

ASPEKTY PRAWNE OCENY KONFRONTACJI POLSKO-UKRAIŃSKIEJ PODCZAS II WOJNY ŚWIATOWEJ

Oksana Kalishchuk

*doktor habilitowany nauk historycznych, profesor Katedry Archeologii
Starożytnej i Średniowiecznej Historii Ukrainy
Wschodnioeuropejskiego Uniwersytetu Narodowego
imienia Łesi Ukrainki, (Łuck, Ukraina)
kalishchuk_O@ukr.net*

Adnotacja. W dyskursie naukowym i społecznym dotyczącym wydarzeń "wołyńskich" sporo nieporozumień wzbudza ich klasyfikacja. Po decyzjach podjętych przez Parlament RP w 2016 r. ich ocena prawno-polityczna stała się nadzwyczaj aktualna. W artykule podjęto próbę wyjaśnienia podstaw prawnych wobec zastosowania wyrazu "ludobójstwo" w odniesieniu do konfrontacji polsko-ukraińskiej z prawnego punktu widzenia podczas II Wojny Światowej. Zaznaczono, iż interpretacja prawna nie należy do kompetencji parlamentów oraz wymaga uzasadnionego udowodnienia przez stronę oskarżającą. Przedstawiono, jakie miejsce w działaniach związanych z ludobójstwem zajmował aparat państwowy, zgodnie z teoretycznym opracowaniem nauki światowej. Analiza pokazuje, iż ocena prawna wydarzeń wołyńskich powinna obejmować ich wpływ na stosunki polsko-ukraińskie w drugiej połowie XX w. Zwrócono uwagę na rozmycie pojęcia ludobójstwo we współczesnej humanistyce, co utrudnia zastosowanie tego pojęcia w ramach prawa międzynarodowego.

Słowa kluczowe: tragedia wołyńska, konfrontacja polsko-ukraińska, II Wojna Światowa, określoność prawna.

LEGAL ASPECTS OF INTERPRETING THE UKRAINIAN-POLISH CONFRONTATION IN THE YEARS OF THE WORLD WAR II

Oksana Kalishchuk

*Doctor of History, Professor of the Department of Archeology,
the ancient and medieval history of Ukraine of the Lesya Ukrainka Eastern European
National University, (Lutsk, Ukraine)*

Abstract. The research seeks to identify legal aspects of interpreting the Volynian events as genocidal acts. The emphasis is laid on the analysis of the specifics of different approaches to the definition of the concept of genocide suggested by UN General Assembly Convention on the Prevention and Punishment of the Crime of Genocide, by prominent Ukrainian, Polish and other foreign experts on the issues of ethnic conflicts, genocide and ethnic cleansing. The author reveals the importance of legal aspects of these crimes against humans, sheds light on the interpretation of the notions of "intent" or "motive" in the context of genocidal acts and argues that in the case study of the Ukrainian-Polish conflict it is extremely difficult to prove the presence of deliberate intent required for recognition of certain acts as genocide. The revealed legal aspects of the concept and peculiarities of its interpretation regarding the Ukrainian-Polish confrontation in the years of the World War II provide grounds to conclude that, after all, genocide is a crime under international customary law, and the prohibition of genocide is the norm of jus cogens, which is known to have the retroactive force in time.

Key words: Volyn tragedy, Ukrainian-Polish confrontation, Second World War, legal definition.

ПРАВОВІ АСПЕКТИ ОЦІНКИ УКРАЇНСЬКО-ПОЛЬСЬКЕ ПРОТИСТОЯННЯ У РОКИ ДРУГОЇ СВІТОВОЇ ВІЙНИ

Оксана Калищук

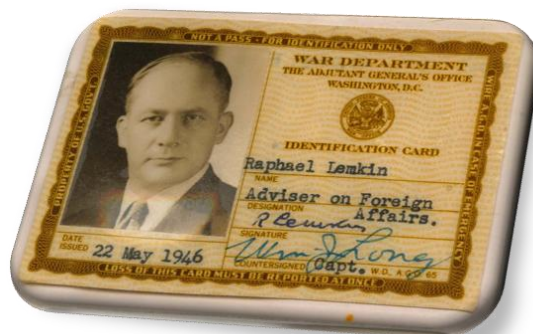
*доктор історичних наук, професор кафедри археології,
давньої та середньовічної історії України Східноєвропейського національного
університету імені Лесі Українки, (Луцьк, Україна)*

Анотація. У науковому та суспільному дискурсі навколо «волинських» подій гострі суперечки викликає їх кваліфікація. Після рішень польського парламенту 2016 р. їх політико-правова оцінка стала вкрай актуальною. У статті робиться спроба з'ясувати правомірність застосування терміну «геноцид» щодо українсько-польського протистояння в роки Другої світової війни з правової точки зору. Показано, що юридична інтерпретація не належить до компетенції парламентів та потребує аргументованого доведення стороною звинувачення. Вказано на те, яке місце у геноцидних діях займає державний апарат, згідно теоретичних напрацювань світової науки. Аналіз показав, що правова оцінка волинських подій має включати і їх вплив на українсько-польські відносини другої половини 20 ст. Звернено увагу на розмитість поняття геноциду у сучасній гуманістиці, що ускладнює застосування цього поняття у рамках міжнародного права.

Ключові слова: Волинська трагедія, Українсько-Польське протистояння, Друга світова війна, юридичне означення.

In recent years researchers have become increasingly interested in the objective legal qualification of the Volynian events. It has become extremely important and relevant due to the steps taken by the political elite of Poland. The decisions of the Polish Parliament of the 7th [21] and 22nd [22] July in 2016, in which the events in the western lands of Ukraine during the Second World War have been defined as "genocide", exactly like the previous attempts to implement this term into the educational process [30, 18-19-21-22], forced the public and historians once again argue the urgency of this problem.

Public prosecutors of the National Remembrance Institute (Zayonts Piotr, department official of the Commission studying the crimes against the Polish nation in Lublin, who investigated the events of 1943 in Volyn [26; 27; 28], Przemyslaw Mishkho (Przemyslaw Miszko) and Krzysztof Matkovskii, department staff members of the Commission studying the crimes against the Polish nation in Wroclaw, focused on the research of the events on the territory of Eastern Galicia [14, 50-52], have long insisted on the fact that during the Second World War there was a "genocide" against the Poles.



However, competent Ukrainian researchers emphasize that we can speak exactly in the same terms of the Ukrainian genocide committed by the Poles as the genocide of the Poles committed by the Ukrainians [34]. It is worth mentioning that the first time the term "genocide" in its modern sense was introduced by Raphael Lemkin in 1944, when he published his documentary book "Axis Rule in Occupied Europe."

Genocide in the jurisprudence is considered to be the worst of the crimes, though not unconditionally, and the best proof of this provision is the fact that International Criminal Tribunal has three judicial chambers: on genocide, on crimes against humanity and the war crimes. Actually genocide is the most serious among the international crimes, commitment of which is the basis for the international legal criminal liability of the states/nations and (or) criminal responsibility of the individuals. Raphael Lemkin, the author of the concept of genocide, emphasized the legal, moral and human nature of this notion, thereby providing an international dimension to the concept – the word was quickly adopted by many in the international community.

Many sources argue that the term *genocide* has become an official term used in the international legal practice after being first used in 1945 at the Nuremberg trials. On December 9, 1948 UN General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide, which had defined the international legal status of the concept as the gravest crime against humanity and provided clues to the causes and conditions of criminal responsibility for this crime. According to Art. II of the United Nations Genocide Convention *genocide* is defined as "acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such" and involves: a) killing members of the group; b) causing serious corporal or mental harm to the members of the group; c) deliberate creation of unbearable conditions of life for any group of people aimed at physical destruction of them, in whole and in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group [6]. Subsequently, the definition of *genocide* given in the Convention was used verbatim in the draft Code of Crimes against the Peace and Security of Mankind 1996 (art. 17), in the statutes of the International Criminal Tribunal on Yugoslavia (art. 4) and Rwanda (art. 2), as well as in the Statute of the International Criminal Court (Art. 6). We often come across the reference to this document in the decisions of the UN International Court of Justice. Despite initially broad legal interpretation of genocide, judicial practice of its application allows to assert that now it is understood only as the direct physical destruction of large human groups.

Even in the first paragraph of Art. II of the Convention there is a stumbling stone as to the application of the term "genocide" regarding the Volynian events. In fact, the key element required to determine *corpus delicti* of genocide in accordance with the Genocide Convention is the proof that the banned action was committed with the specific intent (*dolus specialis*). The case of Bosnia Herzegovina against Yugoslavia "Application of the Convention on the Prevention and Punishment of the Crime of Genocide" [12; 4; 1, 113-126; 2; 19] may serve an example of the importance of establishing the proofs of whether there was a direct intent to destruct a particular group, in whole or in part, and whether these actions have been ascribed to one of the parties.

A number of scholars, who study the concept of genocide and ethnic conflicts, highlight the importance [12] of revealing the notions of "intent" or "motive" of the parties. In the case study of the Ukrainian-Polish conflict it is extremely difficult to prove the presence of deliberate intent required for recognition of certain acts as

genocide. After all, for the sake of truth, we are to recognize that there are arguments for both those who believe in the existence of such intent, and those who deny the fact of deliberate intent to destroy. In other words, the crucial and critical approach to the legal assessment of any act/crime defined as genocide needs to find/establish the proof of the special intent to commit it, but not just finding the answer to the question why, or searching for the reasons and motives of the crime committed, or the issues of the so-called quantitative threshold. The number of victims is not a legal basis of genocide, but only one of the circumstances of the crime. Revealing those circumstances may be considered only as an auxiliary source to prove the intent to partial or total destruction of a group as such, and the ground to determine the level of the crime gravity. Accordingly, in terms of naming the Volynian events "genocide" any political manipulation with figures related to the number of victims both toward reduction and toward the increase in number, is pointless; in moral terms such actions can never be justified.

It should be emphasized that, despite all the efforts today historians do not have at their disposal any documentary proofs of the UPA commanders' order about the destruction of the Polish population in 1943. The basic document to which Polish researchers refer, when speaking about the existence of such a command, is Iurii Stelmashchuk's (nicknamed Red) confession: "In (...) June of 1943, in the woods nearby the village of Kolky, I had a meeting with Klim Savur and Andruschenko, a representative of UPA General Command Headquarters. Saur gave me the command to annihilate/kill all the Poles in Kovel area. (...) I had no right to violate the order, though its execution was all against my personal beliefs. When I appealed to Andrushchenko, he explained to me that this was not an instruction of the center, but a distortion of it on the terrain by UPA leadership including his letter-prescription on the implementation of those instructions.

It is obvious for every expert that such sources are to be treated with certain caution since they can be interpreted only as arbitrary retelling of the information required by the investigation as post factum [38, 165]. Conducted by Ivan Marchuk textological expertise of the documents relating to the command/order on anti-Polish actions provided the researcher with the right to conclude that they are nothing but a KGB fake [35, 71].

However, as Ivan Patryliak claims, there exists a renowned commandment of the organizational referency of the regional OUN leadership in Galicia №7/4, dated 3 May, 1944, which provides grounds to reproduce situation during those anti-Polish events [37, 71]. Considering the importance of the document, it is necessary to give a bit broader passage from the charter "B" of the document, which states: "In view of the official decree of the Polish government, in terms of cooperation with the Soviets, the Poles should be driven out from our land. I request to understand it in the following way: to give the Polish population instructions to move to the indigenous Polish lands in a few days. When they refuse to do this, then send troops, which will liquidate males, and burn houses and property (or disassemble them). Again, keep in mind that you should first exhort the Poles to leave their lands, and then liquidate them, not vice versa (please pay particular attention to this). In particular, drive away from the mixed-populated villages those Poles who do not tend to assimilate. But do not move those who have Ukrainian families, have estranged from Poles and are kept in ties with them only by religion." [41, 38]

This is confirmed also by the Polish authors who recognize that the goal of the anti-Polish campaign was the withdrawal of Polish population onto the indigenous Polish lands [24] – their expulsion, elimination or displacement due to war, but not torture or extermination of the Polish population [13, 187].

In this context it is worth mentioning another term, relatively new, which entered the international lexicon as a loan translation from Serbo-Croatian – *ethnic cleansing* (etničko čišćenje). The term "ethnic cleansing" was introduced perhaps the first time by the US State Department to characterize the events in the Western Balkans [39, 20-21]. It was used to denote special campaigns aimed at stripping the territory from a certain ethnic group, and the persecution of civilians on ethnic grounds. In August, 1992 this concept-term appeared in the documents of international organizations, such as the Commission on Human Rights [29, 247]. UN General Assembly Resolution of 18 December 1992 contains a categorial assertion of ethnic cleansing as a form of genocide [17, 355]. However, according to the researchers of international law *de jure* the notion of "ethnic cleansing" does not work: this concept has not been found in the statutes of the Nuremberg and Tokyo Tribunals, neither in the Convention of 1948, nor in the statutes of the ICTR, nor in the Rome Statute of the International Criminal Court [42, 81]. Nonetheless, the researchers believe that the crimes of "ethnic cleansing" have their own independent meaning, though close to the concept of genocide [33, 37-46]. As a matter of fact genocide and ethnic cleansing have at least one common feature – it is killing members of any national, ethnic, religious or racial group.

The differences are observed in the interpretation of the very concept of *intent*: regarding genocide it is "extermination of the population, in whole or in part", while ethnic cleansing is defined as "an intention to get rid of all the representatives of a certain group in a particular location (area) through the massacres, mass evictions and deportation of the population from their habitats." It is this distinction scheme that Norman M. Naimark applies [15, 67]. In addition, a characteristic feature of genocide is that generally its commitment is purposeful and organized, but "ethnic cleansing" is mainly the result of military operations aimed at regaining some areas, while the massacres and interment are a consequence of taking hostages and their physical destruction through emotional and personal attitudes.

Another important factor is the proof of the destruction of the group members exclusively because they are related to this group, and therefore the identification of victims should be considered as a fundamental element of the crime of genocide. There are two principal ways to do it: objective and subjective [23, 588]. According to the definition of the International Criminal Tribunal for Rwanda the notion of "a national group" implies "union of people who have sustained legal coherence, such as a single citizenship and, consequently, certain rights and responsibilities." [25]

The analysts emphasize one more important sign of genocidal actions. Researchers of genocide Barbara Harff and Ted Gurr define genocide as "the promotion and implementation of certain policies by the state or its agents, leading to the deaths of a significant number of group members ..." [10, 359-371]. In another study, researchers directly point to the crucial role of the state in the genocide and other forms of group repressions. This point of view is advocated by R. J. Rummel, who claims that genocide should be understood as the government murder of people because of their indelible group membership [18]. From the same standpoint F.Chalk, I.Charny and K.Jonasson, considering the definition of genocide in Convention to be not sufficient for scientists,

define it as "unilateral forms of mass murder through which the state or other government agencies (authorities) intend to destruct a group, since this group and its members are defined as the perpetrators.[5, 97].

Adrian Gallagher argues that genocide occurs "when a source of collective power (usually the government) deliberately uses its imperious potential to destroy the group, in whole or substantial part of it, which depends on the relative size of the group." [9, 37]. Analyzing the nature and contents of genocides James Petras says: "Genocide means widespread, systematic and state-supported destruction of most of the civilian population for an extended period of time, based on the principles of ethnic, racial or religious identity." [16] Andrii Kozytckii draws attention to the fact that all the cases of legally and internationally recognized genocides in the 20th century have been committed only by the state, because only the state apparatus has adequate resources to coordinate and support violence against the minorities on a large territory and for a long time.

Raul Hilberg has deduced a formula how society comes to genocide: 1)the government comes to the conclusion that there is a group of the others; 2) the government decides that it is necessary to determine the limits permitted for those others; 3) if the group is different, then this group can not live nearby and needs to be segregated; 4) this group is useless and must be exterminated [11].

A.Gorbatiuk, Ukrainian researcher, points out that although the 1948 UN Convention "On the Prevention and Punishment of the Crime of Genocide" does not directly consider the responsibility of States, it is self-evident that the article IX implies it: "Disputes between States-Parties concerning the interpretation or application of this Convention, including responsibility of a State for genocide or one of the crime-acts, specified in Article III, are transferred or submitted to the International Court of Justice at the request of any of the parties to the dispute." [32, 138] UN International Court of Justice, regarding the liability of Yugoslavia for the events in Srebrenica, highlighted the responsibility of the public authorities for acts of genocide [3, 182-412]. It is not accidentally, that in the discussions on Ukraine some participants stressed the fact that in 1943 the state of Ukraine did not exist in the European political map. Residents of the Western Ukraine were citizens of other countries, so contemporary Ukrainian statehood have nothing to do with what had happened in this region during the Second World War.

As Taras Wozniak affirms, the corpus delicti of this crime can be determined only by the relevant international tribunal or special public prosecutors (as in the case with those working at the Institute of National Remembrance, and who, having opened dozens of "cases against Volyn", have not brought any of them to court) [31]. It is needless to say that those who are accused of committing those crimes in Volyn, have already finished their earthly way – they either perished in the battles with Soviet troops in war, or were condemned and executed by the Soviet repressive machine, or became victims of the operations conducted by the intelligence agencies.

Polish lawyer Ryshard Shavlovskii put forward a thesis about equating the crimes of the Third Reich, the Soviet Union and Ukrainian nationalists, providing the latter with even harder qualification. Moreover, according to the lawyer Ukrainian genocide against the Poles due to the unprecedented radicalism is the worst act of genocide committed in Europe during the Second World War [8, 120].

To define namely the events in the western part of Ukraine he put forward the concept of genocidium atrox, considering it to be more appropriate to describe the

terrible genocide characterized by the most refined tortures and which were used of pure sadism [7, 174].

This concept, according to its creator, can be implied to give modern interpretation of the Paragraph 1 in the text of the Art. II of the Convention of December 9, 1948, and accordingly it may provide arguments to interpret the issue as such that has legal consistency. [20, 27].

For the sake of justice it should be noted that it is not quite correct to deny legal qualification of Volynian events as genocide on the grounds that these tragic events "took place before the Genocide Convention of 1948 came into force. After all, genocide is a crime under international customary law, and the prohibition of genocide is the norm of jus cogens, which is known to have the retroactive force in time.

The problem is that the term suggested by Rafal Lemkin, did not function only as the term of the international law. Since the second half of the 20th century the term "genocide", being general and quite universal, has acquired new concrete semantic facets, due to the new tragedies, that fall into the category of genocide, but they have different causes or forms of exercise. The widespread use of the term in the media, by politicians, by scientists from different fields of humanities leads to the erosion and substitution of its legal context by much broader socio-political one. French historian Yves Ternon who specializes in the Holocaust and the Armenian Genocide, suggests his own quite capacious definition of the concept: "The word "genocide" gives a name to what can not be named; it identifies the unthinkable and distinguishes this particular crime from the commonplace ones. This is a flexible word, and having been fixed in dictionary, it allows us to endure what can not be endured; the term "genocide" makes the murder a commonplace thing and dulls the horror. This is a convenient word that may serve both as a monument to the victims, and a curse to the national states." [40].

References:

1. *Aksar Y.* The Specific Intent (Dolus Specialis) Requirement of the Crime of Genocide: Confluence or Conflict between the Practice of Ad Hoc Tribunals and ACJ [Online] / Aksar Jusuf // *Uluslararası İlişkiler*. – 2009. – Vol 6, No 23. – P. 113–126. – Available : <https://www.ciaonet.org/attachments/15613/uploads>
2. *Ambos K.* What does 'intent to destroy' in genocide mean? [Online] / Kal Ambos // *International Review of the Red Cross*. – 2009. – Vol 91, No 876. – P. 833–858. – Available : [http://www.genocidewatch.org/images/Articles/What does intent to destroy in genocide mean.pdf](http://www.genocidewatch.org/images/Articles/What%20does%20intent%20to%20destroy%20in%20genocide%20mean.pdf)
3. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro). – Judgment of February, 26, 2007. – I.C.J. Reports, 2007. – 182–412.
4. *Burns D.* Dolus Specialis: How the Judicial interpretation of genocidal intent devalues genocide's special status / by Dana Burns. – Available : http://www.etd.ceu.hu/2012/burns_dana.pdf
5. *Chalk F.* Redefining Genocide // *Genocide: Conceptual and Historical Dimensions* / Ed. by G. J. Andreopoulos. – Philadelphia: University of Pennsylvania Press. – 1997. – P. 97.
6. Convention on the Prevention and Punishment of the Crime of Genocide [Online]. – Available : https://www.oas.org/dil/1948_Convention_on_the_Prevention_and_Punishment_of_the_Crime_of_Genocide.pdf
7. *Dekanozov R. V.* Obosnovaniie neobkhodimosti razrabotki konventsyi ob etnicheskoi chistke i proekt etoi kontseptsyi / R. V. Dekanozov // *Zhurnal mezhdunarodnogo prava*. – 2003. – T. III. – S. 37–46.

8. Ekspertna dumka. Hennadii Boriak, Oleksandr Lysenko. Volynska trahediia 1943 r.: istorychnyi, pravovyi ta politychnyi vymiry v konteksti rishennia Polskoho Seimu, 2016 [Online]. – Available : <http://www.history.org.ua/?libid=11026>
9. Encyklopedia „białych plam”. T. 11 : Legiony cudzoziemskie III Rzeszy – masoneria / [red. Mirosław Fijołek et al.]. – Radom : Polskie Wydaw. Encyklopedyczne, 2003. – S. 174.
10. ¹Encyklopedia katolicka. T. 11: Lu An – „Maryawita” / [zespół red. Antoni bednarek et al.; aut. Maciej Abramowicz et al.]; Katolicki Uniwersytet Lubelski Jana Pawła II, Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego Jana Pawła II. – Lublin : Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego Jana Pawła II, 2006. – Szpalta 120.
11. Gallagher A. Genocide and its Threat to Contemporary International Order / Adrian Gallagher. – London : Palgrave Macmillian, 2013. – P. 37.
12. Harff B. Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases since 1945 / Barbara Harff, Ted Robert Gurr // *International Studies Quarterly* . – 1988. – Vol. 32, No 3. – P. 359–371.
13. Hilberg R. The Destruction of the European Jews / Raul Hilberg. – Chicago : Quadrangle Books, 1961. – X, 788 p.
14. Horbatiuk A. V. Pytannia vidpovidalnosti derzhavy za zlochyn henotsydu u praktytsi Mizhnarodnoho sudu spravedlyvosti / A. V. Horbatiuk // *Naukovi zapysky NaUKMA. Yurydychni nauky*. – 2012. – T. 129. – S. 138.
15. *International Law and Ethnic Conflict*. – N. Y. : Cornell University Press, 1998. – 354 p.
16. Łukaszów J. Walki polsko-ukraińskie 1943–1947 / J. Łukaszów // *Zeszyty Historyczne*. – 1989. – Z. 90, t. 455. – S. 187.
17. Marchuk I. Komandyr UPA-Pivnich Dmytro Kliachkivskyy – “Klym Savur” / I. V. Marchuk. – Rivne : Vydavets Oleh Zen, 2009. – S. 71.
18. *Miszko P. Zbrodnie ludobójstwa popełnione przez nacjonalistów ukraińskich w Małopolsce Wschodniej w latach 1939–1945 na osobach narodowości polskiej – w świetle śledztw OKŚŻPNP we Wrocławiu / Przemysław Miszko, Krzysztof Matkowski // Zbrodnie przeszłości. Opracowania i materiały prokuratorów IPN. Tom 2. Ludobójstwo / pod redakcją Radosława Ignatiewa i Antoniego Kury*. – Warszawa, 2008. – S.50–52.
19. Naimark N. *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe* / Norman M. Naimark. – Cambridge, Mass.: Harvard University Press, 2001. – P. 67.
20. Patryliak I. K. “Vstan i borys! Slukhai i vir...”: ukrainske natsionalistychne pidpillia ta povstanskyi rukh (1939–1960 rr.) / Ivan Patryliak ; Tsentri doslidzhen vyzvolnoho rukhu. – Lviv : Chasopys, 2012. – S. 406.09. – S. 71.
21. Petras J. *Modernity and Twentieth Century Holocausts: Empire-Building and Mass munder* [Online] / by James Petras. – Available : http://www.axisoflogic.com/artman/publish/Article_22549.shtml
22. Petrovic D. *Ethnic Cleansing – An Attempt at Methodology* / Drazen Petrovic // *European Journal of International Law*. – 1994. – Vol. 5. – No 1. – P. 355.
23. Rummel R. J. *Democide Versus Genocide : which is what?* [Online] / by R. J. Rummel. – Available : <http://www.hawaii.edu/powerkills/GENOCIDE.HTM>
24. Rusnachenko A. *Narod zburenyi. Natsionalno-vyzvolnyi rukh v Ukraini y natsionalni rukhy oporu v Bilorusii, Lytvi, Latvii, Estonii u 1940-1950-kh rokakh* / Anatolii Rusnachenko. – K. : Pulsary, 2002. – S. 165.
25. Shenheliia M. M. *Etnicheskaia chistka (mezhdunarodno-pravovyie voprosy)* / M. M. Shenheliia // *Moskovskii zhurnal mezhdunarodnogo prava*. – 2003. – # 2. – S. 81.
26. Smirnova N. *Albanskii piemont* / N.Smirnova // *Novoie Vriemia*. – 1999. – № 22. – S. 20–21.
27. Sungi S. *Redefining genocide: the International criminal court’s failure to indict on the Darfur situation* [online] / Simeon Sungi // *Journal of Theoretical and Philosophical Criminology*. – 2011. – Vol 1. – P. 63–88. – Available : http://www.jtprcrim.org/August_2011/Student/Sungi.pdf.

28. Szawłowski R. Trzy tematy z dziedziny „genocydologii” / Ryszard Szawłowski // Zbrodnie przeszłości. Opracowania i materiały prokuratorów IPN. Tom 2. Ludobójstwo / pod redakcją Radosława Ignatiewa i Antoniego Kury. – Warszawa, 2008. – S. 27.
29. Ternon Iv. Razmyshleniia o genotsyde [Elektronnyi resurs]. – Rezhym dostupa: <http://www.hrighs.ru/text/b8/Chapter5.htm>
30. Tsentralnyi derzhavnyi arkhiv vyshchykh orhaniv vlady i upravlinnia. – F. 4620. – Op. 3. – Spr. 378. – Ark. 38.
31. Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 22 lipca 2016 r. w sprawie oddania hołdu ofiarom ludobójstwa dokonanego przez nacjonalistów ukraińskich II Rzeczypospolitej w latach 1939–1945 [Online] // Monitor Polski : dziennik urzędowy Rzeczypospolitej Polskiej. 2016. – 29 lipca. – Available : <http://www.monitorpolski.gov.pl/mp/2016/726/1>
32. Uchwała Senatu Rzeczypospolitej Polskiej z dnia 7 lipca 2016 r. w sprawie oddania hołdu ofiarom ludobójstwa dokonanego przez nacjonalistów ukraińskich II Rzeczypospolitej w latach 1939–1945 [Online]. – Available : <http://www.senat.gov.pl/prace/senat/posiedzenia/tematy,466,1.html>
33. *Verdirame G.* The Genocide Definition in the Jurisprudence of the Ad Hoc Tribunals / *G. Verdirame* // *Int'l and Comp. L. Q.* – Vol. 49. – P. 588.
34. Vozniak T. Tilky mizhnarodnyi trybunal mozhe kvalifikuvaty podii na Volyni [Online] / Taras Vozniak. – Available : http://www.jimagazine.lviv.ua/2016/Voznyak_Tilky_mizhnarodnyj_trybunal.htm
35. Węgierski J. W Lwowskiej Armii Krajowej / J. Węgierski. – Warszawa : PAX, 1989.
36. William A. Schabas, *Genocide in International Law. The Crime of Crimes* / Cambridge : Cambridge University Press, 2000), Chapter 3. Group protested by the Convention” (Quoted in Serbin, *Yje Ukrainian Famine of 1932-1933 and the UN Convention on Genocide*, p. 5).
37. Zając P. Informacja odnośnie do oceny karnoprawnej zdarzeń na terenie ówczesnego województwa wołyńskiego z lat 1939–1945 w oparciu o ustalenia śledztwa OKŚZpNP w Lublinie / Piotr Zając // *Prawda historyczna a prawda polityczna w badaniach naukowych : ludobójstwo na kresach południowo-wschodniej Polski w latach 1939-1946* / pod red. Bogusława Pazia. - Wrocław : Wydawnictwo Uniwersytetu Wrocławskiego, 2011. – S. 103-116
38. Zając P. Problematyka ścigania i karania sprawców zbrodni ukraińskich nacjonalistów na ludności polskiej w latach 1939-1945 na terenie ówczesnego województwa wołyńskiego i lubelskiego / Piotr Zając // *Na Rubieży.* – 2012. – Nr 119. – S.13-23
39. Zając P. Prześladowania ludności narodowości polskiej na terenie Wołynia w latach 1939-1945 – ocena karnoprawna zdarzeń w oparciu o ustalenia śledztwa OKŚZpNP w Lublinie / Piotr Zając // *Zbrodnie przeszłości. Opracowania i materiały prokuratorów IPN. Tom 2. Ludobójstwo* / pod redakcją Radosława Ignatiewa i Antoniego Kury. – Warszawa, 2008. – S.35-49 ta ih.
40. Zawadzka N. Czystki etniczne – analiza prawnomiędzynarodowa / Natalia Zawadzka // *Polski Rocznik Praw Człowieka i Prawa Humanitarnego* / [kom. red. Tadeusz Jasudowicz przewodn.]. – T. 2. – Olsztyn : Wydawnictwo Uniwersytetu Warmińsko-Mazurskiego, 2011. – S. 247.
41. *Zbrodnie wołyńska: historia i pamięć : materiały edukacyjne: kto tego nie widział, nigdy w to nie uwierzy...* / [red. Romuald Niedzielko]. – Warszawa : Instytut Pamięci Narodowej – Komisja Ścigania Zbrodni Przeciwko Narodowi Polskiemu, 2013. – S. 18–19, 21–22.