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POLITICIZATION OF GENOCIDE: THE CASE OF BUCHA

MA thesis

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*Authorship declaration*

I have prepared this thesis independently. All the views of other authors, as well as data from literary sources and elsewhere, have been cited.

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## **Politicization of genocide: The case of Bucha**

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### Abstract

The aim of this thesis was to analyze the political statements and parliamentary debates of the following 7 countries of Estonia, Latvia, Lithuania, Poland, Czech Republic, Ireland, and Canada concerning the alleged genocidal practices that took place in Bucha, Ukraine after the full-scale invasion by the Russian armed forces in February 2022. For this, the creation of the legal norm of genocide and the historical usage of genocide by governments and/or political entities were examined to identify potential limitations and shortcomings in the 1948 Genocide Convention that could have affected legal responses to historical cases of alleged genocidal practices and the current Bucha case. In other words, in what way has the defining of genocide gone beyond its legal perimeters? Although the statements made by the national parliaments about the Bucha atrocities are political assessments, politicians are the ones who decide whether to join cases seeking justice for international crimes. This is the reason these are important in the Bucha case – the political statements and parliamentary debates serve as a tool to convince the audience about intent in alleged genocidal practices. This is because intent must be inferred from the circumstances and these circumstances do not include only conflict-based criteria.

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## Introduction

On the 24<sup>th</sup> of February 2022, the Russian Federation invaded Ukraine. Vladimir Putin, the President of Russia, described this invasion as a special military operation and justified it by saying that “the purpose of this operation is to protect people, who for eight years now, have been facing humiliation and genocide perpetrated by the Kiev regime. To this end, we will seek to demilitarize and denazify Ukraine, as well as bring trial to those who perpetrated numerous bloody crimes against civilians, including citizens of the Russian Federation” (Bloomberg, 2022).

This “denazifying” operation started with Russian forces invading the northern, eastern, and southern parts of Ukraine to try and accomplish a blitzkrieg to topple the government in Kiev. When this turned out to be unsuccessful and Ukrainian forces started to push back and clear the region surrounding Kiev, the atrocities of Bucha were discovered. The killings of regular Ukrainian citizens prompted an unprecedented response from the West: the politicization of genocide. Genocide can be thought of as a “state-organized mass murder and crimes against humanity characterized by the intention of the rulers to exterminate individuals for belonging to a particular national, ethnic, religious, or racial group. Genocide is a premediated mass-crime that has been systematically planned, prepared, and executed” (Scherrer, p. 15, 1999).

The genocide narrative was produced after World War II as a result of Germany’s exterminationist policies towards Jews by pioneering lawyer Raphael Lemkin (Toal, p. 43, 2022). The legal definition was put forward by experts in 1948 in the Convention on the Prevention and Punishment of the Crime of Genocide. This has served as the base for legal experts to indict states and individuals for genocide. However, this Convention has been used very little in the international judiciary system. During the first 50 years after its ratification, only the Rwandan and Yugoslavian cases were brought before an international tribunal (Britannica, 2022). The atrocities of Bucha have brought along a different approach from the international community. The parliaments of Estonia, Latvia, Lithuania, Poland, the Czech Republic, Canada, and Ireland have declared that “the killings, torture, and various atrocities committed by the Russian army during the war in Ukraine constitute genocide” (Dudko, p. 134, 2022).

In existing literature about the politicization of genocide or the politics of genocide accusations, the main focus has been on secessionist entities or ethnic minorities seeking genocide recognition to fuel their self-determination and independence drives (Grotsky, 2012; Baser and Toivanen, 2017). This posits a possible theme for an inquiry and prompts the main research question of this thesis: in what way has the defining of genocide gone beyond its legal perimeters? Have the current events ongoing in Ukraine politicized the term genocide? What power do governments hold in shaping the public opinion about topics that are usually dealt with legal experts? What effects does the politicization of genocide have on the legal usage of the term?

The 1948 Convention has been used scarcely in international law and it seems that politicians, not legal experts have been taking initiative to make the genocide topic prevalent. The different countries' parliaments declarations on genocide are not just political statements, they have important implications on different aspects of the international order. For example, because of the Estonian approach, its parliaments genocide statement against Russia can pave the way for the implementation of the Responsibility to Protect doctrine. This is because when crimes against humanity are committed, states may rely on necessity and last resort, and thus articulate for the use of force which in "normal" circumstances is prohibited. War crimes and mass atrocities committed against civilians may call for an intervention of external powers. A good example of this was the proposal to NATO to establish a no-fly zone over Ukraine. This is by no means as extreme as if Estonia were to implement the R2P doctrine in Ukraine under Russia's invasion, but it gets the idea across – desperate times call for radical measures. "Given the moral and normative power of this designation, it is hardly surprising that national groups with historical traumas involving mass killing and persecution would seek to reframe these traumas as genocide" (Toal, p. 43, 2022). This, complimented by a new post-Cold War discourse that also has genocide at its center, means that countries who have had such trauma inflicted, will raise even more awareness to this issue (*Ibid.*, p. 44). The central proposition of the thesis is that the more politicized genocide gets, the more it is going to alter its legal applications. In other words, public and political pressure can create unorthodox solutions.

Since the different countries' parliaments made political statements on genocide after the war crimes in Ukraine were discovered, the thesis will be a case study about the Bucha massacres. It

will delve into how the definition of genocide has historically been used in most strictly defined legal jargon to describe intentional extinction campaigns in the past and how this connects today with the Bucha case. Moreover, qualitative content analysis will be used to analyze different countries' political statements on alleged genocidal practices. The thesis will look into parliamentary debates on Bucha massacres that were carried out in Estonia, Latvia, Lithuania, Poland, Canada, Ireland, and Czech Republic, from the end of April to the beginning of June 2022. The examination of these statements and debates will demonstrate the language use and articulation depth. The quality of debate and the politically motivated reference to genocidal practices, on the one hand, and the past legal usage of the term 'genocide', on the other hand, reveals discrepancies and enables to answer the question of why deciding over the evidence of genocidal practices tend to fall into the political domain rather than remain to be scrutinized within the scope of legal perimeters.

The thesis will consist of the 4 following chapters. It will begin with the theoretical framework where three topics will be described and analyzed. The creation of the legal norm will delve into how the 1948 Genocide Convention came to be and what sort of difficulties and disagreements states had to overcome for the largest possible acceptance of the Convention and how this has left its mark on the implementation of the Convention in later years. Following from that, the historical usage of genocide by governments and/or political entities will describe government behaviors and inactions in cases of alleged genocidal practices in Bangladesh, Bosnia and Herzegovina, Rwanda, Darfur, Kurdistan, and South Ossetia. The theoretical framework will round off with an analysis on how the Bucha events are connected to the described cases. The second part will be methodology where research design, case and method selection, collection of data and limitations of the study will be discussed to give an understanding of how and based on which principles the work will be done. The third part will be the empirical analysis where codes, code labels and categories of the political statements and parliamentary debates will be introduced and analyzed, and the findings' part will be presented which will combine information from the theoretical framework and the empirical analysis. Finally, the thesis will end with a conclusion of the most important findings and thoughts surrounding the politicization of genocide in the case of Bucha.

## Theoretical framework

### The creation of the legal norm of genocide

'Genocide' as a term came into existence during World War II thanks to Polish lawyer Raphael Lemkin, to prosecute the atrocities of the Holocaust. Lemkin, having witnessed these crimes, decided to define them as "a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves" (Lemkin, 1944, p. 79). The term was first used in Lemkin's book, *Axis Rule in Occupied Europe*, which was published in 1944 (Lemkin, 1944). From that original reference in his book, Lemkin started lobbying for the creation of a United Nations (UN) Convention that would memorialize the victims of the Holocaust and condemn the usage of such practices for humanity to never again have to endure such a fate (Chalk, 1989, p. 150). This is the point, however, where problems started to rise. World War II had just ended, and the world order was starting to change. States had different ideas on how to proceed with the prosecution of these crimes and what to prioritize.

"'Never again Auschwitz' is a powerful, emotive cry, laden with the guilt of the past, but replete with the promise of redemption by taking action, this time, to stop the extermination of our fellow human beings. The promise was embedded in the very first United Nations human rights treaty, the Convention on the Prevention and Punishment of the Crime of Genocide in December 1948, concluded almost four years after the Auschwitz-Birkenau concentration camps were liberated" (Smith, 2010, p. 1). The original drafting of the genocide convention had a big impact on the way that the genocide topic has been viewed throughout the 20<sup>th</sup> century and today. The original definition of genocide that was referred to the UN General Assembly's 1946 Resolution about genocide being confirmed as an international crime, was broader than the one that was finally used in the 1948 Convention (Smith, 2010, p. 21). Caroline Fournet argues that "it is nevertheless doubtful whether the crime had to be so narrowly defined that its definition would in fact not cover one single case of genocide" (Fournet, 2007, p. 37).

There were numerous points that states were unhappy about during the drafting of the genocide Convention. The UK and the Netherlands for example, were highly critical of the Convention because they argued that because genocide was a crime committed by states and not individuals

and an international convention could not prevent a state from committing genocide or make it surrender for an international trial (Smith, 2010, p. 35). As the Attorney General, Sir Hartley Shawcross put it “the obvious truth was that individual genocide was already punishable by the laws of all countries, whereas genocide committed by States was punishable only by war” (UN General Assembly Sixth Committee’s Sixty-fourth meeting, 1948, p. 18). This will prove to be an important factor in states’ inaction and the fear of the power of the social norm concerning cases of potential genocide in the future. Many western countries also opposed the notion of including cultural genocide (destruction of the specific characteristics of a group) in the Convention because they argued that it would fit better in the Universal Declaration of Human Rights which was in the process of being drafted at the same time as the Convention (Morsink, 1999, p. 1009-1010). Moreover, the Soviet bloc and several Latin American countries were strongly against the inclusion of political groups in the definition of groups in article 1 because “political groups were not ‘stable’, as opposed to racial, national, and religious groups which had an inalienable character”, so it was proposed and approved that the protection of political groups would fall under the scope of the Human Rights Commission (Smith, 2010, p. 36). Many corners were cut for the largest possible acceptance and ratification of the Convention but even with the limited definition, the ratification and accession process proved to vary a lot from country to country.

For example, the Soviet bloc countries were one of the first to ratify or accede to the Convention, similarly to many West European countries (Smith, 2010, p. 40-42). This was mainly due to the ideological opposition with the US, who had not ratified the Convention and as the two sides were in opposition with one another, the Soviets used this move to embarrass the other side (Weiss-Wendt, 2005, p. 554). In a 1952 explanatory memorandum on the Convention for the Swedish parliament, the Swedish government stated: “The desirability that Sweden should join all the other nations in ratifying the convention and so contributing to make it legally binding needs no special emphasizing” (Smith, 2010, p. 42). This approach, however, was not universally seen as the correct one. Within Europe itself, there were differences in government approaches on what the right course of action should be. A potential problem that has been analyzed nowadays that surprisingly did not really arise during the drafting and ratification processes concerning the European powers was the potential for accusations about colonial powers committing or having committed genocide (Smith, 2010, p. 43). This might have given

countries like the UK, France, Belgium, the Netherlands, and Portugal an incentive not to ratify or accede to the Convention (*Ibid.*). This assumption did not hold true, however, because there was no unified course of action taken by the colonial powers (France and Belgium ratified the Convention almost immediately, whilst the UK, the Netherlands and Portugal did not) (*Ibid.*). A problem that did rise instead which kept countries from ratifying the Convention was the topic of extradition (Simpson, 2003, p. 17) “The Convention states that for the purposes of extradition, genocide cannot be considered a political crime, and thus laws that protect individuals fleeing from ‘political persecution’ (and the like) cannot extend to those accused of genocide” (Smith, 2010, p. 43-44). The UK Home Office argued that this provision would force it to bring its municipal law in accordance with the Convention and thus impose external boundaries on the UK national legislature (Simpson, 2003, p. 15). In other words, the UK (and other countries’) critique towards the Convention was that to implement it, some key national legislature would have to be changed. This held back the UK from acceding to the Convention until 1970 (Smith, 2010, p. 38). In the US, this process took even longer, and even more reservations needed to be made to accommodate the US wishes. In the end, the US ratified the Convention in 1988 but with all the conditions imposed by the Senate on the US participation in the Convention, the constitution remained the highest law of the land which cannot be subordinated to international law (Frankowska, 1990, p. 141-142).

These bottlenecks and shortfalls in the creation process of the legal norm of genocide have been the primary influencer in the contemporary academic debate about genocide and its politicization. “A schism exists between the social understanding of genocide as a crime of scale and the legal understanding of genocide as a crime of intent” (Renshaw, 2021, p. 1). Since only the latter part was included in the drafting of the Genocide Convention, it has been increasingly difficult to prove and explain to society why some atrocities might legally constitute as genocide and others not. If it was about scale, it would be more comprehensible and tangible which might make it more understandable. In the Rwandan case, for example, the genocidal intent can be easily derived from the number of killings but in most cases, “intent must be inferred from the circumstances” (Renshaw, 2021, p. 2). These circumstances do not include only conflict-based criteria but also different social, economic, and political factors which create a Pandora’s box which content is difficult to unambiguously interpret as is illustrated in the cases below.

Jeffrey Bachman brings out in his article that another important point about genocide is how it is named and labeled, and which values we attach to it (Bachman, 2020, p. 484). “Therefore, the names and labels we apply to different manifestations of violence influences how we think about and understand historical events. Thus there is an element of narrative production and reproduction here” (*Ibid.*). This ties together with the politicization part of genocide which has been used more since the Holocaust. Historian Daniel Blatman has written that the study of the Holocaust is entering a “post-uniqueness era” (Blatman, 2014). With the rise of similar events through history and the gradual understanding that the Genocide Convention as a legal tool can be *a*) too narrowly defined in order to punish or *b*) puts states in a difficult moral and strategic position to prevent genocide, the politicization of the term has been used more often internationally because of either domestic societal pressure or to pressure the international community to take action collectively.

The historical usage of genocide by governments and/or political entities

As it can be seen, the creation of the legal norm of genocide was a complicated process that involved the stigma of colonial rule, imperialism, and the beginning of a new world order. This resulted in genocide having a narrow legal definition in the 1948 Convention that did not encompass many of the original ideas that were put forward two years prior in the UN General Assembly’s Genocide Resolution. The following chapter will investigate how governments and/or political entities have historically used the legal norm of genocide to justify their actions or inactions in different potential cases of genocide. Since Rwanda and Yugoslavia have been the only cases that have been brought before an international tribunal (meaning that legal action has been taken in connection with genocide), these will be the two cases to be examined. Also, Darfur and Bangladesh will be looked at as examples of inaction by governments. The cases will be dealt with in chronological order, so the first one will be Bangladesh, second Bosnia and Herzegovina, third Rwanda and fourth Darfur. Finally, examples of Kurdish and South Ossetian movements will be brought as examples of potential secessionist and nation-building cases in connection with using genocide recognition as a gateway into international politics.

## Bangladesh

During the Cold War, there were many instances of proclaimed genocide in different parts of the world. One of them took place in Bangladesh. In 1947, India and Pakistan gained independence from the UK which resulted in the creation of two new countries (Akmam, 2002, p. 544).

Pakistan, however, was split into two parts – East and West Pakistan, which were “separated from each other by more than 1000 miles with distinct differences in language, cultural heritage, physical appearance and climate” (*Ibid.*, p. 545). These differences drifted East and West Pakistan apart and, in the beginning of 1971, the West Pakistan army launched a massive killing spree in East Pakistan which ended when India defeated Pakistan in a short war in December of 1971, which resulted in the creation of Pakistan (formerly known as West Pakistan) and Bangladesh (formerly known as East Pakistan) (Bass, 2016, p. 140). “Pakistani troops engaged in a brutal repression, with deliberate targeting of civilians. Estimates of the dead vary from 1 million to 3 million; 200 000 girls and women were raped; over 10 million people fled to India” (Smith, 2010, p. 81).

However, an additional factor that gets regularly overlooked in the Bangladesh case was India’s unilateral invasion of East Pakistan to try and stop the war. “The Indian argument at the United Nations, following the invasion by Delhi’s army of East Pakistan, was that the duty not to use military force unilaterally did not apply in these circumstances and that Bangladesh had become a victim of colonial rule and was a non-self-governing territory. In the face of large-scale violations of human rights by the Pakistani authorities, the Indian use of force was justified to prevent loss of life and facilitate self-determination” (Franck, Rodley, 1973, p. 276). This subtopic does not get mentioned a lot because the Indian intervention in Bangladesh resulted in a quick surrender by the Pakistani forces. In reality, “there was no support for a doctrine of unilateral humanitarian intervention” (Wheeler, 2000, p. 74). If the Indian invasion had not got quick results, then it might have got more spotlight, but because of a ‘positive outcome to the West’, in terms of stopping potential atrocities being committed via a third party, this topic was swept under the rug. The West basically allowed one evil (unilateral invasion based on the justifications of humanitarian aid) to fight another evil (potential genocide) in the hopes of the two evils balancing each other out.

Western governments' reactions to these incidents were heavily influenced by the norm of non-interference (Smith, 2010, p. 82). Western governments argued that the UN Charter prohibits the use of force except in self-defense (Wheeler, 2000, p. 68). This is how they officially justified their policy (in)actions but behind closed doors, there was other kind of information circling. With the UK being the former colonizer in the region, it had the biggest diplomatic capacity. The UK compiled a confidential analysis based on reports from the region and while publicly it denied genocide, it privately acknowledged that "'it would be hard to argue' that the Pakistani government was *not* in breach of the Genocide Convention" (Smith, 2010, p. 83-87). Because of Cold War tensions (the US supported the Pakistani government, the Soviets supported India) and not wanting to interfere in its former colonies, it kept this information private, and nothing was done internationally (except for humanitarian relief efforts) to prosecute the possible crime of genocide committed by the Pakistani forces (*Ibid.*, p. 84). "The Bangladesh case illustrates that even relying on the definition of genocide in the legal norm, the Foreign Office felt Pakistan was in breach of the Convention. But its interpretation of what the Convention required in such a situation was quite narrow – leading to no action taken and no declaration using the term 'genocide' to describe events" (*Ibid.*, p. 88). This coupled with the lack of social pressure from the society to act, lead to inaction from the governments and the total absence of the utilization of the Genocide Convention in the case of Bangladesh and the dismissal of India's unilateral invasion of a neighboring country.

### Bosnia and Herzegovina

Although the main event connected to genocide in Bosnia and Herzegovina happened in 1995, the overall conflict in the former Yugoslavian region started in the early 1990s, which is why it is before the Rwandan genocide on this list.

There are a number of differences between the events in Bangladesh and Yugoslavia but the important ones to point out are the ending of the Cold War and the shift in mentality that followed and geographical distances. With Yugoslavia being in Europe, Western governments had a bigger incentive to act and stop the spread of violence throughout the region. "At the end of the Cold War, however, there appeared to be a new liberal consensus in favour of fostering the protection of human rights and the spread of democracy, including through such interfering means as requiring aid recipients to meet political conditions, sending observers to monitor

elections, and even, more controversially, using military force to protect civilians from their own government” (Smith, 2010, p. 105). The violent dissolution of Yugoslavia which began in the early 1990s was dubbed as the worst violence in Europe since the Second World War which claimed the lives of 130 000 – 140 000 people, most of which were in territory of Bosnia and Herzegovina (Kursani, 2022, p. 7). These killings and the overall situation happened due to many reasons but the crucial factor was Slobodan Milosevic gaining power and an ultra-nationalist approach taking hold to govern Yugoslavia. It was reminiscent of the 19th century nationalism where national diversities were not accommodated that well and the protection of ethnically homogenous groups prevailed (Sekulic et al., 1994, p. 83). This approach triggered Croatia, Slovenia, and Bosnia and Herzegovina to declare independence from Yugoslavia and the start of a bloody war in the Balkans.

In connection to this thesis, the events that took place in Bosnia and Herzegovina, more specifically Srebrenica and the government and legal responses are going to be the focal point. The violence in Bosnia and Herzegovina which started in 1992, culminated in Srebrenica in July 1995 when approximately 7000 Bosnian Muslim men were massacred by Serb forces (Smith, 2010, p. 108). This prompted an unprecedented response from the Western governments – a no fly zone was declared over Bosnia and Herzegovina and an International Criminal Tribunal was created to indict Serbian government officials and military personnel for potential ethnic cleansing, crimes against humanity and genocide (*Ibid.*, p. 108-110). Interestingly, however, European countries were hesitant at first to name the Bosnian events as genocide. German politicians were at the forefront on the opposite side of the spectrum, being one of the first and also unanimous in the political sphere to use the term genocide to describe events in Bosnia and Herzegovina (*Ibid.*, p. 112). The main reason why governments were uneasy about naming the Bosnian events genocide was because they doubted whether ethnic cleansing is equal to genocide. In fact, on the 18 December 1992, in the UN General Assembly almost all the West European governments abstained the voting on a resolution which stated that ethnic cleansing was a form of genocide (*Ibid.*, p. 113). This shows that states were very hesitant in naming the Bosnian events genocide and wished to avoid taking responsibility on that front. “Germany’s assertive stance on recognition had led many in Western Europe (and beyond) to blame it for having sparked the war in Bosnia and Herzegovina – an erroneous position – and for much of the rest of the war it played quite a low-key role” (Caplan, 2005, p. 120-133).

The shift in words and actions came after the discovery of concentration camps and the Srebrenica killings which prompted the German government to even more assertively press for the establishment of an international court to prosecute Serbs for crimes against humanity and genocide (Smith, 2010, p. 118-119). In the UK, the “Srebrenica massacre provoked public horror, political mortification, and important operational changes, but no fundamental change in government policy” (Simms, 2002, p. 317). As the events sank in (and with the beginning of NATO air strikes), however, public opinion and pressure started to influence the governments. While some governments were still reluctant to use the term genocide, two legal landmarks were reached – the creation of an ad hoc international tribunal and the *Bosnia and Herzegovina v. Serbia and Montenegro* case before the International Court of Justice (ICJ) on the application of the Genocide Convention (Smith, 2010, p. 130). Samantha Power stated in her book that “the ‘coincidence of imagery between the Bosnian war and the Holocaust’ helped to trigger the creation of the tribunal: just as at Nuremberg the Nazis were held to account for the Holocaust, so there needed to be a tribunal to hold individuals to account for atrocities in Bosnia” (Power, 2002, p. 483).

Although the Bosnian events presented a groundbreaking approach in international law, much was still left to be desired in terms of government actions. The term genocide was scarcely used by European governments (except for Germany) to describe the atrocities and even nowadays after the ICJ and the ICTY (International Criminal Tribunal for the Former Yugoslavia) ruled in 2007 that genocide indeed did occur, the term has not been used much (Smith, 2010, p. 139). In this situation, states acted by the legal norm but also used it as a cover from domestic pressure: “Bosnia has been in the media spotlight yet the information supplied by the media on genocide in Bosnia has not moved the West to put on a decisive stop to it” (Cushman, Meštrovic, 1996, p. 10). “Here the social norm against genocide may have played a role. France and the UK did not want to intervene with strong measures against the Serbs; accusing them of genocide would imply that such action was necessary” (Smith, 2010, p. 141). In other words, states were probably afraid of that on the ground military action might be necessary in the public eye to stop the atrocities from taking place if states publicly acknowledged genocide in Bosnia. That was also one of the reasons why NATO insisted on only air strikes in that situation.

## Rwanda

The Rwandan case has many peculiarities on why it is considered as one of the most standout cases of genocide after the Second World War. Firstly, the number of people slaughtered and the speed that it took to execute these killings – 800 000 people in about 100 days (Smith, 2010, p. 142). “Rwanda 1994 is widely considered to be an unambiguous case of genocide, fitting the legal definition of the Genocide Convention” (*Ibid.*). Secondly, the ignorance of the rest of the world (in the context of this thesis, Western countries) on the arising issue despite numerous early warning signs (Stanton, 2004, p. 211).

When Rwanda gained independence in 1962, the two main ethnic groups – the Hutus and the Tutsis – started to manipulate ethnic differences for political ends (these differences were manipulated previously in the colonial times as well, but for the purpose of the thesis, the post-independence period in Rwanda is considered as the point of inquiry) (Buckley-Zistel, 2009, p. 37). From 1962-1973, Hutu President Gregoire Kayibanda ruled the country who was under the impression that the Tutsi were foreign immigrants, and his objective was “to return the country to its owners” (*Ibid.*). During Kayibanda’s rule approximately 10 000 Tutsis were slaughtered but in 1973, a coup d’etat brought Juvenal Habyarimana to power, under whom the Tutsis were still marginalized and discriminated against but there were no mass killings anymore (Smith, 2010, p. 144). The situation changed in 1990 when the Rwandan Patriotic Front (RPF) (mostly Tutsi) invaded Rwanda from Uganda and started an insurgency war (Buckley-Zistel, 2009, p. 37-38). This started a civil war between the Rwandan government and the RPF which culminated in the genocide of Tutsis by Hutu extremists from the beginning of April until the end of July in 1994 when the RPF took control of the country (Smith, 2010, p. 144-153).

The Rwandan events share similarities to the Bosnian case but have also some distinct differences. “Together with its sister tribunal, the International Criminal Tribunal for the former Yugoslavia, the ICTR is considered one of the first-generation ad hoc tribunals mandated to bring justice to countries emerging from conflicts” (Labuda, 2020, p. 1113). Before that, however, the UN had launched a peacekeeping mission – the UN Assistance Mission for Rwanda, or UNAMIR – to see through the monitoring of the Arusha Accords (peace agreement) (Smith, 2010, p. 147). Although the UN also sent a peacekeeping mission to Bosnia (UNPROFOR), the literature did not seem to show that the Bosnian mission staff had tried to

notify authorities in the UN about the potential Srebrenica massacre. In the Rwandan case, the UNAMIR force tried to notify the UN beforehand of genocidal events that were bound to happen in the near future. “In January, the UNAMIR force commander, General Romeo Dallaire, sent a cable to UN headquarters indicating that an informant had come forward: the informant was a trainer of the Interahamwe militia (extreme Hutu extremists), and claimed that there was a strategy to kill Belgian soldiers and thus force Belgium to withdraw its troops, that he had been ordered to register all Tutsi in Kigali (presumably for their extermination), and that he knew where there was a major weapons cache. Dallaire wanted to take action to seize the weapons, but was told by the UN’s Department of Peacekeeping Operations (DPKO) that this would be beyond his mandate” (Smith, 2010, p. 148). It is understandable that the UN was active on multiple fronts at that time and a mandate has legal boundaries, but these boundaries can be changed when there is political will. In Rwanda, the atrocities were not thought of as serious enough to send in reinforcements even though a clear message was received from the ground. It was only after the killings that governments started acknowledging the situation but here, there were also difficulties and differences.

As a reminder, the Rwandan genocide began after the events of April 6, 1994, when Rwandan President Habyarimana’s plane was shot down and an interim government began systematically killing moderate Hutu politicians and Tutsis (Smith, 2010, p. 149). As late as April 30, the principal members of the UN Security Council were still seeking to avoid the term genocide because of fear of having the duty to act on it which they were not prepared to do (*Ibid.*, p. 156). The first acknowledgement of genocide taking place in Rwanda came on the 17<sup>th</sup> of May when the EU made a declaration where the then 12 members of the Union called upon parties of the conflict “to bring an end to the genocide now taking place in the country” (*Ibid.*, p. 158). This declaration came a month and a half after the atrocities began which shows fear of using the term genocide and a lack of political unity. And even after the declaration, EU member states were still hesitant to use the term individually (*Ibid.*). “Avoidance of the term “genocide” was also apparent in the UN Commission on Human Rights special session on the human rights situation in Rwanda, which was held the week after the EU and Security Council meetings, on 24 and 25 May 1994. Even at this late stage of the genocide, the resolution adopted (by consensus) did not unambiguously condemn the killings in Rwanda as genocide” (*Ibid.*, p. 160-161).

After the summer when the RFP had taken control, governments came around and started acknowledging that genocide had taken place in Rwanda. In November of 1994, the ICTR was established by the UN Security Council to prosecute persons responsible for genocide and other humanitarian violations in Rwanda (Peter, 1997, p. 697). “On the tenth anniversary of the Rwandan genocide, the EU presidency released a declaration entitled, “NEVER AGAIN”, which admitted that mistakes were made by “the international community” before and during the genocide” (Smith, 2010, p. 175). The biggest mistake being that while in the end, governments started to acknowledge the genocide (which puts them in compliance with the Genocide Convention), because no individuals were being identified as being the perpetrators, action could not be taken to stop them at the time (*Ibid.*, p. 177). This is because of clashing interests between former colonial powers in the region and the idea that there was not only one genocide but that both sides were responsible in some part. In Europe, with most of the attention on the ongoing events in the Balkans, the social norm did not play a big part in the Rwandan case, because if it had, governments would have had a bigger backlash concerning the handling of the situation.

## Darfur

Darfur is a special case because it shows the power of the social norm of genocide on the political sphere and serves as a very ominous example of abdication of responsibility internationally. Although Sudan has been a conflict region since its independence in the 1950s, in connection to this thesis, the 2003 events will be the point of departure.

Darfur is a region in the Western part of Sudan which is inhabited by many different ethnic groups but who can be broadly categorized as the African population and the nomadic Arab cattle herders (Hagan et al., 2005, p. 530). The government of Sudan was dominated by Arab politicians and military figures who had support from surrounding Arab countries to stay in power (*Ibid.*). In February 2003, the Sudan Liberation Movement/Army (SLM/A) began fighting against the Sudanese government forces in protest for change in power (Mamdani, 2010, p. 110). This, in turn, escalated into a bloody war in which the President of Sudan, Omar al-Bashir created an agenda to “change the demography of Darfur and make it void of African tribes” (Lippman, 2007, p. 194).

The international response to this was aloof and with much delay. In 2003, numerous reports were sent from Mukesh Kapila, the UN humanitarian coordinator in Sudan, to the UN headquarters describing the atrocities taking place on the ground but did not receive an adequate response (Smith, 2010, p. 213). A year and half later, in June of 2004, the UN Security Council came out with their first major resolution on Darfur condemning the ongoing war which the parties on the ground did not respond to (*Ibid.*, p. 214-215). A Chinese veto in the Security Council also blocked economic sanctions on the Sudanese government (*Ibid.*, p. 215). As it can be seen, there was some initiative to stop the war in Sudan but no political will to take the genocide factor into account.

The situation changed in July of 2004 when a genocide debate emerged in the US society after a couple of months before “the *New York Times* columnist Nicholas Kristof began publishing a series of articles accusing the Sudanese government of committing genocide in Darfur” (Smith, 2010, p. 215). This resulted in a million Americans sending postcards to the US President Bush asking for intervention to end the “first genocide of the 21<sup>st</sup> century” (Flint, de Waal, 2008, p. 180). This, in turn, resulted in the House of Representatives and the Senate passing resolutions and naming the Darfur events as genocide (Smith, 2010, p. 216). What the US did next, however, served as an opportunity for states to brush responsibility concerning stopping the genocide aside. In September 2004, on behalf of the US, UN Security Council’s article 8 was activated (Smith, 2010, p. 219). As a result, the responsibility to investigate this matter was given to the UN which set up an international commission of inquiry on Darfur (*Ibid.*). It found that the while atrocities were taking place, the essential element of determining genocide – intent – was lacking because the attackers did not systemically kill only Africans (*Ibid.*). The situation was then referred to the International Criminal Court (ICC) which sought an unprecedented indictment on genocide for the Sudanese President (*Ibid.*, p. 221-222). However, the main point of the Darfur case lays in the international UN commission – “never before have European governments argued that another body was responsible for deciding on the genocide question” (*Ibid.*, p. 235-236). If the UN is responsible for the determination of such cases, then it is also the UN’s responsibility to respond and protect (*Ibid.*, p. 236). This gives way to an easy way out of protecting human lives in life threatening situations. It can also be used the other way around – if a state feels that an international response is too lengthy then a unilateral response maybe necessary (somewhat similarly to the war in Ukraine).

## Kurds and South Ossetia

Kurds are spread throughout the world and are considered one of the world's largest population of people without a state. They range from Iraq and Turkey in the Middle East to having a large diaspora in the Scandinavian countries of Sweden and Norway. In connection to this thesis, the politics of genocide recognition of the Kurdistan Region of Iraq concerning Saddam Hussein's military operations and killings against them will be described briefly (Baser and Toivianen, 2017, p. 404). The military operations and campaigns carried out by Saddam's regime against the Kurds in Northern Iraq resulted in thousands of deaths and approximately 1,5 million Kurds being resettled (*Ibid.*, p. 408). "The attacks are said to have destroyed "the entire social and economic texture of the affected regions" (Mlodoch, 2012, p. 213).

After Saddam's regime was toppled from power, the Kurds have been using the politics of genocide recognition both nationally in Iraq and internationally to move towards a quest for self-determination (Baser and Toivianen, 2017, p. 420). It has been used to "legitimize KRG (Kurdish Regional Government in Iraq) self-rule in the context of the post-2005 structure of political federalism" (*Ibid.*). In other words, they are using the genocide events as proof that they as a separate political entity to the Iraqi government were attacked and killed and therefore should have a voice. This example does not necessarily connect directly to the Bucha case, but it shows how the politics of genocide recognition have been used outside of the realm of *de facto* states.

South Ossetia differs from the Kurds in the fact that they have one primary geographical region of action which is the North Caucasus. They are similar, however, in the claims that in 1920 and 1989-1992 genocide was committed against them by the Georgians and therefore they have every right to declare independence (Grotsky, 2012, p. 16). According to South Ossetian leaders, South Ossetia's presence in the same state as Georgia threatens their existence with genocide (*Ibid.*). They have been somewhat successful internationally, with 5 states recognizing their independence (albeit being Russia and its "allies") but in the grand scheme of things, there is little hope that they will be granted international recognition in the future.

	<b>Action that took place</b>	<b>Conclusions that the legal bodies made</b>	<b>Aftermath</b>
<b>Bangladesh</b>	In 1971, the West Pakistan (now known as Pakistan) army launched a massive killing spree against East Pakistani (now known as Bangladeshi) civilians. Estimates of the dead vary from 1-3 million. Simultaneously, the Indian forces unilaterally invaded East Pakistan with the justification of trying to end the war and deliver humanitarian aid.	No legal action was taken concerning both events, but the UK did admit in private that Pakistan was in violation of the Genocide Convention.	NA.
<b>Bosnia and Herzegovina</b>	The violent dissolution of Yugoslavia in the beginning of the 1990s saw Serb forces invade neighboring Bosnia and Herzegovina in 1992. In July of 1995, after years of war where it is estimated that 130 000 – 140 000 people lost their lives, the Serb forces executed 7000 Bosnian Muslim men in the Bosnian village of Srebrenica.	Ethnic cleansing is a form of genocide therefore, genocide had taken place by the orders of the former Yugoslavian government and military officials.	The creation of an ad hoc international tribunal in May of 1993 to indict Serbian government officials and military personnel for potential ethnic cleansing, crimes against humanity and genocide and the Bosnia and Herzegovina v. Serbia and Montenegro case before the International Court of Justice (ICJ) on the application of the Genocide Convention.
<b>Rwanda</b>	Since gaining independence in 1962, the two main ethnic groups in Rwanda – Hutus and Tutsis – had had an ethnic rivalry which in 1990 turned into a civil war when mostly Tutsi Rwandan Patriotic Front (RPF) invaded Rwanda from Uganda to fight against the Hutu majority governments’ repressive actions. The civil war culminated in 1994 with “the 100 days of Rwanda” (April 1994 – July 1994) which saw the government systemically murder approximately 800 000 people.	Genocide had taken place by the orders of the former Rwandan government.	In November of 1994, the UN Security Council established the International Criminal Tribunal for Rwanda to prosecute persons responsible for genocide and other humanitarian violations in Rwanda.

<b>Darfur</b>	In February 2003, the Sudan Liberation Movement/Army (SLM/A) began fighting against the Sudanese government forces in protest for change in power. The ensuing war saw the Sudanese government trying to systemically kill African tribes in to “change the demography of Darfur”.	The UN international commission of inquiry on Darfur found in January of 2005 that atrocities were taking place but since intent was lacking, it cannot be called a genocide. The ICC, however, sought an unprecedented indictment on for genocide for the Sudanese President.	The ICC has opened investigations on many Sudanese government leaders and military officials for the charges of genocide, war crimes and crimes against humanity.
<b>Kurds</b>	Saddam Hussein’s regime carried out military operations and campaigns against the Kurds in the 1980s that resulted in thousands of deaths and the resettlement of 1.5 million Kurds.	The Iraqi High Tribunal found that Saddam Hussein’s regime had committed genocide (Kelly, 2007, p. 237).	Saddam Hussein was executed in 2006 (Kelly, 2007, p. 235).
<b>South Ossetia</b>	South Ossetia claims that in 1920 and 1989-1992 genocide was committed against them by the Georgians.	No legal action has been taken.	NA.

*Table 1. Alleged genocidal practices in comparative perspective.*

The connectedness of the Bucha events to the described cases

The base of this thesis – the atrocities that took place in Bucha - has characteristics that resemble the cases described beforehand. Before delving in to how these cases might be linked, the Bucha case will be deconstructed and explained. It must be noted, however, that the overall aim of this thesis is not to compare the cases but to demonstrate the language use and articulation depth concerning the different states’ political statements and parliamentary debates surrounding the Bucha atrocities. The small comparison will serve as just a reference point in the later analysis about whether a historical linkage can be established between the alleged genocide events.

After the escalation of the war in Ukraine on the 24<sup>th</sup> of February 2022, Russian forces were given a main goal – take the capital Kiev within three days and do not worry about anything else. When Russian forces started to encounter resistance from both the Ukrainian military and civil society, they did not behave as a civilized, disciplined group, while committing atrocities and

war crimes. This became apparent in the beginning of April, after the Russian forces were forced to retreat from Kiev and its surrounding areas. Approximately 40 km from Kiev lies the town of Bucha where “mass graves, tortured and murdered individuals, burnt corpses and corpses found with their hands tied behind their backs” (Dudko, 2022, p. 138). The Kiev police force estimates that nearly 650 people were executed in Bucha (Horne, 2023, p. 5). These estimates are talking about the civilian population, not soldiers. Ukrainian President Volodymyr Zelenskyy was the first to visit the newly liberated Bucha and after seeing the state of the town, described the scenery as a genocide that had been perpetrated by the Russian forces (Tchobo, 2022, p. 13). Shortly after, Western leaders started to arrive in the region to witness the destruction, which prompted the US President Joe Biden to also state that Russia was committing genocide in Ukraine (Kursani, 2022, p. 5). Moreover, former UK prime minister Boris Johnson condemned Russian actions in Bucha which to him did not “look far short of genocide” (Marchuk, Wanigasuriya, 2022, p. 12).

This shows that in contrast with the Darfur, Rwanda and Bangladesh cases, Western government and/or political leaders were not afraid to publicly state that a genocide might have taken place. In the beforementioned three cases, due to many different reasons (Cold War pressures, former colonial power struggles, unwillingness to listen or take social pressure from the society into account) governments were far less willing to put up a united front to prevent or punish genocide. The Bosnia and Herzegovina case is somewhat like the Bucha case, although it took states a considerably larger amount of time to take steps creating an international tribunal to punish individuals who were responsible for different atrocities and even after the fact that the ICTY and ICC had determined that a genocide had taken place, Western governments were still reluctant to use the term publicly.

What is even more different with the Bucha atrocities, however, is that not only individual politicians have come out with such statements, but different national parliaments have created political statements to condemn Russian actions and declare the killings a genocide. More specifically, seven national parliaments – in Estonia, Latvia, Lithuania, Poland, the Czech Republic, Ireland, and Canada – “have declared that killings, torture and various atrocities committed by the Russian army during the war in Ukraine constitute genocide” (Dudko, 2022, p. 134). Politicization of genocide acts deliberately as a mechanism to give more publicity to the

event and to justify a set of measures that can be taken to stop the bloodshed, ranging from “no-fly zones”, peace enforcement type of military interventions or military support to the victim. The fact that the seven countries do not represent the most powerful states in the world, might lessen the effect on the international stage but, this may cause a storm in the glass and win the hearts of otherwise indifferent observers. Similarly, to the Yugoslavia case which for many in Germany and Western Europe reminded of atrocities from the past committed by Nazis in concentration camps during the Second World War, the current war in Ukraine has opened old wounds for five of the beforementioned seven countries in connection to the occupation and/or satellite state status which was experienced during the Cold War. Also, since the end of the Cold War, these countries have been completely independent which means that no parallels can be drawn from attempts to present genocidal practices as part of the secessionist cause like in South Ossetia or Iraqi Kurdistan.

## Methodology

The next part of the thesis is going to focus on the methodological aspects to better understand the nature of the research problem. For the thesis to be a cohesive and understandable package, the following parts are going to explain different aspects of the methodology: research design, case selection, method selection, collection of data, data analysis and limitations of the study.

### Research design

As it was pointed out in the introduction, this thesis will be a case study about the Bucha atrocities. It will delve into how the definition of genocide has historically been used in legal jargon to describe similar events in the past and how this connects with the Bucha case. The legal jargon will give a base to understanding the limitations of the Genocide Convention and why genocide as a term might be politicized to bypass the legal complications. Moreover, qualitative content analysis will be used to analyze different countries' political genocide statements and accompanying parliamentary debates. The thesis will examine the beforementioned seven countries' (Estonia, Latvia, Lithuania, Poland, Canada, Ireland, Czech Republic) political statements and parliamentary debates about the Bucha genocide. The examination of these statements and debates will give a clearer view of what are the biggest similarities and differences in wording and in content. The combination of the content of the statements and the debates, the content analysis and understanding the past legal usage of the term genocide, enables to answer the question of why deciding over the evidence of genocidal practices tend to fall into the political domain rather than remain to be scrutinized within the scope of legal perimeters.

### Case selection

Due to the nature of the research problem being looking into in what way has the defining of genocide gone beyond its normal perimeters, the Bucha case presents a unique set of circumstances to investigate and analyze this topic. The different countries' parliaments declarations on recognizing the actions of the Russian Federation in Ukraine as genocide came out quickly after the Bucha events were unveiled to the public via mass media. These quick announcements scrutinized Russian actions on a global scale and did not wait for the consent or

the first reaction of the judiciary system to judge on the scope and scale of the atrocities. On the contrary, it made the first move and put the judiciary system in a position to act faster rather than slowly.

### Method selection

To study and analyze these political statements and parliamentary debates, qualitative content analysis will be used. The three main reasons why qualitative content analysis is useful in this study are because it reduces data, it is systematic and it is flexible (Schreier, 2014, p. 170). It allows for a systematic description of the meaning of qualitative data (*Ibid.*). Because political statements and parliamentary debates have a certain level of interpretation and subjectivity, qualitative content analysis allows the researcher to engage with those problems and construct the best meanings and solutions (Schreier, 2012, p. 2). Each of the seven beforementioned countries will produce a political statement and a parliamentary debate with different wording and content. To deduce the necessary meanings and explanations about the topic, qualitative content analysis is the most appropriate tool to use.

### Collection of data

The data was collected using different countries' parliamentary websites to get access to the political statements and transcripts of the parliamentary debates. The main principle which was followed was to investigate which countries' parliaments had made political statements about the genocide perpetrated by the Russian forces in Ukraine after the Bucha events became known and decide what would be the most reasonable approach to getting the data – a) download the data myself or b) get in contact with a specific countries' spokesperson via email or phone. The overall outcome of the collection of data was positive due to a full set of all the beforementioned countries' political statements and parliamentary debates but the approachability of certain countries political institutions websites made it a less streamlined process than at first anticipated.

## Limitations of the study

The main limitation of the study is that the availability and quality of the statements and debates may vary. Some countries have a better English documentation system than others and there are differences in the length and depth of the documents. For example, the Estonian Parliaments website was easily accessible and had a trilingual option which made navigating the website and documentation retrieval relatively easy. In contrast, the Polish Sejm's website was outdated, and the information given there about contacts to turn to in case of questions, did not produce any useful information which is why the Estonian Parliaments Foreign Affairs Committee had to be consulted to receive the necessary contacts and documents. Moreover, the Estonian, Latvian, Lithuanian and Irish transcripts of the parliamentary debates surrounding the recognition of the Russian actions in Ukraine as genocide were more thorough and long than the ones from the Canadian, Polish and Czech parliaments. The Canadian, Polish, and Czech parliamentary debates consisted of the reading and the adoption of the political statement, whilst the Estonian, Latvian, Lithuanian and Irish parliamentary debates had MPs taking the floor, asking questions, and expressing their opinions and views concerning the topic.

## Empirical analysis

The empirical part of this thesis is going to be based on a content analysis of the seven countries' (Estonia, Latvia, Lithuania, Poland, the Czech Republic, Ireland and Canada) national parliaments' political statements and parliamentary debates about the atrocities committed by Russian forces in Ukraine. The structure of the empirical part is going to be the following. First, an Excel table is going to be compiled to categorize different analytical parts. Different quotes and statements that are linked to the current war in Ukraine are going to be categorized under code names and judged what kind of valence the codes have. With that information, it is possible to group codes together into categories and start to decipher whether a pattern can be seen starting to emerge. Second, with those potential patterns and codes, an analysis can be put together based on the content of what these political statements and parliamentary debates talk about concerning the atrocities committed by the Russian forces in Ukraine. Finally, the analysis will provide a basis for a link to be created between the theoretical framework and the empirical part and the answer to the research problem of looking into in what way has the defining of genocide gone beyond its legal perimeters.

### Codes, code labels and categories

The Excel table of the seven countries' national parliaments' political statements and parliamentary debates consisted of 207 individual codes which could be grouped into 20 code labels and, in turn, 8 categories (see in appendix 1: coding frame). These code labels and categories represented themes and subtopics associated with the ongoing war in Ukraine. Next, I will list the 8 categories and analyze them based on the collected code labels and their valences to demonstrate the language use and articulation depth concerning the different states' political statements and parliamentary debates surrounding the Bucha atrocities.

### Russia's lawlessness

The first and biggest category was Russia's lawlessness. This category consisted of 5 different code labels which added up to 84 codes in total. The code label that added the largest share in the category and in the coding in general was called *Human rights violations* with 57 codes. This was a code label with a theme which highlighted past instances of Russia's inability or

willingness to follow common international customs and rules. All the codes in the *Human rights violations* code label had a negative valence. This and the prevalence of this code signifies countries' unified stance not to tolerate this sort of behavior in international relations and that criminal activity must be held accountable according to the rule of law. For example, the former Foreign Minister of Estonia, Urmas Reinsalu, stated that: "In this difficult time, when the Ukrainian people continue to fight against the aggression of the Russian Federation, more and more crimes are committed, which require a clear and appropriate legal assessment" (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022). Member of the Irish National Parliament (MP), Timmy Dooley, reported in the Irish parliamentary debate the "absolute devastation that had been visited on a law-abiding, well meaning and viable community" (Transcript of the Irish parliamentary debate surrounding the Bucha atrocities, 2022). Moreover, Lithuanian Minister of Justice Ewelina Dobrowolska condemned Russian crimes in Ukraine and emphasized the need for accountability: "Perhaps the main thing that we should talk about today in this context is that all institutions, all states must ensure one thing, that for all the crimes that Russia continues to commit today together with Belarus on the land of Ukraine, be it war crimes, or crimes against humanity, or aggression, or genocide, would not escape legal responsibility" (Transcript of the Lithuanian parliamentary debate surrounding the Bucha atrocities, 2022). These are only a small number of statements in relation to this code label but allows for a cross-section of a clear view of the defiance of these countries' MPs towards the unlawful approach of the Russian Federation in its unjustified mass atrocities being committed in Ukraine.

The code label *Use of force* emerged 2 times in the coding. By this it was meant that according to temporary understandings, warfare is deemed unnecessary in international relations. Both codes had a negative valence and came from Irish MP's Timmy Dooley and Niall O Donnghaile who emphasized that militarism has no place in this world, and it can never be a good solution to problems. "While the focus from all sides has been on who is winning or losing, in every battle people die at a massive rate and on a daily basis. Neither side wants to talk about it because they want to keep going, but war is never good and it can never be a solution" (Transcript of the Irish parliamentary debate surrounding the Bucha atrocities, 2022). No other country might have mentioned this because of a lack of recent historical reminders. In the case of Ireland, the armed

campaign of the Irish Republican Army (IRA) is still in recent memory and a possible trigger because of the thousands of civilian deaths it caused.

*Russia's state-sponsored war machine* was a code label that came up 4 times and it meant descriptions of how the Russian state is ran as an enterprise for war. All the valences here were also negative and such comments were made in the Irish National Parliament political statement and Lithuanian and Latvian MPs in their respective parliamentary debates. With this code label, the meaning was not only about the political elite but also the information that is fed to regular Russian citizens to brainwash them and make them succumb to orders from above and stay apolitical about it. This was well summarized in the Irish National Parliament's statement: "The President of the Russian Federation, Vladimir Putin, has complemented the invasion with state-sponsored oppression, propaganda, false reporting and deliberate deceit within his own country in an effort to justify his actions" (Political statement by the National Parliament of Ireland, 2022).

The code label *Identity suppression* came up 7 times in the codings. This referred to a theme outlining Russian suppression of Ukrainian identity. All the codes in this code label were negative. This was expressed in the bringing of attention to the deliberate Russian bombings of Ukrainian cultural sites (theatres, libraries, museums), banning of Ukrainian language in Russian occupied territories and the forcible transfer of Ukrainian children to the territory of the Russian Federation. Furthermore, there was an historical example from the Lithuanian MP Kestutis Masiulis, who likened the occupation of the Russian Empire with the current activity of the Russian Federation in Ukraine. "Lithuania was occupied back in tsarist times, and even then we experienced what Russian occupation meant and what Russian efforts to eradicate Lithuanian culture, even Lithuanian writing, meant. Yes, we have that experience" (Transcript of the Lithuanian parliamentary debate surrounding the Bucha atrocities, 2022).

The final code label in the Russia's lawlessness category was called *Ukraine as an independent state from Russia*. It was the second largest code label in this category with 14 codes. This code label indicated that contrary to Russian beliefs, many Western politicians clearly differentiate Ukraine from Russia both from a state and nationality perspective. References to this code label were found in 5 out of the 7 seven countries political statements or parliamentary debates and all their valences were positive. Former Estonian Foreign Minister Urmas Reinsalu stated: "Putin's

statement that the Ukrainian and Russian nationalities are not separate nationalities, but represent one nation, actually means nothing more than denying the existence of one of these two nations - the Ukrainian nation” (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022). Irish National Parliament MP Niall O Donnghaile added: “The people of Ukraine are entitled to fight for the sovereignty and territorial integrity of their country” (Transcript of the Irish parliamentary debate surrounding the Bucha atrocities, 2022). These statements exemplify that the Russian Federation was wrong in its assumption in the beginning of the full-scale invasion of Ukraine that Western leaders will openly differentiate the two national groups and made a miscalculation that only factored in its own brainwashed citizens into believing this version.

#### Historical others

The category Historical others consisted of 3 code labels which added up to 11 codes. Historical others as a category are meant as entities (states, individuals, groupings) who have existed in the past or exist in the present. Similarly, to the logic of the previous category and all other categories, the valences of the codes of these historical others, shows how these entities are viewed as in the context of the time that the political statements and parliamentary debates were released. The code label with the biggest number of codes in this category was *HO: USSR* with 7 codes. All the valences with this code were negative which means that the USSR, as a historic entity, has a negative perception. Latvian MP Ritvars Jansons likened the actions of the current Russian Federation to the crimes committed by the USSR after the Second World War. “In Ukraine today we see what the USSR, the legal predecessor of today's Russia, did in Latvia in 1944, 1945: shooting civilians without trial, arrests, deportations, sending them to Siberia, rapes, robberies, thefts, seizure of property by military personnel, senseless bombing of Rēzekne, whose victims were also civilians” (Transcript of the Latvian parliamentary debate surrounding the Bucha atrocities, 2022).

The next code label in this category was *HO: Russian Empire* which had 3 codes, and all had negative valences. An inconvenience with this code label was that there was only one code that talked specifically about the tsarist times which was the initial purpose of this code label. The two other codes did not identify the Soviet and tsarist times as separate historical time periods. An example of this was Lithuanian MPs, Paulius Saudargas’, statement that said: “This shows

that Russia has not changed: since the time of the tsar, it has basically been an autocratic state, V. Putin continues the works of J. Stalin” (Transcript of the Lithuanian parliamentary debate surrounding the Bucha atrocities, 2022). However, it is still clear that while the differentiation of the time periods was not there, the overall notion of the Russian Empire as a historical entity was negative.

The code label *HO: Russian Federation* was represented with 1 code and had a negative valence. Since the overarching theme of the analysis was about the Russian Federation atrocities in Ukraine, this outcome was to be expected. In the Estonian Parliament’s political statement, it was said that: “These crimes are ideologically incited by the political and military leadership of the Russian Federation and its national propaganda authorities” (Political statement by the Estonian Parliament, 2022).

### Recognition of Russian crimes

The category of Recognition of Russian crimes consisted of 3 different code labels which added up to 53 codes. The code label with the biggest number of codes was *Genocide recognition* with 32 codes. Examples of these could be found in every country’s political statement or parliamentary debates. They unanimously recognized the actions of the Russian armed forces in Ukraine as genocide and called for accountability on the Russian side and an international judicial process to indict individuals responsible for these crimes. However, not all the codes in this code label had a negative valence. In fact, 18 of them had a negative one and 14 had a neutral valence. This stems from the wording of the political statements and parliamentary debates. If the words “recognize” or “acknowledge” were used, then that was considered as a neutral valence. If the word “condemn” was used, then that gave it a negative valence.

*War crimes recognition* was a code label that came up 13 times. 9 times, these codes had a negative valence, 4 times they had a neutral one. Similarly, to the *Genocide recognition* code label, *War crimes recognition* was mentioned in every country’s political statement or parliamentary debates. Furthermore, Russian accountability and an international trial was demanded to the ones responsible. The Polish Sejm tied the war crimes committed by the Russian forces with the Russian media propaganda which justified these actions to the Russian public by deeming Ukrainians as a people not worth life. “These war crimes go hand in hand

with relentless Russian propaganda government media, in which the word "deukrainization" appears, i.e. action intended not only to take away the Ukrainian people the right to self-determination, but to existence” (Political statement by the Polish Sejm, 2022).

Rounding out the recognition of different crimes directed at the Ukrainian people by Russian forces, was the code label *Crime of aggression recognition* which had 8 codes. This code label consisted of a combination of two focal points. The first one was aimed at looking into sentences and statements that recognized that what the Russian Federation has done since the 24<sup>th</sup> of February 2022, must be acknowledged as a crime of aggression. The second focal point was to see how states and MPs feel about the 2014 invasion of Crimea and Donbass and whether the current phase of the war constitutes a continuation of the invasion of 2014. 7 out of 8 codes in this code label had a negative valence, one had a neutral one. The crime of aggression recognition was mentioned by for example, Lithuanian MPs, Vilija Aleknaite-Abramikiene and Laima Liucija Andikiene. In these statements, it was emphasized that the crime of aggression must not be taken lightly compared to other crimes such as war crimes and genocide and called for evaluation of high-ranking Russian officials in their contribution to these actions (Transcript of the Lithuanian parliamentary debate surrounding the Bucha atrocities, 2022). Furthermore, Estonian and Irish MPs and the political statement by the Canadian House of Commons condemned Russian behavior and emphasized the need to acknowledge that Russia has been in a war with Ukraine for 9 years now. “Russia's shocking, illegal invasion of Ukraine - a further invasion of Ukraine, of course - which started on 24 February, is a profound event with numerous implications for the entire world” (Political statement by the Canadian House of Commons, 2022).

#### Call for introduction of remedial measures

The category Call for introduction of remedial measures consisted of 2 code labels with a total of 23 codes. Most codes came from the code label *United front vs Russia* with 21 one of them. This was a category which can be described as a compilation of statements by states to combat Russia as a cohesive unit in international relations. All the codes had a positive valence and all 7 countries except for Canada made statements that fit this code label which shows that the large majority publicly condemns Russia’s illegal actions in Ukraine and international relations and wants to work together to stop this sort of behavior via political, economic, and judicial means.

The second code label in this category was *Punishments for Russia* which consisted of 2 codes. Both codes had a positive valence and were stated by former Estonian Foreign Minister Urmas Reinsalu and Lithuanian MP Vilija Aleknaite-Abramikiene. Their message was clear – the Russian President and his accomplices must be punished in a judicial body established based on an international treaty (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022, transcript of the Lithuanian parliamentary debate surrounding the Bucha atrocities, 2022).

#### Lessons from the past

This category consisted of two code labels which had 7 codes in total. The main code label was *Parallels to historical cases of genocide* which was a theme drawing parallels between the current Russian atrocities and historical instances of genocide. All the 5 codes in this code label had a neutral valence, this was expressed in the fact that legal aspects were the focal point of these statements. The International Criminal Tribunal for the former Yugoslavia (Bosnia and Herzegovina case), the International Criminal Tribunal for Rwanda and the Nuremberg trials were mentioned as cases to have the possibility of comparing to the atrocities committed by the Russian forces in Ukraine (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022, transcript of the Lithuanian parliamentary debate surrounding the Bucha atrocities, 2022).

The second code label was called *Previous Russian genocides* which had 2 codes. These were references to the USSR policies in the 1930s in Ukraine. Both codes had negative valences and were comments about the importance of reminding people that the Holodomor must be equated with genocide in the public eye and the current atrocities are a continuation of Stalin's totalitarian regime's actions in the present day (Transcript of the Lithuanian parliamentary debate surrounding the Bucha atrocities, 2022).

#### Russia's denial of Ukrainian "self"

The category Russian arrogance consisted of 3 code labels with a total of 11 codes. Most of these codes came from the code label *Denial of Ukrainian statehood* which featured 8 times. These comments were made by Estonian MPs Urmas Reinsalu, Marko Mihkelson and Anti Poolamets.

All their valences were negative, and they highlighted belittling and arrogant Russian statements. Reinsalu stated: “Even before the Russian Federation launched a full-scale invasion of Ukrainian territory, Vladimir Putin denied the existence of Ukraine as a separate country and declared that Ukraine was an integral part of Russia” (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022). Mihkelson added to this comment: “They can be killed, raped, deported, tortured, and only because they are Ukrainians” (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022). This sort of mindset has backfired for Russia because instead of trying to manipulate Western countries into believing their lies and scaring them off with war brutalities, this has made the West more cohesive in fighting this sort of behavior and deploying different methods to make Russia an example of why war as a foreign policy instrument should not be advocated.

The second code label is called *Denial of Ukrainian right for self-determination* which had 2 codes. Both the valences were negative. Estonian MP Anti Poolamets likened Russian imperialism with the Mongol ruler Batu Khan who conquered Kievan Russia in the 13<sup>th</sup> century: “Russian imperialism refuses to recognize the right of neighboring countries to exist, the right even to exist as a nation, the right to the life, statehood and freedom of nations. But it won't pass. The Batu Khan doctrine will not pass in the 21st century” (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022).

The third code label in this category was *Denial of Ukrainian identity and cultural encounters* with 1 code which was a reference to the Russian hegemonic mindset. This had a negative valence and in the Estonian parliamentary debate, former Foreign Minister Urmas Reinsalu described the establishment of the Russian language and Russian-ideologically oriented education in the temporarily occupied territories of Ukraine (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022). This is reminiscent of the Soviet times when occupied states did not have the freedom to choose their own paths, but the instructions were dictated by Moscow to ensure the “correct way”.

#### Vladimir Putin

The category of Vladimir Putin consists of one code label with 10 codes. It's called *Personal reputation* and it highlights Western politician's views on Vladimir Putin. All the codes in this

category were negative and it showed that while the Russian forces were the ones committing the atrocities in Ukraine, the orders and the planning came from higher up with Vladimir Putin being the one who approved and propagated this approach. This was known by Western politicians and thus attention is brought to this fact. Irish MP Timmy Dooley stated: “Language is important in all these cases and we all make mistakes from time to time. I know a little about this. We need to be careful when we refer to the Russian Federation and Russia. We need to be guarded about this because this is not a Russian war. It is a Putin war” (Transcript of the Irish parliamentary debate surrounding the Bucha atrocities, 2022).

### Criticism to the West

The final category of the coding frame was Criticism to the West which consisted of a code label called *Inaction/limited capacity* with 8 codes. It was a theme highlighting the West’s inability to condemn certain actions and move quicker as a cohesive unit. All the code valences were negative. Statements fitting this code label were made by MPs from Estonia, Ireland, Lithuania and Latvia. The concerns ranged from the need to harden sanctions and supply more weapons to the need to reform the UN structures. Lithuanian MP Petras Gražulis stated: “It cannot be allowed to watch how the democratic world is quite indifferent and does not actually supply such weapons so that Ukraine can defend itself. Of course, now they also get some offensive weapons, but they are significantly too few” (Transcript of the Lithuanian parliamentary debate surrounding the Bucha atrocities, 2022). Latvian MP Rihards Kols added: “We express all this with this Saeima statement, as well as give a clear mandate to our representatives in international organizations to act and a clear position on the immediate need to reform the UN” (Transcript of the Latvian parliamentary debate surrounding the Bucha atrocities, 2022).

## Findings

The coding frame revealed that while most of the categories depicted Russia in a negative light, there was also some criticism towards Western leaders due to moments of a lack of cohesion and slow reaction times. The most prevalent theme, however, which shone through individually with the number of codes it produced and the influence that it bestowed upon other categories was Russia's lawlessness. This ties together with the idea of looking into the topic of genocide politicization. Because the Genocide Convention has been used scarcely in international law since its inception due to its ambiguous definition and the fear of taking responsibility by states, alternative ways of holding accountability may be applied. These political statements serve as one tool to combat crimes against humanity by putting emphasis on the social norm of genocide. This takes the issue of genocide away from judges and leaves it for jury of public opinion and political authorities to decide over the nature and scope of atrocities committed against humanity.

In the case of the Bucha atrocities, it is thought-provoking that only when Western countries realized that a 21<sup>st</sup> century war was emerging in its backyard, did states start to think differently about Russia and its innate nature. The Soviet state system which was based upon power relations and nepotism, not the rule of law or separation of powers, was thought to be left behind by its successor state Russia with which many Western countries were happy to do business with and pursue friendly relations. This stance changed when Russia began a full-scale invasion against its neighbor Ukraine and the first images and instances began emerging of the savage behavior conducted by Russian armed forces on Ukrainian citizens. This shows that a more proactive approach needed to be taken by the West and "the Baltic overreaction" in this scenario was completely justified. The same principle also applies to the use of the term genocide in the case of Bucha. As the representative of the Isamaa group in the Estonian parliamentary debate, Mihhail Lotman, surrounding the topic stated: "Although the word "genocide" is often used lightly in the press, it has a definite meaning in the international legal system. President Biden called what is happening in Ukraine a genocide, but later it was explained that this was his emotional assessment and the final assessment should be made by lawyers. President Macron, on the other hand, urged not to use the word "genocide" because that would require intervention. This, dear colleagues, is perverse logic. We proceed from a different logic. If there is a genocide, our minimum obligation is to dare to call it that. Failure to do so is particularly

shameful in a situation where the aggressor does not hide his plan to destroy the Ukrainian nation” (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022). The fear of publicly denouncing the actions of the Russian forces as genocide in case of potential responsibilities that were to arise, has kept powerful Western and global military powers from using the word genocide. But, in fact, politicians are the ones who make the decisions and set the agenda and decide whether a topic needs politicizing or not. This fact gives a special meaning to the 7 countries whose national parliaments made these political statements.

The second biggest category which was Recognition of Russian crimes can also be directly linked to Russia’s lawlessness which provided the base for all the countries’ national parliaments to recognize and/or condemn the Russian actions. Lotman’s statement applies to this category as well and might be even more consequential in terms of the goal and importance of this thesis. While Russia’s lawlessness represents a state system or a way of life that researchers have previously described and introduced and found trends that could be traced from the tzars to nowadays President Putin, the recognition of Russian crimes based on a lawless and corrupt state system has not been done on such a scale. 7 countries (who in fairness are not the biggest in terms of size or influence) publicly speaking out about this topic on a national parliamentary level and making political statements about it, is an unprecedented case.

The representative of Reformierakond from Estonia, Mati Raidma and the Latvian MP Ritvars Jansons formulated this by not only recognizing and condemning genocide being committed by Russian forces in Ukraine, but also calling upon the international community to take action in order to stop these developments. Raidma: “Apparently, the world did not understand Putin's statement that it was a special operation, and his sentence broke off at that point. In fact, yes, it is a special operation to destroy a nation, and there is a word for it in the world - it is "genocide". That is why we are all here today with one mind to speak this truth, to support Ukraine and to give a message to the whole world: do not be afraid to use true words, because it gives the right essence” (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022). Jansons: “It is the duty of our parliament to tell the world that Russia is currently committing genocide in Ukraine” (Transcript of the Latvian parliamentary debate surrounding the Bucha atrocities, 2022). In addition, there were also calls to recognize war crimes and crimes of aggression which followed the same logic. It does not really matter whether from the

viewpoint of international law these political statements have any realpolitik consequences, the symbolic side is what gives weight to it and stains Russia as an international entity.

Call for introduction of remedial measures as a category is also somewhat derived from the category of Russia's lawlessness. To combat an entity that has a different viewpoint and principles to the Western ideals of rule of law and separation of powers, one of the core points of these political statements was to call upon the international community to work in unison with one another. If states were to try and approach this topic individually, then that would give the upper hand to Russia to negotiate separate deals with different countries and find leverage with it being the bigger actor in terms of size and influence. The Estonian MP Anti Poolamets highlighted this point with his statement: "Europe must do everything not to feed the modern Batu-khan with money. These mistakes have all been made. It was amazing to learn that Russian ballistic missiles fly with French engines. It was shocking to learn that England banned the sale of electronics to the production of Russian drones. Why did they do that? The war lasted from 2014. Russian tanks practiced on German simulators. Why did they do that? But it's never too late. Now is the time to react" (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022).

The Russian economy is very much reliant on Western technology because Russia does not have the capacity to produce its own tech and has been using the strategy of buying Western goods since the Soviet times. Such a blockade with different sanctions will not be felt immediately within Russia but if we continue this stance, it will start to take its toll in the following years and decades. Glimpses of this can be seen already, with for example, the shortage of microchips or the (at least partial) paralysis of the aviation sector in Russia. These practical examples all link back to the politicization of genocide and the war in Ukraine which are responsible for the applied sanctions and measures in terms of introducing these atrocities to the public and getting approval from the society to take action to punish the aggressor.

The other side of the united front vs Russia was the category of Criticism to the West. While the 7 countries agreed that to combat the Russian war machine and its imperialist mindset, the West as a whole and other likeminded countries must work together, they also repeatedly acknowledged that more must be done economically, politically, and militarily to get Ukraine the proper help it needs. A good example of this is Estonian MP's Mihhail Lotmann's statement

which was discussed in depth previously. Moreover, criticism was being brought out against Western powers about the softness of sanctions by Lithuanian MP Eugenijus Gentvilas, more specifically what would happen if Russia were to withdraw its troops or reach an agreement. “German Chancellor Scholz says: sanctions on Russia can only be lifted if agreements are reached between Moscow and Kiev. Roughly: Moscow and Kiev, you come to an agreement, and we, the world, will see if you come to an agreement, and if you do, we will lift the sanctions. You will come to an agreement for who knows how much good it will do - for Russia or for Ukraine. The world does not want to be part of this. Germany, you see, would not want to be involved, the world and Germany should stay out. We, as the Lithuanian Seimas, as the Lithuanian Parliament, cannot abstain. What does the British Foreign Secretary, Mrs Truss, say? I quote. "Sanctions on the Russian Federation will be lifted when it withdraws its troops from Ukraine." That is enough: tomorrow they withdraw, the day after tomorrow we lift the sanctions” (Transcript of the Lithuanian parliamentary debate surrounding the Bucha atrocities, 2022).

These are alarming calls from the leaders of the UK and Germany which demonstrate naiveness. If Russia were to withdraw its troops, the sanctions cannot be lifted lightheartedly in the hope that business will continue as usual. Russia has committed gross violations of international law in Ukraine against innocent Ukrainians and must be punished via international justice with for example an international criminal tribunal. This can only be possible, however, if Russia loses this war and is made to capitulate or people within Russia start demanding a change. Either way, this can only be achieved with the common understanding that the normalization of relations with Russia cannot take place in the foreseeable future. For years, the Baltic states were called hysterical concerning the handling of the Russian threat and not much was thought of the three small countries with the combined population of approximately 6 million people. These political statements, however, prove that tragic experiences of the past enable the small countries of today to make a bigger mark on the world stage than its size might allow on the face of it and move from their peripheral position to the center of political processes.

When it comes to the creation of the legal norm of genocide and its linkages with the historical usage of genocide by governments and the analyzed political statements and parliamentary debates about Bucha, several points can be brought forward. Firstly, as it was presented in the theoretical part, there were a few problems with the initial drafting of the Genocide Convention

and the final version of the document in 1948 was a lot narrower in its definition than the 1946 UN General Assembly's Resolution. One of the points that were mentioned by the UK and the Netherlands was that genocide can only be thought of as a crime committed by states and individuals which implies that it can only be punishable by war (Smith, 2010, p. 35). Some of the previous cases of alleged genocidal practices in history mirror this fear and it can also be applied to the Bucha case. Instead of directly stating that what happened in Bucha and what is happening all across the occupied territories in Ukraine at the moment, is genocide, leaders of powerful countries have either had their statements retracted (like President Biden), have opted for caution in case of having to take unwanted responsibility (like President Macron) or have avoided the topic altogether and are trying to pursue a peacekeeper position which is void of actual substance to it (like President Xi).

Similar examples of politicians acting in this way can be found in the cases of Bangladesh, Rwanda and Bosnia and Herzegovina. This makes the 7 countries (Estonia, Latvia, Lithuania, Poland, Czech Republic, Ireland and Canada) feat even more remarkable as it conveys the more contemporary understanding that on the one hand, these statements cannot be produced lightheartedly because words have power and consequences in international relations but on the other hand, a duty lies upon countries to condemn such behavior on the basis of moral understandings and international law. This was encapsulated by the Lithuanian Minister of Justice Ewelina Dobrowolska: "As a member of the Seimas, I would like to say that this is a very important resolution. A very important resolution, even if we understand that this assessment of genocide is political, not legal. The resolution is a political assessment, but it is politicians, politicians in all states, who decide whether to join the cases seeking justice for Russian crimes" (Transcript of the Lithuanian parliamentary debate surrounding the Bucha atrocities, 2022).

Secondly, the inclusion of cultural genocide, which is the destruction of the specific characteristics of a group, was a problematic issue in the drafting of the Genocide Convention and in the end did not get included (Morsink, 1999, p. 1009-1010). If it had, then many cases in the past and the current Bucha case would have a different meaning and it would be more easily identifiable according to the Genocide Convention. In article II of the Genocide Convention it is stated: "In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (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” (Genocide Convention, 1948). This unfortunately leaves room for ambiguity. The only point in article II which certainly applies to the current Bucha case is point e which has been pointed out in the countries’ political statements and parliamentary debates alongside other violations committed by the Russian forces in Ukraine.

This falls in the domain of Russian denial of Ukrainian “self” and the former Estonian Foreign Minister Urmas Reinsalu created a comprehensive list of these accusations: “The armed forces of the Russian Federation carry out actions against the civilian population on the territory of Ukraine with the intention of completely or partially destroying the Ukrainian people as a separate national group, causing serious physical injuries or mental deviations to members of the group, intentionally creating living conditions for the Ukrainian population that lead to the complete or partial destruction of the Ukrainian people, forcibly placing Ukrainian children transferred to the territory of the Russian Federation or to the territory of Ukraine temporarily occupied by the Russian Federation” (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022). If the legal definition of the Genocide Convention had the cultural dimension to it, then it would be easier to implement judicially. Instead, now this task falls upon the political sphere to distinguish the Russians and Ukrainians as a separate people having both rights to freedom and sovereignty and to debunk the Russian propaganda in stating the opposite to its home audience.

Thirdly, the political statements and parliamentary debates surrounding the Bucha atrocities serve as a tool to prove the intent part of the schism between the social understanding of genocide as a crime of scale and the legal understanding of genocide as a crime of intent mentioned by Catherine Renshaw. (Renshaw, 2021, p. 1). The point of this schism is that only the intent part was included in the legal understanding of genocide and thus makes it more difficult to measure and comprehend what might constitute as genocide. If it was only about scale, for example, the differences between alleged genocidal practices would be more tangible and more universally understood. It would not be a straightforward process, misunderstandings

and opinions would still arise, but proving intent comes down to deducing facts from circumstances.

These circumstances do not include only conflict-based criteria but also different social, economic, and political factors. This is the slot the political statements and parliamentary debates are trying to fill. If the Bucha atrocities had no meaning behind it, the numbers of the dead would most likely not be thought of as a significant amount to cause any uproar in the international community. The meaning that President Vladimir Putin has bestowed upon this war by saying that Ukraine is not a real country and that Ukraine must be denazified which implies that regular Ukrainian citizens are nazis that may be treated in the same way that Russians treated the German army in the Second World War has given symbolic dimensions to the Bucha atrocities and these are not just casualties of war, these are systemically intended killings, aka genocide. This was recognized in the political statement of the Canadian House of Commons: “By unanimous consent, it was resolved, - That, given that there is clear and ample evidence of systematic and massive war crimes and crimes against humanity being committed against the people of Ukraine by the armed forces of the Russian Federation, directed by President Vladimir Putin and others within the Russian Parliament” (Political statement by the Canadian House of Commons, 2022). The “directions” of Putin and the Kremlin are what gives substance to these political statements and makes it easier to prove the intent that the Russian armed forces are using to terrorize and slaughter innocent Ukrainian civilians. This characterized the coding category Vladimir Putin and how his personal reputation is seen in a continuously more negative light by Western politicians.

Finally, it can be inferred from the political statements and parliamentary debates that politicians liken the Bucha atrocities to previously proven cases of alleged genocidal practices. The two cases of Rwanda and Yugoslavia (Bosnia and Herzegovina in this thesis) which are the only cases in history subject to an international criminal tribunal, are brought to as examples by Urmas Reinsalu. “It is important to emphasize several legal aspects based on international law and criminal trial practice. First of all, the presence of a general formal genocidal plan is not required, as exemplified by the Yugoslav Tribunal, when recognizing genocide. Second, genocide, as exemplified by the Rwanda trial case, does not have to be the prime objective of the perpetrators. And thirdly, there is no minimum limit on the number of victims, according to the

example of the Yugoslav tribunal” (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022).

The mindset that international law will not be able to punish or touch the Russian Federation comes from its predecessors, the USSR, and the Russian Empire, which now, the Russian Federation is trying to emulate. These historical others were viewed negatively by the MPs of the analyzed political statements and parliamentary debates but the behavior that the Russians are showing was not thought of as something surprising. The predecessors of the current Russian Federation acted in the same way, not abiding by any common rules or laws. The world order was different, and this sort of behavior was not uncommon back then but to apply these same principles in the 21<sup>st</sup> century is what separates Russia from other powerful countries. Anti Poolamets drew a parallel of the Russian actions in Ukraine to the Batu Khan that once conquered Kiev: “In its rawness, the Russian attack resembles nothing more than a Mongol invasion. In Russian historiography, it is depicted as particularly brutal crudeness. And now they're doing it themselves. In 1240, Batu Khan conquered Kiev. During the conquest, 50,000 townspeople lost their lives, a few thousand survived. The city was looted and burned. But in 2022, Kyiv held out. Russia is doing what Batu-khan did in Mariupol, Izjum, Kharkiv and hundreds of other cities and villages. Bows and swords have been replaced by ballistic missiles, but the rawness is the same as it was eight centuries ago” (Transcript of the Estonian parliamentary debate surrounding the Bucha atrocities, 2022).

Considering this information, how to answer the posed research questions, the main one being – in what way has the defining of genocide gone beyond its legal perimeters? Due to the very narrow legal definition of the Genocide Convention that was agreed upon in 1948, not many cases have been subject to the Convention. A lot of concessions had to be made for the biggest possible acceptance, but this has created a reality where only the Rwandan and Yugoslavian cases have been brought before an international criminal tribunal that were mandated to bring justice to the aggrieved party and indict individuals responsible for crimes against humanity, war crimes and genocide. This means that if the decision-making process over such crimes were only legal, then not much progress would be made in this field. This is where the political statements and parliamentary debates come in. Although the statements made by the national parliaments are political assessments, politicians are the ones who decide whether to join cases seeking

justice for international crimes. There is always a political agenda involved in the process. That is why this is important in the Bucha case – the political statements and parliamentary debates serve as a tool to convince the audience about intent in alleged genocidal practices. This is because intent must be inferred from the circumstances and these circumstances do not include only conflict-based criteria. The symbolic value that these statements and debates hold in determining whether a genocide has taken place in Bucha, cannot be overlooked.

The current events ongoing in Ukraine have politicized the term genocide to make this topic prevalent and grow the social norm of genocide to change the public opinion and make citizens understand the severity of the unfolding events. This in turn, will put pressure on the political and judicial organizations to take further action, which has already shown first signs of progress with the International Criminal Court issuing an arrest warrant for President Putin over war crime allegations (BBC, 2023). It is difficult to say now what effects does the politicization of genocide have on the legal usage of the term, but as with any legal procedure, the war in Ukraine will serve as an example to examine the potential changes that might be needed in the Convention and the current narrow and ambiguous definition to be supplemented.

## Conclusion

The politicization of genocide is a fragile topic that should be treaded carefully. Its impact can influence many and in the case of Bucha where hundreds of innocent people got massacred in brutal fashion, it might be the only way for the nation of Ukraine to get redemption for the atrocities that the Russian armed forces, directed by the orders of Vladimir Putin and the Kremlin, have inflicted on their people. The political statements and parliamentary debates of the 7 countries of Estonia, Latvia, Lithuania, Poland, Czech Republic, Ireland, and Canada have provided a tool to help convincing the audience about the intent part of the definition of the Genocide Convention.

To analyze these statements and debates, qualitative content analysis was used to deduce the necessary meanings and explanations about the topic where each of the seven beforementioned countries produced material with different wording and content. All the 7 countries had quite similar political statements. They differed in wording and length, but the overall message that they were trying to convey was the same. The difference came in the parliamentary debates in which Estonia, Latvia, Lithuania, and Ireland had the pithiest material where numerous MPs took the floor, asked questions, and expressed their opinion about the topic. The Czech Republic parliamentary debate had one MP asking a clarifying question and the Polish and Canadian Parliaments' only read the statement in the meeting and immediately came to a unanimous vote concerning the topic.

This produced a coding frame which consisted of 207 individual codes which were grouped into 20 code labels and, in turn, 8 categories. Each code produced a valence which could be used to determine the attitude towards different categories. These categories showed that most of them were with a negative attitude towards Russia and its present and past actions. Moreover, there was one category (which also had the most codes) which the other categories with negative attitudes towards Russia could be derived from or linked to and that was Russia's lawlessness. This category characterized Russia as a state-sponsored war machine that has committed gross violations of human rights in Ukraine and has constantly tried to diminish the thought of Ukraine as an independent country with the freedom to choose its own path. There was also one category

which was critical of the West in relation to its inability to condemn certain Russian actions and act quicker as a cohesive unit.

With the coding frame, it was possible to infer that these political statements and parliamentary debates can be used as tools to bypass the narrow legal definition of the 1948 Genocide Convention. Since the focus of the Convention is on intent and not scale, these statements help prove the symbolic value of the Bucha atrocities and communicate this message to the international community. Although the statements made by the national parliaments are political assessments, politicians are the ones who decide whether to join cases seeking justice for international crimes. These statements are also important in growing the social norm of genocide to change the public opinion and make citizens understand the severity of the unfolding events.

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## Appendices

### Appendix 1: Coding frame

Category	Code label	Description of code	Example of coded segment	No. of code	No. of category
<b>Russia's lawlessness</b>	Human rights violations	A theme which highlights past instances of Russia's inability or willingness to follow common international customs and rules	The forced deportation and relocation of Ukrainian citizens, for example, residents of Mariupol, also proves the intention to destroy the Ukrainian nation, to end its existence in a certain territory.	57	84
	Use of force	The contemporary understandings of warfare as unnecessary in international relations	The one big lesson in this war that everyone needs to take on board is that militarism in whatever guise has no place in the modern world.	2	
	Russia's state-sponsored war machine	Descriptions of how the Russian state is ran as an enterprise for war	the President of the Russian Federation, Vladimir Putin, has complemented the invasion with state-sponsored oppression, propaganda, false reporting and deliberate deceit within his own country in an effort to justify his actions	4	

	Identity suppression	Theme outlining Russian suppression of Ukrainian identity	The libraries of the temporarily occupied territories of Luhansk, Donetsk, Chernihiv and Sumy will remove Ukrainian historical literature and Ukrainian fiction that are not in line with the postulates of Kremlin propaganda.	7	
	Ukraine as an independent state from Russia	Contrary to Russian beliefs, many Western politicians clearly differentiate Ukraine from Russia	The acts committed by the armed forces of the Russian Federation are no longer just crimes of aggression, but aim at the systematic and planned destruction of the Ukrainian people and their uniqueness and the deprivation of the Ukrainian people's right to self-determination.	14	
<b>Historical others</b>	HO: Russian Federation	Theme indicating how the Russian Federation as an entity is viewed	These crimes are ideologically incited by the political and military leadership of the Russian Federation and its national propaganda authorities.	1	11

	HO: USSR	Historical parallels and instances of the USSR	In Ukraine today we see what the USSR, the legal predecessor of today's Russia, did in Latvia in 1944, 1945: shooting civilians without trial, arrests, deportations, sending them to Siberia, rapes, robberies, thefts, seizure of property by military personnel, senseless bombing of Rēzekne, whose victims were also civilians.	7	
	HO: Russian Empire	Historical parallels and instances of the Russian empire	The Russian Empire has been deeply disliked by several nations since the time of the Tsar, no matter what form the Russian Empire took, whether Soviet or Tsarist.	3	
<b>Recognition of Russian crimes</b>	Genocide recognition	Countries parliaments and politicians' statements of genocide being committed in Ukraine by Russian forces	Recognizes as genocide against the Ukrainian people the actions of the Armed Forces of the Russian Federation and its political and military leadership in conducting the renewed military aggression against Ukraine from 24 February 2022.	32	53

	War crimes recognition	Countries parliaments and politicians' statements of war crimes being committed in Ukraine by Russian forces	By unanimous consent, it was resolved, - That, given that there is clear and ample evidence of systematic and massive war crimes and crimes against humanity being committed against the people of Ukraine by the armed forces of the Russian Federation, directed by President Vladimir Putin and others within the Russian Parliament.	13	
	Crime of aggression recognition	Countries parliaments and politicians' statements of the crime of aggression being committed in Ukraine by Russian forces. Furthermore, a theme indicating countries' acknowledgement that the war in Ukraine started back in 2014.	We have seen a classic example of the crime of aggression, we must not forget it and its sequence.  It is important that we remind ourselves that the Russians have been involved in an undeclared war in Ukraine from 2014, when they invaded Crimea and the Donbass region.	8	
<b>Call for introduction of remedial measures</b>	United front vs Russia	Compilation of statements by states to combat Russia as a cohesive unit in international relations	Calls on countries around the world to immediately strengthen the sanctions against the Russian Federation, including by ending the trade of energy carriers with Russia with no exceptions.	21	23

	Crime and punishments	Russian crimes cannot go unpunished and international law must be respected	I emphasize once again: let's not be afraid to look at the Russian constitution, all those who were at the top, who obediently clapped their eyes and ears in the so-called security council, must be punished.	2	
<b>Lessons from the past</b>	Parallels to historical cases of genocide	Theme drawing parallels between the current Russian atrocities and historical instances of genocide	Second, genocide, as exemplified by the Rwanda trial case, does not have to be the prime objective of the perpetrators.	5	7
	Previous Russian genocides	References to the USSR policies in the 1930s in Ukraine	Dear colleague, it was not for nothing that you noticed our appeal to the 2005 Seimas resolution regarding the equating of the Holodomor with genocide.	2	
<b>Russia's denial of Ukrainian "self"</b>	Denial of Ukrainian statehood	Theme highlighting belittling and arrogant Russian statements	Even before the Russian Federation launched a full-scale invasion of Ukrainian territory, Vladimir Putin denied the existence of Ukraine as a separate country and declared that Ukraine was an integral part of Russia.	8	11
	Denial of Ukrainian right for self-determination	References to the Russian imperialist mindset	Russian imperialism refuses to recognize the right of neighboring countries to exist, the right even to exist as a nation, the right to	2	

			the life, statehood and freedom of nations.		
	Denial of Ukrainian identity and cultural encounters	Reference to the Russian hegemonic mindset	In the temporarily occupied territories of the Russian Federation, Russian-language and Russian-ideologically oriented education will be immediately established, which also proves the intention to destroy Ukrainian identity and nationality.	1	
<b>Vladimir Putin</b>	Personal reputation	Theme highlighting Western politician's views on Vladimir Putin	Vladimir Putin needs to continue to feel the world's anger at his immoral and illegal invasion of Ukraine.	10	10
<b>Criticism to the West</b>	Inaction/limited capacity	Theme highlighting the West's inability to condemn certain actions and move quicker as a cohesive unit	It cannot be allowed to watch how the democratic world is quite indifferent and does not actually supply such weapons so that Ukraine can defend itself.	8	8

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