



WAWRZYNIEC KOWALSKI

Military University of Technology, Poland

ORCID iD: orcid.org/0000-0002-7426-9593

ANDRZEJ MISIUK

University of Warsaw, Poland

ORCID iD: orcid.org/0000-0003-1371-6270

**FROM CRIME TO PUNISHMENT.
THE ROLE OF TRANSITIONAL JUSTICE
MECHANISMS IN STRENGTHENING
THE INTERNAL SECURITY OF A STATE
ON THE EXAMPLE OF UKRAINE
(2022-2023)**

ABSTRACT

Objectives: The purpose of the article is to provide an overview of the importance and scale of the use of mechanisms belonging to the doctrine of transitional justice during the armed conflict in Ukraine in 2022-2023.

Material and methods: In the research process, the authors apply the analysis of selected rulings, the analysis of the positions and views of selected representatives of the doctrine – security studies and legal studies in particular – as well as formal-dogmatic and historical approaches.

Results: It is demonstrated that the broadest spectrum of institutions and mechanisms falling under transitional justice to date has been used during this armed conflict. This enabled, on a scale never seen before, obtaining a comprehensive and complex picture of the crimes committed during the war effort. At the same time, it is emphasized that the Ukrainian side, using the support of states, international organizations and institutions of international criminal justice, has been able to implement numerous institutions to achieve the goals of transitional justice.

Conclusions: According to the authors, the burden of their tasks will not only, or perhaps not primarily, concern the implementation of retribution for the deed, but in the post-war period will have to enable the reconciliation of the population within the country, which seems very difficult from today's perspective, given the current political situation in eastern Ukraine.

KEYWORDS: *Ukraine, Russian Federation, International Criminal Court, transitional justice, international crimes*

INTRODUCTION

The events we are currently witnessing in Ukraine have permanently transformed the existing architecture of the security system in Europe. The implications of Russia's February 24, 2022, armed attack on Ukraine for the international security system still appear to be difficult to fully assess. There is no doubt that they will be the subject of numerous analyses and academic papers. It may seem a truism to say that the scale of violence and cruelty which can be observed in the actions of Russian troops in Ukraine has become a unifying factor for the positions of countries concerned about the possibility of becoming the next target of the Armed Forces of the Russian Federation. However, this is only a seeming truism; for although we had already been witnessing the Kremlin's

aggression against Ukraine since 2014, acts that could be categorized as international crimes did not occur with such intensity during the military actions taken at that time. Initially, in late February and early March 2014, Russian forces carried out an armed (and completely unlawful from the point of view of international law) annexation of Crimea, after which the armed conflict in eastern Ukraine continued for years with varying intensity. Nevertheless, it was not until the outbreak of a full-scale armed conflict and its tragic aftermath that the Ukrainian authorities decided to reach for various forms of mechanisms included in the broad concept of transitional justice.

The purpose of this article is to try to assess what transitional justice mechanisms can be used to enhance the degree of stability in Ukraine both during and after the current armed conflict. In particular, the authors' intention is to provide an overview of the forms of transitional justice currently used by both the Ukrainian authorities and much of the international community. The research problem is to determine the results to date of the application of mechanisms by the Ukrainian government and international organizations which belong to the doctrine of transitional justice. The authors formulate the thesis that the case of Ukraine has eminently demonstrated that the rich doctrine of transitive justice is probably the most developed and effective mechanism to date for clarifying the fate of the victims of the said armed conflict, identifying the perpetrators of international crimes, and mending the social relations of the country in the post-war period.

This definition of the research problem is dictated by the particular implications of the armed conflict in Ukraine for security – both regional and global. One could even risk saying that this is a kind of a *coda* ending the hitherto relentlessly progressing deterioration of security both in the individual dimension, i.e., of the Ukrainian state, and in the collective dimension – for the international community.

According to the authors, the indicated issue seems to be particularly relevant, as the scale of violations of the norms of international humanitarian law of armed conflict is enormous. At the same time, it should be noted that it is not the authors' intention to show the concepts and mechanisms of transitional justice in a complementary way. However, it should be mentioned that while the doctrine of transitional justice emerged in the 1990s

(Brzechczyn, 2020), its antecedents derive from the Nuremberg trials and the work of the International Military Tribunal as well as the output of the Truth and Reconciliation Commission in South Africa. The task of that commission was to give apartheid victims a voice and grant an amnesty to human rights violators. There have been a number of works in the doctrine in recent years that have presented the issue in a holistic manner (Simić, 2021; Murphy, 2017; Newman, 2019; Lachowski, 2018; Krotoszyński, 2017; Teitel, 2000), i.e., by addressing the essence of the doctrine of transitional justice, or by focusing on the issue of the war in Ukraine more narrowly, i.e., through the lens of the actions of the domestic justice system and the International Criminal Court (Lachowski, 2017a, 2017b). It seems necessary to provide a complementary overview of the various forms of actions included in transitional justice for a comprehensive identification of processes concerning both internal and international security which form a kind of amalgam. This way, a research gap can be identified in papers summarizing the achievements of transitional justice doctrine to date, during one of the world's largest armed conflicts after 1945.

In the research process, the authors apply the analysis of selected rulings, the analysis of the positions and views of selected representatives of the doctrine – security studies and legal studies in particular – as well as formal-dogmatic and historical approaches.

THE CONCEPT OF TRANSITIONAL JUSTICE

In discussing the issue of transitional justice, it should be pointed out at the outset that this doctrine has received a deservedly large amount of attention in recent years, both from the governments of individual states, members of the international community, as well as many researchers. When interpreting the sources devoted to the mechanisms of transitional justice, it is clear that both representatives of the doctrine and international organizations – in a peculiar way – set various tasks for it, combining into a contrapuntal whole, the guiding purpose of which is to account for previous violations of the law. These could range from the essence of a country's previous undemocratic rule to crimes committed during an armed conflict. In a complementary way,

the core of transitional justice was presented by the Secretary-General of the United Nations in his 2004 report. He defined the term as a [...] *full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms [...]* (Report, 2004, p. 4).

Observing the actions taken by both the Ukrainian authorities and supporting countries, it should be noted that many actors are increasingly proposing the creation of various forms of transitional justice mechanisms (EUROPA.EU, 2023). One should keep in mind that, according to Tomasz Lachowski, the term transitional justice, also known in the doctrine as transitive justice, should be understood as [...] *a set of measures and mechanisms that are resorted to by states in the era of a rapid political and social change after a period of totalitarian or authoritarian rule, or following an armed conflict* (Lachowski, 2018, pp. 37-38). Ruti Teitel, co-author of the concept of transitional justice, defines it as a [...] *conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes* (Teitel, 2003, p. 69). It is also noted that: *Transitional justice comprises a set of mechanisms widely employed in the twentieth century for holding accountable heads of state, their agents of repression, and collaborators for crimes and human rights violations committed against their citizens and citizens in neighboring states* (Nalepa, Remington, 2023, p. 407). Today, many scholars emphasize in the doctrine that transitional justice mechanisms can also serve post-conflict societies and post-war reconstruction. War crimes trials are considered by researchers as the so-called Phase I of transitional justice. Interestingly, those proposing the establishment of bodies specific to the doctrine of transitional justice sometimes do not explicitly call it by its proper name.

Of course, the issue of transitional justice, especially seen through the lens of actions taking place across the Ukrainian state, should not be limited only to criminal proceedings. The authors recognize here the validity of the view expressed by Louise Mallinder, according to whom the implemented measures should be holistic and not based solely on the consequences of the act. The scholar points out that, *The pressure for criminal accountability is understandable. It reaffirms international law and norms in the face of Russia's apparent*

lawlessness. It feels like a moral response to the daily images of destroyed lives and cities that cover our television screens, newspapers and social media feeds. And supporting accountability demands provides other states with a means to signal their solidarity with Ukraine. However, international legal responses, even if they are able to succeed in getting Russian leaders into custody, which seems unlikely at the present time, would not be sufficient to address the needs of victims and to promote reconciliation within Ukraine after the war's end (Mallinder, 2022a).

The need for a holistic approach to justice has already been emphasized by the UN Secretary-General, who wrote: *Where transitional justice is required, strategies must be holistic, incorporating integrated attention to individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or an appropriately conceived combination thereof (Report, 2004).* Thus, measures taken under the umbrella of transitional justice must be implemented in a way that allows for nuanced action and refrains from viewing the problem of restoring the rule of law in a one-dimensional manner involving only the criminalization of perpetrators. Besides, according to recent research, *[...] transitional justice can foster trust when going beyond a narrow focus on either perpetrators or victims (Fiedler, Mross, 2023, p. 320).* Transitional justice has even become a universal buzzword, appearing more and more often in public debate. Andrew G. Reiter goes as far as to argue that *Since the turn of the century, transitional justice has become a permanent feature of any response to human rights violations [...]* (Reiter, 2021, p. 41).

CURRENT APPLICATION OF TRANSITIONAL JUSTICE MECHANISMS IN UKRAINE – AN ASSESSMENT ATTEMPT

Shocking images of murdered civilians in the streets of Bucha, mass graves of civilians being found, the shelling of refugees from Irpin, the bombed Borodianka, the shelling of Kharkiv and Mykolaiv with cluster munitions, the crime in Izium (Bachega, Murphy, 2022), victims of the attack on the Kramatorsk railway station, the use of anti-personnel mines by Russian troops and the indiscriminate minesweeping of agricultural areas, the degrading treatment, torture and killing of prisoners of war, sexual violence (Reuters, 2022),

the deportation of children (Conflict Observatory, 2023; McDonald, 2023), are just some of the thousands of incidents under investigation by both the Ukrainian judiciary and the International Criminal Court. The appalling scale of human rights violations is evidenced by the figures. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), by September 10, 2023 – 9,614 civilians had been killed and 17,535 wounded in the armed conflict in Ukraine. The victims go along with a humanitarian crisis that is still difficult to quantify in its effects, manifested by the departure of more than 6,240,000 citizens from invaded Ukraine, while more than 5 million are internally displaced persons (COI, 2023). According to the War Crimes Department of Ukraine's Prosecutor General's Office, there have been some 98,000 incidents classified as war crimes committed by Russian armed forces in Ukraine (Kyiv Independent, 2023). It should be recalled that on July 29, 2022, the Kyiv Court of Appeal handed down a 15-year prison sentence to Vadim Shishimarin, a Russian sergeant convicted of committing a war crime (Burnett, 2022). This was the first criminal case to be concluded before the Ukrainian judiciary in which charges of international crimes had been brought.

Then, on March 17, 2023, the International Criminal Court issued an arrest warrant for Russian Federation President Vladimir Putin and children's rights advocate Maria Lvova-Belova (ICC, 2023). In the face of these attempts at criminal justice, the famous words of the Königsberg philosopher Immanuel Kant should be recalled: *fiat justitia, et pereat mundus*.

While it seems that many more Russian prisoners of war as well as those currently beyond the reach of international justice will face criminal charges for committing international crimes, without classifying their acts at this point, Ukraine will seek legal action in the coming years to bring justice in particular to the perpetrators responsible for directing Russian aggression. Obviously, the results of Ukrainian prosecutors' actions may vary, but it is still worth reminding that already on March 2, 2022, [*sic!*] the International Criminal Court has opened an investigation into alleged war crimes, crimes of genocide and crimes against humanity committed by Russian forces in Ukraine at the request of nearly forty countries. Subsequently, on May 17, 2022, the International Criminal Court Prosecutor Karim Khan stated that the Tribunal had sent a team of 42 experts to Ukraine to investigate crimes committed there by the Russian side. However,

it should be recalled that in 2016, Russian President Vladimir Putin withdrew his signature affixed in the year 2000 to the Rome Statute of the International Criminal Court, which clearly defined the attitude of the Russian Federation authorities to the Court's possible jurisdiction over Russian citizens. It is worth mentioning that the group of signatory states that withdrew their signature from the Rome Statute also includes the United States, Sudan, and Israel.

For the sake of complementarity of the considerations presented here, it should be mentioned that Ukraine, although not a party to the Rome Statute, agreed as early as in September 2015, to bring itself under the jurisdiction of the Hague Tribunal for war crimes, crimes against humanity and genocide (ICC, 2015). While until recently, the possibility of an indictment before the Hague Tribunal of the Russian president was treated only in terms of scientific quibbles, there is no doubt about the importance of the Ukrainian authorities properly documenting and informing both their own citizens and the international community about the acts that bear the hallmarks of an international crime.

While measures condemning the Russian aggression in the form of UN Security Council resolutions are blocked by Russia's veto power – it is hard to expect the Russian authorities to voluntarily surrender their citizens to face the International Criminal Court – from a pragmatic standpoint, it is worth asking what other means, in this case, extrajudicial ones – can be used by the Ukrainian authorities to clarify all the circumstances surrounding the crimes committed on their territory. Hence, in early April 2022, Ukrainian Foreign Minister Dmytro Kuleba appealed to the International Criminal Court and other international organizations and states to send investigative teams to Ukraine to support Ukrainian investigators (Chiedu, 2022). Among others, the appeal was addressed by the European Commission, which pledged support to an investigation into potential war crimes in Ukraine. Member states currently offer assistance in documenting war crimes, provide training for investigators, forensic expert reports and equipment for safe storage of evidence. The EU has also established the Joint Investigation Team with Ukraine to collect evidence and investigate crimes in cooperation with the International Criminal Court in The Hague (EUROJUST, 2023a). Representatives of Ukraine, Poland and Lithuania have participated in the team's work from the beginning.

One should keep in mind that the Hague Tribunal's jurisdiction is limited by the principle of complementarity, which grants national courts the right of priority in trying defendants – something that Ukraine has exercised; and so, the Tribunal does not replace national systems of justice, but is only meant to complement them. Up until now, the Security Service of Ukraine has identified more than a thousand Russian war criminals. As of September 2023, more war crimes trials are pending in Ukrainian courts. Criminal charges have been filed against 386 Russian soldiers, of whom 54 have been convicted so far as perpetrators, though 39 *in absentia* (Kyiv Independent, 2023; Holy, 2012, p. 100). It is worth mentioning that, according to the standards of the International Criminal Court set out in Article 63(1) of the Rome Statute of the ICC, a trial *in absentia* is not allowed, but the trials in question were held under domestic criminal law. It seems that Orysia Kulick is right when she writes that the scale of atrocities faced by the Ukrainian people does not appear to be the result of some peculiar improvisation, but intentional actions. *Evidence being gathered on the ground, circulating on Twitter and other places, points not to a 'strategic' war with clearly identifiable outcomes. Rather, this evidence reveals a different kind of war – one that from the very outset was gruesome, designed maximally to humiliate Ukrainians' resistance to Russian rule, and to sow a disorienting terror among the populace* (Kulick, 2022, p. 195).

Transitional justice mechanisms seem paradoxically to be a universal means to carry out the process of fact-finding and documentation of crimes carried out in parallel with the criminal proceedings before the International Criminal Court or the envisaged internationalized criminal court. As a counterpoint, it should be noted that the competence of the International Criminal Court to adjudicate the aforementioned acts is not recognized by the Russian side, while the perpetrators will not be handed over to the Ukrainian side.

The various initiatives taken to establish transitional justice mechanisms clearly represent the universality of this formula for explaining both the fate of victims and war losses. On the one hand, these mechanisms provide the families of victims with a way to speak up and verbalize the injustices suffered; on the other hand, they stigmatize those who have violated international criminal law and fundamental human rights. In a broader context, it should be seen as a comprehensive measure that makes it possible to reconcile with

a difficult past and, what is and will be particularly important in Ukraine, to reconcile the different nationalities living in a given territory. At this point, it is worth mentioning the potential usefulness of the theory of *reintegration shame* proposed by John Braithwaite. According to it, after “[...] expressions of community disapproval, which may range from mild rebuke to degradation ceremonies, are followed by gestures of reacceptance into the community of law-abiding citizens. These gestures of reacceptance will vary from a simple smile expressing forgiveness and love to quite formal ceremonies to decertify the offender as deviant” (Braithwaite, 2006, p. 55). The indicated theory seems to be promising because it contributes to the development of local communities, which are one of the key elements in creating a modern state of law.

It is worth mentioning that some institutions operated in Ukraine in previous years whose activities can be classified as transitional justice in its broadest sense. In 2006, the Ukrainian Institute of National Remembrance was established to deal with issues such as the Great Famine; in 2014, the act on the so-called *purification of power* was passed; in April 2015, four decommunization laws were adopted and criminal proceedings were initiated against officers of the Berkut unit as well as against Viktor Yanukovich himself (Lachowski, 2017a, p. 18).

Although we can expect more trials of war criminals before Ukrainian courts in the coming weeks – some are already underway – it is important to recognize the potential and procedural efficiency of extrajudicial institutions that fit the transitional justice model. The doctrine points out that the catalogue of these institutions includes, in addition to the International Criminal Court and ad hoc criminal tribunals, fact-finding commissions as well as truth and reconciliation commissions. The above list is obviously not enumerative as a result of each country’s desire to create a body that is best suited to the political and legal reality of that country.

For a complementary portrayal of the issue at hand, it should be recalled that Georges Mink, although not using the term transitional justice, pointed to the need of creating an international commission to investigate and document crimes in Ukraine (Mink, 2022). Already on March 4, 2022, the UN Human Rights Council established the Independent International Commission of Inquiry on Ukraine. It was called into being under Resolution 49/1 to investigate alleged violations of human rights, international humanitarian law,

and crimes related to Russia's aggression against Ukraine (Resolution 49/1, 2022). The results of the work of the Independent International Commission of Inquiry on Ukraine include periodically published reports that reveal the extent of violations of international law, including, in particular, international human rights law, international criminal law and the international law of armed conflict.

The overall picture of institutions tackling the difficult matter of transitional justice in Ukraine is made complete by the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA) based in The Hague (EUROJUST, 2023b), which has been operational since early July 2023. This institution deserves special attention, as it is unique in its formula, being a judicial center operating within the framework of the European Union Agency for Criminal Justice Cooperation – EUROJUST. The ICPA serves as a platform for information sharing among national justice authorities to improve the exchange of evidence and establish a consistent strategy for prosecuting offenders. Organizational, financial and logistical support is provided by Eurojust. The operations of this unique entity are focused on investigating, documenting, and prosecuting crimes of aggression. Through the Core International Crimes Evidence Database, managed by Eurojust, it is also possible to prosecute criminal cases involving war crimes, crimes of genocide and crimes against humanity.

It should be unequivocally emphasised that the bulk of the institutions and actions that are part of transitional justice mechanisms in Ukraine after 2022 are focused on securing the implementation of the fundamentally important principle of *crimen grave non potest esse impunitum*. Its implementation is one of the many cornerstones of a modern democratic state based on the rule of law. However, it is important to note voices such as the aforementioned Louise Mallinder, who stresses that an approach to violence that focuses solely on amnesty or prosecution and punishment is unlikely to meet the needs of victims or provide a lasting peace and reconciliation for the Ukrainian people (Mallinder, 2022b).

CONCLUSIONS

It seems that in taking steps towards post-war normalization of the situation in Ukraine, the country, in addition to using a broad range of legal instruments characteristic of the rule of law, should also appoint a national fact-finding commission to establish undisputed facts related to the armed conflict. Potential reconciliation for acts, especially those committed by Ukrainian citizens cooperating with the aggressor state under criminal law, would have to be separated from its work. The future will tell which model of accountability the Ukrainian authorities will ultimately choose once the armed conflict is over. When creating such a commission, however, it would make sense to opt for a less media-savvy, but more effective fully national body, which could find it more difficult to avoid accusations of bias in the proceedings, but, on the other hand, would ensure reconciliation with the difficult past within the nation.

The bloody course of the armed hostilities in Ukraine to date and the many forms of transitional justice in the broad sense applied by the Ukrainian authorities and the international community, have clearly indicated the momentousness and importance of the said formula. It seems that never before had the use and combination of various mechanisms enabled obtaining, during any armed conflict, a comprehensive, even holistic picture of the crimes committed by the aggressor. According to the authors, in none of the armed conflicts fought in the 21st century was modern technology used with such intensity to gather evidence and prosecute perpetrators. Moreover, during none of the previous wars was such a number of initiatives established and initiated jointly at the international level to achieve the objectives set for the doctrine of transitional justice.

In conclusion, it should be stated that, since in the near future the administration of justice to criminals will likely continue to be carried out before Ukrainian courts and only against the perpetrators of crimes taken prisoner, it seems reasonable to create a body, such as a fact-finding commission, for research and investigation or possibly a research and reconciliation commission. The international community's activity to date testifies to both the vitality of the transitional justice formula and the unprecedented degree of

its application. Finally, let us not forget another fundamental advantage of transitional justice mechanisms, i.e., the possibility of ensuring reconciliation among the citizens of a country. In the case of areas of eastern Ukraine, it is important to remember that some Ukrainian citizens collaborated after 2014 and continue to collaborate or still sympathize with Russia; potential post-war actions taken by the Ukrainian authorities must take into account the reintegration of these people into the Ukrainian state. This, however, seems to be a time in the distant future; as this text was going to print, Day 622 of the war in Ukraine, was coming to an end.

REFERENCES

- Bacheaga, H., Murphy, M. (2022). *Ukraine war: Hundreds of graves found in liberated Izyum city – officials*. Retrived October 19, 2023, from: <https://www.bbc.com/news/world-europe-62922674>
- Braithwaite, J. (2006). *Crime, shame and reintegration*, New York: Cambridge University Press.
- Brzechczyn, K. (2020). Wokół polityki pamięci i sprawiedliwości okresu przejściowego w krajach Europy Wschodniej, *Dzieje Najnowsze*, LII (2), pp. 237-248. <http://dx.doi.org/10.12775/DN.2020.2.11>
- Burnett, C. (2022). *Ukraine appeals court reduces life sentence of Russian soldier tried for war crimes*. Retrived October 12, 2023, from <https://www.jurist.org/news/2022/07/ukraine-appeals-court-reduces-life-sentence-of-russian-soldier-tried-for-war-crimes/>
- Chiedu, B. (2022). *Crimes against Humanity: Ukraine Foreign Minister invites ICC over to Bucha for evidence*. Retrived October 18, 2023, from <https://guardian.ng/news/world/crimes-against-humanity-ukraine-foreign-minister-invites-icc-over-to-bucha-for-evidence/>
- COI. (2023). Report of the Independent International Commission of Inquiry on Ukraine to the UN General Assembly (A/78/540). Advance Unedited Version. Retrived October 20, 2023, from <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A-78-540-AEV.pdf>
- Conflict observatory. (2023). *Russia's Systematic Program for the Re-education and Adoption of Ukraine's Children*. Retrieved November 4, 2023, from <https://hub.conflictobservatory.org/portal/apps/sites/#/home/pages/children-camps-1>
- Eurojust. (2023a). Joint investigation team into alleged crimes committed in Ukraine. Retrived October 14, 2023, from <https://www.eurojust.europa.eu/joint-investigation-team-alleged-crimes-committed-ukraine>
- Eurojust. (2023b). International Centre for the Prosecution of the Crime of Aggression against Ukraine. Retrived November 14, 2023, from <https://www.eurojust.europa.eu/international-centre-for-the-prosecution-of-the-crime-of-aggression-against-ukraine>
- Europa.eu. (2023). Ukraine war: MEPs push for special tribunal to punish Russian crimes. Retrived November 11, 2023, from <https://www.europarl.europa.eu/news/en/press-room/20230113IPR66653/ukraine-war-meps-push-for-special-tribunal-to-punish-russian-crimes>
- Fiedler, Ch., Mross, K. (2023). Dealing With the Past for a Peaceful Future? Analysing the Effect of Transitional Justice Instruments on Trust in Postconflict Societies. *The International Journal of Transitional Justice*. 17(2), pp. 303-321. <https://doi.org/10.1093/ijtj/ijad010>
- Holy, K. (2012). Dopuszczalność postępowania in absentia w międzynarodowym prawie karnym. *Prokuratura i Prawo*. No. 6, pp. 100-123.

- ICC. (2015). *L'Ukraine accepte la compétence de la CPI sur les crimes qui auraient été commis depuis le 20 février 2014*. Retrived October 9, 2023, from: <https://www.icc-cpi.int/fr/news/lukraine-accepte-la-competence-de-la-cpi-sur-les-crimes-qui-auraient-ete-commis-depuis-le-20>
- ICC. (2023). *Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova*. Retrieved November 2, 2023, from: <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>
- Krotoszyński, M. (2017). *Modele sprawiedliwości transakcyjnej*, Poznań: Wydawnictwo Naukowe UAM.
- Kulick, O. (2022). Gender and violence in Ukraine: changing how we bear witness to war. *Canadian Slavonic Papers*. 64(2-3), pp. 190-206. <https://doi.org/10.1080/0085006.2022.2108264>
- Kyiv Independent. (2023). *Prosecutor: 98,000 Russian war crimes identified in Ukraine*. Retrived October 22, 2023, from: <https://kyivindependent.com/ukraine-identifies-hundreds-of-thousands-of-russian-soldiers-nearly-100-000-war-crimes/>
- Lachowski, T. (2017a). *Od rozrachunków z przeszłością do konfliktu zbrojnego na Donbasie. Sprawiedliwość okresu przejściowego na Ukrainie po Rewolucji Godności*, in T. Lachowski, V. Mazurenko (eds.) *Ukraina po Rewolucji Godności. Prawa człowieka – tożsamość narodowa*. Olsztyn: Bookmarked Publishing & Editing.
- Lachowski, T. (2017b). *Transitional Justice in Ongoing Conflicts and Post-War Reconstruction: Reintegrating Donbas into Ukraine*. *Polish Political Science Yearbook*. 46(2), pp. 36-54. DOI: 10.15804/ppsy2017203
- Lachowski, T. (2018). *Perspektywa praw ofiar w prawie międzynarodowym. Sprawiedliwość okresu przejściowego (transitional justice)*, Łódź: Wydawnictwo Uniwersytetu Łódzkiego.
- Mallinder, L. (2022a). *The Role of Transitional Justice in Ukraine*. Retrieved November 8, 2023, from: <http://qpol.qub.ac.uk/the-role-of-transitional-justice-in-ukraine/>
- Mallinder, L. (2022b). *Transitional justice in Ukraine?* Retrieved November 1, 2023, from: <https://lawpod.org/podcast/transitional-justice-in-ukraine/>
- McDonald, S. (2023) *Ukraine Identifies Nearly 14,000 Children Abducted and Deported by Russia*, Retrieved October 4, 2023, from: <https://www.newsweek.com/ukraine-identify-nearly-14000-children-abducted-deported-russia-1774522> (4.10.2023)
- Murphy, C. (2017). *The Conceptual Foundations of Transitional Justice*, Cambridge, New York: Cambridge University Press.
- Nalepa, M., Remington, T.F. (2023). *Transitional justice options for post-war Russia*. *Post-Soviet Affairs*. 39(6), pp. 406-419, <https://doi.org/10.1080/1060586X.2023.2265253>.
- Newman, M. (2019). *Transitional Justice*, Cambridge: Polity Press.
- Mink, G. (2022). *Prof. Georges Mink: międzynarodowa komisja ds. zbadania zbrodni na Ukrainie jest potrzebna*. Retrieved November 2, 2023, from <https://dzieje.pl/wiadomosci/prof-georges-mink-miedzynarodowa-komisja-ds-zbadania-zbrodni-na-ukrainie-jest-potrzebna>

- Reiter, A. G. (2021). *The development of transitional justice*. In: O. Simić (eds.) *An introduction to transitional justice* (pp. 291-310). New York: Routledge.
- Report. (2004). Report of the Secretary-General. *The rule of law and transitional justice in conflict and post-conflict societies*. S/2004/616.
- Resolution adopted by the Human Rights Council on March 4, 2022 (2022), Human Rights Council, A/HRC/RES/49/1. Retrived October 15, 2023, from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/277/44/PDF/G2227744.pdf?OpenElement>
- Reuters. (2022). *Ukrainian prosecutor says Russia uses rape as a war tactic, calls Putin a war criminal*. Retrived October 5, 2023, from: <https://www.reuters.com/world/europe/ukrainian-prosecutor-says-russia-uses-rape-war-tactic-calls-putin-war-criminal-2022-05-03/>
- Simić, O. (2021). *An introduction to transitional justice*. New York: Routledge.
- Teitel, R.G. (2003). *Transitional Justice Genealogy*. *Harvard Human Rights Journal*. Vol. 16, pp. 69-94.
- Teitel, R.G. (2003). *Transitional Justice*, Oxford: Oxford University Press.