



BY WILLIAM F. FELICE
Guest Columnist

Don't go 'wobbly' on aiding Ukraine and prosecuting Russian war crimes

Now more than ever we must stand firm in our support for Ukraine,
the author writes.



People react near the memorial for the victims of a Russian rocket attack in the village of Oroza near Kharkiv, Ukraine, last month. A report by U.N. investigators has pointed a finger at Russia for the deaths of 59 civilians. (AP Photo/Alex Babenko, File) [ALEX BABENKO | AP]

There is no end in sight to the brutality and blood-letting Russia is continuing to inflict on the Ukrainian people. While casualty figures in wartime are difficult to estimate, U.S. officials report that the total number of Ukrainians and Russians killed or wounded since Russia invaded its next-door neighbor to be around half a million. Russian casualties include over 120,000 deaths and 180,000 injured troops. Ukrainian figures include over 70,000 killed and 120,000 wounded. With a population of under 40 million people, the human cost to Ukraine is overwhelming. Four out of every 5 Ukrainians state that someone among their family and friends has been killed or injured in the war.

The U.N. Special Rapporteur on torture, Alice Jill Edwards, recently reported that the torture carried out by Russian officers against Ukrainian civilians and prisoners of war represented a systematic, state-endorsed policy. The U.N. report documents Russia's consistent pattern of torture, including rape and beatings, across the detention centers under Russian occupation and among Ukrainian soldiers captured by Russian forces. Edwards states: "This is not random, aberrant behavior. This is orchestrated as part of state policy to intimidate, instill fear or punish to extract information and confessions." In addition, Ukrainian officials have stated that 90% of the hundreds of Ukrainian prisoners of war held by Russia and released in exchanges have suffered torture, including sexual violence.

Vladimir Putin has not given up his aspiration to take all of Ukraine. According to U.S. National Security Council spokesperson John Kirby, Russia has resumed its "human wave tactics" of throwing hundreds of thousands of poorly trained soldiers into battle. Kirby stated that Moscow's forces in Ukraine have been executing Russian soldiers who disobey orders. He added: "We also have information that Russian commanders are threatening to execute entire units if they seek to retreat from Ukrainian artillery fire."

Russia continues to fire indiscriminately on civilians in towns across Ukraine. For example, the U.N. holds Russia accountable for a deadly strike on a funeral reception in a Ukrainian village on Oct. 5 that killed 59 civilians. This attack on Oroza killed 36 women, 22 men and an 8-year-old boy, making it one of the deadliest strikes since Russia launched its war of aggression in February 2022. The U.N. report said Russia had "either failed to undertake all feasible measures to verify that the intended target was a military objective rather than civilians... or

deliberately targeted civilians.” Either explanation is a violation of international humanitarian law. A mountain of evidence now exists documenting Russia’s systematic, ongoing and officially sanctioned war crimes. Russia has targeted Ukraine’s power grid. More than 450 Ukrainian civilians were shot, tortured or bludgeoned to death in the town of Bucha, near Kyiv. This summer the U.N. released a detailed report documenting the summary execution of 77 civilians while they were arbitrarily detained by Russia.

Putin is desperately seeking an opportunity to divert Western support and attention away from this record of criminality. Hamas’ brutal assault against Israel on Oct. 7 (Putin’s birthday) has been used by the Kremlin to spin a narrative that the war in the Middle East is a win for Russia. Russia refuses to call the Hamas attack on Israel “terrorism” and blames the violence on U.S. and Israeli policy mistakes. Moscow hopes that the Western countries now focused on the suffering in Israel and Gaza will yield to “Ukraine fatigue.” Putin anticipates the U.S. will not want to fight two wars at once, which he hopes results in Western money and support for Ukraine to dry up.

Putin has to be thrilled that Russia’s constant crimes against civilians in Ukraine are now not in the forefront of U.S. public attention. Furthermore, Ukraine now faces competition for essential weapons, including armed drones and artillery rounds, that are running short in the battlefield. Putin hopes that the new and demanding conflict in the Middle East will drain the strength of U.S. backing of his main adversary. We should not let Putin get away with taking advantage of Israel and Gaza’s plight to undermine our support for Ukrainian freedom.

As Ukraine continues to fight against Russian forces, existing money for supporting Ukraine is running out fast. Ukraine needs a steady flow of supplies this winter to continue its counteroffensive and keep its people warm and safe. President Joe Biden has sent to Congress a supplemental funding request of around \$105 billion to primarily support Ukraine and Israel. There is bipartisan support for Ukraine in the U.S. Senate with Sens. Chuck Schumer and Mitch McConnell both speaking out strongly for continuing to stand up to Putin’s aggression. Unfortunately, congressional Republicans, including the new Speaker of the House, have already slowed down and raised numerous roadblocks to

continuing our aid to Ukraine. This Republican opposition must be overcome, or Putin wins.

In addition to continuing to back Ukraine with weapons and aid, those of us in the human rights community have rightly focused on bringing those responsible for war crimes to justice. Three approaches to justice are being undertaken and deserve our attention and support.

First, the International Criminal Court (ICC) has issued a warrant for Putin's arrest. He is charged with issuing orders for the abduction of hundreds of Ukrainian children. Acts of genocide in international law include the forcible transporting of children from one group to another group. Dictators and heads of state — from Augusto Pinochet (Chile) to Slobodan Milosevic (former Yugoslavia) to Charles Taylor (Liberia) to Omar al-Bashir (Sudan) — have faced criminal trials for brutality toward their citizens. It is obviously a political minefield and an uphill battle to bring powerful autocrats to justice. But, as vividly demonstrated at the Nuremberg Tribunal, such a legal process striving for justice is exactly what separates liberal democracies from dictatorships and fascist regimes.

The second option being explored is the creation of a new special tribunal, perhaps modeled after the successful international tribunal on the former Yugoslavia, to prosecute war crimes and the “crime of aggression.” Since the ICC doesn't have the authority to investigate Russia for the crime of aggression, a new tribunal could fill this gap. Waging a “crime of aggression” was the charge used successfully against Nazi war criminals in the Nuremberg trials after World War II. Numerous legal experts believe that this is the best way to hold Putin accountable for the war.

And finally, the third approach is a “hybrid court” through which Western allies of Ukraine would assist Ukraine with prosecuting Russian officials and soldiers in Ukrainian courts. The U.N. Special Rapporteur on Torture said that Ukraine has already opened 103,000 general cases for prosecution. This local hybrid court could provide an expeditious way to hold alleged Russian war criminals to account.

After Saddam Hussein invaded the sovereign nation of Kuwait, Margaret Thatcher famously pleaded with then-President George H.W. Bush to not go “wobbly” on Iraq. The U.N. peace architecture established after World War II is based on punishing wars of aggression and upholding the laws of war, which hinge on protecting civilian lives in times of conflict. If we go “wobbly” on helping Ukraine at this critical moment, we will fatally damage the painstakingly developed norms and laws that govern peace between the world’s nations. Now more than ever we must stand firm in our support for Ukraine.



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