

Digest №2

Prepared by the Eastern Ukrainian
Center for Civic Initiatives (EUCCI)

Violations of international humanitarian law:

Digest of events for the period from
March 28 to April 08, 2022



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✦ Attention, this report contains images that show violence and cruelty.



On February 24, 2022, Russia, with the support of Belarus, launched a new phase of the war against Ukraine, carrying out an unprecedented large-scale invasion of the territory of our state.

The team of the Eastern Ukrainian Center for Civic Initiatives (EUCCI) continues its work, started in 2014, to collect and document violations of international humanitarian law (IHL) during the armed conflict, with a view to further submitting relevant materials to the Office of the Prosecutor of the International Criminal Court, the Prosecutor General (Ukraine), international commissions of inquiry, whose mandates will include the collection, documentation and preparation for trial of all human rights violations, war and other crimes, as well as to other international organizations.

We hope that the results of our work and current information will also be useful to journalists and a wide range of citizens who are interested in the course of the armed conflict and the facts of violations of IHL.

Both sides of the international armed conflict must comply with, at the minimum, the Geneva Conventions of 1949, the Additional Protocol I from 1977 to the Geneva Conventions of 1949, the Hague Convention on the Laws and Customs of Land Warfare of 1907, international customs (Customary IHL) and remember their obligations under international human rights law. It is clear that not all acts committed by the parties to the conflict are violations of international law and/or war crimes or crimes against humanity. Therefore, we will try to explain for what reasons certain actions should be considered a violation of IHL.

1

Intentional homicides, torture and inhuman treatment

During the past two weeks, the Armed Forces of Ukraine liberated four oblasts from the Russian occupation forces — Zhytomyr, Kyiv, Chernihiv and Sumy. Reports of killings, torture and ill-treatment of local civilians by the occupying forces are beginning to emerge in almost every liberated locality, from large cities to small villages.

Examples:

On March 28

A case of torture and the brutal murder of a local resident on Trostyanets (Sumy region) became known. The body of a tortured man (his identity has not yet been revealed) was found in one of the private garages after the liberation of the city from the Russian military. Subsequently, there were reports of the murder of the head of a local committee, Anna Samoiloova, and of an unknown boy who was returning home in the evening, as well as an unnamed head of a local agricultural enterprise who was driving to work in the morning. There are numerous other reports of premeditated killings of civilians in occupied Trostyanets.

Photo: Vadym Ghirda
Bucha, March, 2022

Photo: Zohra Bensemra
Bucha, March, 2022



On April 01-04

A basement where Russian servicemen interrogated and detained civilians was found in one of the buildings in Bucha (Kyiv region), liberated from the occupation forces, on the territory of the Promeninyi children's sanatorium (123 Vokzalna Street). At least five men were reportedly tortured and then executed. Their bodies were found during a search of the basement. All wore civilian clothes and there were no signs that the men had been taking part in the fighting.

During these days, more and more shocking data on the murder of people all over the territory of the occupied suburbs of Kyiv (Irpin, Hostomel, Motyzhyn, etc.) are gradually appearing. Bodies are often found with their hands tied behind their backs and gunshot wounds to the back of the head. As such, the civilian population did not die en masse from artillery shelling — most people were executed.

For example, near the village of Motyzhyn (Buchanskyi district), the bodies of Olga Sukhenko, the head of the Motyzhyn village council, and her family, a husband and son, were tortured to death. The Sukhenkov family was abducted by the Russian military on March 23.

Today, the search for bodies and their identification in the liberated settlements continues, so the final figures of the dead in terms of causes of death are still unknown.

On April 3

The news of the murder of marathon runner Serhiy Pronevych appeared. The body of the man with signs of torture was found in liberated Boromlya (Sumy region).

On April 4

Dmytro Zhyvytskyi, head of the Sumy Regional State Administration, claimed that the bodies of at least three tortured civilians had been found in the Konotop district liberated from the occupation forces.

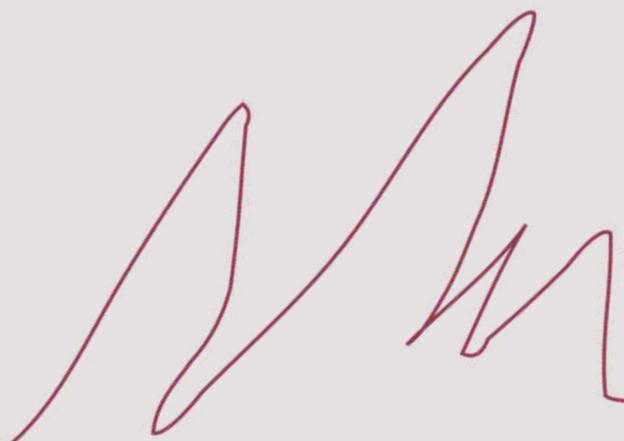




Photo: Paula Bronstein
Bucha, March, 2022

Why this constitutes a violation of IHL:

The rules of international humanitarian law stipulate that in order to ensure respect for and protection of civilians and civilian objects, the parties to the conflict must always distinguish between civilians and combatants, as well as civilian objects and military targets, and direct their actions only against military targets (Additional Protocol I to the Geneva Conventions, Articles 48, 52, Customary IHL, Norms 1, 7).

Civilians are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious beliefs and practices, and their manners and customs. They shall always be treated humanely, and shall be protected, in particular, against all acts of violence or threats thereof and against insults and public curiosity. Hostage-taking is prohibited (Fourth Geneva Convention, Articles 27, 34).

Murder, torture, cruel or inhuman treatment, abuse of human dignity, including humiliating and abusive treatment, corporal punishment, mutilation, rape and other forms of sexual violence, hostage-taking, enforced disappearance and arbitrary deprivation of liberty are prohibited (Additional Protocol I to the Convention). Article 75, Customary IHL, norms 87, 89-93, 96, 98, 99).

Intentional murder, torture or ill-treatment, illegal detention of a civilian is a serious violation of the Fourth Geneva Convention (Article 147) and war crimes within the meaning of the Rome Statute of the International Criminal Court (ICC Statute, Article 8 (1) (a) (i) ii (vii)).



2

Rape and other forms of sexual and gender-based violence

There has been an increase in reports of sexual and gender-based violence by combatants, as well as cases of assaults on human dignity, including abusive and degrading treatment. It is expected that the number of known cases will continue to grow as the occupied territories are liberated and access to victims and witnesses of violence is gained.

Examples:

On March 28

Sumy Regional State Administration Chairman Dmytro Zhyvytskyi reported a case of detention by the Russian military of a resident of Sumy Region (the man's name was not released). At one of the checkpoints in Konotop district (Sumy region), the Russian military stopped and searched a car, then detained the driver and took him to Kyiv region (place not named). Upon arrival at the place of detention, the man was handcuffed and forced to undress. He was kept naked for a long time in the cold.



On March 30

Irpen Mayor Oleksandr Markushin told during a briefing at the Ukraine Media Centre Kyiv that local residents released from basements spoke of being forced to undress and "abuse of women."

On April 5

Ukrainian Ombudsman Lyudmyla Denisova released detailed information on two cases of sexual violence against women in the occupied Kharkiv region. In one case, a Russian soldier raped a 29-year-old woman for more than a week and then shot her weak mother (the village is not named). Elsewhere, a Russian soldier repeatedly raped a 31-year-old woman in Mala Rohan, who hid in a school building with her 5-year-old daughter, mother, sister, brother and other residents of the village. The human rights organization Human Rights Watch also mentioned this case in a report dated April 3.

On April 7

Oleksandr Vilkul, head of the Kryvyi Rih military administration, said at a briefing that a pregnant 16-year-old girl and a 78-year-old woman had been raped during the Russian occupation in Kherson region.

Photo: Stas Yurchenko
Trostyanets, March, 2022





Photo: Vadym Ghirda
Bucha, April 4, 2022

In addition to officials, cases of sexual violence were also reported by private individuals.

Psychologist Vasilisa Levchenko reported on her Facebook page about the case of rape of a woman and her daughter, still a child. She told BBC Ukraine about the case: *"There was no man in the village at that time. Three Kadyrovites entered a private house where the family lived and ordered the woman and her young daughter not to move, while they turned over drawers in the house and took everything valuable from there."*

According to the psychologist, two of them then started raping the daughter, and the third one started to unbuckle his belt. *"The woman started shouting and begging not to touch the child. The third went to my client. She only remembers praying for her daughter. Then the mother's memories are vague. When it was over, she brought her unconscious daughter to consciousness. The girl was bleeding, a neighbour helped her, then the women were able to get to the hospital."*

Rivne journalist Alina Dubovska reported another case of rape. She has so far concealed the original post, but a number of media outlets have already reprinted it. It is the story of a family from Irpen. The parents of a 9-year-old girl were shot dead by the Russian military in front of her eyes. The girl was then raped. Forensic examination found 11 sperm samples on the child's body. After that, the Russians cut the letter Z on the girl's chest and ripped open her stomach.

Another anonymous story was covered by journalist Viktoriya Kobylatska. A rural woman who was raped in the first days of the occupation. Later she found out that she might be pregnant. She turned to a volunteer organization for help. The woman does not want to tell her story in public or turn to law enforcement, because she fears public reaction. The victim believes that she survived because she simply carried out the orders given to her by the Russian military and did not resist.

Details of the violation:

Women need special protection against any encroachment on their honour, and in particular protection against rape, coercion into prostitution or any other form of encroachment on their morality (Fourth Geneva Convention, Article 27, Additional Protocol I to the Geneva Conventions, Article 76).

In resolution 3318 (XXIX) of 14 December 1974, the UN General Assembly proclaimed the Declaration on the Protection of Women and Children in Emergencies and Armed Conflict, calling on UN Member States to make every effort to protect women and children from the devastating effects of war, seek to ban measures such as torture, degrading treatment and violence.

The widespread or systematic practice of rape and any other form of sexual violence of comparable gravity is a crime against humanity as defined in Article 7 of the Rome Statute of the International Criminal Court (ICC Statute, Article 7 (1) (g)).

Rape and other forms of sexual violence are also considered war crimes within the meaning of the Rome Statute (ICC Statute, Article 8 (2) (b) (xxii)).

In addition, the Rome Statute regards war crimes and encroachments on human dignity, including abusive and degrading treatment (ICC Statute, Article 8 (2) (b) (xxi)).

Reference:

Sexual violence in situations involving armed conflict has been widespread in various forms since 2014, at the very beginning of Russia's armed aggression against Ukraine, as EUCCI has repeatedly reported in its publications, research and other materials.

See, for example, the EUCCI report: "War Without Rules: Gender-Based Violence in the Context of the Armed Conflict in Eastern Ukraine".

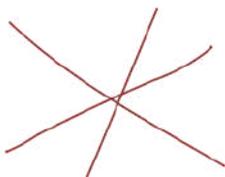
3

Violations of the principle of proportionality and deliberate attacks on civilians and civilian objects



Photo: Andrew Marienko
Kramatorsk, April 8, 2022

The Russian armed forces continued to ignore IHL norms and, in violation of the principle of distinction, deliberately attacked both civilians and civilian objects. The number of indiscriminate attacks remained extremely high. In many cases, it can be argued that the Russian armed forces did not comply with the principle of proportionality in attacks. The essence of the latter is that attacks that are expected to cause accidental civilian deaths or injuries to civilians, damage to civilian objects or a combination of consequences that would be excessive in excess of the expected concrete and immediate military advantage that would be expected are prohibited.



Examples:

On March 29

The armed forces of the Russian Federation launched a missile strike on the building of the Mykolaiv regional state administration. At least 36 people were killed (dismantling of debris continues). The building was completely destroyed.

On March 30

The Russian military fired heavy weapons at residential areas in Lysychansk (Luhansk region). High-rise buildings were destroyed. Information regarding the dead and wounded were not made public.

On March 31

The Russian armed forces fired a missile near the center of Kharkiv. Some areas of the city came under intense shelling. Information about the dead and destruction was not disseminated.

On April 1

Five buses carrying volunteers evacuating people came under heavy fire from the Russian armed forces near Chernihiv. As a result of the shelling, at least one person was killed and four were seriously injured.

On April 2

On the morning, the armed forces of the Russian Federation with the use of MLRS "Hail" weapons carried out artillery shelling of the city recreation "Gorky Park" in the center of Kharkiv. At least one person was seriously injured.

On April 3

The Russian armed forces launched air strikes on Odessa. Heavy smoke was seen in some parts of the city. No specific damage or injuries were reported. On the same day, the Russians, using the Tornado MLRS weapon and cluster munitions, launched an artillery strike on a residential area in the Ingulets district of Kryvyi Rih (Dnipropetrovsk region). Private houses and an educational institution were destroyed.

On April 4

During the night, the Russian military launched another targeted missile strike on an object in Odessa (the object has not been specified). It was reported that the target of the missile was not hit. Rather, non-residential buildings were damaged.

On April 4

The Russian troops carried out an indiscriminate attack on the city of Mykolaiv. The artillery shelling damaged residential buildings and vehicles, as well as civilian infrastructure, including city and regional hospitals, 11 kindergartens, an orphanage, the Center for Preventive Diseases, 12 schools, vocational schools and 2 branches of out-of-school educational institutions. Twelve people were killed and 41 were injured, including four children.

On April 4

Artillery shelling of residential areas of Kharkiv has been reported (Pyatihatki, Oleksiyivka, Saltivka), and the day before - a shelling of the neighbouring town of Dergachi (at least 3 people were killed and 7 were seriously injured). On April 3, 7 people were killed and 34 others were injured in shelling of a residential area in the Slobidskyi district of Kharkiv.

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On April 4

A church named in honour of St. Luke of Crimea in Rubizhne (UOC-MP) came under artillery fire from the Russian Armed Forces. The roof of the church was damaged and two priests were wounded.



On April 6

The Russian Armed Forces launched an artillery strike on a building in Vuhledar, Donetsk Oblast, where a humanitarian aid point was located. At least four people were killed and five were injured.

On April 8

The Russian Armed Forces launched an artillery strike on the central railway station in Kramatorsk (Donetsk region).

Hundreds of people were at and near the station at the time, awaiting evacuation from the city. It is also reported that cluster munitions were used. At least 50 civilians (including 5 children) were killed and about 100 were injured.



Photo: Andriy Andrienko
Kramatorsk, April 8, 2022



Why this constitutes a violation of IHL:

The rules of international humanitarian law stipulate that in order to ensure respect for and protection of civilians and civilian objects, the parties to the conflict must always distinguish between civilians and combatants, as well as civilian and military objects, and direct their actions only against military facilities (Additional Protocol I to the Geneva Conventions, Articles 48, 52, Customary IHL, Norms 1, 7).

The protection of civilian objects ceases when these objects are used for military purposes. Precautions during an attack include, but are not limited to, the person planning or deciding to carry out the attack should do everything possible to ensure that the targets of the attack are neither civilians nor civilian objects and are not subject to special protection, but are military targets (Additional Protocol I to the Geneva Conventions, Article 57, Customary IHL, Rule 16).

Non-selective attacks, in particular attacks that are not aimed at a specific military purpose, or attacks that use methods or means of warfare that cannot be aimed at a specific military purpose, are prohibited.

In case of doubt as to whether an object normally used for civilian purposes, such as worship, housing, school, is not used for effective support of hostilities, it is assumed that such object is used for civilian purposes (Additional Protocol I to the Geneva Conventions, Article 52).

Intentional attacks on the civilian population or on individual civilians, intentional attacks on civilian objects, the use of the presence of a civilian to protect against hostilities, and certain other related acts committed during an international armed conflict are war crimes within the meaning of Rome Statute of the International Criminal Court (ICC Statute, Article 8).



Photo: Petros Giannakouris
Odesa, April 3, 2022

4

Attacks on objects under special protection: high-risk facilities and installations

On March 31, the Russian armed forces, apparently against the background of general military defeats in the areas of hostilities, left the territory of the Chernobyl nuclear power plant, taking with them captured Ukrainian National Guards from among the nuclear power plant's guards. It is reported that during the occupation of the power plant there were about 50 units of military equipment and about a thousand soldiers, that is, the Russian armed forces actually turned the nuclear power plant into their military base.



Photo: Sergiy Gaidai
Rubizhne, April 5, 2022

Examples:

On April 5

In Rubizhne (Luhansk region), the Russian armed forces fired an artillery shell at a nitric acid tank.

On April 5

It was reported that Russian artillery hit a phenol production plant (New York, Donetsk region). Damages were reported on: 3 distillation columns, 3 assemblies of finished products, the mezzanine floor of the oil distillation structure, material pipelines, a tank storage facility and other structures.

Today, Russia continues to threaten the Zaporizhzhia nuclear power plant with its military actions. As of April 6, 300-500 servicemen and approximately 50 units of heavy equipment remained close to the perimeter of the power plant.

It has to be recalled that on March 10 and again on March 26, the Russian armed forces carried out artillery shelling of the Kharkiv Institute of Physics and Technology, where the nuclear installation "Source of Neutrons" is located. The nuclear installation is not designed to be operated in combat conditions.

Why this constitutes a violation of IHL:

Installations and structures containing dangerous forces – such as dams and nuclear power plants - should not be attacked if such an attack could cause the release of dangerous forces and subsequent heavy casualties among the civilian population. Attacks are prohibited even if such facilities are military facilities (Additional Protocol I to the Geneva Conventions, Article 56). During attacks on high-risk structures and installations, special attention should be paid to avoiding the release of dangerous forces and excessive casualties among the civilian population during such attacks (Customary IHL, Rule 42).

At the same time, the ban on attacks on these objects is not absolute. For example, special protection against an attack on a nuclear power plant is terminated if the nuclear power plant generates electricity for regular substantial and direct support of military operations and if such an attack is the only practical way to stop such support.

It is clear that Ukrainian nuclear power plants are purely civilian and not military. There are no Ukrainian military facilities near nuclear power plants. The consequences of hostilities near such facilities, damage to their infrastructure, the conversion of nuclear power plants into military bases of the Russian Federation, are such that the results of such activity are unpredictable and pose an exceptional danger.

Intentional attack, when it is known that such an attack will cause accidental death or injury of civilians or damage to civilian objects or large-scale, long-term and serious damage to the environment, which will be clearly incomparable to the specific and immediate expected general military advantage, is military a crime within the meaning of the Rome Statute of the International Criminal Court (ICC Statute, Article 8 (2) (b) (iv)).

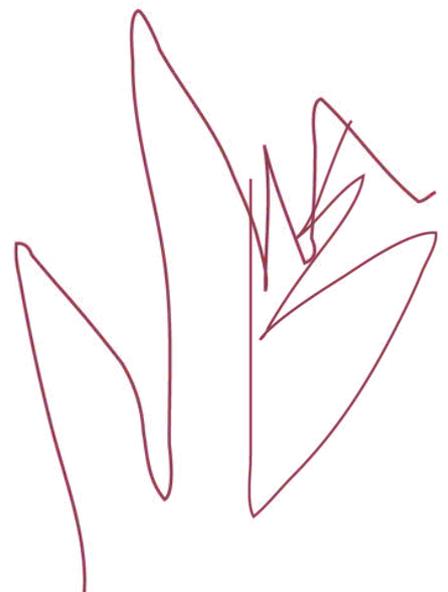
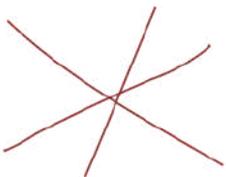
5

Threats to the environment



Photo: Felipe Dana
Kharkiv, March 25, 2022

Threats to the environment are gradually increasing and becoming noticeable: air pollution, damage to ecosystems, water resources, etc.



Examples:

On March 30

The concentration of pollutants in the air of Kyiv was almost 9 times higher than the norm. A little earlier, on March 19, Kyiv was for a period the most hazardous city in the world in terms of air pollution. This was caused, in particular, by large-scale fires in the Kyiv region, changes in the wind direction and strength, and by fires in neighbouring regions caused by hostilities.

The Ukrainian Ministry of Ecology addressed the issue of fires in the Chernobyl Exclusion Zone:

"Due to the lack of full control over the fire situation and radiation, there is a risk of migration of radionuclides with smoke from fires outside the Exclusion Zone. Currently, fires in natural ecosystems remain a major factor in deteriorating radiation safety."

On April 2

There were reports of destruction due to the demolition of a dam on the Oskol Reservoir (Kharkiv region). Streams of water flowed in a southerly direction and flooded settlements, in particular, the city of Svyatogorsk (Donetsk region).

Photo: Donbas News
Svyatogorsk, April 2, 2022



On April 7

The Ukrainian Ministry of Ecology noted:

"Large-scale fortifications and positions have been dug in one of the parts of the highly polluted Red Forest area (Chornobyl Exclusion Zone). There is a lot of burnt grass and bushes around the fortifications. The occupiers' actions probably led to the release of highly radioactive dust."

Why this constitutes a violation of IHL:

In the conduct of hostilities, care must be taken to protect the natural environment from widespread, long-term and serious damage. Such protection includes the prohibition of the use of methods or means of warfare which are intended to cause or are expected to cause such damage to the environment and thereby harm the health or survival of the population (Additional Protocol I to the Geneva Conventions, Article 55).

An attack on a military target is prohibited if such an attack can be expected to cause excessive accidental damage to the environment compared to the expected specific and immediate military advantage (Customary IHL, Rule 43). During military operations, all practically possible precautionary measures should be taken to avoid and in any case to minimise accidental damage to the environment (Customary IHL, norm 44).

Deliberate attack, when it is known that such an attack will cause large-scale, long-term and serious damage to the environment, which will be clearly incomparable with the concrete and immediate expected general military superiority, is a war crime within the meaning of the Rome Statute of the International Criminal Court. 8 (2) (b) (iv)).

It is obvious that it is still too early to talk about 'broad, long-term and serious damage', as it is understood in the practice of applying the relevant IHL norms. At the same time, it is also the case that the Russian armed forces did not take all possible precautionary measures to avoid such potential damage. Further disregard for the above-mentioned IHL norms will inevitably lead to the type of damage as has been described.

6

Destruction and seizure of property, looting

Numerous reports of destruction, seizure and/or looting of property belonging to individuals and legal entities, the state and local communities continue to be received from almost all occupied settlements. Details of this nature are also now being revealed in the recently liberated territories.

Examples:

On March 31

A message appeared on the Facebook page of the private company Agrotek that the Russian military had stolen John Deere agricultural machinery in Melitopol. In question are two new combine harvesters, a tractor and a drill, worth a total of €1 million. The property was stolen from the company's exhibition grounds. Interestingly, thanks to the positioning systems installed on the equipment, the company's specialists recorded that the equipment is currently located on the farm in the village of Zakan-Yurt in the Chechen Republic. On April 5 and 8, Agrotek published similar reports on the looting of the company's property: combine harvesters, reapers, seeding machines, etc.

Photo: Felipe Dana
Kharkiv, March, 2022





On March 31

Retreating from the Chernobyl nuclear power plant, the occupying forces took computers, kettles, coffee makers and some other household items, including personal belongings of the station staff, and looted a hotel near the nuclear power plant.

It has also been reported that the looting of other machinery has taken place: trucks, tractors, specialist machines and equipment, fire trucks, fuel supplies and other expensive, specialist equipment.

The Ukrainian Ministry of Ecology states:

"The unique radiological laboratory of the Ecocentre State Enterprise no longer exists as a single and functional complex. Much of the equipment was stolen or destroyed. Equipment worth UAH 6 million, which the company received from Fukushima University during the implementation of the Japanese-Ukrainian project under the SATREPS program, was destroyed. A mobile laboratory for radiation reconnaissance fitted to a Volkswagen vehicle worth UAH 2.5 million was stolen."



On April 3

The online account "Belarusian Gayun" released a three-hour video from a surveillance camera at the SDEK delivery service office in Mozyr, Belarus (near the border with Ukraine). In the video one can observe how the Russian military arranges the forwarding of looted household items. Later, the names of the military (16 people), the destination and filling of shipments (clothing, fishing accessories, instruments, musical accessories, etc.) were established.



Photo: Ivor Prickett
Kyiv, March 28, 2022

Why this constitutes a violation of IHL:

IHL rules prohibit robbery. Movable public property that can be used for military operations is allowed to be confiscated in the occupied territories; private property must be respected, it may not be confiscated, except in cases where the destruction or seizure of such property requires urgent military necessity (Fourth Geneva Convention, Article 53, Customary IHL, Norms 49-51).

Illegal, senseless or large-scale destruction and misappropriation of property not caused by military necessity, looting of settlements, as well as some other related acts committed during the international armed conflict are war crimes within the meaning of the Rome Statute of the International Criminal Court. 8).

7

Using hunger as a method of warfare and restricting access to humanitarian aid

The blockade of Mariupol by Russian troops has been going on for the past two weeks. As of the beginning of the siege, the city's population would initially have about 300-400,000 civilians. Russian forces continue to selectively release part of the population using their own vehicles to leave the city (in the direction of Berdyansk), but a significant number of people are still unable to leave because they do not have their own vehicles (or they have been damaged, destroyed or run out of fuel) or remain blocked in areas of the city where active hostilities are taking place. Ukrainian and international humanitarian aid vehicles and buses for the organized evacuation of people is still not allowed by the Russian military into the city. In the city, since the beginning of March (in some areas - from February 24), there is no centralised water supply, including drinking water, electricity, and heating. It is not possible to buy food. The situation in the city is critical. Information on famine among the civilian population continues to be received.

Photo: Matthias Bruggmann
Bucha, March, 2022





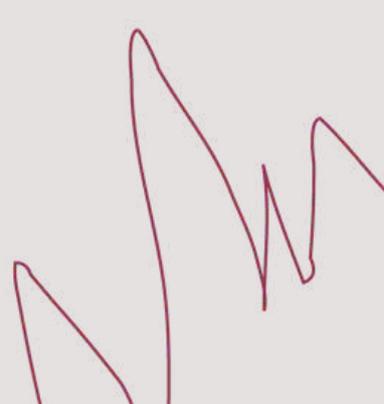
Photo: Rodrigo Abd
Bucha, March, 2022

Such actions of the armed forces of the Russian Federation give grounds to claim that there are signs of the use of hunger among the civilian population as a method of warfare.

Apparently, a similar critical humanitarian situation, according to the Russian military command, was developed in the other besieged Ukrainian settlements, including Chernihiv and Sumy, so as to force defenders to lay down their arms. Nonetheless, the Russian armed forces were eventually forced to withdraw from the northern regions of Ukraine.

Earlier it was reported that the Russian armed forces are targeting food warehouses in Severodonetsk (Luhansk region), which is defended by Ukrainian troops.

In general, since the beginning of the large-scale Russian invasion of Ukraine, the Russian armed forces have destroyed at least 6 large granaries in Ukraine (as of 01.04.22).



For example, on April 3, the Russian military launched a targeted missile strike at the Balovnyanskaya Production Base (Mykolaiv Oblast) facility. As a result, the material and technical base of the elevator complex was damaged. The work of the enterprise was paralysed.

Such tactics by the Russian military command may indicate an attempt to artificially create a humanitarian and food crisis across the country.

The difficult humanitarian situation gradually worsened in the occupied settlements, in particular due to the lack of medicine and food.

Kherson City Council press service: *"Kherson is surrounded by occupiers. We can't leave. They can't come to us. The city is running out of flour for baking bread, problems with medicine and fuel. Businesses have stopped, many have lost their jobs."*



Photo: Sergiy Mykhalchuk
Irpin, March 30, 2022



Photo: Mykhailo Palinchak
Bucha, April 4, 2022

Speaking in the Irish Parliament, President Zelensky said: *"They are consistently destroying fuel storage facilities, product distribution centres, destroying even conventional agricultural machinery and bypassing fields."*

Humanitarian cargoes that Ukraine sends to the occupied territories are detained by the Russian armed forces. For example, on April 6, a humanitarian cargo shipment was detained from Zaporizhzhia to the occupied Tokmak (Zaporizhzhia region), and on April 8 the Russian forces did not allow humanitarian aid into the occupied city of Melitopol.

Why this constitutes a violation of IHL:

It is forbidden to use famine among the civilian population as a method of warfare, as well as to attack, destroy, export or render unusable objects necessary for the survival of the civilian population, such as food supplies, agricultural areas producing food, crops, livestock, buildings to provide drinking water and supplies for the latter, as well as irrigation facilities specifically to prevent their use by civilians or the opposing party as a means of subsistence, for whatever reason, such as to starve civilians, force them to leave or leave for some other reason.

The parties to the conflict must authorize and facilitate the rapid and unhindered flow of humanitarian assistance to civilians in need, provided that such assistance is impartial, non-discriminatory and subject to control by the parties to the conflict (Additional Protocol I to the Geneva Conventions, Article 54, Customary IHL, norms 53-56).

Deliberately starving civilians as a means of waging war by depriving them of their necessities for survival, including intentionally obstructing assistance as provided for in the Geneva Conventions, is a war crime within the meaning of the Rome Statute of the International Criminal Court (ISS Statute, Article 8).



Photo: Petros Giannakouris
Bucha, April 7, 2022

8

Deportation and forcible transfer of civilians to the occupied territories

Numerous reports continue to be received about the movement of the Ukrainian civilian population of the Russian-occupied territory to areas outside of the state by the Russian armed forces. Most of these reports come from Mariupol. According to some data, the number of civilians displaced from Mariupol to Russia may have reached 20-30,000 people.

The city of Mariupol continues to be defended, but most parts of the city are controlled by the overwhelming forces of the Russian military. From those areas of the city that came under Russian control, the military evacuates civilians for further movement to occupied Donetsk (other occupied cities of Donetsk and Luhansk regions) and to the territory of the Russian Federation. It is reported that the Russians created so-called "filtration camps", the purpose of which is probably to check the residents of Mariupol for involvement in the defence of the city (participation in hostilities) and the detention of pro-Ukrainian people.



Photo: Oleksiy Kudenko
Mariupol, March 31, 2022

To date, there is a critical lack of objective information about these "filtration camps". According to the information available to EUCCI, it is not a case of stationary facilities specifically designed to hold (filter) people (in particular, with a protection and detention regime), but more that there exists a whole network of temporary detention facilities processing people throughout the occupied territories. Such places are on the premises of schools, kindergartens, community centres and other previously seized public facilities located, in particular, but not exclusively, in the occupied villages and towns around Mariupol (Khreshchatyk, Kossacke, Perschotravneve, Bezymenne, Novoazovsk, Mangush, Mykilske etc.). People are there waiting for the so-called "filtration measures" and can move conditionally freely through the territory of the settlement. It is not formally forbidden to leave the territory of the settlement on your own, but due to the lack of any public transport and given the network of checkpoints, it is virtually impossible to do so.

After passing the so-called "filtration measures" (people usually have to wait their turn over several days), which include at the minimum detailed interrogation or superficial interrogation of a person, examination to detect evidence of participation in hostilities (for the most part, of males), superficial examination or search of personal belongings (a set of "measures" depends on gender, age and other similar factors and is determined most probably in each case on an individual basis), people are taken out centrally (by buses) to the previously occupied cities of Donetsk/Luhansk regions, as well as to the territory of the Russian Federation (Rostov-on-Don, Taganrog, with subsequent transportation to other cities of the Russian Federation). It is not known on what principle the final destination is chosen (for example, Donetsk or the Russian Federation), but it probably happens mostly spontaneously, depending on the current situation.

Reports of forced displacement of civilians are also coming from other regions of Ukraine.

For example, on April 5, the head of the military administration of Hostomel stated that in 35 days of occupation, more than 400 people had disappeared from the town.

It is likely that a number of these people were deported to Belarus or Russia.

Why this constitutes a violation of IHL:

It is prohibited, regardless of the motives, to carry out forced individual or mass resettlement or deportation of persons under protection from the occupied territory to the territory of the occupying state or to the territory of any other state, regardless of whether it is occupied or not. However, the occupying power may carry out a general or partial evacuation from a certain territory if this is necessary to ensure the security of the population or for particularly good military reasons. Such evacuations may not involve the movement of protected persons outside the occupied territory, except in cases where this cannot be avoided for material reasons (Fourth Geneva Convention, Article 49, Customary IHL, Rule 129).

Deliberate deportation or relocation of all or part of the population of the occupied territory within or outside the territory in violation of Article 49 of the Fourth Geneva Convention is considered a serious violation of international humanitarian law (Additional Protocol I to the Geneva Conventions, Article 85) and a war crime within the meaning of Rome Statute of the International Criminal Court (ICC Statute, Article 8 (2) (a) (vii), (2) (b) (viii)).

Desecration of dead bodies and cremation

Evidence of abuse of the body, as well as reports of the deployment of mobile crematoria by the Russian military in Mariupol, began gradually to emerge.

Examples:

On March 29

A video with the bodies of fallen servicemen was published on the Telegram channel 384 OMRP SpN. The video begins with the words *"You are greeted by the marines of Novorossiya and all the liberators of historical Novorossiya."* The author of the video shows the mutilated bodies of fallen combatants, stacked and dressed, it is believed, in Ukrainian military uniform (some bodies half-naked). The bodies are covered with the flag of the Azov Regiment of the National Guard of Ukraine. The video is accompanied by the author (behind-the-scenes voice) making pseudo-historical and pseudo-philosophical reflections and propaganda-related comments. At the end of the recording, the author of the video (voice-over) identifies himself as "384 OMRP SpN" (possibly — "384 Separate Marine Intelligence Point Special Purpose VCH00800, part of the 1st Army Corps of the DNR").

Watch video

- ✦ Attention, the content contains scenes of violence and cruelty

In our opinion, such a demonstration of the bodies of killed combatants and the subsequent distribution of the filmed video for clearly propaganda purposes, unrequired for military purposes, nor of a humanitarian necessity, is offensive and constitutes a mockery of the dead, and is therefore a violation of IHL, the laws and customs of war.

Following the massacre of civilians in Bucha (Kyiv Oblast), it was reported on April 6 that Russia had launched mobile crematoria in Mariupol to burn human bodies (probably both civilian and combatants).

The press service of the Mariupol City Council claims that Russia has involved "special cleaning brigades formed of local residents" in the cremation of the bodies of Mariupol residents, as well as representatives of the so-called DNR. This work is coordinated by the self-proclaimed "mayor" of the city Konstantin Ivashchenko.

Why this constitutes a violation of IHL:

Regarding dead civilians:

The remains of persons who have died as a result of an occupation or imprisonment as a result of occupation or hostilities, and of persons who are not nationals of the country in which they died as a result of hostilities, are respected and places burials of such persons shall also be respected, maintained and marked as provided for in Article 130 of the Fourth Convention, unless the remains of such persons or their burial places are favoured in accordance with the Conventions and this Protocol (Additional Protocol I to the Geneva Conventions, Article 34).

Article 130 of the Fourth Geneva Convention states that detaining authorities shall ensure that internees who die during internment are buried with respect and, if possible, in accordance with the rituals of the religion to which they belong, and that their graves revered, properly cleaned and marked so that they can always be identified. The dead internees are buried in individual graves, except in cases where unavoidable circumstances require the use of common graves. Bodies may be cremated only for categorical reasons of hygiene, in accordance with the religion of the deceased or in accordance with his clear wish to do so. In the case of cremation, its fact will be stated and the reasons will be given in the death certificate of the deceased. The ashes are kept intact by the detaining authorities and handed over to their relatives as soon as possible at their request.

Regarding dead combatants:

Article 17 of the First Geneva Convention states that bodies shall be cremated only when necessary, in accordance with mandatory hygiene requirements or in connection with motives related to the religion of the deceased. In the case of cremation, its circumstances and causes are set out in detail in the death certificate or certified list of the dead. Decent burial of the dead is ensured, if possible, in accordance with the rites of the religion to which they belonged, respect for their graves, grouping of graves, if possible, according to the nationality of the dead, proper care of graves and marking them so that they can always be found.

International humanitarian law prohibits mocking the bodies of the dead. The dead must be buried with dignity, and their graves must be treated with respect and kept in good condition (Customary IHL, norms 113, 115).

The parties to the conflict shall make every effort to facilitate the return of the remains of the deceased at the request of the party to which they belong or at the request of the relatives of the deceased. Personal belongings that belonged to the deceased, are also subject to return. In order to identify the remains of the deceased, each party to the conflict must record all available information before burial and indicate the location of graves (Customary IHL, norms 114, 116).

The abuse of the bodies of the dead constitutes an "encroachment on human dignity" (including the dead) within the meaning of the Rome Statute of the International Criminal Court, i.e. this constitutes a war crime (ICC Statute, Article 8 (2) (b) (xxi)).





Photo: Rodrigo Abd
Bucha, April 2, 2022

10

Use of antipersonnel mines

On March 30, the General Staff of the Armed Forces of Ukraine issued a report that the Russian military territory of Ukraine had deployed an anti-personnel shrapnel mine (specifically, a mine none as a 3 medallion-type mine) with a seismic sensor (produced exclusively in Russia).

Such mines are prohibited by the 1997 Ottawa Convention. However, Russia is not a party to this international treaty.

11

Illegal detention and deprivation of liberty of civilians, hostage-taking

The practice of illegal detentions by the Russian armed forces and detention of civilians in places of detention continued. It is safe to say that unlawful deprivation of liberty is widespread and part of Russia's plan or policy towards certain sections of the civilian population in the occupied territories (journalists, civic activists and bloggers, volunteers, entrepreneurs, peaceful protesters and others who do not support the occupation).

There is growing evidence that former Ukrainian officials or law enforcement officials are directly or indirectly involved in the detention of civilians.



Photo: Vadim Ghirda
Bucha, March, 2022



Examples:

On April 6

The head of the Luhansk Regional State Administration, Serhiy Haidai, said in an interview with the channel "Dom" that the former mayor of Rubizhne, Serhiy Hortiv, was passing information to the occupying forces about local residents with a pro-Ukrainian position. Given the fact that earlier the official, according to many sources, sided with Russia, this assertion is believed to be credible.

On April 5

In an interview with "Ukrayinska Pravda", the mayor of occupied Kherson, Ihor Kolikhayev, said that "*well-wishers have merged the entirety of the databases on all activists who were in the city.*" This also applies to deputy mayors, participants in terrorist defence and hostilities in eastern Ukraine: addresses, property information and more.

* According to the data collected by EUCCI, for the period from March 28 to April 8, 2022, the Russian military detained at least 99 civilians in the occupied territories, most of whom EUCCI managed to identify by name.

The names of certain others are not yet known.

On March 28

The Russian military reported that Irina Dubchenko had been detained by the Russian military in Rozivka, Zaporizhzhia Oblast. After the Russian occupation of the village, the woman was unable to leave because she was taking care of her grandmother. The woman was accused of hiding a wounded Ukrainian soldier. It is also reported that several Ukrainian servicemen treated at a local hospital had been killed before. After the detention, the Russians took the woman to occupied Donetsk "for investigation".

On March 29

In the village of Novyye Borovichi (Chernihiv region) Russian military took hostage the head of the Novoborovichi Starostinsky district, Anatoly Sirovo. The military put forward a condition for the return of the man and a condition for the safety of the civilian population - clearing the road to Novy Borovychi of fallen trees.



Photo: Tyler Hicks
Dergachi, April 7, 2022

On March 29

It was reported that the Russian military had detained Oleksandr Koshelevych, the mayor of the occupied city of Primorsk (Zaporizhzhya Oblast). At first, the military took the mayor's father hostage, after which the man exchanged himself for his father. Later, the mayor was probably taken to occupied Berdyansk.

On March 31

Russian troops in occupied Melitopol raided the home of the local businessman Oleg Rudenko, and then searched the property, stealing a laptop, hard drive, documents and keys to an apartment and shop. The man was detained and taken away in an unknown direction. Since the beginning of the occupation of the region, the businessman had been aiding local residents, in particular, distributing food to people free of charge.

On March 31

A report by Olena Kostyuchenko from occupied Kherson was published on the website of the online publication Mediazona. The journalist visited the occupied city and talked to locals. The report notes that since the beginning of the occupation, the city council has received 44 reports of missing people, including three women and a Spanish citizen. Five disappeared in Freedom Square, where peaceful protests against the occupation were taking place, and the rest were abducted on the streets, checkpoints, and from their own homes. The report provides direct speech from the statements of residents to the City Council, for example:

"The Russian military took our children with bags on their heads from a rented apartment. There were two jeeps near the house, a minibus and a Ural with a Z sign";

"My sister and the guys she rented an apartment with are missing. People in Russian uniform with the letter Z, and cars with the letter Z, were seen";

"My husband was abducted on March 9. In the morning, his acquaintances also disappeared. They called their relatives on the phone and said that they were in the captivity of the Russian occupiers."

Why this constitutes a violation of IHL:

During an international armed conflict, the reasons why a party to the conflict may deprive a civilian of his liberty are enshrined in the Fourth Geneva Convention: civilians may be interned or forcibly resettled in a certain place only if absolutely necessary for security reasons. the state under whose authority they are (Article 42), and in the occupied territories — for reasons of maintaining security (Article 78). In order for deprivation of liberty to be considered lawful in such cases, it is also necessary to follow the established procedure (Articles 43, 78 and others).

Forced disappearances and arbitrary deprivation of liberty (Customary IHL, norms 98, 99) against civilians are prohibited.

As for journalists, the IHL considers them civilians, protected by the Geneva Conventions and their Additional Protocols, provided that such persons do not take any action incompatible with their status as civilians (subject to the right of military correspondents to the status of prisoners of war). They have the right, in particular, but not exclusively, in all circumstances, to respect for their identity, honour, family rights and the right to humane treatment, in particular, they must be protected from any acts of violence or intimidation.

The widespread or systematic practice of enforced disappearances, imprisonment or other cruel deprivation of physical liberty in violation of fundamental international law is a crime against humanity as defined in Article 7 of the Rome Statute of the International Criminal Court (ICC Statute, Article 7 (1)). e) (i)).

Unlawful deprivation of liberty, hostage-taking and certain other related acts are also considered a war crime within the meaning of the Rome Statute (ICC Statute, Article 8 (2) (a) (vii) (viii)).

Reference:

The practice of illegal detention and detention of civilians, including journalists in connection with their professional activities, has been widespread since 2014, i.e., since the beginning of Russia's armed aggression against Ukraine, as reported by [EUCCI](#) and other human rights organizations, in their publications, research and other materials.

See, for example, the EUCCI reports:

[Imprisoned in the “LPR Government” Building: Analytical report](#)

[War without rules](#)

[Surviving hell: Testimonies of Victims on Places of Illegal Detention in Donbas](#)

Since 2014, EUCCI has been documenting human rights violations committed during the war in Ukraine. The EUCCI team has undergone a series of specialised training, where they have learned how to properly collect, process and store testimonies of victims. During 2014-2021, EUCCI's interviewers visited almost every city in Donetsk and Luhansk oblasts (in the territory controlled by the Ukrainian government) to collect dozens of first-hand reports of human rights violations. We collected information on gross human rights violations caused by the armed conflict, including:

- illegal detention and detention;
- inhuman treatment;
- torture;
- involvement of children in organised armed groups;
- gender-based violence.

EUCCI offers each victim free legal aid in the form of counselling and support in court cases.

The publication was jointly prepared by the Eastern-Ukrainian Center for Civic Initiatives (EUCCI) and the German organization KURVE Wustrow — Centre for Training and Networking in Nonviolent Action as part of the Civil Peace Service (CPS) in Ukraine.

The publication was supported with funds from the German Federal Ministry for Economic Cooperation and Development (BMZ).

We now face new challenges in the new phase of the war and Russia's large-scale invasion of Ukraine, but we continue our human rights work and call on all victims and witnesses of human rights violations and IHL to report such violations to us:

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