STATE TERRORISM - DEFINITIONS AND MANIFESTATIONS IN THE CONTEXT OF THE RUSSIAN-UKRAINIAN WAR

ДЕРЖАВНИЙ ТЕРОРИЗМ – ВИЗНАЧЕННЯ ТА ПРОЯВИ В КОНТЕКСТІ РОСІЙСЬКО-УКРАЇНСЬКОЇ ВІЙНИ

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Крупеня I.

Доктор філософії з політичних наук, старший викладач кафедри всесвітньої історії, міжнародних відносин та методики навчання історичних дисциплін Сумського державного педагогічного університету імені А.С. Макаренка, доцент кафедри міжнародних відносин та туризму Київського міжнародного університету, Київ (Україна). Е-mail: <u>24tokiss@gmail.com</u> ORCID - http://orcid.org/0000-0002-3336-974X

«The russian federation brings death and destruction» Permanent Representative of Ukraine to the United Nations Sergiy Kyslytsya

Abstract. The article examines national and international law in the context of interpreting the concept of terrorist state. Eleven criteria of the 1987 Geneva Declaration on Terrorism, which explain such a phenomenon as terrorist state, were analyzed. It was proved that the actions of modern Russia toward Ukraine fully correspond to all eleven criteria of the 1987 Geneva Declaration on Terrorism.

It was demonstrated that Moscow's bombing of civilian targets in Syria, Chechnya shows that russia's way of war and bombing of civilian targets was meant to inflict terror on the general population and beat it into submission. The same way of war "Putin's regime" tries to apply to Ukraine. It was refuted the thesis of Permanent Representative of Ukraine to the United Nations Sergiy Kyslytsya which he expressed on January 2, 2024 during the interview to the American television and radio organization Voice of America that the russian way of war in Ukraine is complete terrorism that brings death and destruction.

Key words: *diplomacy, international law, peace, the United Nations (UN), russian-Ukrainian war, terrorist state, terrorism, terror, terrorist activity, war.*

Анотація. У статті досліджено національне та міжнародне право в контексті тлумачення поняття «держава-терорист». Проаналізовано одинадцять критеріїв Женевської декларації про тероризм 1987 року, які пояснюють таке явище як державний тероризм. Доведено, що дії сучасної росії повністю відповідають усім одинадцяти критеріям Женевської декларації про тероризм 1987 року.

Продемонстровано, що бомбардування Москвою цивільних об'єктів у Сирії та Чечні свідчить про те, що російський спосіб ведення війни та бомбардування цивільних об'єктів мав на меті залякати населення та підкорити його «режиму». Такий самий спосіб війни нині «режим Путіна» намагається застосувати до України. Спростовано тезу Постійного представника України при ООН Сергія Кислиці, які він висловив 2 січня 2024 року в інтерв'ю американській телерадіоорганізації «Голос Америки» про те, що російський спосіб ведення війни в Україні – це суцільний тероризм, який несе смерть і руйнування.

Ключові слова: війна, державний тероризм, дипломатія, мир, міжнародне право, Організація Об'єднаних Націй (ООН), російсько-українська війна, тероризм, терор, терористична діяльність. **Introduction.** The study begins with the words of the Ukrainian career diplomat who serves as Ambassador Extraordinary and Plenipotentiary of Ukraine and Permanent Representative of Ukraine to the United Nations, Sergiy Kyslytsya: "The russian federation brings death and destruction". The ambassador expressed this phrase on January 2, 2024 during the interview to the American television and radio organization Voice of America summarizing the results of 2023, humanitarian aid, the displacement of russia from the governing bodies and structures of the UN (Solomko, 2024).

As a sovereign and independent state, during the 23 years of its own statehood, Ukraine consistently adhered to the policy of peaceful coexistence, devotion to the principles and norms of international law. The confirmation of this phrase is the signing on December 5, 1994 of The Budapest Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (The Memorandum, 2024). Thus, Ukraine voluntarily refused the world's third largest arsenal of nuclear weapons, significantly reduced its defense budget and army spending every year, demonstrating its commitment to democracy and the freedom of state formation.

In 2014, Ukraine was attacked by the russian federation, which is one of the largest nuclear powers in the world. The armed aggression was well planned and began on February 20, 2014 with the military operation of the Armed Forces of the russian federation to seize the Crimean Peninsula. This date is not denied even by the Ministry of Defense of the russian federation, as it is indicated on the departmental medal "For the return of Crimea". Thus, from February 2014 to February 2022, russia's hybrid war against Ukraine lasted, which was accompanied by propaganda, trade and economic pressure, an energy blockade, terror and intimidation of Ukrainian citizens, cyber-attacks, a strong denial of the very fact of war against Ukraine despite large scope of irrefutable evidence, use of pro-russian forces and satellite states in its own interests, blaming the other side for its own crimes (Ministerstvo, 2017).

On February 24, 2022, russia's hybrid war against Ukraine entered the stage of an open armed invasion by the russian army into Ukraine. The armed invasion of russian soldiers into the territory of Ukraine was accompanied by mass murders of the civilian population, shelling of kindergartens, hospitals, residential areas, the use of cruise missiles against the civilian population, the shooting of school buses, the blocking of expressways, sexual violence, the destruction of cities, civil infrastructure, cultural objects heritage, health care facilities, open looting, kidnapping and forced resettlement of Ukrainian children, nuclear terrorism, attacks on critical energy infrastructure of Ukrainian ports and theft of Ukrainian grain, etc. (Armiia, 2023). Moreover, through the mouth of president V. Putin, the terrorist state makes illegal demands, in particular: to change the internal and foreign policy of Ukraine; to refuse the right to self-defense, to implement the national idea of building an independent, democratic state; to recognize russian supremacy and the correctness of russian illegal actions – the occupation of Ukrainian territories, the destruction of the population, the destruction of settlements, the destruction of international law in its understanding and perception recognized by the entire civilized world (Krupenya, 2023).

All these facts listed above only further confirm the words of Ukrainian diplomat Sergiy Kyslytsya, which he voiced on January 2, 2024, that the russian federation brings death and destruction. At the same time, when assessing any criminal crime/fact committed by a natural or legal person, or a public servant or the state as a whole due to the orders of the highest military-political leadership, we must be guided first of all by international law, and then by the statements of experts!

The purpose of research is to investigate international law in the context of interpreting the concept of terrorist state; policy of the russian federation towards Ukraine and to confirm the words of the Permanent Representative of Ukraine to the United Nations S. Kyslytsya that russia's war against Ukraine is pure terrorism that brings death and destruction.

Recent literature review. The article is based on current international documents that define the criteria of "terrorist state". The Law of Ukraine "On Fight against Terrorism" was also analyzed in the context of the national interpretation of the concept of "terrorist state". The scientific interpretation of "terrorist state" is considered separately.

Among domestic researchers a team of authors under the leadership of editor-in-chief V. Smoliy first began to highlight this problem and prepared a specialist scientific research (Smoliy, V. Political terror and terrorism in Ukraine nineteenth and twentieth centuries. Historical essays, 2002) based on new archival materials that shed light on the problem of terror and terrorism in Ukraine, and their modern understanding. The study consists of 13 essays on terror and terrorism in a theoretical dimension, on terrorism at the beginning of the 20th century, on terror of the Soviet era, terror and terrorism during the Second World War and the post-war period, on the suppression of dissent in the era of "stagnation", on the problems of combating terrorism at the current stage.

A senior fellow in The Washington Institute's Diane and Guilford Glazer Foundation Program on Great Power Competition and the Middle East, Anna Borshchevskaya exploring Putin's overall approach to the Middle East and the russian way of war in Syria (Borshchevskaya, A. The russian way of war in Syria: threat perception and approaches to counterterrorism, 2020).

The famous Ukrainian diplomat Volodymyr Ohryzko in his article (Ohryzko, V. Reflections on ruscism, 2022) highlighted the characteristics of the ideology and practice of ruscism, emphasizing that the concept of "ruscism" should be recorded in international legal documents as a modern the russian equivalent of fascism, and the world community should organize an anti- ruscism front as a broad anti-Putin coalition. And accordingly, the creators of the ideology of ruscism and its executors should appear before the Special International Tribunal and be punished for their crimes committed against Ukraine.

Iryna Krupenya analyzed in her research current international documents that define the criteria of terrorist state and in her scientific investigation demonstrated that the political decisions taken by the president of russia V. Putin in relation to Ukraine fall under the criteria of the Geneva Declaration on Terrorism (Krupenya, I., 2023).

The content of terrorist state as a social phenomenon and its danger for the modern world was highlighted in the research of professor Kudinov S. (Kudinov, S., 2022). Tkach V. investigated the essence of political terrorism as a type of modern terrorism (Tkach, V., 2012). Actual issues of counter-terrorism in modern conditions in Ukraine were analyzed by such scientists as Cherednichenko O. U., Cherednychenko A. O. (Cherednichenko, O., 2017) etc.

Putin's war against Ukraine is under constant monitoring by foreign television and radio corporation BBC, CNN, Voice of America, Al Jazeera, Euronews, Deutsche Welle; domestic daily all-Ukrainian newspaper "Day", the English-language newspaper "The Ukrainian Weekly"; American newspapers "The Wall Street Journal", "The New York Times", "USA Today", "The Washington Post", "The Independent", etc; European newspapers "POLITICO", "EUobserver", "The Baltic Times", "The European Times News", "Brussels Morning", "The Brussels Times", "Süddeutsche Zeitung", "Die Zeit", "Die Welt", "Le Figaro", "Le Monde Diplomatique", etc.; Ukrainian news agency «RBC Ukraine», Television news service «TCN», an online publication «Radio Svoboda», databases of Human Rights Watch etc.

Main research results. The problem of terrorism is becoming one of the most relevant today. The events in Ukraine drew the attention of all countries of the world to this phenomenon. On December 11, 2023, the President of Ukraine spoke at the US National Defense University as part of a working visit to the United States of America. The main message of the appeal is "freedom must always prevail when challenged"! Volodymyr Zelenskyi emphasized that since 1989, the "enemies of freedom" invested in terror, provoked crises, incited hatred and fueled local conflicts, resurrected the nuclear threat, etc. The year 2022 was the time when one of the freedom's enemies tried to strike the entire world order that was being established after the fall of the Berlin Wall with its full-scale, criminal and unprovoked war in Ukraine. Russia's war against Ukraine is not just an attempt by a revanchist dictatorship to take revenge for real or imagined insults; this is not just an attempt by Moscow to divide Europe again, but it is a deliberate attack by V. Putin on the historical turning point that happened in 1989. The russian federation is fighting in Ukraine not only against the Ukrainian people, but actually against the whole of free and united Europe. Russia destroys normal life in Ukrainian cities, systematically carrying out massive attacks on the civilian and critical infrastructure of Ukraine, its population. The propaganda of the russian federation sows despair in democratic countries and tries to prove that dictatorships with certain elements of the market economy will

allegedly win the global confrontation. V. Putin has partners such as Hamas, Iran, North Korea – they are all united by intolerance of freedom and terror (Ofitsiine, 2023).

In the context of the term "terror", on March 11, 2023, the President of Ukraine once again publicly stated that russia has become synonymous with terror and will be an example of defeat and just punishment for this terror. This was said after another series of brutal terrorist attacks by the "evil state" on Ukrainian cities and villages in the Kherson, Zaporizhzhya, Donetsk, Luhansk, Kharkiv, Sumy, Dnipropetrovsk regions, etc (Ofitsiine, 2023).

Today, there are many scientific definitions of terrorism, none of which has gained a dominant meaning in science. At the same time, the Ukrainian legislator in the Law of Ukraine "On Fight against Terrorism" provides a legislative interpretation of the concept of "terrorism". Thus, Article 1 of the law states that "terrorism is a socially dangerous activity that consists in the deliberate, purposeful use of violence by taking hostages, arson, murder, torture, intimidation of the population and authorities, or committing other attacks on the life or health of innocent people or threatening to commit criminal acts in order to achieve criminal goals". Separately, the legislator defines "terrorist state" in the same law. A "terrorist state" is a state that openly, using its own armed forces, other armed formations, or covertly, using armed formations acting on behalf and (or) in the interests of such a state, commits acts of terrorism, acts of international terrorism (Pro borotbu, 2003).

In the first half of 2014, the terrorist state russian federation committed acts of terror against Ukraine, which fall under the legal definition of a "terrorist state", in particular: open invasion of Crimea and its annexation; "hidden" hybrid war in Donetsk and Luhansk regions; preparation for a terrorist campaign in regions with a predominantly Russian-speaking population outside the Donbass. And since February 24, 2022, Putin's hybrid war has turned from a hidden state into an open, full-scale invasion into Ukraine (Kuzio, 2018).

The criteria of a terrorist state were also defined by international law 37 years ago in the 1987 Geneva Declaration on Terrorism (UN General, 1987). The declaration includes 11 criteria, and the actions of modern Russia fully correspond to each of them: police state practices against its own people to dominate through fear by surveillance, disruption of group meetings, control of the news media, beatings, torture, false and mass arrests, false charges and rumors, show trials, killings, summary executions and capital punishment (e.g., kidnapping and killing of Crimean Tatar activists in Russian-occupied Crimea, the arrest of opposition politician Alexei Navalny, the assassination of Boris Nemtsov as one of the main leaders of the Russian opposition to the Putin regime, which was committed on February 27, 2015 on the Great Moskvoretsky Bridge in Moscow, the murder of Alexander Litvinenko by the Russian special services, repression by the Russian authorities against their own citizens who publicly spoke out against the war in Ukraine); the introduction or transportation of nuclear weapons by a state into or through the territory or territorial waters of other states or into international waters (e.g., Russia has deployed 39 nuclear weapons carriers on the territory of occupied Crimea); military exercise manoeuvres or war games conducted by one state in the vicinity of another state for the purpose of threatening the political independence or territorial integrity of that other state (e.g., large military exercises in early February 2022 in the southern military district of the Russian Federation and in Belarus near the borders of Ukraine); the armed attack by the military forces of a state on targets that put at risk the civilian population residing in another state (e.g., the bombings of Mariupol, Irpin, Bucha and other cities of Ukraine); the creation and support of armed mercenary forces by a state for the purpose of subverting the sovereignty of another state (e.g., Wagner private military army funding by Russia); assassinations, assassination attempts, and plots directed by a state towards the officials of other states, or national liberation movements, whether carried out by military strike, special forces units or covert operations by "intelligence forces" or their third party agents (e.g., since the beginning of the large-scale war, Russian special services have attempted to assassinate the President of Ukraine Volodymyr Zelenskyy 12 times); covert operations by the "intelligence" or other forces of a state which are intended to destabilize or subvert another state, national liberation movements, or the international peace movement (e.g., the Russian dictator announced the start of a "special military operation" against the "Kyiv regime" rather than a war against Ukraine); disinformation campaigns by a state, whether intended to destabilize another state or to build public support for economic, political or military force or intimidation directed against another state (e.g., propaganda of such Russian

propagandists as Olga Skabeyeva, Yevgeny Popov, Vladimir Solovyov, Margarita Simonyan, etc.); arms sales which support the continuation of regional wars and retard the search for political solutions to international disputes (e.g., since 2014, Russia has openly supported the armed formations of the terrorist organizations "DPR" and "LPR". However, the weapons were most likely not sold, but supplied free of charge to their own security forces and mercenaries who fought under the guise of separatists against Ukraine); the abrogation of civil rights, civil liberties, constitutional protections and the rule of law under the pretext of alleged counter-terrorism (e.g., in Russia, all opposition media have already been closed, Facebook has been blocked); and the development, testing and deployment of nuclear and space-weapons systems that in all circumstances increase the probability of genocide and ecocide, while condemning the poor to continued misery and all humanity to a state of perennial fear (e.g., Kh-95 long-range hypersonic aviation missile is being developed for the aerospace forces) (Krupenya, I., 2023).

Anna Borshchevskaya, a senior fellow in The Washington Institute's Diane and Guilford Glazer Foundation Program on Great Power Competition and the Middle East, in 2021 wrote the book "Putin's War in Syria: Russian Foreign Policy and the Price of America's Absence". In Chapter two of her book "The Russian way of war in Syria: Threat Perception and Approaches to Counterterrorism" was highlighted that terrorism historically played an important role in Russia. Russia's counterterrorism typically focused on brutal repression and murder. This is how imperial, and later Stalinist, Russia sought to subdue the Caucasus – an approach that created more problems than it solved, as it only hardened resistance to the Russian state.

Moscow's and Assad's bombing of civilian targets like hospitals was meant to inflict terror on the general population and beat it into submission. The bombing of Aleppo in particular bore striking resemblance to Moscow's scorched earth tactics in Chechnya, where, for example, Moscow essentially razed the republic's capital, Grozny, to the ground in the December 1999–January 2000 siege. While no one disputed Moscow's legitimate right to fight terrorists, its methods, according to many observers at the time, fell into the category of war crimes, and world leaders expressed shock at the violence (Borshchevskaya, A., 2020).

The massive missile attack on Ukraine on December 29, 2023 once again demonstrated the "character of Putin's regime" and terror on broad sections of the Ukrainian population in such cities as Kyiv, Kharkiv, Dnipro, Odesa, Zaporizhzhia, Konotop, Smila and Lviv (Espreso, 2024).

On December 29, 2023, was issued Statement from President Joe Biden on Russia's Aerial Assault on Ukraine. In this document was stated that russia launched its largest aerial assault on Ukraine since this war began. This massive bombardment used drones and missiles, including missiles with hypersonic capability, to strike cities and civilian infrastructure all across Ukraine. It is a stark reminder to the world that, after nearly two years of this devastating war, Putin's objective remains unchanged. He seeks to obliterate Ukraine and subjugate its people. He must be stopped (U.S. Embassy, 2023).

On 23 January 2024 civilians killed in another missile strikes on Kyiv and Kharkiv. Residential buildings were hit in the north-eastern city of Kharkiv, leaving five people killed and another 42 injured. In Kyiv, the air raid went on for more than two and a half hours, the longest since 2 January 2024. These facts clearly demonstrates that Russia's war against Ukraine is pure terrorism (BBC, 2024).

Conclusions. The example of Putin's Syria intervention shows that Russia's way of war and bombing of civilian targets was meant to inflict terror on the general population and beat it into submission. The same way of war Putin's regime tries to apply to Ukraine take in consideration the destruction of Mariupol, Irpin, Bucha etc., nuclear blackmail, information warfare, the destroy the energy system of Ukraine, terrorist attack at the Kakhovskaya HPP, destroy the ecosystem, pollute the soil and water space, constant rocket attacks on Ukrainian villages and cities, humanitarian danger etc. Thus, the russian federation spreads terror on the territory of Ukraine by committing *war crimes* (murder, torture, enslavement or for other purposes of the civilian population of the occupied territory; killing of hostages; robbery of state or private property; destruction of cities or villages, etc.); *crimes against humanity* (murder; enslavement; deportation or forcible transfer of population; imprisonment; torture; rape; forcible abduction of people, etc.) and **the crime of aggression**.

The analysis of the above-mentioned criteria of a terrorist state and the study of both national and international law allow to confirm the words of Permanent Representative of Ukraine to the United Nations Sergiy Kyslytsya that the russian way of war in Ukraine is complete terrorism that brings death and destruction (Solomko, 2024).

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