

Interview | Researcher of Russians' crimes: What we see can break us down. I was unprepared for this

Oleksandra Matviichuk on sentencing Putin, complete paralysis of the UN and trying the Kremlin propagandists

For eight years, human rights activist Oleksandra Matviichuk has been gathering the evidence of Russian soldiers' war crimes. Still, she was unprepared for atrocities recorded after Russia's full-scale invasion that began on 24 February. Therefore, she is convinced that Ukraine should get a "very expensive investigation machine" moving to bring criminals to justice. Meanwhile, international security organisations must get rid of their "paralysis".

In an interview for **LIGA.net**, Matviichuk discusses whether we will be able to put the Russian dictator Vladimir Putin in the dock, why law enforcement officers avoid the help of human rights activists in some oblasts, and why the head of the Russian Orthodox Church should be convicted together with the Kremlin propagandists.

– Your organisation – the Centre for Civil Liberties – is a co-founder of the so-called "Tribunal for Putin". What kind of initiative is this, and what exactly do you do?

– With the beginning of the full-scale invasion, we faced an unprecedented number of war crimes throughout the territory of Ukraine. Russia uses war crimes as a way of waging war. We need to develop a system to record them.

The "Tribunal for Putin" is a regional network. Most of its participants are regional organisations that have been working in their oblasts for many years, know the area and people well, and enjoy authority.

Our ambitious goal is to record every criminal episode involving the Russian army since February 24. Currently, we have 17,000 criminal episodes documented in our joint database.

– Has this initiative been coordinated with the Prosecutor General's Office, or is it a purely volunteer legal effort carried out in the hope that the collected evidence will be used by an international tribunal?

– Our network was created independently of the state, but we assumed from the outset that we were collecting evidence not just to send it to the UN. We closely cooperate with law enforcement agencies – the Prosecutor General's Office, the Security Service of Ukraine (SBU), and the National Police. If the government authorities contact us, we pass on the collected information to them.

We cooperate with the International Criminal Court (ICC) as well. Throughout these eight years, our organisations have sent submissions to the ICC, and now we are in contact with a group of prosecutors who have come to Ukraine.

– Does the Prosecutor General’s Office ever come into contact with non-government initiatives that collect evidence of Russians’ war crimes?

– Some regional members of our initiative practice visiting crime scenes jointly with investigators. It is needed because investigators sometimes lack experience in correctly documenting war crimes.

In some oblasts, we cooperate with SBU investigators, helping them with equipment (in particular, drones) and analytics.

Our organisation has been assigned to Kyiv Oblast, and [Ukrainian law enforcement officers] asked us to provide specific cases regarding crimes committed there. We contacted the victims and, having obtained their consent, provided relevant information to the prosecutor’s office.

This cooperation cannot be called systematic yet, it is just being developed. The former Prosecutor General ([Iryna Venediktova](#). – Editor) held several meetings with representatives of the non-government sector. However, we lack smooth coordination and cooperation with the PGO, SBU and the Ministry of Internal Affairs (MIA).

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I would call it bottom-up cooperation. It happens when field agents understand that they lack expertise and manpower, and they come to cooperate with members of our initiative. Even the most effective state investigative bodies in the world would not be able to cope with such a large number of crimes committed by Russia.

But in some oblasts, we do not even have such cooperation, because local law enforcement agents do not understand how to cooperate with civil society.

– Out of all war crimes documented by your initiative after February 24, which one had the greatest personal impact on you?

– I have been documenting such crimes for eight years and have personally interviewed hundreds of people who told me terrible stories about how they were beaten, tortured, raped, nailed shut into wooden boxes, had their genitals electrocuted or the word “Banders” carved on their body parts, were forced to write on the wall with their own blood, or had their eyes removed with a spoon.

Still, even I was unprepared for this level of brutality. For all these months, I did not allow myself to reflect. I was afraid to even think about it. When you begin to understand the horror of what you are documenting, you can break down. How can the

psyche of even a trained person cope with such a volume of crimes? So, I keep trying to avoid answering this question.

“Russia is trying to break our resistance through pain. They want to make it so painful that we will become unable to resist”.

– In the six months of the large-scale war, the Prosecutor General’s Office recorded almost 30,000 war crimes. Are there even theoretical chances that all the suspects will be punished and their guilt will be proven in a court of law?

– 30,000 is too many not only for Ukrainian investigative bodies. And many people think that in such a case, it is a matter for the International Criminal Court. However, the ICC has never tasked itself with investigating all the war crimes. It has always taken upon itself a few cases that allowed it to reach the “largest fish”.

We have an impunity gap now. People need more than just restoration of physical and mental health. They need their faith in justice restored. Even if that justice is delayed. They need to know that the people who did this to them or made relevant decisions will sooner or later be punished.

– Let’s discuss specific examples. The Olenivka terrorist attack. Russia has not let anyone in there, except for biased “experts” and propagandists. How should Ukraine prove this crime?

– On the one hand, it is difficult for us to record crimes in the occupied territories. On the other hand, we live in the 21st century, and there are many digital recording tools.

For eight years, we worked in Crimea and parts of Donetsk/Luhansk oblasts while they were occupied. There are some information sources still. There are people who stay there and transmit information. Yes, it comes via secret channels and greatly delayed. Still, it does come. Sooner or later, we will get access to survivors of Olenivka. And they will tell us what happened there.

“It is very hard to commit a traceless crime in the 21st century”.

– Do our intelligence services cooperate with non-government initiatives? Or do they keep their data to themselves, so as to use them in the courts?

– Government authorities very rarely share with non-government organisations information they collect. This is because we cannot prosecute anyone. On the contrary, when non-government organisations have collected enough data, they hand it over to law enforcement agencies. This is because only the state may submit indictments to the courts.

– According to Minister of Justice Denys Maliuska, the key problem at the moment is that the ICC may not consider cases in absentia. They need the suspect to be physically brought to the courtroom. So, does it mean we should forget about Putin and his entourage being ever sentenced?

– For some reason, Maliuska fails to mention that we also lack any mechanisms of cooperation with the ICC. For example, ICC prosecutors want to interview people arrested by Ukraine. Meanwhile, our criminal procedural legislation does not provide for their access to these detainees.

We are saying that right now, we will not be able to bring Putin to justice. But at the same time, we are in no hurry to do important things that are within our power. Is it really Putin who prevents us from amending the Criminal Procedure Code and ratifying the Rome Statute?

I would like to emphasise that no statute of limitations applies to international crimes. If a criminal life long enough, they will find themselves in the dock sooner or later. I believe that Putin will not evade justice.

– Do we have a real chance to convict Russian propagandists, like some propagandists of Nazi Germany or Rwanda were back in their times?

– Speaking of the Rwanda Tribunal, propagandists were the first to get in the dock there. Both then and now, the war's information dimension is extremely important. It was mathematically proven that in those areas of Rwanda where the propaganda Radio des Mille Collines reached with its broadcasts, the number of atrocities was higher than where there was no radio signal.

I would also look into the role of religious figures, in particular the head of the Russian Orthodox Church Kirill, who sanctified this war. We should raise this issue as well.

– You need money to do anything in this world. Collecting evidence and setting up international tribunals is no exception. How much may it cost?

– Dispensing justice is very expensive. And that's why it is valuable. Putin wants to prove that only physical strength matters. And this is the main trait of authoritarianism which rejects the rule of law.

And the only way to win wars in the field of values is to admit that there was a period of temporary lawlessness. It involved the entire UN system being unable to prevent the Olenivka tragedy. It also saw the Russians kill journalist Vira Hyrych with a missile during the UN Secretary-General's visit to Kyiv. We need also to bring to justice people who ignored provisions of the international humanitarian law.

“It is important that they get punished not only for high-profile crimes, but also for less notorious ones, including the murder of an unknown farmer.

After all, we value human life, and thus we are getting a very expensive investigation machine moving to find out how this farmer died”.

It should be followed by a very expensive process of dispensing justice itself. For it, we need to train judges, pay their salaries, and provide public funding to ensure their independence.

– What is your assessment of the help of international specialised institutions in bringing war criminals to justice?

– International peace and security system are feckless. Our task is to squeeze the most out of it. It is still not much. When Russia is a member of the UN Security Council with the veto power, it means paralysis. When there is no mechanism to force Russia to comply with the norms of international law, it means paralysis.

“The international system is ruined, just as the Ukrainian city of Mariupol”.

Let’s recall them all evacuating their employees from Kyiv. Even the International Committee of the Red Cross. Now these organisations work not to further their intended goals, but rather to follow rules and procedures. However, one should sometimes break them to help people.

For example, people need water right now, and a large donation has been given to the Red Cross. However, the rules require a tender to be held, which demands a certain amount of time. In such a case, one should not shield oneself behind procedures, but take responsibility and act instead.

– What can Ukraine do to cure this impotence?

– Ukraine should build a coalition with other countries that see this problem. We should explain to people that a world where a human rights activist asks for weapons for the Ukrainian Armed Forces is a dangerous world. The human rights activist does so because she understands that there are no legal mechanisms capable of stopping these atrocities.

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