уже реализовавшихся угроз. По сути, с учетом вышесказанного, целесообразность использования преступления геноцида в рамках проведения гибридных действий в том или ином объеме была исследована россиянами.

В данном исследовании рассматриваются отдельные аспекты использования Российской Федерацией геноцида в ходе гибридных действий и войны в Украине, начиная с 2022 года, а также мотивации, лежащей в его основе.

Ключевые слова: геноцид, гибридная война, гибридные действия, когнитивная война, война в Украине, Российская Федерация

Резюме: Як російські гібридні операції, так і гібридна війна передбачають використання геноциду для посилення влади Кремля та перемоги над Україною. Це можна побачити на багатьох рівнях, але головним чином у неправдивих російських звинуваченнях України у вчиненні геноциду проти росіян, а Заходу – у підтримці цього, а також у фактах вчинення росіянами воєнних злочинів, які відповідають усім передумовам, щоб вважатися геноцидом. Крім того, Кремль використовує геноцид як частину когнітивної війни, намагаючись вплинути не лише на мислення українців, але й на їхню поведінку. Зокрема, на неофіційних каналах з'являється багато контенту, який показує злочини, скоєні росіянами, щоб посіяти страх і знизити стійкість українців. З огляду на те, якої шкоди Росія зазнала від гібридної війни в Україні, стає все більш імовірно, що Кремль зосередиться на гібридних діях у майбутньому і намагатиметься використати потенціал загроз, які вже матеріалізувалися. По суті, з огляду на це, корисність використання злочину геноциду в проведенні гібридних операцій використовувалася росіянами в різному ступені.

У цьому дослідженні розглядаються окремі аспекти використання Російською Федерацією геноциду під час проведення гібридних операцій та війни в Україні з 2022 року і далі, а також мотивація, що стоїть за цим.

Ключові слова: геноцид, гібридна війна, гібридні операції, когнітивна війна, війна в Україні, Російська Федерація

Introduction and method

As scientists and politicians address the issues related to hybrid warfare, the discussion about the genocide in Ukraine is growing. Bearing in mind the use of Russian hybrid activities and warfare, different aspects of this phenomenon can be researched. The issues under scientific inquiry may include:

1. Russia's false accusations that Ukraine committed genocide against Russians living in Ukraine as an excuse to start the war.
2. Russia's false accusations that the West is supporting the genocide of Russians.
3. War crimes, including the genocide committed by Russians.
4. Russia's use of genocide as a part of cognitive warfare, trying to influence not only the way the Ukrainians are thinking but also how they are behaving:
 - a. presenting the atrocities committed by Russians as an imminent crime that can happen to every Ukrainian and therefore spreading fear and decreasing morals among them,
 - b. presenting the genocide committed by Russians as a provocation orchestrated by Ukrainians to destroy trust among Ukrainian citizens and try to undermine Ukraine's position in the international arena.

As the expectation that public international law will civilise relations between states, factually, more and more tensions emerge, and expansion of hybrid activities and warfare is observed, i.e. the use of uncontrolled movements of migrants, including refugees, is growing at the Belarusian border (Belarus acts as a proxy) with the EU, affecting Poland, Lithuania, and Latvia.¹

Genocide is not only committed by Russians but also used by them as a part of the hybrid war, and due to the strong emotional charge, it is very likely this exploitation will continue.

Dealing with such a hideous crime, it is not difficult to understand its potential properly from the hybrid threat perspective. In cognitive warfare, the more emotions are engaged, the more damage can be done since the emotions can be incited to change perceptual and cognitive content to control masses. The Kremlin, familiar with these mechanisms, used even the concept of humanitarian intervention in order to twist the perception of their own and foreign citizens, aiming at getting away with another war started due to its revisionistic and imperialistic policy.² How they shape and use dissemination of the information regarding torture, killing, and abductions of Ukrainians (including children) is also an orchestrated bigger plan following their strategic documents.³

¹ W. Jakubczak, *Kryzys migracyjny na wschodniej granicy UE – rola Europy we współpracy w bezpieczeństwie wewnętrznym*, Athenaeum. Polskie Studia Politologiczne 2021, vol. 70 (2), pp. 232, 229–244.

² F. Hill, *How Vladimir Putin's World View Shapes Russian Foreign Policy*, in: *Russia's Foreign Policy*, eds. D. Cadier, M. Light, New York 2015.

³ *Strategy for the Development of the Information Society in the Russian Federation for 2017–2030*, Указ Президента Российской Федерации О Стратегии развития информационного общества в Российской Федерации на 2017–2030 годы.

The research methodology was based on an analysis of scientific investigations of the legal texts and reports. The author aimed to exploit the desk research method to the fullest by preparing a complex yet synthetic description of the key conclusions based on the review of the literature and documents.

Since the scientific area explored here has been exponentially growing, garnering increasing interest from many experts, politicians, and media, the author decided to include numerous online resources. To summarise, the research methods used in this work include a critical analysis of the strategic documents, literature, comparative analysis, and analysis of the available data.

The purpose of the research is to examine the link between genocide and hybrid activities and warfare in Ukraine. The research problem was expressed by the question: how genocide is used in hybrid activities and warfare in Ukraine? The following hypothesis is formulated: genocide is used as an element of hybrid activities and warfare in Ukraine.

1. Hybrid warfare and activities

While the discussion regarding hybrid warfare and activities or related terms like *grey zone activities* is still ongoing and the increasing involvement of many actors is observed with that respect, firstly, it is important to understand what a hybrid threat is. According to Frank Hoffman, a hybrid threat is posed by “any adversary that simultaneously employs a tailored mix of conventional weapons, irregular tactics, terrorism, and criminal behaviour in the same time and battlespace to obtain their political objectives.”⁴

There are many other definitions of hybrid threats, i.e. by NATO,⁵ EU⁶ or experts.⁷ The hybrid warfare definition in the shortest version might read as “the

⁴ F. Hoffman, *On Not-So-New Warfare: Political Warfare vs Hybrid Threats*, War on the Rocks, 28.07.2014, <http://warontherocks.com> [access: 7.07.2023].

⁵ NATO, *NATO's Response to Hybrid Threats*, https://www.nato.int/cps/en/natohq/topics_156338.htm [access: 22.09.2022].

⁶ *Hybrid Threats*, https://defence-industry-space.ec.europa.eu/eu-defence-industry/hybrid-threats_en [access: 7.07.2023].

⁷ M. Caliskan, *Hybrid Warfare and Strategic Theory*, Beyond the Horizon, ISSG, 25.04.2019, <https://www.behorizon.org/hybrid-warfare-through-the-lensof-strategic-theory/> [access: 7.07.2023]; F. Bekkers, R. Meessen, D. Lassche, *Hybrid Conflicts: The New Normal?*, The Hague Centre for Strategic Studies 2018, pp. 7–8; R. Jakubczak, R.M. Martowski, *Powszechna obrona terytorialna w cyberobronie i agresji hybrydowej*, Warszawa 2017, pp. 129–152.

contemporary form of guerrilla warfare that employs both modern technology and modern mobilization methods.”⁸

The more complex definition explains: Hybrid warfare is a modern variant of asymmetric conflict (guerrilla warfare) conducted with the synergetic use on the battlefield (including cyberspace and the media) of four types of aggression – warfare – conventional and irregular, terrorism and criminal activity, aimed at achieving political gains with significant difficulties in the attribution of the attacks carried out. It is conducted on many levels – military operations, information and covert operations (espionage, extortion, bribery), economic and political warfare. The conductor of hybrid warfare exploits the critical vulnerabilities of the adversary in order to achieve synergy and optimise the means used.⁹

Hybrid operations differ from a hybrid war by the time they are carried out – usually before the outbreak of a hybrid war, and they include all of the above except conventional operations. Therefore, hybrid warfare includes hybrid actions augmented by conventional actions.

Russia’s hybrid warfare is a specific emanation of its internal problems, which stem from the fact that Russia has numerous political and sociodemographic problems, forcing it to employ a strategy of conquest in order to survive. Despite the largest territory in the world, vast natural resources, fossil fuels, and rare earth metals, an authoritarian regime that destroys its own citizens has enabled a group of oligarchs and politicians in Russia to loot the citizens and neighbouring countries and pose a threat to world peace instead of developing the country constructively. This undemocratic state, controlled by *de facto* mafia structures, pursues a policy of imperialist conquest and deep indoctrination of its citizens and applies an iron-fisted rule to it.

War is a *de facto* permanent feature of Russia’s policy as part of the legacy of previous regimes. Currently, it functions mainly in the dimension of hybrid warfare (Rus. *gibridnaya vojna*). Russia’s Gerasimov doctrine envisages the use of means termed hybrid (informational, psychological, political, economic, energy warfare), the use of which most often occurs either as a substitute for military action or in the phase preceding kinetic action. Their purpose is to take advantage of the adversary’s vulnerability and weaken its defence potential and social resilience or even deprive it of the ability to defend itself effectively. The next stage involves introducing

⁸ F. Hoffman, *Hybrid vs. Compound War*, <http://armedforcesjournal.com/hybrid-vs-compound-war/> [access: 7.07.2023].

⁹ W. Jakubczak, *Działania hybrydowe elementem polityki Federacji Rosyjskiej – cyberataki, wojna informacyjna i nielegalna migracja*, in: *Wojna Federacji Rosyjskiej z Zachodem*, ed. M. Banasik, Warszawa 2022.

military action and transitioning to high-intensity armed conflict, with the involvement of modern technologies, including hybrid engagements, such as information and psychological warfare, diversion, and cyberattacks.¹⁰

The main regulation enabling a strong impact on the mentality of Russians – the key to conducting effective hybrid warfare is the Strategy for the Development of the Information Society in the Russian Federation for 2017–2030.¹¹ RF has a long history of creating propaganda narratives, which peaked in the Soviet period. Nowadays, Russian national narratives focus on impacting not only the external but, foremost, the internal audience. The main purpose of the Kremlin’s propaganda campaigns is to create the belief that Russia represents a whole civilisation¹² with unique power, values, and culture way superior to the rest of the World,¹³ especially pointing out the moral and cultural degradation and inferiority of the West.¹⁴

Putin understands how important it is to have support from society. Since the mafia-like regime makes it difficult to function for a typical Russian, it is necessary to add some mysticism to Russia’s culture and force citizens to believe that they have to unite since the West is trying to destroy them. Nothing encourages people to come together more than a common threat. Moreover, a united society forced to think that the government’s actions are righteous and necessary to overcome the enemy is essential to a successful non-democratic regime. The Strategy paragraphs that promote traditional Russian values are overused by RF conducting “humanitarian interventions” since the Kremlin’s actual goal is to unify and militarise society and move away from any respect for human rights. The regime seeks to restrict freedom of expression or access to information for its citizens – an example is the restrictions widespread after the attack on Ukraine, which is officially called a “special operation” in Russia “conducted to denazificate and combat genocide”.

In February 2022, Putin declared: “I decided to conduct a special military operation. Its goal is to protect people subjected to bullying and genocide by the Kiev regime for eight years. And for this, we will strive for the demilitarisation

¹⁰ M. Depczyński, L. Elak, *Rosyjska sztuka operacyjna w zarysie*, Warszawa 2020.

¹¹ *Strategy for the Development of the Information Society in the Russian...*

¹² F. Linde, *The Civilizational Turn in Russian Political Discourse: From Pan-Europeanism to Civilizational Distinctiveness*, *The Russian Review* 2016, vol. 75, no. 4, pp. 604–625.

¹³ F. Hill, *How Vladimir Putin’s World View...*, pp. 48–49.

¹⁴ *Analysis of Russia’s Information Campaign against Ukraine*, Riga 2015, https://stratcomcoe.org/cuploads/pfiles/russian_information_campaign_public_12012016fin.pdf [access: 1.07.2023]; D. Gorenburg, *Chapter 15: Strategic Messaging: Propaganda and Disinformation Efforts*, in: *Russia’s Global Reach: A Security and Statecraft Assessment*, ed. G.P. Herd, Garmisch-Partenkirchen 2021, <https://www.marshallcenter.org/en/publications/marshall-center-books/russias-global-reach-security-and-statecraft-assessment/chapter-15-strategic-messaging-propaganda-and> [access: 7.07.2023].

and denazification of Ukraine, as well as bringing to justice those who committed numerous, bloody crimes against civilians, including citizens of the Russian Federation.”¹⁵

Russians initiated studies on both the use of hybrid activities and warfare. Undeniably, Evgeny Messner, one of the pioneers of the theory of hybrid wars, stressed the blurring of the boundaries between peacetime and wartime, as well as the distinction between the military and non-military spheres and the engagement of state and non-state actors.

Under Messner’s theory, the basic form of combat in *rebel wars* are irregular actions (Rus. *irreguliarstwo*), with such varieties as a diversion, terror, guerrilla, and insurgency. Messner, giving an example of rebel warfare, pointed to the activity of the Polish resistance movement (1939–1945).¹⁶ In *rebel wars*, the distinction between legitimate and unlawful (from the point of view of international law) means of warfare is blurred.¹⁷

Russian Hybrid Warfare Toolkit includes “information operations, cyber activities, states/intermediaries, economic influence, covert means (espionage, bribery, extortion) and political influence. [...], behind which lies the threat of Russian conventional force and, in extreme cases, nuclear force.”¹⁸

A simplified definition of hybrid warfare can emphasize that its “key feature is the synchronous interaction or combination of conventional and unconventional instruments of force and diversion when conducting warfare to achieve synergy. Successful operations of this type enable the most optimal exploitation of the opponent’s weaknesses and to achieve a better position.”¹⁹ It is important to note the possibility of achieving the greatest objectives with relatively small resources, which were achievable before only with the involvement of large-scale kinetic activities. This is evident in hybrid actions – activities carried out below the threshold of war. Examples of RF’s aggressions camouflaged as pseudo-interventions were also successful cases of hybrid

¹⁵ Full Text: *Putin’s Declaration of War on Ukraine*, The Spectator, 24.02.2022, <https://www.spectator.co.uk/article/full-text-putin-s-declaration-of-war-on-ukraine/> [access: 7.07.2023].

¹⁶ E. Messner, *Hočeš mira, pobediimateževojnu. Tvorčeskoe nasledie E.Ė. Messnera*, Moskva 2005, pp. 90–91.

¹⁷ L. Sykulski, *Rosyjska koncepcja wojen buntowniczych Jewgienija Messnera*, Przegląd Geopolityczny 2015, vol. 11.

¹⁸ C.S. Chivvis, *Understanding Russian “Hybrid Warfare” and What Can Be Done About It*, Testimony presented before the House Armed Services Committee on 22 March 2017, RAND Corporation, Santa Monica, California 2017.

¹⁹ W. Jakubczak, *Działania hybrydowe...*

warfare.²⁰ The political successes were real and proved that hybrid warfare is close to Sun Tzu's principle of defeating the enemy without fighting.²¹

RF understands hybrid warfare as a more broad phenomenon than the West does. Its strategy highlights that it encompasses the entire space where actors in the international arena can compete with one another or even fight. The concept of *gibridnaya voyna* previews the use of economic, informational, and diplomatic tools and engagement of subversion and military forces factually exceeding the upper threshold taken within the concept of the grey zone activities.

Accordingly, RF links the use of diplomatic measures to the information warfare execution "the efforts [...] have included covert actions through social media, including election interference."²² "There was a sharp increase in activities on international news and social media sites, as well as promotion of Russian culture or support for pro-Russian think tanks abroad."²³

The Kremlin hybrid warfare includes adaptive efforts directed to "[a]dapt traditional military theories and doctrines to enable the Russian military to conduct hybrid wars as a core mission", "[c]onduct society-wide information campaigns to improve 'patriotic consciousness'" and [i]ncrease the adaptability and impact of Russian information campaigns to successfully conduct hybrid wars over many years."²⁴

RF's intentions to conduct offensive hybrid warfare, as seen in Ukraine, are easy to notice. Russian war theory experts openly and frequently highlight the importance of offensive hybrid warfare in the strategic and doctrinal documents.

RF is setting its hopes on hybrid warfare as a major military development rather than a temporary solution. In view of the immense losses in the war in Ukraine, there is a high probability that the promotion of hybrid actions without the involvement of military forces – conducted below the threshold of war – will increase. This is the most optimal way of destroying the opponent, where significant results can be achieved at low expense, also avoiding international costs such as sanctions. The Kremlin argues that RF should shape its military and national security tools to optimise for hybrid activities, not only because they are increasingly common but also because they are now more practical and effective than conventional warfare.

²⁰ E. Iszmayilov, *Russia's Military Interventions in Georgia and Ukraine: Interests, Motives, and Decision-Making*, New York 2020, p. 122; L. Milevski, *Little Green Men in the Baltic States Are an Article 5 Event*, (FPRI) Foreign Policy Research Institute Baltic Bulletin, 5.01.2016.

²¹ Sun Tzu, *The Art of War. A New Translation by Michael Nylan*, New York 2020, p. 56.

²² R. Hutchings, J. Suri, *Modern Diplomacy in Practice*, Londyn 2020, p. 137.

²³ S. Saari, *Russia's Post-Orange Revolution Strategies to Increase Its Influence in Former Soviet Republics: Public Diplomacy 'po russkii'*, *Europe-Asia Studies* 2014, vol. 66, no. 1, p. 54.

²⁴ M. Clark, *Russian Hybrid Warfare*, Institute for the Study of War, Washington 2020, p. 9.

As there is no legal definition of hybrid warfare, the easiest way to prove that the war in Ukraine started by Russia is a hybrid war is to address particular aspects highlighted by various security experts as follows:

- the war started without a formal declaration,
- the RF uses internal animosities (between Ukrainians and the Russian minority in Ukraine) to achieve its political goals,
- the cooperation between the RF and Wagner Group is observed (co-op of state and non-state actors),
- the combination of different dimensions – military and economic, social and cyber,
- disinformation campaign aimed at misleading the civilian population and the armed forces of the Ukraine,
- previous difficulties in defining the adversary, etc.

The UN Charter prohibits aggression, as any use of force without a legal basis is forbidden. Article 2 (4) *expressis verbis* secures the state's freedom from any threat or use of force against their territorial integrity or political independence.²⁵ "Prohibited uses of force encompass, but need not reach, the level of an armed attack, the basis for self-defense under Article 51 of the UN Charter (as well as the collective defense provision contained in Article 5 of NATO's Atlantic Charter)."²⁶

Use of force violating Article 2 (4) usually requires the involvement of military/kinetic activities, such as state or non-state armed forces.²⁷ The UN framework enables adjustment to situational challenges as needed with respect to the means used by parties at war.

From the legal perspective, hybrid warfare occurs when the kinetic component is involved; any other actions below the war threshold are usually considered hybrid activities that might later evolve into hybrid warfare. Still, due to the complex nature of the matter, it will be further explored.

Due to various circumstances, understanding the difference between war and peace and differentiating between permissible uses of force or not, the general aim of the international law of armed conflict is to stabilise expectations expressed by

²⁵ United Nations Charter (full text), <https://www.un.org/en/about-us/un-charter/full-text> [access: 9.11.2023].

²⁶ D. Cantwell, *Hybrid Warfare: Aggression and Coercion in the Gray Zone*, American Society of International Law 2017, vol. 21, no. 14, <https://www.asil.org/insights/volume/21/issue/14/hybrid-warfare-aggression-and-coercion-gray-zone> [access: 9.11.2023].

²⁷ Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States), 1986 I.C.J. Rep. 14, 202, 195 (June 27) 1986; Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Judgment, 2005 I.C.J. Rep. 168 (Dec. 19) 2005; Legality of the Use or Threat of Nuclear Weapons, 1996 I.C.J. Rep. 226 (July 8) 1996.

the warring parties. While actors deciding to explore the advantages of hybrid warfare exploit the legal regulations. The stabilising function of the law cannot be executed as the adversaries do not want to pay the price for taking a military advantage over their victims. Legally, the perpetrator fails “to meet the relevant normative expectations, by using a range of means, including noncompliance with the applicable rules, by instrumentalizing legal thresholds, and by taking advantage of the structural weaknesses of the international legal order, while counting upon the continued adherence of their opponents to these expectations. [...] At the same time, the instrumentalization of law poses profound challenges to the post-Second World War international legal order. Nations committed to that order cannot afford to respond to hybrid threats by adopting the same means and methods as their hybrid adversaries without contributing to its decay can be considered.”²⁸

A hybrid war is not a standard set of various types of confrontations, and sometimes, it is a disorganised opposition of radial shape, which is not governed by any military tactician and is not seeking to obtain military victory but creates its own environment of war – usually completely ignoring the *ius in bello* and other regulations.

The concept of hybrid warfare is not a legal term and has not been regulated *expressis verbis* in any act of international law. On the other hand, the absence of such a definition is not the same as the fact that other definitions contain features relevant to the validity of international law norms. On the contrary, in view of the increasing popularity of both operations and hybrid warfare, these phenomena should be frequently discussed in legal terms so as to lead to the development of appropriate legal regulations. For the time being, the concept under discussion functions mainly in the sphere of international relations and security sciences. What is of the highest importance: “Hybrid war does not change the nature of war, it only changes the ways in which forces are involved in its conduct. [...] History shows that hybrid war in one form or another can be rather normal human conflict rather than the exception.”²⁹

2. Genocide in Ukraine

There are several aspects to be taken into consideration while researching genocide during the war in Ukraine. First, it is important to address the accusations

²⁸ A. Sari, *Hybrid Warfare, Law, and the Fulda Gap*, in: *Complex Battlespaces: The Law of Armed Conflict and the Dynamics of Modern Warfare*, eds. W.S. Williams, C.M. Ford, New York 2019.

²⁹ V. Vlasiuk, *Hybrid War, International Law and Eastern Ukraine*, *Evropský politický a právní diskurz* 2015, vol. 2, no. 4.

of Ukraine committing genocide against the native Russian population in east Ukraine with support from the West. Regarding these accusations, it is important to remember that “Putin fielded a query on discrimination against Russian speakers beyond Russia’s borders: ‘I have to say that Russophobia is a first step towards genocide [...] You and I know what is happening in Donbass [...]. It certainly looks like genocide.’”³⁰

As an excuse to start the war in 2022, Putin said that the “People’s Republics of Donbass approached Russia with a request for help. In connection therewith [...] I made the decision to hold a special military operation [...] to protect the people that are subjected to abuse, genocide from the Kiev regime for eight years, and to this end, we will seek to demilitarize and denazify Ukraine and put to justice those that committed numerous bloody crimes against peaceful people, including Russian nationals.”³¹ There are voices that Putin deliberately used the word *denazify* as a part of conducting psychological warfare since it has a strong emotional charge.³²

The Facebook statement of RF’s Foreign Affairs Minister also expressed similar (dis)information: “Russia didn’t start the war, it’s ending it. [...] The humble silence of the world community and the ignorance of the bloody catastrophe that resulted from the unconstitutional coup in Ukraine 2014, carried out with the direct participation of the United States, EU, Germany, Poland, Lithuania, Estonia, Latvia and other NATO countries, have only encouraged the Kiev regime to continue destroying its own population.”³³

The Wagner Group head said: “The ministry of defence is trying to deceive the public and the president and spin the story that there was insane levels of aggression from the Ukrainian side and that they were going to attack us together with the whole NATO block.”³⁴

³⁰ *Putin Says Conflict in Eastern Ukraine ‘Looks Like Genocide’*, RFI, 9.12.2021, <https://www.rfi.fr/en/putin-says-conflict-in-eastern-ukraine-looks-like-genocide> [access: 11.06.2023].

³¹ *Decision Taken on Denazification, Demilitarization of Ukraine – Putin*, Tass, 24.02.2022, <https://tass.com/politics/1409189> [access: 11.06.2023]; M. Fisher, *Putin’s Baseless Claims of Genocide Hint at More Than War*, The New York Times, 19.02.2022, <https://www.nytimes.com/2022/02/19/world/europe/putin-ukraine-genocide.html> [access: 17.05.2023]; *Ukraine Crisis: Vladimir Putin Address Fact-checked*, BBC News, 22.02.2022, <https://www.bbc.com/news/60477712> [access: 17.05.2023].

³² O.B. Waxman, *Historians on What Putin Gets Wrong about ‘Denazification’ in Ukraine*, Time, 3.03.2022, <https://time.com/6154493/denazification-putin-ukraine-history-context/> [access: 11.06.2023].

³³ *Zakharova Accuses West of Supporting ‘Genocide in Ukraine’*, <https://www.facebook.com/maria.zakharova.167/posts/10227769395810054> [access: 11.06.2023].

³⁴ P. Sauer, *Wagner Chief Accuses Moscow of Lying to Public about Ukraine*, The Guardian, 23.06.2023, <https://www.theguardian.com/world/2023/jun/23/wagner-chief-accuses-moscow-of-lying-to-public-about-ukraine-yevgeny-prigozhin> [access: 11.06.2023].

When addressing the issue of intervention in the internal affairs of another state, it is worth taking into account the body of work, both in terms of literature,³⁵ international practice and the rulings of international courts.³⁶ This makes it possible to understand how the non-democratic regimes conduct pseudo-interventions that emanate the manipulative camouflage of crimes against peace and humanity.

The ongoing hybrid war in Ukraine provides an opportunity to discuss the harmful use of the provisions of international law by non-democratic regimes.

War crimes committed by Russians in Ukraine, considered genocide, are still investigated by the International Criminal Court³⁷ – abductions of Ukrainian children to reeducate and push them into involuntarily cultural assimilation and numerous attacks on civilian infrastructure located away from the battlefields.³⁸ Their descriptions meet the legal prerequisites of genocide.³⁹

Since the Russian 2022 invasion, several investigations have started to verify whether the genocide took place lawfully. The International Court of Justice,⁴⁰ International Criminal Court,⁴¹ Joint Investigation Team (Poland, Lithuania, Ukraine, Eurojust)⁴² and European Court of Human Rights (ECHR) are involved.⁴³ The UN

³⁵ R.B. Lillich, *Humanitarian Intervention through the United Nations: Towards the Development of Criteria*, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 1993, vol. 53, p. 559; J. Czaja, *Interwencja humanitarna w prawie i polityce międzynarodowej*, *Studia Prawnicze. Rozprawy i Materiały* 2018, no. 2 (23), p. 5.

³⁶ N.S. Rodley, *Human Rights and Humanitarian Intervention: The Case Law of the World Court*, *The International and Comparative Law Quarterly* 1989, vol. 38, no. 2, pp. 321–333; J.E.S. Fawcett, *Intervention in International Law: A Study of Some Recent Cases*, *Recueil des cours – Académie de Droit International de La Haye* 1961, vol. 103, no. 2, pp. 347–348.

³⁷ European Parliament, *Russia's War on Ukraine: Investigating and Prosecuting International Crimes*, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733525/EPRS_BRI\(2022\)733525_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733525/EPRS_BRI(2022)733525_EN.pdf) [access: 17.05.2023]; International Criminal Court, 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, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-receipt-referrals-39-states> [access: 7.07.2023].

³⁸ M. Simons, *International Court to Open War Crimes Cases Against Russia, Officials Say*, *The New York Times*, 13.03.2023, <https://www.nytimes.com/2023/03/13/world/europe/icc-war-crimes-russia-ukraine.html?action=click&pgtype=Article&state=default&module=styleIn-russia-ukraine> [access: 17.06.2023].

³⁹ Article II of Convention on the Prevention and Punishment of the Crime of Genocide, Paris 1948.

⁴⁰ M. Quell, *Top UN Court Allows a Record 32 Countries to Intervene in Ukraine's Genocide Case against Russia*, AP, 9.06.2023, <https://apnews.com/article/ukraine-russia-genocide-court-un-cc9d2e-9781b948e268389065aa703de7> [access: 17.06.2023].

⁴¹ Rome Statute of the International Criminal Court, A/CONF.183/9 of 17 July 1998.

⁴² European Parliament, *Russia's war on Ukraine...*

⁴³ European Court of Human Rights, *The European Court grants urgent interim measures in application concerning Russian military operations on Ukrainian territory*, Strasbourg, ECHR 068 (2022).

Human Rights Monitoring Mission in Ukraine (HRMMU) collects evidence of international human rights and humanitarian law violations.⁴⁴

A report by the OSCE's ad hoc mission⁴⁵ proves many acts constitute crimes against humanity.⁴⁶ UN experts agree that RF activities are focused on the eradication of Ukrainian identity, culture, history, and language.⁴⁷

RF uses systemic violence against the Ukrainian population⁴⁸ and at the same time, it accuses Ukrainians of committing genocide against ethnic Russians. False claims and calling Ukraine citizens "Nazis" were used by RF as a justification for the 2022 war.⁴⁹

OHCHR, in its report, "is gravely concerned by the summary execution of 77 civilians (72 men and 5 women) while they were arbitrarily detained by the Russian Federation, and the further death of one detainee (a man) as a result of torture, inhumane detention conditions and/or denial of necessary medical care."⁵⁰ Ukrainian security forces' actions are also being assessed – OHCHR stated that at least 75 individuals were unlawfully detained, and 23 Russians were convicted due to the implementation of vague legal regulations.⁵¹

Within the cognitive warfare framework, the content proving atrocities committed by Russians can be used to generate fear and diminish the resilience of

⁴⁴ United Nations, *Report on the Human Rights Situation in Ukraine (1 August 2022 – 31 January 2023)*, 24.03.2023, <https://www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-august-2022-31-january-2023> [access: 7.07.2023].

⁴⁵ OSCE, *Human Dimension Mechanisms*, <https://www.osce.org/odihr/human-dimension-mechanisms> [access: 7.07.2023].

⁴⁶ OSCE, *Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity Committed in Ukraine since 24 February 2022*, <https://www.osce.org/files/f/documents/f/a/515868.pdf> [access: 7.07.2023].

⁴⁷ United Nations, *Targeted Destruction of Ukraine's Culture Must Stop: UN Experts*, 22.02.2023, <https://www.ohchr.org/en/press-releases/2023/02/targeted-destruction-ukraines-culture-must-stop-un-experts> [access: 7.07.2023].

⁴⁸ T. Law, *Is Russia Committing Genocide in Ukraine? Here's What Experts Say*, Time, 15.03.2023, <https://time.com/6262903/russia-ukraine-genocide-war-crimes/> [access: 7.07.2023]; K. Kaveh, A.R. Nathaniel, C.N. Howarth, *Russia's Systematic Program for the Re-education and Adoption of Ukraine's Children*, New Haven 2023; *UN Documents Summary Execution of 77 Ukrainian Civilians*, Al Jazeera, 27.06.2023, <https://www.aljazeera.com/news/2023/6/27/un-documents-summary-execution-of-77-ukrainian-civilians> [access: 11.06.2023].

⁴⁹ M. Fisher, *Putin's Baseless Claims...*

⁵⁰ OHCHR, *Detention of Civilians in the Context of the Armed Attack by the Russian Federation against Ukraine, 24 February 2022 – 23 May 2023*, 27.06.2023, <https://www.ohchr.org/en/documents/country-reports/detention-civilians-context-armed-attack-russian-federation-against> [access: 29.06.2023].

⁵¹ UN documents summary execution...

Ukrainians.⁵² RF understands the power of psychological and cognitive warfare and plans to return to its strategic paradigms, where informational warfare is considered superior to kinetic warfare. They turn to social media like Telegram to spread false information and influence people.⁵³ Discussion regarding cognitive warfare is ongoing,⁵⁴ and most authors agree that it aims to impact targeted populations' actions.⁵⁵

In view of the rise of hybrid threats, it is necessary to examine the extent to which society's resilience to them can be strengthened, especially with regard to aspects of cognitive warfare, as it can potentially affect them in a decidedly negative way and threaten democracy.

Pointing out analogies with the previous judgments, it is crucial to mention that the International Criminal Tribunal for the former Yugoslavia (ICTY) held that: "a case of internal armed conflict, breaking out on the territory of a State, may become international [...] if some of the participants in the internal armed conflict act on behalf of another State."⁵⁶ RF not only attacked Ukraine but also supported rebel groups, "The International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Residual Mechanism for Criminal Tribunals (IRMCT) tried 20 individuals for crimes committed in Srebrenica in July 1995 and found that the mass killings of Bosnian Muslim men and boys from Srebrenica constituted the crime of genocide."⁵⁷ The Special Court for Sierra Leone in the Taylor case stated: "anyone who provides arms to the government forces or to armed opposition groups who is aware of the substantial likelihood that they would be used to

⁵² United Nations, *Detentions of Civilians in the Context of the Armed Attack by the Russian Federation against Ukraine*, 27.06.2023, <https://www.ohchr.org/en/statements-and-speeches/2023/06/detentions-civilians-context-armed-attack-russian-federation> [access: 17.07.2023].

⁵³ NISOS, *Russian's RT Leads a Global 'Information Militia' on Social Media to Bypass Censorship on Ukraine-Related Disinformation*, 5.10.2022, <https://www.nisos.com/blog/russia-today-info-militia-report/> [access: 7.07.2023].

⁵⁴ R. Di Pietro, S. Raponi, M. Caprolu, S. Cresci, *New Dimensions of Information Warfare*, Cham 2021; J. Serrano-Puche, *Digital Disinformation and Emotions: Exploring the Social Risks of Affective Polarization*, *International Review of Sociology* 2021, vol. 31, no. 2.

⁵⁵ M.C. Libicki, *The Convergence of Information Warfare*, in: *Information Warfare in the Age of Cyber Conflict*, eds. C. Whyte, A.T. Thrall, B.M. Mazanec, London 2020; G. Pocheptsov, *Cognitive Attacks in Russian Hybrid Warfare*, *Information & Security: An International Journal* 2018, vol. 41; A. Borgeaud dit Avocat, *Cognitive Warfare: The Battlefield of Tomorrow?*, in: *New Technologies, Future Conflicts, and Arms Control*, eds. A. Borgeaud dit Avocat, A. Haxhixhemajli, M. Andruch, Prague 2021.

⁵⁶ Prosecutor v. Tadic, International Criminal Tribunal for Former Yugoslavia, <http://www.icty.org/x/cases/tadic/tjug/en/tad-ts70507JT2-e.pdf> [access: 7.10.2023]; A. Bianchi, Y. Naqvi, *International Humanitarian Law and Terrorism*, Oxford 2011.

⁵⁷ IRMCT, *Srebrenica. Timeline of a Genocide*, <https://www.irmct.org/specials/srebrenica/timeline/en/> [access: 7.10.2023].

commit international crimes may themselves be guilty of aiding and abetting those crimes.”⁵⁸ This is relevant in Ukraine as “Russia has armed, trained, and led the separatist forces.”⁵⁹ Downing the MH-17 flight by the Russian Federation soldiers and a separatist operating a Russian anti-aircraft missile was such a case⁶⁰ – providing DPR separatists with arms should be considered interference with Ukrainian state sovereignty. All of the above can be considered the steps that helped the RF feel free from responsibility.

Russia’s denials of massacres by its soldiers and the Wagner Group mercenaries paid by Russia committing in Ukraine appear eerily similar to the Srebrenica genocide denial.

Conclusions and recommendations

The purpose of the research – examination of the link between genocide and hybrid activities and warfare in Ukraine – was achieved.

The research problem expressed by the question of how genocide is used in hybrid activities and warfare in Ukraine was answered – RF uses a broad spectrum of hybrid activities to use genocide to their strategic advantage. First, Russia does not abstain from trying to physically destroy Ukrainians by killing civilians and abducting children. RF falsely accuses Ukraine of committing genocide against Russians living in Ukraine. This was the RF’s excuse to start the war. At the same time, RF’s false accusations that the West is supporting the genocide of Russians are still propagated and expanded. Russians use genocide as a part of cognitive warfare in order to influence not only the way the Ukrainians are thinking but also how they are behaving. The genocide committed by Russians is presented as an imminent crime that can happen to every Ukrainian. This is done to spread fear and decrease morals among Ukrainians. Last but not least, the genocide committed by Russians is presented as a provocation orchestrated by Ukrainians to not only destroy trust among them but also to undermine Ukraine’s position in the international arena. Due to

⁵⁸ R. Thakur, *The United Nations, Peace, and Security*, Cambridge 2006.

⁵⁹ I.D. Loshkariov, A.A. Sushentsov, *Radicalization of Russians in Ukraine: From ‘Accidental’ Diaspora to Rebel Movement*, *Journal of Southeast European and Black Sea Studies* 2016, vol. 16, no. 1.

⁶⁰ Netherlands Public Prosecution Service, *JIT MH17: Strong Indications That Russian President Decided on Supplying Buk*, 8.02.2023, <https://www.prosecutionservice.nl/topics/mh17-plane-crash/news/2023/02/08/jit-mh17-strong-indications-that-russian-president-decided-on-supplying-buk> [access: 7.10.2023].

the nature of the genocide and international law procedures, despite large evidence against Russians, the international community is still waiting to receive an official legal verdict on whether the crime of genocide took place. Still, it is only a matter of time due to a clear link between the nature of the Russian actions and the criteria listed in international law for the crime of genocide. Therefore, the hypothesis that genocide is used as an element of hybrid activities and warfare in Ukraine was proven right.

Due to growing tensions between democratic and non-democratic countries and the People's Republic of China flexing its muscles, the growing interest in using hybrid activities will be observed. Russian invasion turning to war proved how costly it is to conduct kinetic warfare. This is another argument convincing both Russia and other entities to turn to hybrid activities as a tool to weaken their enemies.

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