

Name of the student:	Olha Rybak
Title of the thesis:	Transitional Justice During Ongoing Conflicts: the Case of Donbas in Ukraine
Reviewer:	Valeriya Korablyova, Ph.D.

1. KNOWLEDGE AND CONNECTION TO THE FIELD

(relevance of the research question, research objective, literature review):

The topic is cutting-edge, and it is broadly discussed in the public sphere: most vocally, by the Noble-winning lawyer Oleksandra Matviichuk. Against the matter being politically charged and emotionally loaded, the student elaborated on it in a high-end academic manner. Ms Rybak properly dissected the object of analysis (by persuasively grounding the chosen focus on Donbas, instead of the entire arena of warfare), and aptly formulated the research objective. Relevant literature was involved, and the review was carefully geared towards the thesis objective, in every case underlining which aspect of transitional justice application could be useful for the Ukrainian case and which one is irrelevant. All in all, the author demonstrated a very good knowledge of the literature in the field and a deep understanding of her object of study.

2. ANALYSIS

(methodology, argument, theoretical backing, appropriate work with sources):

I was impressed by the author's overall academic culture: every step in the proposed analysis was supplemented with a methodological note, constantly reflecting on the conditionality and limitations of the undertaken research. Wherever possible, Ms Rybak supported her claims with proper references.

While being inspired (or aligned) with Calvet-Martinez's ideas – as regards the forward-looking not only redemptive application of TJ, various aspects of it (i.e. truth-seeking), etc., the research seems to also benefit from the author's intimate understanding of the situation in Ukraine. A number of conclusions and recommendations seemed to be informed by the latter, while it is not overtly explicated. It could be useful to add some sources on the peculiarity of the Ukrainian context. However, this preferencing of judicial sources over political/historical ones might be explained by the research objectives and the chosen field of study.

The backbone of the research is the analysis of the database of peace arrangements in various settings, which builds a proper, empirically grounded, foundation for further discussions on the matter.

The suggested classification of various 'building blocks of TJ' (Figure 1) and their subcategories in the 'TJ toolkit' (Figure 2) incorporates measures not only in the justice sector and in the political / international domains but also in the social sphere, which looks persuasive and useful. The distinction between forensic truth and social truth is important, too.

I would be curious to read more about the political weaponization of 'justice' by various sides of the war, more specifically, some mirroring technologies by the judicial system in the Russian Federation and the so-called LPR and DPR where victims and perpetrators are swapped, and the toolkit of TJ is misused against Ukrainian resistance to the Russian aggression.

Also, a more detailed study of already implemented measures of TJ, i.e. the repercussions of the ICC arrest warrant for Vladimir Putin, would enrich the thesis.

Yet, these extensions of the studied cases would probably go beyond the research scope, so these are rather recommendations for further research.

3. CONCLUSIONS

(persuasiveness, link between data and conclusions, achievement of research objectives):

The author advances the argument that instruments of TJ must be applied in the case of Donbas before the end of the war: even if it might contradict the peace-building agenda, it might also prevent further crimes and send an important signal against impunity. Herewith, lies the main contribution of the study: it provides strong and well-rounded academic arguments in favour of this claim, often perceived as merely a moral and political plea.

The accents in the conclusions are placed properly. The author does not shy away from pointing to sensitive spots, like the inefficiency of international institutions (e.g. the Red Cross) and the failures of the Ukrainian government in communication with the people on the temporarily occupied territories and its half-measures on the path to the EU integration (non-ratification of the Rome Statute).

A more nuanced approach might be required for the suggested victim-oriented approach. Given a specific genocidal aspect of the Russian aggression where the Ukrainian nation-state stands not only as the institutional guarantor of people's rights but arguably the core target (unlike in conflicts over territories or other specific matters), it is not easy to exclude it from the list of victims by displaying it as mere an institution / a geopolitical actor with its interests.

One of the core arguments, promoted in the thesis, is that the TJ toolkit must be locally tailored with regard to the peculiarity of a given case. More specific recommendations, connected to the Ukrainian peculiarity, would deepen the research. However, it implies closer engagement with the body of political/sociological literature on contemporary Ukraine, which would arguably stretch the current research too far. Maybe, it could be a fruitful part of its possible follow-up.

4. FORMAL ASPECTS AND LANGUAGE

(appropriate language, adherence to academic standards, citation style, layout):

The thesis is written in impeccable English. All the academic and writing standards are properly upheld.


5. SUMMARY ASSESSMENT

(strong and weak point of the dissertation, other issues)

It is an excellent academic work dedicated to a burning topic. The author managed to find a perspective that is both highly relevant and empirically propped up by rigorous academic standards, which is nothing given amidst an all-out war with all its complex repercussions, also in the academic domain. The author's high-end academic culture translates into impressive self-reflexivity when she constantly examines her limitations and double-checks her claims, supporting them with relevant literature.

The matters of peacebuilding in war-torn Ukraine and its post-war reconstruction, including the reintegration of the temporarily occupied territories, are in the limelight of public debates. This research provides a much-needed balanced analysis, grounded in empirical sources, which is capable of providing sober arguments in heated debates.

I might wish to see the document analysis supplemented with some real-life cases related to the Russo-Ukrainian war, i.e. the ICC warrants for Lvova-Belova and Putin, and court decisions in RF and so-called LPR and DPR framed within TJ. However, it would require a different methodology and a different set of sources, so hopefully, it will be realized in the author's further endeavours.

Grade (A-F):	A
Date:	Signature:
28.08.2023	

classification scheme

Percentile	Prague		Krakow		Leiden		Barcelona	
	91-100 %	8,5%	5	6,7%	8,5-10	5,3%	9-10	5,5 %
A (91-100)	91-100 %	8,5%	5	6,7%	8,5-10	5,3%	9-10	5,5 %
B (81-90)	81-90 %	16,3%	4,5	11,7%	7,5-8,4	16,4%	8-8,9	11,0 %
C (71-80)	71-80 %	16,3%	4	20%	6,5-7,4	36,2%	7-7,9	18,4 %
D (61-70)	61-70 %	24%	3,5	28,3%			6-6,9	35,2 %
E (51-60)	51-60 %	34,9%	3	33,4 %	6-6,4	42,1 %	5-5,9	30,1 %

Assessment criteria:

Excellent (A): 'Outstanding performance with only minor errors';

Very good (B): 'Above the average standard but with some errors';

Good (C): 'Generally sound work but with a number of notable errors';

Satisfactory (D): 'Fair but with significant shortcomings';

Sufficient (E): 'Performance meets the minimum criteria';

Fail: 'Some/considerable more work required before the credit can be awarded'.