
Russia's invasion of Ukraine - diverging paths of rule-of-law development in Russia and Ukraine

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I.

I wrote an article shortly after Russia first attacked Ukraine in February 2022 in which I examined Russia's actions from the perspective of international criminal law and potential criminal liability. I also drew a parallel between the invasion and the crumbling of the rule of law in Russia.²

A year and a half later, there is still no end to the war in sight. This article provides an update on the aforementioned perspectives but also a broader analysis of the issues involved. The erosion of the rule of law in Russia has gathered momentum.

Unlike my previous article, this article also draws on my personal experiences and background in the affairs of Russia and Ukraine, of which I have first-hand experience through my contacts in the region. During my time as Dean, I spent several years on the Executive Board of the Aleksanteri Institute, which is one of the world's largest and best-known centres in the field of Russian and Eastern European Studies, and participated actively in the Institute's events. Back in September 2017, I was invited – as the Dean of the University of Helsinki's Faculty of Law – to a lawyers' forum hosted by the Ukrainian National Bar Association at the University of Kyiv.

The forum discussed topics such as the development of lawyer training. I talked about the reform of law degrees at the University of Helsinki and across Finland, how we have injected an element of university pedagogy and how we ensure that our graduates are able to transition smoothly to the working world. The audience seemed fascinated by what I had to say, and I realised that there were still weaknesses in the Ukrainian system. The law profession was feeling confident and in high spirits, even though the country had recently, in 2014, been

¹ I would like to thank doctoral researcher *Sara Kalkku* and Director of the Rule of Law Centre *Tuija Brax* for their helpful comments on my manuscript.

² Kimmo Nuotio: 'The war in Ukraine, the evolution of international criminal law and the crumbling of the rule of law in Russia', *Defensor Legis* 1.5/2022, pp. 312–322.

invaded by Russia and was still effectively at war. The 2014 invasion had been confusing, as Russia had used operatives wearing unmarked army uniforms and presented itself as a defender and saviour of the Russian minority.

I also learned about a number of local reforms. A complex vetting process was just coming to an end, which involved reappointing the entire panel of Supreme Court judges. The old Supreme Court had been abolished, and new judges were being carefully selected from among the previous office holders as well as new candidates. I gathered that the main issue was to ensure the integrity and genuine competence of the judges. Ukraine is a signatory to the European Convention on Human Rights, which was one of the reasons why it was so important to make sure that its Supreme Court had the necessary competence.

Among the guests at the conference was a representative of the Secretariat of the Council of Europe, who had been keeping a close eye on Ukraine's internal vetting process but could not, and did not wish to, comment on it directly. This is understandable, as these kinds of processes are always complex and contentious. They can actually jeopardise the development of the rule of law if they are used as an opportunity to hijack institutions or manipulate the system otherwise. In a post-communist society rife with corruption, this kind of a process can nevertheless be therapeutic and in fact essential. Through the Rule of Law Centre I had learned about a similar vetting process in Albania, which had involved a thorough examination of the entire court system and resulted in a considerable percentage of the judiciary losing their seats. The impression I got in Ukraine was that the judges who were selected were considered competent and trustworthy. The cull in Albania had been so severe that the entire court system was at risk of collapsing.

As well as Kyiv, I also visited Kharkiv, an industrial city in northern Ukraine, very close to the Russian border. The city was home to a relatively large law school, and the rector of the university had extensive experience and interesting insights into the development of lawyer training. A new career model had been introduced in Ukraine, which meant that each scholar, by the time they were writing their doctoral dissertation at the latest, had to spend a year accumulating work experience at a foreign university. The country's young researchers seemed hard-working and competent, and they were familiar with both European legislation and human rights laws. However, their salaries were so low – a few hundred euros a month – that putting money aside to cover the extra expenses abroad was a struggle.

When I asked the young researchers in Kharkiv what I should see in Ukraine, several recommended visiting Lviv near the Polish border. Lviv was known for having European-style cafés and an old-world atmosphere. I did not know at the time that Lviv was the very same Lemberg that had belonged to the Austro-Hungarian Empire before finally ending up under the command of notorious Nazi leader *Hans Frank* in the division of Poland. I will say more about Lemberg below.

II.

My trip to Ukraine introduced me to a whole new world. I had visited Saint Petersburg and Moscow often, looking for new contacts and opportunities for cooperation, and had begun

to realise that the Russians were not really interested in partnership. The country was turning increasingly anti-European.

The University of Helsinki was still hosting a conference on Russian law every year, but it was becoming apparent that the Russian guests only represented those factions that were critical of justice and the government in the Kremlin. There were naturally still circles in Saint Petersburg that were advocating for issues such as human rights, but their voices were being gradually stifled in Russia. The esteemed international human rights organisation Memorial, for example, was labelled as a foreign agent and stripped off its official status. International cooperation and foreign finance, in particular, were seen as danger signs in any non-governmental organisation. Russia was closing down, one door at a time.

When I visited Saint Petersburg to attend events relating to Finland's presidency of the EU just before the start of the pandemic towards the end of 2019 and had an opportunity to be a guest speaker for local students on the role of human rights and fundamental freedoms in Finnish law, I felt for the first time the presence of an invisible wall between us. It seemed impossible for the students to understand how anything good could come from human rights. They and the whole country were offended by Europe planting its own values in Russia. I tried to encourage them to study complaints involving Russia in the HUDOC database, but they had already chosen their side.

This was not the case in Ukraine. It was blatantly clear that all things European were very much in vogue among the country's lawyers and that they were hungry for knowledge and competence. The people of Kharkiv had no nostalgic notions about their Russian neighbours. The border was closed, and that was that.

As my visits to Russia became less and less frequent and Russia slipped further and further away from Europe, the atmosphere in Ukraine demonstrated a totally opposite trend. Kyiv was like a fairytale city. The architecture was naturally still reminiscent of the Soviet era, but the views – even from my aeroplane window – were breathtaking. The majestic Dnipro River in particular made a lasting impression on my mind. A novel called 'The Long Ships' tells the story of Vikings who travelled to the Black Sea, first by rowing against the current up the river and dragging their ships across land to get past rapids, until they reached a downstream stretch and the going got easier.

Kyiv's early history dates back to the same era. The Vikings are believed to have helped to found the city. After the fall of Constantinople, Kyiv became the centre of the Russian Orthodox religion. The city centre littered with stunning Orthodox churches offering a safe haven and comfort in tough times. The Orthodox lifestyle was quick to resume after the collapse of the Soviet Union.

My trip to Ukraine convinced me that Russia had lost the confidence of the Ukrainian people and also their hearts. I was not expecting a new – and even more violent – war to break out, however.

It was incomprehensible to me that the Russian government would decide to launch a major attack on Ukraine, which was, after all, culturally and religiously close to Russia. It had naturally become clear before the invasion that Ukraine's colour revolution was worrying and scaring the Russian leadership, and the events in Belarus brought these fears even closer to home. The patience of the Belarusian people was wearing thin, and President *Lukashenko* was forced to take a firm stance against the opposition as he fought to hold on to power. It was not until Russia's invasion of Ukraine that the international community's attention was drawn

away from the situation in Belarus and an unprecedented security policy reshuffle began in Europe. Finland abandoned its former policy of armed neutrality and openly declared its interest in acceding to NATO, pulling Sweden along with it.

Russia's assault forced the West to take a hard look at just how the developments in Russia could have been misinterpreted so badly. Many had hoped that despite the concentration of power in the hands of the siloviki, *Putin* and his closest allies – many of whom were former KGB/FSB officers – a cordial relationship could still be maintained between Russia and the secular West. The building of the Nord Stream gas pipeline was one example of an endeavour that increased the West's dependence on Russian energy despite the well-known risk that it could also potentially be used as a weapon.

Russia had two faces, one of which made it appear reasonable and trustworthy. It had become a constructive member of the UN instead of always being an international bully. Even Foreign Minister *Lavrov*, who was now preaching the Kremlin's absurd propaganda, was a seasoned diplomat who had at least at some point had the ear of the international community.

III.

There had, of course, been signs of Russia's spiralling out of control before. The attempted poisoning of *Alexei Navalny* was one macabre example of the depth of corruption in Russian politics. FSB agents tried to kill the opposition leader using the banned nerve agent Novichok, and the attempt would have succeeded if not for the rapid and knowledgeable response of medical professionals in Germany. Navalny returned to Russia and published a YouTube video called *Putin's Palace*, in which he gave detailed information about the mechanisms of corruption in Russia. The investigative journalism group Bellingcat investigated the operations of the Federal Security Service (FSB), which was hunting down Navalny. It seems incredible that Navalny managed to personally call one of these FSB officers and, pretending to be his superior, get him to openly discuss the failed assassination attempt. Bellingcat naturally published this interview.

The European Court of Human Rights had already labelled Navalny's previous trial and the consequences that were imposed as a political witch-hunt, and Russia had been ordered to pay him compensation.³ This did not stop more made-up criminal charges being levied against Navalny, which could keep him in prison for years and decades to come. It was not possible to speak against the government in Russia without putting oneself in extreme danger. Putin had also already authorised a change of the constitution so that there was no obstacle for his reign to continue far into the future.⁴

Many in Europe tried to find research articles that would explain Russia's move away from Europe. I was among those looking for answers in, for example *Mauno Koivisto's* early-2000s book 'The Russian Idea', which suddenly felt insightful and contemporary. I also pored over *Mikhail Shishkin's* 'War or Peace. Russia and the West. An Approach', several books by *Anne Applebaum* and *Timothy Snyder*, and even *Orlando Figes's* learned and wonderful 'Natasha's Dance: A Cultural History of Russia'. I realised that Russia had been on a path of its own all along, and it had never been as European as we had wanted to believe. Figes emphasizes the

³ Case of *Navalny v Russia*, Grand Chamber, 15 November 2018. (Applications 29580/12 and 4 others).

⁴ See, for example, Marianna Muravyeva (ed): *The Foundations of Russian Law*, Hart, 2022.

importance of the fact that Christianity came to Russia from Byzantium and not the West. The union of church and state and the god-like position of the Tsar follow from this.⁵ This is naturally a controversial argument, as legal scholars who have studied Russia generally tend to emphasise the country's links with Europe. A number of different eras can be distinguished in history. For example, Alexander I's rise to power raised hopes for a more European and liberal way of governing, but as he grew older, these traits weakened. Nicholas I was highly conservative, but Alexander II, in turn, abolished serfdom and allowed major legislative reforms to be introduced, also in Finland. Russia's seeking once again to connect with Europe feels extremely unlikely at the moment.

It may not even be possible to rationalise Russia's actions, as there seems to have been no rational thinking behind them. Russia had lost its empire and found itself in a world that did not understand it. It chose to rely on mysticism and the rituals of the Russian Orthodox Church rather than swallow its pride and work for its future. Russia's substantial natural resources allow it to survive at least on some level without any sustainable plan for its people's future.

The set-up reminds me of *Johan Bäckman's* 2008 polemic 'Bronze Soldier', which was about the 2007 dispute over the moving of a statue honouring Soviet soldiers to a less prominent place in Tallinn, Estonia. The book explored the imperial interpretation that Estonia's separation from the Soviet Union was facilitated by Nazi sympathisers, that the era of independent Estonia was coming to an end and that the country would once again become part of Russia. Looking back, I now realise that Russia has been spouting similar rhetoric about Ukraine. Russia is once again the virtuous party on the right side of history, fighting against ignorant, evil Nazis and fascists. This polarised dogma that all opposition to communism is fascism dates from the days of Stalin and remained at the core of Russian interpretations of political history even after the collapse of the Soviet Union.

The current Russian leadership had also started to hark back to the Soviet era – a period of greatness when the country was respected. The victorious Russian troops were mentioned with increasing frequency, and the people were being reminded again and again that the Red Army was among the winners of the Second World War. Denying the victory of the Soviet Union and Russia became a punishable offence. While Europe wanted to punish those who denied or minimised the Holocaust and genocides, Russia banned the dishonouring of its victorious army. Under Putin, the military victory over Nazism has been ostentatiously commemorated in Russia since 2005.⁶

This kind of legal protection did not, however, guarantee Russia's success on the battlefields. Ukraine did not crumble under Russia's attack; it had been preparing for more extensive war for several years. Ukraine's priority was self-preservation, and the people's will to fight for their country was immense. Of the Ukrainian refugees who came to Finland, many of the men returned to the front lines as soon as they saw that their families were safe.

The Ukrainian army was making good progress taking back territory that had been lost in the north. This process also unearthed horrendous war crimes – such as the mass murder of civilians in Bucha – that demonstrated the enemy's complete lack of humanity. The Russian

⁵ Orlando Figes, *Natasha's dance. A cultural history of Russia*. Penguin 2003, p. 300.

⁶ Nikolay Koposov: *Memory Wars, Memory Laws – The Politics of the Past in Europe and Russia*, Cambridge University Press, 2018, p. 247.

forces were made up of various kinds of units, including mercenaries representing one or several different private armies. The fact that Russia's arsenal turned out to be completely different from what had been declared on paper was yet more proof of corruption.

IV.

As far as bringing those responsible for Russia's war crimes and crimes against humanity to justice, there has been no major breakthrough. Russia has continued to indiscriminately bomb civilian targets in Ukraine. It has systematically and deliberately sought to destroy infrastructure that is essential for civilian life. Along the front lines, Ukrainian forces are fighting hard to take back areas invaded by Russia, but the Russians have had enough time to hunker down, which is slowing down Ukraine's advances.

There has been talk in the EU about setting up a hybrid criminal court, which would make it possible to prosecute and convict Russia's military and political leaders. This, as I explained in my previous article, is because of the limited jurisdiction of the permanent International Criminal Court (ICC), which is not competent to prosecute and pass sentence for crimes of aggression. The benefit of the ICC is that not even top government officials are immune to its powers.⁷

The ICC has nevertheless begun an investigation on the basis of Ukraine's having declared, well in advance of this latest Russian assault, that it would accept the ICC's jurisdiction with respect to any war crimes committed on Ukraine's territory, even though neither Ukraine nor Russia is a party to the statute that established the ICC.

The ICC has been proactive in the matter: on 17 March 2023 it issued international arrest warrants against both President Vladimir Putin and the Russian Children's Rights Commissioner *Maria Alekseyevna Lvova-Beleva*.⁸ The ICC's Pre-Trial Chamber II found that it had seen enough evidence of Russia's systematically abducting Ukrainian children, separating them from their parents and transporting them to Russian territory. These were war crimes within the meaning of Article 8 (Articles 8(2)(a)(vii) and 8(2)(b)(viii)) of the Rome Statute. Putin must have either been actively involved himself or neglected his duty to intervene in his subordinates' criminal activity. The Rome Statute provides for the responsibility of senior officials. Arrest warrants are usually not public documents, but in this case the ICC found it necessary to publish the information as the publicity could help to stop the criminal conduct. According to the media, the arrest warrant has already had an effect on Putin, as he was unable to attend a summit of BRICS leaders in South Africa.

Why has it not been possible to reach a consensus on the establishment of a new hybrid criminal court? There are likely to be several reasons. One is definitely the fact that Ukraine has a functional court system of its own, and the most natural course of action for European countries therefore is to support the criminal process in Ukraine by offering, for example, investigative assistance. A considerable number of international organisations have been active

⁷ See also Mikko T Huttunen – Minna Kimpimäki: 'Valta ja rikosoikeudellinen vastuu – tuomioistuinten toimivalta käsitellä valtiojohdon tekemiä kansainvälisiä rikoksia' ['Power and criminal liability – courts' jurisdiction in international crimes committed by country leaders']. *Lakimies* 5/2023, pp. 652–679.

⁸ <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and> (visited on 11 September 2023).

in this respect. In Finland, the authorities have interviewed Ukrainians arriving in the country as refugees to find out about any war crimes that may have been committed in Ukraine.

The complexity of the situation is also evidenced by the myriad military forces that are contributing to the war effort on the Russian side. The Wagner private military company, which has previously fought in, for example, several African countries, has taken a prominent place alongside the Russian army, although the situation became somewhat muddled when Wagner leaders rebelled against the war commanders in June 2023. Wagner withdrew from the war, and its leader *Yevgeny Prigozhin*, who had previously been one of Putin's favourites, was killed in a private plane crash in August.

Finland has not escaped the tentacles of the war either: a fighter known as the leader of a neo-Nazi group called Rusitš was arrested on Finland's territory. He had travelled to Finland with his family. According to the media, the man was suspected of terrorist acts in Ukraine and Syria. This is a baffling scenario from the perspective of Russia, which has portrayed its operation as a fight against Ukrainian Nazis. Ukraine made a request for his extradition, but the Supreme Court did not support the request, referring to the Ukrainian prison conditions. For the time being, it is unknown whether Finland will initiate an investigation into the matter, which could lead to prosecution and sentencing in Finland. There are no legal impediments to this. There is very little information in the public domain about Russia's actually investigating and prosecuting crimes committed by its soldiers internally.

V.

The war in Ukraine has also given rise to concerns and perspectives relating to the devastation of the natural environment. One example is the destruction of the Kakhovka Dam on the Dnipro River, presumably by Russian forces, which has had a catastrophic impact on the environment. The explosion raised water levels in the river and caused flooding across a vast area, which is bound to have significant long-term effects on the local flora and fauna. The risk of water pollution is also considerable, with the river now covering land that is normally dry. The effects may reach as far as the Black Sea.

Recent years have seen the emergence of the concept of 'ecocide' alongside the concept of 'genocide'. 'Ecocide' refers to the mass destruction of nature by humans on a scale greater than, for example, the most serious environmental offence identified in the Criminal Code of Finland, which is 'aggravated degradation of the environment'. Aggravating factors in the context of degradation of the environment include causing 'particularly substantial damage to the environment or health or a particularly substantial risk of such damage, taking into consideration the long duration, wide range or other circumstances of the damage caused' when the offence is also aggravated when assessed as a whole. The maximum punishment for aggravated degradation of the environment is six years of imprisonment.

The Criminal Code of Russia includes a chapter on environmental offences (chapter 26), and investigating and prosecuting these kinds of crimes would therefore be possible, especially keeping in mind that war crimes can, by definition, also be committed against the environment (as, in the Criminal Code of Finland, is provided for in chapter 11, section 5, subsection 1, paragraph 8). The Ukrainian legal system also penalises serious environmental offences, although the term 'ecocide' is not used in the Criminal Code of Ukraine either. The

most serious environmental offence carries a penalty of twelve years of imprisonment, which is more than the maximum penalty in Russia.

Ultimately, however, it is clear that just focusing on the criminal liability aspect, although important, is hardly enough from the perspective of Ukraine's future after the war. The rebuilding project will take years and a huge amount of money. European countries will be on hand to help. Ukraine applied for EU membership in 2022 and was granted EU candidate status by the European Council that same year. The road to membership is long, however, and no official negotiations have yet taken place. Ukraine has demonstrated military strength and prowess in its defence against one of the world's mightiest armies. However, it has received considerable military assistance and financial support from the West, including from Finland.

Ukraine has tried to uphold the rule of law, which is also one of the admission criteria to the EU. Building a strong legal system is a challenging process, and judicial appointments, for example, are a sensitive subject in this respect. The Council of Europe's Venice Commission has issued an opinion on the procedure for selecting candidate judges of the Constitutional Court of Ukraine, and it is important, from the perspective of this important court's impartiality, that the recommendations are heeded.⁹

Russia's invasion of Ukraine is also posing a few challenges in terms of the development of Finnish criminal law. It is interesting to note that a number of Finns have been involved in Russian propaganda and other duties on the Russian side, including the aforementioned Johan Bäckman, who actually used to work for the Russian government. Finnish soldiers' fighting in the war on behalf of Russia would not necessarily be a crime under Finnish laws, as Finland is not a party to the war despite giving Ukraine military assistance along with other European countries. If Finnish individuals were found to have potentially committed war crimes or crimes against humanity, there would, of course, be no obstacle to investigating and prosecuting such crimes in Finland.

Ukrainian authorities are currently working hard to enforce criminal liability, and it is natural for the international community to support them in their efforts. The core issue still remains that getting Russian soldiers to appear before interrogators and courts to answer for their actions essentially requires their capture as prisoners of war. It would take a more fundamental collapse of the Russian front to really enforce the criminal liability of Russian soldiers. It must be noted, however, that the war appears to have already made a sizeable dent in Russia's military resources. A considerable number of soldiers have fallen or been wounded, and an immense amount of military equipment has been destroyed.

VI.

Russia's invasion of Ukraine has shaken the international order to its core. The UN is practically powerless in the face of a successor of one of the winners of the Second World War

⁹ 'ON AMENDING SOME LEGISLATIVE ACTS OF UKRAINE REGARDING IMPROVING PROCEDURE FOR SELECTING CANDIDATE JUDGES OF THE CONSTITUTIONAL COURT OF UKRAINE ON A COMPETITIVE BASIS', adopted by the Venice Commission at its 133rd Plenary Session (Venice, 16 to 17 December 2022), [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)054-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)054-e) (visited on 27 October 2023).

breaking some of the most fundamental rules of the international community, especially as that country inherited a special position on the UN Security Council.

Russia's actions make it difficult to see a way out of the current situation. Changes can happen quickly on the battlefield, however, and it is possible that, with help from the West, Ukraine will be able to regain at least some of its territory. This will not resolve the issue of criminal liability in the context of Russia's potential and probable crimes.

War crimes and crimes against humanity were prosecuted in multiple trials in both Nuremberg and Tokyo after the Second World War. Professor of International Law *Philippe Sands* has called attention to the fact that the West's focus was on bringing the worst criminals to justice. The Soviet Union would have been happy to simply have the German military leaders shot. This was what the Soviet Union itself had done to captured Polish officers in the Katyn forest. *Stalin* apparently felt that shooting was the more straightforward way to solve a tricky problem. With the German military command eliminated, there would be no risk of a new war, at least not for a long time. This kind of attitude towards justice, in which the victor has the right to break fundamental international rules, naturally weakens the credibility of such an operator as an advocate of international law. It could be argued that the problem with the Soviet Union and Russia lies in the fact that they have never had to look in the mirror and face their own misdeeds. Instead of getting Soviet leaders to answer for their wartime crimes, the Soviet Union was given a seat on the other side of the judges' table.

This is where the city of Lviv – or Lemberg – comes back into the picture. Philippe Sands has written about two theoreticians who had a big influence on international criminal law in the 20th century – the celebrated Cantabrigian *Hersch Lauterpacht* and former prosecutor *Raphael Lemkin* – both of whom studied at Lemberg University's Faculty of Law.¹⁰ Lemkin later became famous for formulating the concept of 'genocide', while Lauterpacht coined the term 'crime against humanity'. To Lemkin's disappointment, the charges at the Nuremberg trials were based on Lauterpacht's doctrine. The key notion for Lauterpacht was that, in the context of war crimes, the most heinous violations of human rights had to be seen as crimes against humanity, which made it possible to base criminal liability directly on the breach of international law. Criminal liability for these most heinous crimes could be attributed to the perpetrators regardless of the provisions of national law. Lauterpacht's doctrine was also revolutionary in the sense that crimes committed in the service of one's country could also be attributed to individuals. This was among the most important outcomes of the Nuremberg trials.

Lauterpacht's view was that international law could no longer be limited to only dealing with relationships between countries. Human rights and humanitarian justice had to have an undisputed place in international law. Lauterpacht's 'crime against humanity' was a slightly more cautious concept than Lemkin's 'genocide', as the latter could be punished even when it was not related to war. Lemkin had painstakingly documented the orders of the Nazi commanders that were used to oppress the Jewish population well before Germany invaded Poland at the beginning of September 1939. The later campaigns of persecution were integral elements of a grander scheme and governmental policy.

¹⁰ Philippe Sands: *East West Street – On the Origins of Genocide and Crimes Against Humanity*, Vintage Books, 2017. The book has been published in Finnish in 2023 by the publishing house Teos. It was translated by *Titia Schuurman*.

Lauterpacht found Lemkin's view problematic, as it focused too much on a collective phenomenon, which would raise the threshold for proving that a genocide had taken place. Demonstrating genocidal intent would be especially challenging. In Lauterpacht's world-view, the breakthrough of human rights was more important than emphasising the special significance of a collective phenomenon.

Lemkin nevertheless got what he wanted: the United Nations Convention on the Prevention and Punishment of the Crime of Genocide was adopted in 1948. Finland also ultimately signed the Convention, and genocide was added to the Criminal Code of Finland. Crimes against humanity were not codified in Finnish criminal law until 2009, when it became necessary to ensure that the Finnish interpretation of this key area of international criminal law was sufficiently consistent with the definitions enshrined in the Statute of the permanent International Criminal Court.

The Nuremberg trials were about passing judgment on the most serious crimes. Among those convicted was *Hans Frank*, who had brutalised Poland as a representative of the Nazis. It was Frank who personally orchestrated the destruction of the Jewish residential districts of Lemberg. The world that Lemkin and Lauterpacht – who were both Jewish – originally represented was gone forever.

The International Court of Justice in The Hague is also involved in the dispute between Ukraine and Russia. Ukraine claims in its suit that Russia is falsely justifying its special military operation in Ukraine with a need to demilitarise and cleanse Ukraine of Nazis. According to Ukraine, Russia's actions have no such justifications, and a military operation cannot be used ostensibly to defend against genocide. The International Court of Justice issued an interim order directing Russia to stop its military operation, but Russia has not complied. A total of 32 countries, most of which are Member States of the EU, have signed up to support Ukraine in the dispute. The Court held public hearings in September 2023 to record the views of the intervening countries.

VII.

Unless power changes hands in Russia or something dramatic happens, it is possible that the war in Ukraine never gets its day in court on the scale that was seen in Germany after the Second World War. The world is not perfect. Russia's status in the international community may not recover for a long time. The role of the UN Security Council could likewise take a permanent hit. At least a partial reshuffle of geopolitical forces is also possible. The BRICS countries' attitude towards Russia's actions may well turn out to be just as important as that of, for example, EU Member States. As I write this, recent events in the Middle East are already taking attention away from the war in Ukraine. The end of the war in Ukraine, whenever that may be, will shift the focus to rebuilding in all its forms.

It is important to remember that Ukraine is a fragile, economically underdeveloped country that will struggle with the reconstruction process. Widespread corruption is a particular challenge in Ukraine. Overcoming corruption will be crucial for the success and cost of the post-war rebuilding effort.

Ukraine will also need support in strengthening its legal institutions, and we should prepare ourselves for stepping in when the time comes. Finland could potentially be a useful partner for Ukraine in this respect, through our newly founded Rule of Law Centre, for example.