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Russian Law Enforcement Steps Up in Information War Against Ukraine

By Gabrielle Tetrault-Farber

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The glut of criminal cases Russia's Investigative Committee has launched over incidents that occurred on Ukrainian territory in recent months is more of a political ploy than an impartial legal procedure, perpetuating an unflattering portrayal of Ukraine to buttress the Russian state's rhetoric about the crisis in the former Soviet republic, political analysts told The Moscow Times.

In addition to probing crimes that have taken place across Russia, Russia's Investigative Committee seems to have conferred an informal mandate upon itself: bring to justice those it deems responsible for committing crimes on Ukrainian territory.

Last week, the committee opened an investigation into the desecration of some of Ukraine's World War II monuments, which it said were dedicated to the "struggle against fascism" and the "military glory of Russia." These acts, the committee said, were in violation of Russia's legislation on vandalized burial places and its law forbidding the "rehabilitation of Nazism."

In the aftermath of the deadly shelling of a public transport stop in the eastern Ukrainian city of Donetsk in January, the committee announced it was launching a criminal investigation into the incident. No Russian nationals were reported to be among the victims.

Investigative Committee spokesman Vladimir Markin employed colorful and emotive language in a statement about the tragedy, accusing Ukrainian forces of perpetrating the attack and lashing out at Ukrainian Prime Minister Arseniy Yatsenyuk for having "hurriedly accused" Russia of being behind the tragedy.

"Yatsenyuk can be congratulated on the creation of a propaganda ministry," Markin said, adding that the Ukrainian prime minister had "learned well" from Nazi German propaganda minister Joseph Goebbels.

With its repeated calls for justice to be served on Ukrainian territory — including its call to arrest Ukrainian oligarch Ihor Kolomoisky and Ukrainian Interior Minister Arsen Avakov for "murders and illegal warfare methods, obstructing the work of journalists and kidnapping" — the Investigative Committee has not overstretched the boundaries defined by international law, according to Russian legal scholars.

Alexander Domrin, a professor at the law faculty of Moscow's Higher School of Economics, said that international law allows any given state to pursue criminal cases in foreign countries over a crime against humanity, even if the victims are not nationals of that country. Dmitry Labin, a professor in the international law department of the Moscow State Institute of International Relations, said the Russian Criminal Code's articles on crimes against peace did not contain any territorial limits in terms of jurisdiction.

The practice of opening investigations into incidents that occurred abroad is common if citizens of the state in question have been victims of a crime. The Investigative Committee opened another case a week after the mutilated bodies of two Russians — 5-year-old Nikita Leontyev and his 35-year-old mother, Anna Leontyeva — were found in suitcases on the banks of the Pasarel reservoir in Bulgaria.

But the Investigative Committee's seemingly tentacular reach does not transpose effectively to actual prosecutions or cross-border arrests and prosecution, according to some lawyers.

"No one [from the Russian side] will be going to Kiev or anywhere else to arrest anyone," said Pyotr Kazakov, a Moscow criminal lawyer. "It would be illegal to go and arrest someone in another country. That would be out of line."

This is precisely the issue Ukraine and the West have reproached Russia for in the high-profile case of Nadezhda Savchenko, a Ukrainian military pilot who was taken prisoner in Ukraine by pro-Russian rebels in June before being handed over to Moscow. Russian authorities have accused Savchenko, who is currently being held at Moscow's high security Lefortovo prison, of complicity in the deaths of two Russian journalists killed by mortar fire in eastern Ukraine last summer. She denies involvement and says she was brought over the Russian border against her will.

Legal experts interviewed by The Moscow Times said that the sensitivity of the issue of the Ukrainian conflict and the cultural, linguistic and geographic proximity of Russia and Ukraine

made the Investigative Committee more likely to pursue cases in that former Soviet republic rather than in a foreign state with weaker ties to Russia.

But Russian political analysts view the multiplication of Russia's Ukraine-based criminal cases as an attempt to criticize their Ukrainian counterparts and convince the domestic audience that the Russian authorities are working to serve a population President Vladimir Putin has said constitutes "one single people" with Russia.

"There is no other value in this [launching criminal investigations in Ukraine] than pure propaganda," said Nikolai Petrov, a professor of political science at Moscow's Higher School of Economics. "The legal grounds stated are not the reason for this practice."

The Investigative Committee had not replied to a request to comment for this story by the time of publication.

Since the outbreak of the crisis in Ukraine, Russian officials and state media outlets have repeatedly painted a dire portrait of their Ukrainian counterparts. Putin partially justified Russia's annexation of Crimea last March by labeling the new authorities in Kiev as "nationalists, neo-Nazis, Russophobes and anti-Semites." Russian media designated the new leaders in Kiev a fascist junta in the direct aftermath of the ouster of former Ukrainian President Viktor Yanukovych.

Although Russian state media has toned down its rhetoric as pro-Russian rebels captured large territories of eastern Ukraine, the country continues to be portrayed as a lawless nation hostile to its Russian-speaking population.

"Opening criminal cases in Ukraine is far more rewarding for Russian investigators than carrying out investigations at home," said Stanislav Belkovsky, an opposition-leaning political commentator. "The Investigative Committee has turned into one of the branches of the Kremlin's press service."

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