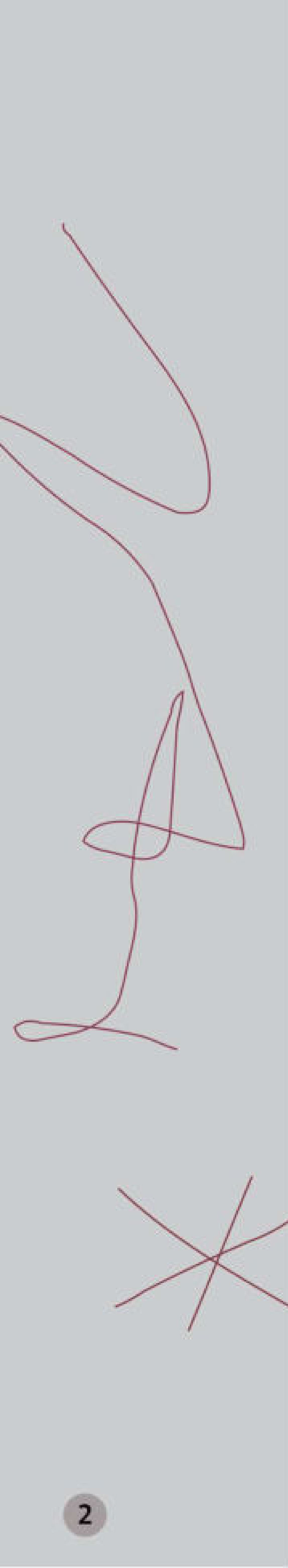


# ***Violations of international humanitarian law in Ukraine***

digest of events for the period from  
May 01 to May 31, 2022



Captured Ukrainian soldiers. Video screenshot. Source: Donbass Media Group



**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 in recent history.**

On February 24, 2022, Russia launched a new stage of the war against Ukraine with the support of Belarus, carrying out a full-scale invasion into the territory of our state, unprecedented in recent history.

The team of the **Eastern Ukrainian Center for Civic Initiatives (EUCCI)** continues its work started back in 2014 to collect and document violations of international humanitarian law (IHL) during the armed conflict with the aim of further submitting relevant materials to the Office of the Prosecutor of the International Criminal Court (ICC), the Office of the General Prosecutor (Ukraine), international investigation commissions having the mandate to collect, document and prepare all human rights violations, war and other crimes for trial, as well as to other international organizations.

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

Both parties to an international armed conflict are obliged to comply at least with the Geneva Conventions of 1949, the Additional Protocol I of 1977 to the Geneva Conventions of 1949, the Hague Convention on the Laws and Customs of Land Warfare of 1907 and Regulations on laws and customs of land warfare, which is an annex to this Convention, observe international customs (Customary IHL) and remember their obligations under the international human rights law.

It is clear that not all acts committed by the parties to the conflict constitute violations of international law and/or are war crimes or crimes against humanity. Therefore, we will try to explain separately why certain acts should be considered a violation of IHL.

## 1

# Premeditated murder and torture.



Grave of a man probably killed by the Russian military, Kyiv region. Photo: alamy.com

Search and exhumation of the bodies of people whose deaths occurred during occupation continued in the de-occupied municipalities of Zhytomyr, Kyiv, Chernihiv and Sumy regions during May of 2022.

This process is most active in Kyiv region where the bodies of 1,288 civilians were already found as of May 18.<sup>1</sup> It is not declared yet how many of these people have died as a result of armed hostilities and how many have died of natural causes including that as a result of impact of side factors of the war.

<sup>1</sup> <https://interfax.com.ua/news/general/833111.html>





Damaged truck in the town of Irpyn, May of 2022. Photo: Ondra Temple



Destruction of residential buildings in Irpyn. Photo: Emilio Morenatti

We remind that the number of bodies found in the territory of the Kyiv region was 1,084 civilians as of April 22, (it was noted that from 50% to 75% were people killed by small arms).<sup>2</sup>

It can be assumed that the figure of 1,288 civilian deaths, unfortunately, will not be final.

The police of the Kyiv region were looking for about 300 civilians who were missing as of May 02, however this figure changes every day both in the direction of increasing (receiving new search requests) and decreasing (due to establishing location of people alive or finding corpses).<sup>3</sup>

Police officers regularly find new burial sites of civilians executed to death during occupation.

## Individual examples:



One of the men probably killed in Kalynivka, Kyiv region.  
Photo: Office of the General Prosecutor

### On 02 May,

the Office of the General Prosecutor has reported that during the conduct of investigative actions on the territory of the village of Kalynivka (Makarivska amalgamated territorial community (ATC), Kyiv region), burial of two men with signs of torture was found. It is alleged that according to preliminary information, Russian military first tortured, and then committed extra-judicial execution of two local residents during occupation of the municipality. Hands of the dead were torn off nails and tied behind their backs, and gunshot wounds were found on their bodies.<sup>4</sup>

<sup>2</sup> <https://www.pravda.com.ua/news/2022/04/22/7341341/>

<sup>3</sup> <https://www.ukrinform.ua/rubric-regions/3472858-na-kiivsini-vze-znajsli-ponad-1200-til-ludej-vbitih-rosianami.html?fbclid=IwAR3uj-gOetWjkCHPgqJqTrJnhzp4lZOuPyUvKxuzQVArsl7x3juverm2BSw>

<sup>4</sup> <https://lme/pgp.gov.ua/3941>



**On 04 May,** the police exhumed and examined the bodies of two young men in the village of Rudnya-Talska (Vyshgorod district, Kyiv region). It is alleged that Russian military shot a car with two civilians on February 25, after which they ran over a car with people inside with heavy equipment.<sup>5</sup>



The police are exhuming bodies of dead civilians in Kyiv region. Photo: Police of Kyiv region

**On 16 May,** it became known that the bodies of three male civilians were exhumed near the town of Makarov (Bucha district, Kyiv region), where positions of the Russian military had been located during active hostilities. A tripwire with a grenade was found near the burial site, which was probably intended for those who will conduct search activities in this place. According to preliminary data, one man was shot in the abdomen, the other two had shots into the head. All three were dressed in civilian clothes. The identity of one of the men was established. He turned out to be a citizen of the Czech Republic who was probably engaged in volunteer activities. The identities of the other two are being established.<sup>6</sup>

<sup>5</sup> <https://www.facebook.com/pol.kyivregion/posts/362765685887754>

<sup>6</sup> <https://www.facebook.com/pol.kyivregion/posts/370569951773994>

The police are exhuming bodies of dead civilians in Kyiv region. Video screenshot. Source: NEBYTOV



**On 23 May,**

the Solomyanskiy District Court of the City of Kyiv, which acted as a court of first instance, announced the verdict against a Russian military serviceman, the commander of "Kantemyrivska Division" section, a sergeant **Vadim Shishimarin**, who was accused of committing a crime under Part Two of Article 438 of the Criminal Code of Ukraine (violation of the laws and customs of war, combined with premeditated murder). The court found the accused guilty of committing a crime and imposed a sentence of *life imprisonment*. According to the prosecutor's version found proven by the court of law, on 28 February 2022, in the village of Chupakhivka (Okhtyrka district, Sumy region), the accused has committed a premeditated murder (by shot in the head) of the civilian and unarmed 62-year-old Alexander Shelipov, who was riding a bicycle on the side of the road. The accused has pleaded guilty of committing the crime during the trial and asked for forgiveness from the widow of the deceased.<sup>7</sup> The verdict of the court did not enter into legal force as of the day of publication of the digest, and may be appealed against by the defense lawyer to the Court of Appeal.<sup>8</sup> This verdict was the first such sentence approved against a Russian army serviceman after the full-scale invasion of the Russian Federation on 24 February 2022.

**01 May,**

it became known that the Russian military, probably in the village of Abrykosivka (Kherson district, Kherson region), detained and tortured a local resident, former ATO participant Nazar Kagalnyak. It was reported that the man did not take part in military operations, sustained two cardiac infarctions and a complex heart surgery, lived in the village and raised two children on his own at the time of his detention. Subsequently, the military has returned the tortured man back home, yet he has died as a result of his injuries.<sup>9</sup>



Photo of Nazar Kagalnyak. Photo: Censor.net

<sup>7</sup> <https://www.bbc.com/ukrainian/news-61547873>

<sup>8</sup> As of today, the text of the court verdict was not made public, therefore information about the case was taken by EUCCI from mass media publications.

<sup>9</sup> <https://lme/denisovaombudsman/56477fbclid=IwARogdJzxQSuhQ4dcobJMlroAGl85tXkz65yzLjHLUliSkRKu2X-VyUvke30>





Mass burial in Bucha. Photo: alamy.com

## Those who died in the territory of the Bucha district (Kyiv region).

The Telegram channel called "**Those who died on the territory of Bucha district**", where photos of corpses found allegedly in the territory of the Bucha district of Kyiv region are published starting from 07 April, continued to be filled with photos during May 2022. These photos are accompanied by information about a person's name, date of birth, anthropometric data, place of discovery of the corpse, items found with it and probable preliminary cause of death if such information is known. It is stated in the "Description" of the Telegram channel that it was created "in order to look for relatives and identify those who died as a result of Russian aggression in Bucha district". In case of identification of a person on the photo, the channel's "subscriber" is invited to inform "Karina Kostyukevich, senior operative of the Criminal Police Unit of Bucha District Police Department (DPD)"<sup>10</sup>. The content of this channel is probably added by officers of territorial divisions of the National Police of Ukraine.

EUCCI has provided data from this Telegram channel as of 30 April 2022 (based on information about 395 corpses) in the **Digest # 3**.<sup>11</sup>

<sup>10</sup> <https://t.me/buchazagybli>

<sup>11</sup> [https://drive.google.com/file/d/1wzOhWVoJ6ISgO\\_zeLNvtBJCINHHz-5D/view?fbclid=IwAR3kztdgCzOw81NlUyVeBclvdFgNlYMs6ZP1zFYXfL1iWNU\\_euJYx\\_t7gT4](https://drive.google.com/file/d/1wzOhWVoJ6ISgO_zeLNvtBJCINHHz-5D/view?fbclid=IwAR3kztdgCzOw81NlUyVeBclvdFgNlYMs6ZP1zFYXfL1iWNU_euJYx_t7gT4)



To date, EUCCI has analyzed information provided in this Telegram channel for the period **from 07 April to May 31 of 2022**, totally about **531** corpses.<sup>12</sup> **Telegram channel continues to be updated.**

**Places where corpses were found, 531 in total:**

- town of Bucha, 93
- town Irpyn, 91
- city of Borodyanka, 51
- city of Gostomel, 48
- city of Vorzel, 24
- village Of Motyzhyn, 8
- village of Andriyivka, 8
- Other places (in particular, those not included in a description under the photo of a corpse), 208

Out of the total number (531 corpses), both gender and approximate or exact age of people were indicated in **416** cases. In the remaining 115 cases, gender or approximate age was probably preliminarily unknown due to condition of the corpse and lack of documents with it.

**Ratio table by gender and age.**

Age (years):	Total number of bodies found:	Male gender:	Female gender:
from 0 to 18	5 (1,2 %)	3 (0,7%)	2 (0,5%)
from 18 to 35	37 (8,9 %)	33 (7,9 %)	4 (1%)
from 35 to 60	229 (55 %)	193 (46,4 %)	36 (8,6 %)
from 60 to 80	120 (28,9 %)	87 (21%)	33 (7,9 %)
over 80	25 (6%)	8 (2 %)	17 (4 %)
Total number of people:	416 (100%)	324 (78 %)	92 (22 %)

Thus, **the highest number of deceased were men aged 35 to 60 years (55 %).**

Description of the preliminary cause of death (without a forensic report), probably only on the basis of traces found on the corpse and/or clothing, is only provided for some corpses. Obviously, the condition of many other corpses (putrefactive changes, mummified, burnt, etc.) did not allow law enforcement officers to establish a preliminary (approximate) cause of death without a forensic medical examination.

At the same time, information about the time, place and/or circumstances of discovery of corpses, visual analysis of the posted photos, in our opinion, indicate that the death of the absolute majority of these people occurred from war factors and is associated with them. For example, 26 burnt corpses were in the vast majority of cases found in the interiors of cars being fired at and burned. Some of the corpses were exhumed, in particular, but not exclusively, from mass graves (for example, a mass grave next to the church building on B. Khmelnitsky str. 7B in the town of Bucha) and they had bullet and/or shrapnel wounds.

<sup>12</sup> According to the estimate of EUCCI

### Ratio table by preliminary cause of death.

Preliminary (approximate) cause of death (without forensic report):	Number of bodies found (531 in total):
Gunshot bullet wounds (head, chest, abdomen, limbs, etc.)	93
Shrapnel wounds, mine-explosive injuries	37
Severe thermal burns that do not allow for determination of a preliminary cause of death without a forensic opinion (burnt corpses)	26
No signs of violent death (cardiovascular failure, etc.)	22
Damage to internal organs and deformity of bodies (bodies that were excavated from under the rubble of houses)	13
Mechanical asphyxia	2
Preliminary cause of death was not determined	338

Once again, we emphasize that we are talking about the preliminary (approximate) cause of death. The exact cause of death in each specific case will be determined in accordance with the procedure provided for by the legislation of Ukraine based on the results of a forensic medical examination.



Destruction in the town of Irpin. Photo: Marina Lapshyna

## Why this constitutes a violation of IHL:

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

Civilians have the right to personal respect, respect for their dignity, the right to family, their religious beliefs and rituals, habits and customs under any circumstances. They must always be treated in a humane way and be protected, in particular, from any act of violence or intimidation, from insults and curiosity of the crowd. Taking hostages is prohibited (Fourth Geneva Convention, articles 27, 34).

Murder, torture, cruel or inhuman treatment, abuse of human dignity, in particular degrading and humiliating treatment, corporal punishment, mutilation, rape and other forms of sexual violence, taking hostages, forced disappearance and arbitrary imprisonment shall be *prohibited* (Additional Protocol I to the Geneva Conventions, Article 75, Customary IHL, norms 87, 89-93, 96, 98, 99).

Premeditated murder, torture or inhuman treatment, illegal detention of a civilian are serious violations 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)).



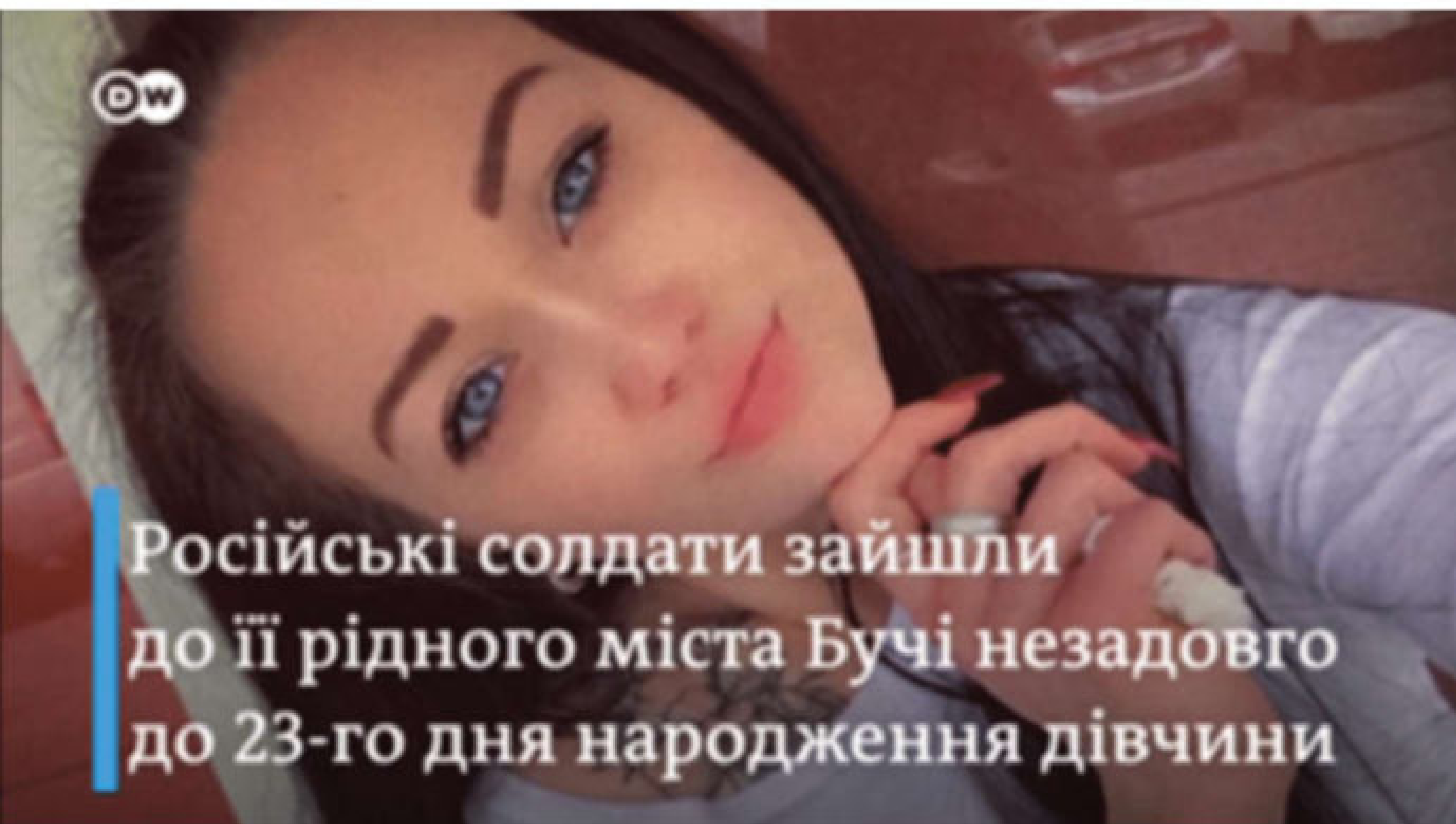
## 2

## Sexual and gender-based violence.

The number of allegations of cases of sexual and gender-based violence committed by combatants and cases of encroachment on human dignity, in particular, humiliating and degrading treatment continues to increase.

### Individual examples:

On 07 May, "Deutsche Welle" published a fragment of an interview with the parents of the 22-year-old **Karina Yershova** from the town of Bucha (Kyiv Region). During the occupation of the town, the woman was raped and then killed by a shot into the head. Before shooting the woman, she was abused, in particular, she was shot in her legs.<sup>13</sup>



Karina Yershova. Video screenshot. Source: Deutsche Welle

<sup>13</sup> <https://www.dw.com/uk/vitchym-zgvaltovanoi-ukrainky-ia-nenavydzhu-russkyi-myr/av-61720084>

**On 17 May,**

it became known that the Ukrainian Prosecutor Office has notified a 20-year-old **Bulat Fassakhov**, radio-telephonist of the howitzer artillery division of the 30th Separate Mechanized Brigade (SMB) of the 2nd Guards combined arms army of the Central Military District of the armed forces of the Russian Federation of suspicion of violating the laws and customs of war. According to investigators, in March 2022, a combatant and another serviceman broke into a private house in one of the occupied villages of the Brovary District of Kyiv region, locked the residents of the house in the basement, and one woman (not named) was raped by the accused, while threatening her with physical violence against other family members. A few days later, the accused, along with three other servicemen, broke into another private house, where they all took turns raping the woman, threatening her with murder.<sup>14</sup>



Bulat Fassakhov. Photo: Office of the General Prosecutor

**On 22 May,**

the publication "Fakty" has published a report from the village of Berestyanka (Borodyanka district, Kyiv region). In the report, a woman named Zoya (last name is not quoted) tells how the Russian military shot her unarmed son-in-law into the head during the occupation of the village (shows traces of the shot and blood in the house) and raped her daughter **Natalia** (last name is not quoted), as well as another woman from the same village named **Victoria**. Zoya's story is supplemented by her neighbor Viktor (last name is not quoted), in whose house Victoria hid after the rape while fearing rape also by other military personnel.<sup>15</sup>

**On 24 May,**

it became known that in March 2022, during the occupation of the village of Bogdanivka (Brovary district, Kyiv region) Russian military detained the senior priest of a local church **father Antoni** (Anton Piasetsky). The priest, an elderly man, was forced to strip naked and beaten for no reason. He was subsequently released.<sup>16</sup>

<sup>14</sup> <https://www.facebook.com/Venediktovalryna/posts/390324549771886>

<sup>15</sup> <https://fakty.com.ua/ua/videos/cholovikiv-rozstrilyuvaly-a-zhinok-gvaltuvaly-zlochyny-okupantiv-u-berestyancki/>

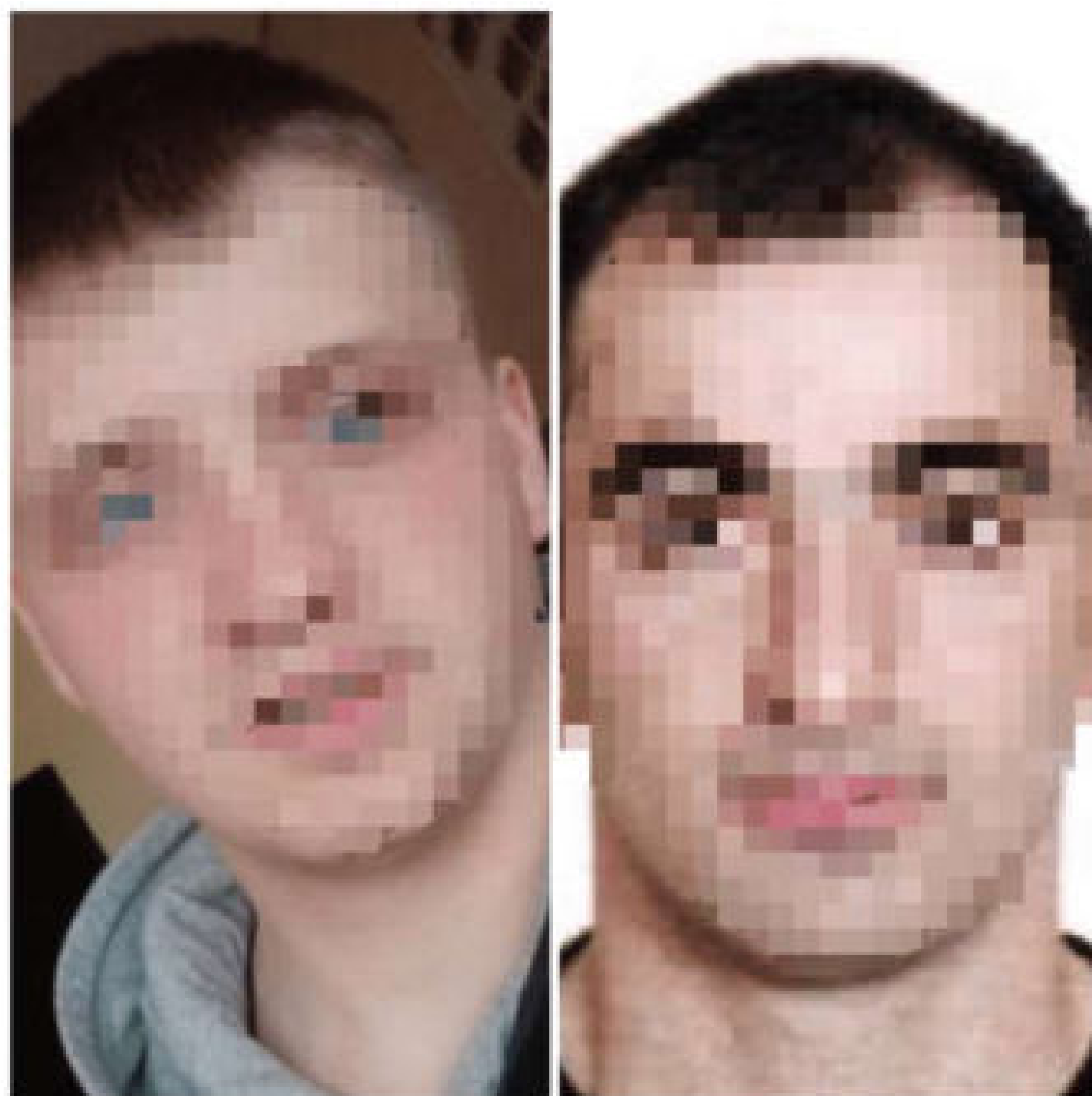
<sup>16</sup> <https://www.youtube.com/watch?v=DCPbUVydp8I>

Father Antoni talks about abuse of the Russian military. Video screenshot. Source: slidstvo.info



**On 27 May,**

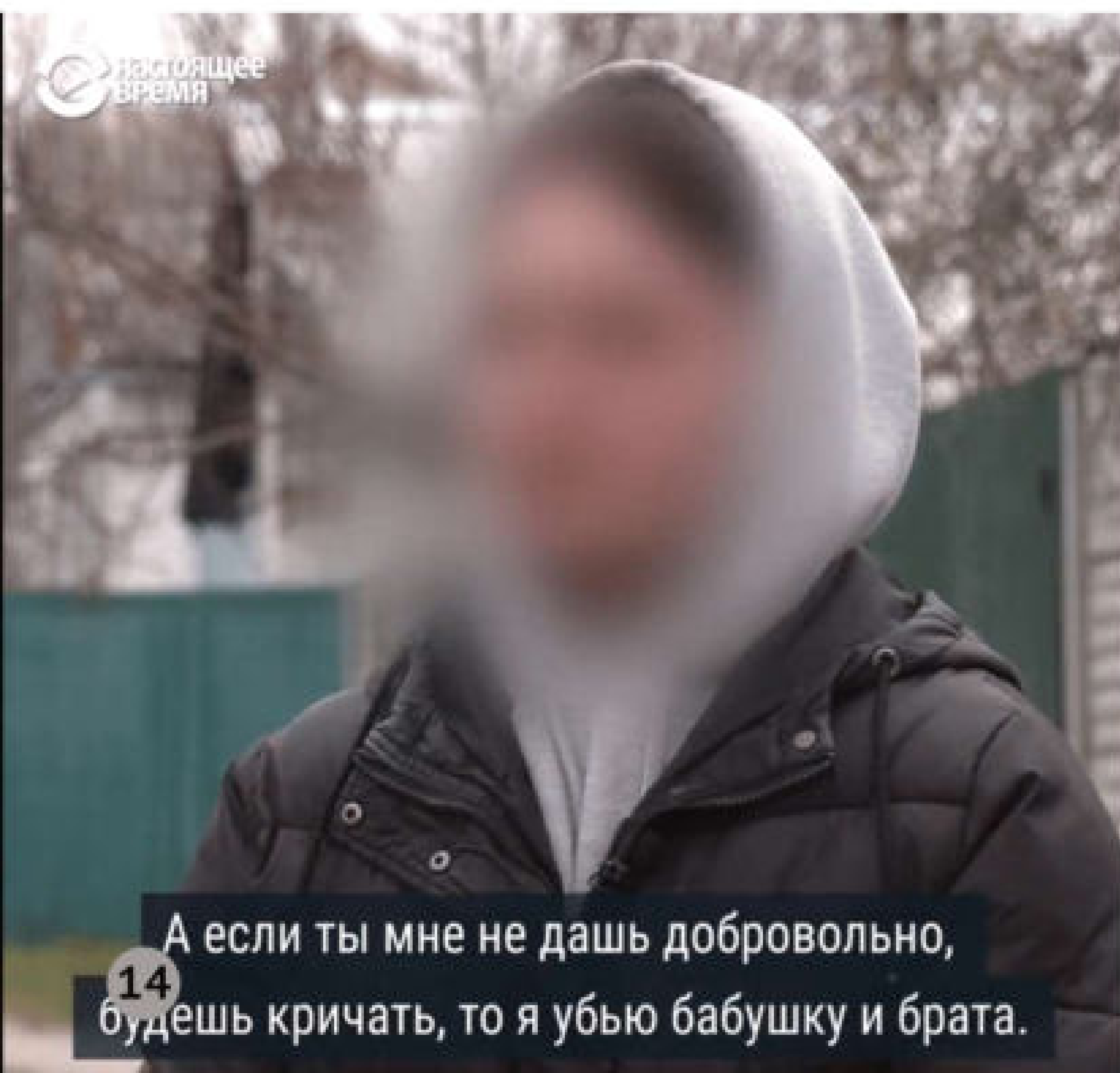
it became known that the Ukrainian Prosecutor Office has communicated a suspicion of violating the laws and customs of war to two Russian servicemen who, according to investigators have treated local civilian population in a cruel manner during the occupation of one of the municipalities of Chernihiv region in March 2022. In particular, the suspects have settled in a house where a Ukrainian family lived, a minor girl, her brother and grandmother. The commander of a military unit repeatedly tried to rape a 16-year-old girl, using physical and psychological violence against her (he beat her on the head with a weapon and strangled her, threatened to kill her relatives and give her to other servicemen for rape). In addition, the servicemen repeatedly held the girl's brother in the courtyard of the house in handcuffs and without outerwear in frosty weather, and inflicted injuries on him.<sup>17</sup>



The photo probably shows suspects of violating the laws and customs of war. Photo: Office of the General Prosecutor

**13 May**

The girl (her name was changed, and her face was hidden) told about some details of the crime committed in an interview with journalists published on 13 May. In parallel with the use of physical violence, the military man persuaded her to go with him to Russia and cohabit together, and her grandmother actually saved her from rape while constantly distracting the attention of the military. The girl's story was supplemented to journalists by her brother Alexander, who was an eyewitness to all these events.<sup>18</sup>



The girl talks about the circumstances of violence. Video screenshot. Source: "Current Time"

14  
А если ты мне не дашь добровольно,  
будешь кричать, то я убью бабушку и брата.

<sup>17</sup> [https://t.me/pgp\\_ua/4251](https://t.me/pgp_ua/4251)

<sup>18</sup> <https://twitter.com/CurrentTimeTv/status/1525121977832427521>



**On 30 May,**

Ukrainian Prosecutor Office has sent an indictment to the court of law against a Russian serviceman (name and unit are not quoted) who is accused of violating the laws and customs of war, combined with premeditated murder. Pre-trial investigation was carried out in the absence of the accused under a special procedure (in absentia), since he is now beyond the control of Ukrainian law enforcement officers. According to investigators, in March 2022, the accused, along with another Russian serviceman (the name is not specified), broke into a private house and shot its owner during the occupation of one of the municipalities of the Brovary District of the Kyiv region. Later, while being in a state of alcoholic intoxication, threatening the victim and her young child who was nearby with violence and weapons, the accused has repeatedly raped the wife of the murdered civilian.

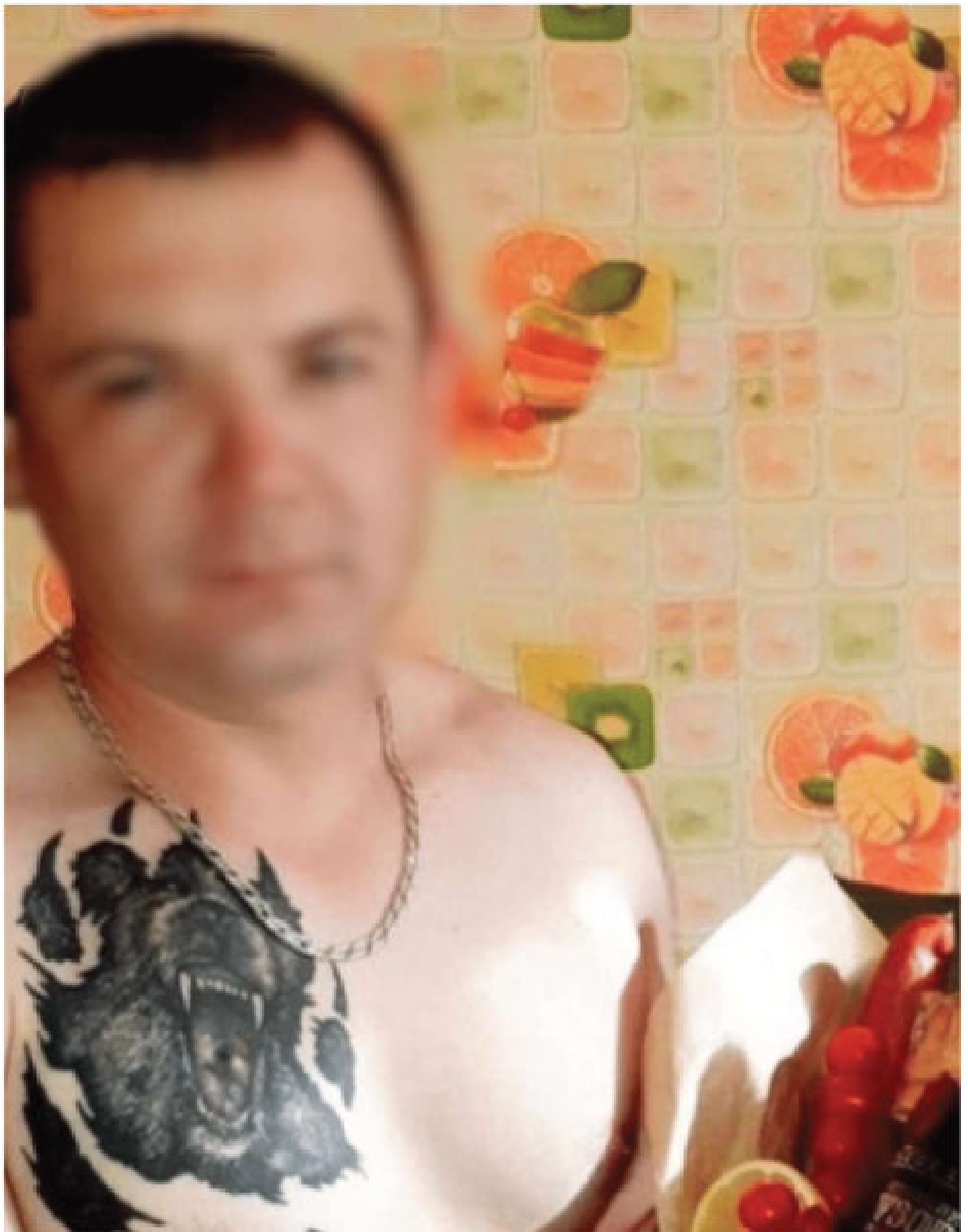


Photo of suspected rapist. Photo: Office of the General Prosecutor

## Why this constitutes a violation of IHL:

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

In the resolution 3318 (XXIX) of December 14, 1974, the UN General Assembly proclaimed the Declaration on protection of women and children in emergency situations and during armed conflicts, in which it called on UN member states to make every effort to protect women and children from the devastating consequences of a war, to achieve a ban on such measures as torture, degrading treatment and violence against them.

Widespread or systematic practice of rape and any other form of sexual violence of comparable gravity constitutes a crime against humanity as defined by the 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 a war crime in understanding of the Rome Statute (ICC Statute, Article 8 (2) (b) (XXII)).

In addition, the Rome Statute treats, in particular, humiliating and degrading treatment as war crimes and encroachments on human dignity, (ICC Statute, Article 8 (2) (b) (XXI)).

## For reference:

Sexual violence in situations related to armed conflict, in its various forms, has been widespread since 2014, that is, since the very beginning of Russia's armed aggression against Ukraine, as EUCCI has repeatedly reported in its publications, researches 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"**:

[https://jfp.org.ua/system/reports/files/110/en/gon\\_eng\\_220818\\_web.pdf](https://jfp.org.ua/system/reports/files/110/en/gon_eng_220818_web.pdf)

## 3

## **Deliberate attacks on civilian population and civilian objects. Attacks of indiscriminate nature. Failure to comply with the principle of proportionality in an attack.**

During May 2022, the armed forces of the Russian Federation continued to ignore the norms of IHL and in violation of the *principle of distinction* have carried out deliberate attacks on both civilian persons and civilian objects. The number of *indiscriminate attacks* continues to be consistently high. As before, in many cases there are signs of non-compliance by the Russian military of the *principle of proportionality* during attacks. We remind that the essence of the latter is that attacks which can be expected to cause accidental death of civilian population or injury to civilians, damage to civilian objects, or a combination of such consequences that would be excessive in comparison with the expected specific and immediate military advantage that should be obtained are prohibited.

Municipalities, where active fighting continued inside or nearby, were subject to indiscriminate artillery attacks to (for example, the city of Severodonetsk, Luhansk region or the city of Bakhmut, Donetsk region), as well as those municipalities that are located in a sufficiently deep rear of Ukrainian troops (for example, the cities of Kharkiv and Odessa). Municipalities in the border regions of Ukraine that were previously de-occupied (Chernihiv and Sumy regions) are subject to regular artillery attacks from the territory of the Russian Federation.



Destruction of a residential building, Kyiv region. Photo: Ines MadDel





Destruction of a residential building in Kharkiv, March 2022. Photo: Aris Messinis

According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), **9,029 victims** were registered among civilian population of the country in the period from 04 hours 00 minutes on 24 February 2022 until the midnight on 30 May 2022: 4,113 killed and 4,916 wounded. OHCHR has noted that the majority of reported deaths or injuries were caused by strikes of long-range explosive weapons and it believes that the actual numbers are much higher because information is received late from places where intense fighting continues and it requires verification.<sup>19</sup>

Destruction in the city of Bakhmut, May 2022. Photo: Aris Messinis



<sup>19</sup> <https://www.ohchr.org/ru/news/2022/05/ukraine-civilian-casualty-update-31-may-2022>

## Individual examples:

On 02 May, the armed forces of the Russian Federation launched a missile strike on objects in **the city of Odessa** (Odessa region). At least one 14-year-old child was killed and another child was injured.<sup>20</sup> On 08 May, two Russian missiles fired from planes from the side of the Black Sea hit a residential area, having destroyed recreation areas. Another missile was shot down by Ukrainian air defense system.<sup>21</sup> On 09 May, the Russian military launched a new missile strike on the city. It was reported that a total of seven missiles were fired. At least one person was killed and five injured. A shopping and entertainment center was destroyed in the village of Fontanka (a suburb of Odessa).<sup>22</sup>



Odessa shopping mall "Riviera" after shelling. Photo: Sonya Lukashova, Ukrpravda

<sup>20</sup> <https://www.pravda.com.ua/news/2022/05/2/7343606/>

<sup>21</sup> <https://t.me/odesacityofficial/7427>

<sup>22</sup> <https://www.pravda.com.ua/news/2022/05/10/7345196/>

## On May 03,

the armed forces of the Russian Federation attacked the territory of the Avdiivka coke plant (**city of Avdiivka, Donetsk region**).<sup>23</sup> Seven employees of the plant were killed and 19 were injured. People had just completed their work shift and were waiting at the bus stop for a bus to take them home.<sup>24</sup>

A video of the shelling from surveillance cameras can be viewed here: <https://www.facebook.com/watch/?v=488632232958334>

## On May 4,

the Russian military shelled the frontline **town of Sviaatohirsk (Donetsk region)** and surrounding municipalities defended by the Ukrainian military. In particular, the Holy Dormition Sviaatohirsk Lavra Monastery came under fire. A hostel was damaged and at least seven people were injured.<sup>25</sup> On 09 May, a new artillery strike destroyed St. George Skete of the Holy Dormition Sviatohirsk Lavra Monastery in the village of Dolyna. No fatalities or injuries were reported.<sup>26</sup>



Consequences of shelling of St. George Skete of the Holy Dormition Sviatohirsk Lavra Monastery. Photo: National Police



Consequences of shelling of Kramatorsk, 5 May. Video screenshot. Source: Pavlo Kyrilenko / Donetsk Regional State Administration (Regional Military Administration)

## On May 05,

Russian armed forces launched a missile strike on **the city of Kramatorsk (Donetsk region)**. 9 residential buildings, a school and other civil infrastructure facilities were damaged. At least 25 civilians were injured.<sup>27</sup> On May 25, the Russian military launched another missile strike on high-rise residential areas and low-rise residential areas of the city. Residential buildings were destroyed. No fatalities or injuries were reported.<sup>28</sup>

<sup>23</sup> [https://t.me/pavlokyrylenko\\_donoda/3255](https://t.me/pavlokyrylenko_donoda/3255)

<sup>24</sup> <https://www.facebook.com/watch/?v=488632232958334>

<sup>25</sup> <https://www.forbes.com/sites/katyasoldak/2022/05/05/thursday-may-5-russias-war-on-ukraine-news-and-information-from-ukraine/?sh=53018b0de1ff>

<sup>26</sup> <https://www.pravda.com.ua/news/2022/05/9/7344960/>

<sup>27</sup> [https://t.me/pavlokyrylenko\\_donoda/3271](https://t.me/pavlokyrylenko_donoda/3271)

<sup>28</sup> <https://www.facebook.com/alexander.vasilyevich.goncharenko/posts/pfbid0z4WjfvYPbKi8PAFVWRXrVL2FpiT3nguaLqv8zPX5g6Fs3CEBorPUAUsgBm33EcLRPl>





Consequences of shelling of Kramatorsk, 25 May. Photo: Oleksandr Goncharenko, mayor of Kramatorsk

**On 09 May,** during the shelling of the de-occupied territory of the Shostka district (**Sumy region**), one of the Russian missiles hit an ancient Jewish cemetery in the town of Glukhov (Sumy region), the largest preserved cemetery in the region which has survived since the Second World War.<sup>29</sup> On 12 May, the armed forces of the Russian Federation carried out several airstrikes on the town of Novhorod-Siverskyi (Sumy region). Buildings of a school and boarding school, the district administration, medical college dormitories, a store, and low-rise residential buildings were destroyed or damaged.<sup>30</sup> At least three people were killed and 19 others were injured.<sup>31</sup> On 17 May, there was another missile strike on the territory of Sumy region. This time, shelling was made on the town of Trostyanets, 50 km away from the Ukrainian-Russian border. At least five missiles hit the central part of the town and the "Dachnyi" residential area. Residential buildings and civil structures were damaged, in particular, the building of a church and a kindergarten. At least five civilians were injured.<sup>32</sup>

<sup>29</sup> <https://suspilne.media/237583-zniseni-vibuhom-ta-pozezeu-mogili-naslidki-vlucanna-rosijskoi-raketi-u-evrejskij-cvintar-na-sumsini/>

<sup>30</sup> <https://hromadske.ua/ru/posts/okkupanty-nanesli-aviaudary-po-novgorod-severskomu-v-chernigovskoj-oblasti-est-pogibshie-i-raneny>

<sup>31</sup> <https://www.pravda.com.ua/news/2022/05/12/7345729/>

<sup>32</sup> <https://lme/Zhyvvytskyi/2161>



Consequences of a missile hitting a Jewish cemetery. Photo: Suspline Sumy / Igor Streltsov



Consequences of shelling of Trostyanets.  
Photo: Dmytro Zhyvitskyy



Consequences of airstrikes on Novhorod-Siverskyi, 12 May.  
Photo: Vyacheslav Chaus / Facebook



On May 16,

while using missile and artillery weapons, the armed forces of the Russian Federation have shelled **the city of Mykolaiv (Mykolaiv region)**. Civilian objects of the city were damaged. No fatalities or injuries were reported.<sup>33</sup> In general, the city was shelled almost daily in May. An analysis of reports from the local state Emergency Service and local police shows that at least 22 days of shelling took place in the period of 31 calendar days in May.<sup>34</sup>



Consequences of shelling of Mykolaiv, 16 May. Photo: the Main Department of the State Emergency Service of Ukraine in Mykolaiv region

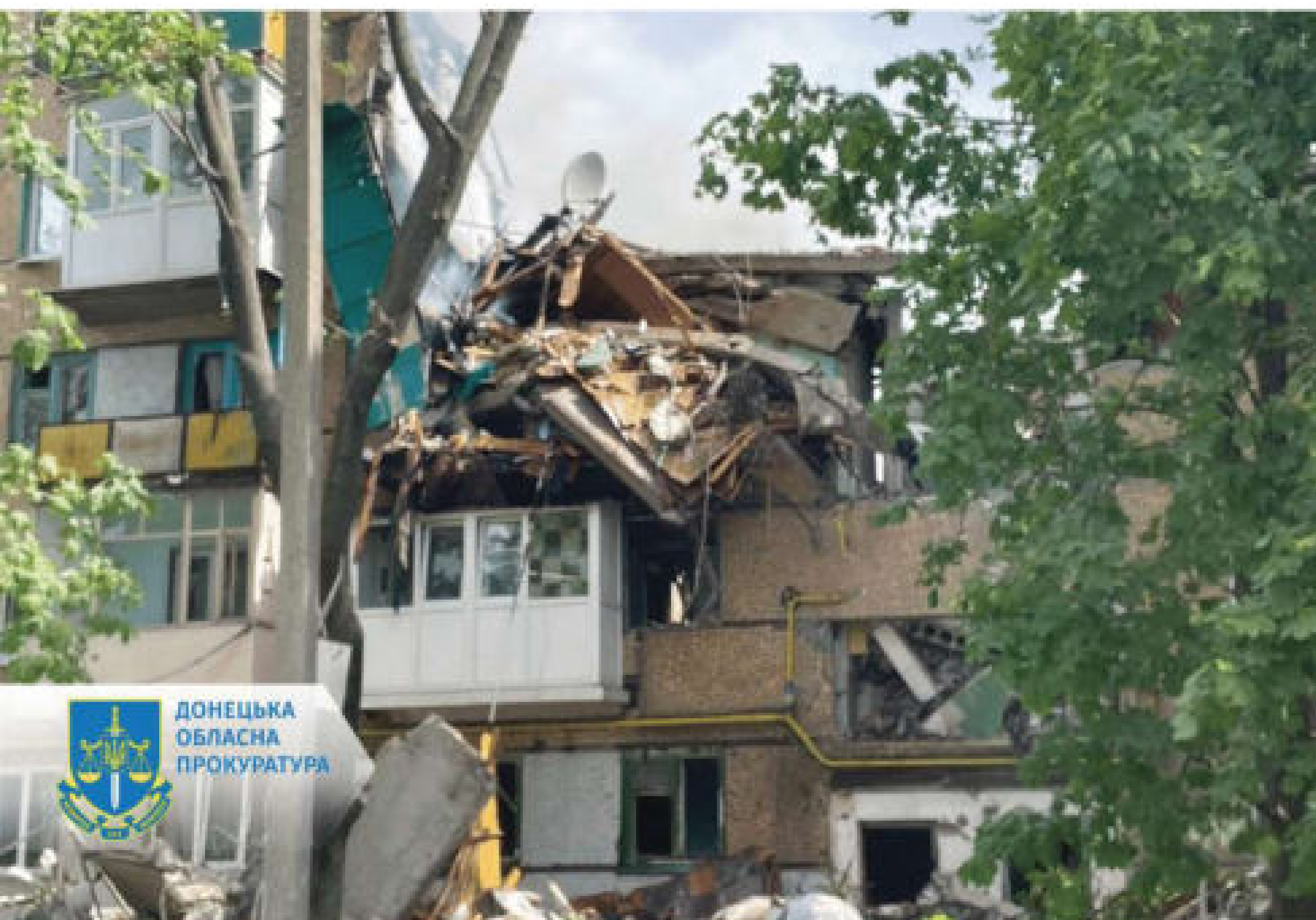
<sup>33</sup> <https://www.facebook.com/DSNSMYKOL/posts/309857821323049>

<sup>34</sup> <https://www.facebook.com/DSNSMYKOL> <https://mk.npu.gov.ua/>



**On 17  
and 19 May,**

the armed forces of the Russian Federation have carried out airstrikes on **the city of Bakhmut (Donetsk region)**. The first airstrike killed at least five civilians, including a two-year-old child. At least four people, including three children aged 9, 12 and 17 were injured in various degrees of severity. An apartment building was destroyed.<sup>35</sup> As a result of the second airstrike, a five-story residential building, a low-rise house and an administrative building were destroyed. Rescuers have evacuated six people out from under the rubble. No fatalities were reported. About 20 thousand civilians continue to remain in the frontline city.<sup>36</sup>



Consequences of the airstrike in Bakhmut, May 17. Photo: Donetsk Regional Prosecutor Office



Consequences of the airstrike in Bakhmut, May 19. Photo: Pavlo Kyrilenko / Donetsk Regional State Administration (Regional Military Administration)

<sup>35</sup> [https://www.facebook.com/don\\_gp.gov.ua/posts/pfbidoBf5SGodtGjP-VfAeugyCDTxjsuJwuNCz1xcFDDiBug3QqzUwc5BnkUuMrTLpEKNnhl](https://www.facebook.com/don_gp.gov.ua/posts/pfbidoBf5SGodtGjP-VfAeugyCDTxjsuJwuNCz1xcFDDiBug3QqzUwc5BnkUuMrTLpEKNnhl)

<sup>36</sup> [https://t.me/pavlokyrylenko\\_donoda/3450?fbclid=IwAR2QUr5pkpCmV76AUSJCAo3Y5ZKglpA66LLa4t8dIKjb\\_JYlTgbjLqIADrl](https://t.me/pavlokyrylenko_donoda/3450?fbclid=IwAR2QUr5pkpCmV76AUSJCAo3Y5ZKglpA66LLa4t8dIKjb_JYlTgbjLqIADrl)

**On May 19,**

during the night, the Russian military used Grad and Uragan multiple launch rocket systems (MLRS) about five times against **the village of Velyka Kostromka (Kryvyi Rig district of Dnipropetrovsk region)**. No deaths or injuries were reported, but low-rise residential buildings and structures of the civilian population were damaged.<sup>37</sup> On 25 May, the Russian armed forces once again shelled the villages of the district. The Zelenodolsk community came under fire: the villages of Velyka Kostromka and Maryanske. A kindergarten, a church, and houses were damaged. No fatalities or injuries were reported.<sup>38</sup>



Consequences of the shelling of the Zelenodolsk community, 25 May. Photo: Valentin Reznichenko / Dnipropetrovsk Regional State Administration (Dnipropetrovsk Regional Military Administration)



Consequences of the shelling of Velyka Kostromka, 19 May. Photo: Valentin Reznichenko / Dnipropetrovsk Regional State Administration (Dnipropetrovsk Regional Military Administration)

<sup>37</sup> <https://t.me/dnipropetrovskaODA/975>

<sup>38</sup> [https://t.me/dnipropetrovskaODA/1013?fbclid=IwAR1cF3yKrpD-7-xTTDHkxh76dMxKcrVNUJ\\_LrI8oGoqh3EKMk-Zkdl\\_ec](https://t.me/dnipropetrovskaODA/1013?fbclid=IwAR1cF3yKrpD-7-xTTDHkxh76dMxKcrVNUJ_LrI8oGoqh3EKMk-Zkdl_ec)





Consequences of a rocket hitting the House of Culture in Lozova. Photo: State Emergency Service (SES)

**On 20 May,**

the Russian military have launched a missile strike on the recently reconstructed building of the Palace of Culture in **the city of Lozova (Kharkiv region)**. At least seven people were injured, including an 11-year-old child. The building was destroyed.<sup>39</sup>

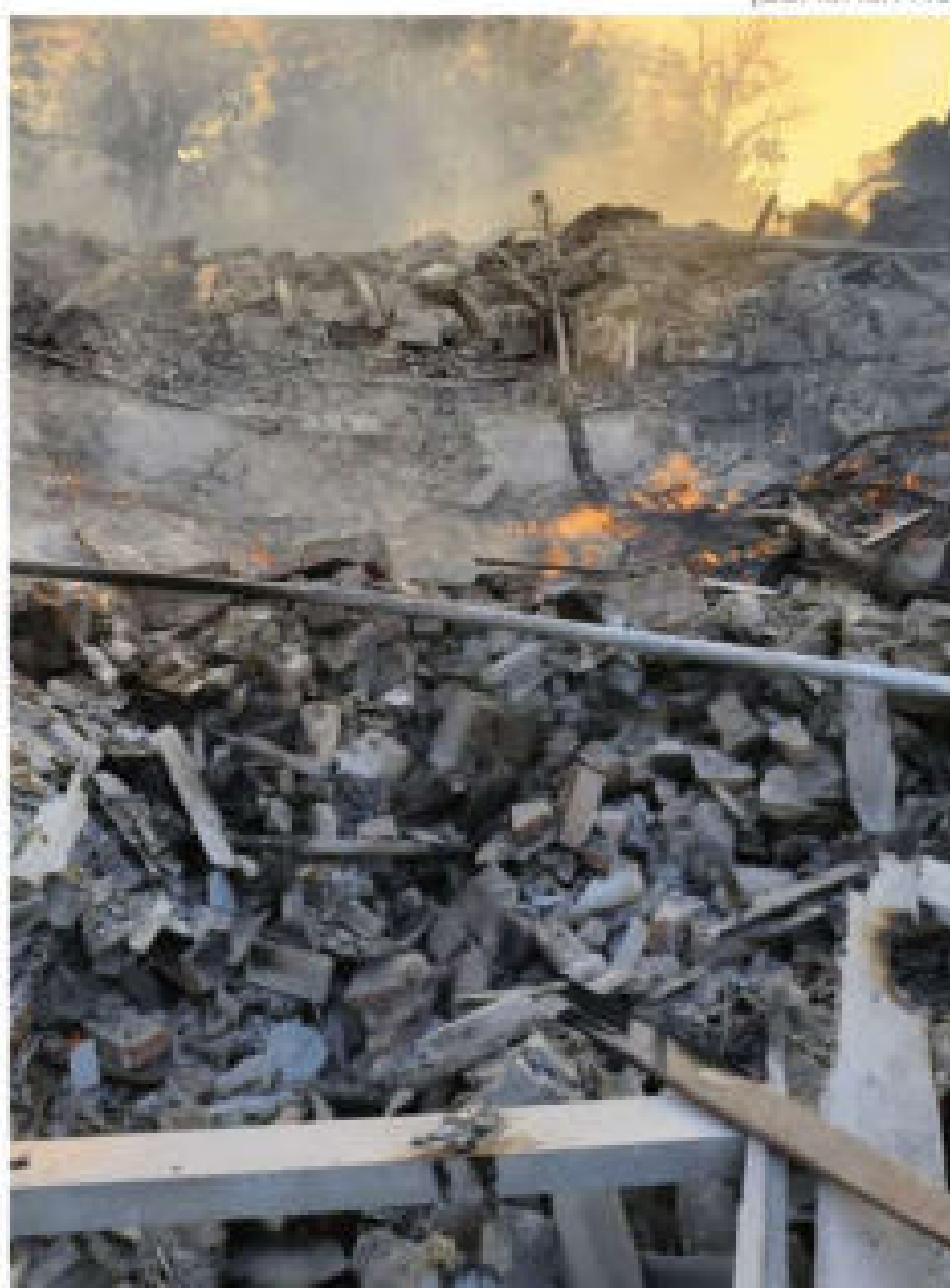
On 20 May, the artillery shell hit the school building in **the city of Severodonetsk (Luhansk region)**, where about 200 civilians stood in the shelter at that time, including a large number of children. At least three people were killed.<sup>40</sup> A similar case took place on 07 May in the village of Bilohorivka (Severodonetsk district, Luhansk region), where, according to Ukrainian authorities, the Russian military dropped an aerial bomb on a school building, the basement of which served as a shelter for civilian population of the village. There were about 90 people in the basement of the building. At least 30 people were reported rescued from the rubble. The death toll was not reported.<sup>41</sup>

<sup>39</sup> [https://t.me/V\\_Zelenskiy\\_official/1712](https://t.me/V_Zelenskiy_official/1712)

<sup>40</sup> <https://t.me/luhanskaVTSA/2755?fbclid=IwARov-QD83gVgOY5-WkrZQ-oFzVzsbqTbjThXAS3vDjC94FwdXFxf8eBvG8>

<sup>41</sup> <https://t.me/luhanskaVTSA/2399>

Consequences of the strike on the village of Bilohorivka. Photo: Serhiy Gaidai / Luhansk Regional State Administration (Luhansk Regional Military Administration)





**On 25 May,** Russian armed forces launched four cruise missiles at **the city of Zaporizhzhya (Zaporizhzhya region)**. One missile was shot down by the Ukrainian air defense system, while the other three hit residential areas of the city and a shopping center. At least 62 homes were damaged in a low-rise residential area. At least one person was killed and three were injured.<sup>42</sup>

**On May 26,** the Russian military once again shelled **the city of Kharkiv (Kharkiv region)** from large-caliber guns "Pion" (firing range - up to 47 km) and multiple launch rocket systems.<sup>43</sup> Nine people were killed, including a 5-month-old child, and 19 people were injured.<sup>44</sup> On May 30, the Russian military carried out an artillery attack on the Kyivskiy District of Kharkiv City. Nine Streets came under artillery fire. At least three civilians were injured: a 16-year-old boy and two men.<sup>45</sup>

On May 26, the Russian armed forces carried out an artillery attack of **the town of Dergachi (Kharkiv region)**. At least one person was killed and another one was injured. Houses were destroyed on the outskirts and in the town center.<sup>46</sup>

**On May 31,** the Russian military launched a missile strike with Iskander operational-tactical missile system (OTMS) on residential areas **of the city of Slovyansk (Donetsk region)**.<sup>47</sup> At least three people were killed and six were injured. A school building and about seven multistorey residential buildings were destroyed.<sup>48</sup>



Consequences of the strike of the Iskander OTMS on the city of Slovyansk Photo: National Police

<sup>42</sup> [https://t.me/zoda\\_gov\\_ua/8214](https://t.me/zoda_gov_ua/8214)

<sup>43</sup> <https://t.me/synegubov/3297>

<sup>44</sup> <https://www.pravda.com.ua/news/2022/05/26/7348680/>

<sup>45</sup> <https://www.facebook.com/prokuraturakharkiv/posts/pfbid0sFNT6DhMgBm4663nLTPq4RerEwQKKFbQzfFadHiAqbUW5zyryViKedLzDuoTpZYxl>

<sup>46</sup> <https://suspijne.media/243537-armia-rf-obstrilala-dergaci-e-zagiblij-ta-poranena/>

<sup>47</sup> <https://www.pravda.com.ua/news/2022/05/31/7349673/>

<sup>48</sup> <https://www.slovoidilo.ua/2022/05/31/novyna/bezpeka/armiya-rf-zavdala-raketnoho-udaru-po-slovyansku-troye-zahyblyx-ye-poraneni>

## Mass graves in Mariupol.

Meanwhile, **mass burial sites continue to increase** near the occupied and destroyed **city of Mariupol (Donetsk region)**.

We shall remind that on *21 April*, it became known about the probable place of mass burial of the deceased civilian population of the city of Mariupol on the site in the occupied territory of **Mangush township** located 20 km away to the west of the city. According to estimates of Mariupol City Council, **from three to nine thousand** residents of Mariupol can be buried in this place.<sup>49</sup> On *22 April*, it became known about another possible place of mass burial of the dead residents of Mariupol, near the cemetery/at the cemetery in the occupied **village of Vynogradne** located on the eastern outskirts of Mariupol.<sup>50</sup> On *25 April*, there was a message about the third place of mass burial. This time, in the territory of **Starokrymsky cemetery** (about 5 km north of Mariupol, occupied territory).<sup>51</sup> The number of people buried in these places is unknown.

Journalists of the Ukrainian project "Schemes" claim that **in May** of 2022, the satellite has recorded an increase of mass graves at the Starokrymsky cemetery and in the village of Vynogradne. On the satellite image of Planet Labs of *8 May*, the mass grave site at the Starokrymsky cemetery has increased from 200 meters to more than 340 meters in length, compared to the image of this territory of *24 April*. The number of trenches has also increased. The place of mass burial has also increased at the cemetery near the village of Vynogradne.<sup>52</sup>

A video from the cemetery near the village of Vynogradne, published in the Telegram channel of Mariupol city council, can be viewed here: <https://t.me/mariupolrada/9552>

The information of journalists is actually confirmed by Petro Andryushchenko, adviser to the mayor of the city

of Mariupol. On *May 30*, he has noted that 25 new trench-type sectors appeared at the Starokrymsky cemetery within a month. According to him, the bodies are laid in several layers, and since mid-April, the occupation authorities have buried at least 16,000 residents of the city in mass graves. About 5,000 more people, according to him, were buried by municipal utility services until mid-March, when Ukrainian authorities were still functioning in the city. According to him, "thousands" of bodies still remain under the rubble, in spontaneous cemeteries and in temporary morgues.<sup>53</sup>

Information about the evacuation of bodies of the deceased civilian population from the rubble of buildings and structures is regularly published by the mayor's advisor in his Telegram channel (since the city is occupied, the relevant work is carried out by the occupation authorities). For example, on *May 24*, it became known about discovery of about 200 corpses under the rubble of a residential high-rise building near the suburban bus terminal on Mira Avenue (Bus Terminal 2)<sup>54</sup>, and on *May 27*, about 70 corpses were found under the rubble in the territory of the former factory "October" on Kuindzhi Street (allegedly evacuated for burial in a mass grave at the Starokrymsky cemetery). It is emphasized that no identification of the bodies takes place before burial.<sup>55</sup>

According to an investigation by the American news agency "Associated Press", which was published on *04 May*, about 600 people were probably killed inside and outside of the building as a result of an attack on the building of the drama theater in Mariupol (March 16).<sup>56</sup>

Places of mass burial of the deceased civilian population exist not only around the city of Mariupol, but also in other Ukrainian cities that were under indiscriminate shelling and in the epicenter of hostilities.

<sup>49</sup> <https://t.me/mariupolrada/9324>

<https://www.radiosvoboda.org/a/news-skhemiy-bratska-mohyla-manhush/31814746.html>

<sup>50</sup> <https://www.unn.com.ua/uk/news/1973647-masove-pokhovannya-zagibikh-mariupoltsiv-radnik-mera-povidomiv-pro-nove-mistse>

<sup>51</sup> <https://www.radiosvoboda.org/a/news-skhemiy-bratska-mohyla-staryy-krym/31820268.html>

<sup>52</sup> <https://www.radiosvoboda.org/a/news-skhemiy-masovi-pokhovannya-mariupol/31846078.html>

<sup>53</sup> <https://t.me/andriyshTime/1139>

<sup>54</sup> <https://t.me/andriyshTime/10367fbclid=IwARooli6g8-wfYNPnKyeo6nD5gYlTjzwSsSjDQB1rZyQBYg8gO7rZEYLgornQ>

<sup>55</sup> <https://t.me/andriyshTime/1092>

<sup>56</sup> [https://apnews.com/article/Russia-ukraine-war-mariupol-theater-c321a196fbd56889g841b506afcac7a1?utm\\_source=Twitter&utm\\_medium=AP&utm\\_campaign=SocialFlow](https://apnews.com/article/Russia-ukraine-war-mariupol-theater-c321a196fbd56889g841b506afcac7a1?utm_source=Twitter&utm_medium=AP&utm_campaign=SocialFlow)

For example, in the city of Lysychansk (Luhansk region), located on the path of the offensive of Russian troops in the Luhansk region, about 150 civilians who died from shelling and/or died of natural causes during the war are buried in one of the mass graves. Due to the termination of funeral services in the city, local police deal with burial.<sup>57</sup> EUCCI assumes that this is not the only place of mass burial both in Lysychansk and in neighboring cities covered by military operations.



The police are burying civilians in a mass grave in the city of Lysychansk. Video screenshot. Source: Serhiy Gaidal/Luhansk Regional State Administration (Luhansk Regional Military Administration)

**On 31 May,**

*Kotelevsky District Court of Poltava region announced the first verdict in Ukraine to a contract serviceman of the armed forces of the Russian Federation accused by the Prosecutor Office of Ukraine of violating the laws and customs of war. The Russian citizens **Alexander Bobykin** and **Alexander Ivanov** were found guilty of shelling civilian objects in Kharkiv region and received a sentence of 11.6 years of imprisonment (the maximum sanction provided for 12 years of imprisonment). Both defendants have pleaded guilty of the crime.<sup>58</sup> The verdict of the court can be appealed against by the accused to the court of appeal within 30 days.*

<sup>57</sup> <https://www.facebook.com/watch/?v=318456277155540>

<sup>58</sup> <https://kt.pl.court.gov.ua/sud1613/pres-centr/news/1279826/>



## For reference:

According to preliminary data of the Secretariat of the Verkhovna Rada Commissioner for Human Rights, as of **31 May 2022**, since the beginning of Russia's full-scale invasion to Ukraine at least **243** children **were lost**. 446 children were injured. It is noted that due to the ongoing fighting, it is not yet possible to establish the exact number of dead and injured.<sup>59</sup>

On 05 May, during evacuation of animals from the zoo in the city of Kharkiv ("Feldman Ecopark") a 15-year-old volunteer was killed who helped his parents to feed and then evacuate the animals.<sup>60</sup>

## Why this constitutes a violation of IHL:

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

Protection of civilian objects is stopped when these objects begin to be used for military purposes.

Preventive measures during an attack provide, in particular, but not exclusively, that the person who plans an attack or decides on its implementation, must do everything practically possible to make sure that the objects of the attack are neither civilians nor civilian objects and are not subject to special protection, but are precisely military targets (Additional Protocol I to Geneva Conventions, Article 57, customary IHL, Rule 16).

Indiscriminate attacks, in particular attacks not aimed at a specific military target, or attacks where methods or means of conducting military operations are used that cannot be directed at a specific military target, are prohibited.

In case of a doubt as to whether an object which is normally intended for civilian purposes, such as worship, a residential building, a school, is used to effectively support hostilities, it is assumed that such an object is used for civilian purposes (Additional Protocol and to the Geneva Conventions, Article 52).

Deliberate attacks on civilian population or individual civilians, deliberate attacks on civilian objects, failure to comply with the principle of proportionality of an attack, and certain other related acts committed during an international armed conflict are war crimes within the meaning of the Rome Statute of the International Criminal Court (ICC Statute, Article 8).

<sup>59</sup> [https://www.ombudsman.gov.ua/news\\_details/stanom-na-ranok-31-travnja-z-pochatku-vtorghennya-rf-v-ukrayini-zaginuli-243-ditini-postrazhdali-446](https://www.ombudsman.gov.ua/news_details/stanom-na-ranok-31-travnja-z-pochatku-vtorghennya-rf-v-ukrayini-zaginuli-243-ditini-postrazhdali-446)

<sup>60</sup> <https://www.facebook.com/watch/?v=671073550835978>

## 4

## Threat to high-risk structures and installations.

During May 2022, the armed forces of the Russian Federation continued to threaten safe operation of the **Zaporizhzhya Nuclear Power Plant (NPP)** by their actions.



Zaporizhzhya NPP. Archive photo

According to the Ministry of Environmental Protection and Natural Resources of Ukraine, 500 armed Russian servicemen and "a lot of explosives" remain at the station at the end of May<sup>61</sup> (probably referring to heavy equipment in the perimeter of the station and ammunition for it).<sup>62</sup> The military dug trenches, placed sandbags, concrete blocks and other engineering barriers along the entire perimeter of the nuclear power plant, that is, in fact, turned it into a military base.<sup>63</sup> The ministry notes that all the station's personnel work under pressure from the military, and facts of bullying and kidnapping have been recorded.

For example, on 23 May, Russian military broke into the apartment of Sergiy Shvets, an employee of the power supply and repair division of the Zaporizhzhya NPP, and shot him with automatic weapons. The man was hospitalized with multiple bullet wounds.<sup>64</sup> The reasons for this attack and the fate of the man after the injury are unknown.

<sup>61</sup> <https://mepr.gov.ua/news/39252.html>

<sup>62</sup> <https://www.rbc.ua/ukr/news/german-galushchenko-rech-povyshenil-tarifov-1649180207.html>

<sup>63</sup> <https://mepr.gov.ua/news/39218.html>

<sup>64</sup> <https://mepr.gov.ua/news/39238.html>

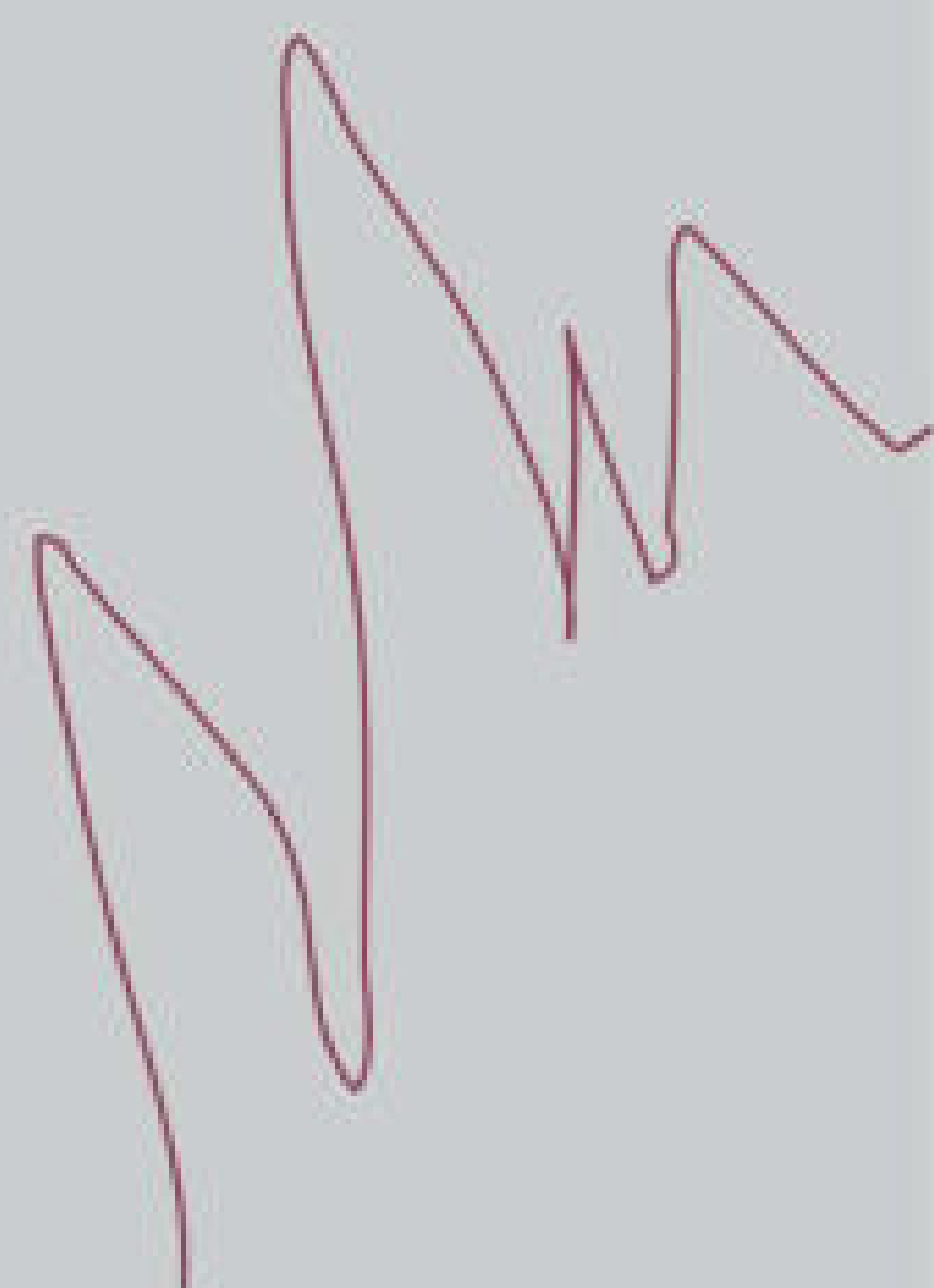
## Why this constitutes a violation of IHL:

Installations and structures containing dangerous forces like dykes, dams and nuclear power plants, shall not be targeted if such an attack can cause a release of dangerous forces and subsequent heavy civilian casualties. Assault is prohibited even in those cases where such objects are military ones (Additional Protocol I to 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 civilian casualties during such attacks (Customary IHL, norm 42).

At the same time, the ban on attacks on these objects is not absolute. For example, the special protection against attacks against nuclear power plants 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 quite obvious that Ukrainian nuclear power plants are purely civilian facilities and are not military facilities. There are no other Ukrainian military facilities near the nuclear power plant. Consequences of conducting military operations near power plants, damage to their infrastructure, turning nuclear power plants into military bases of the Russian Federation, launching missiles over the territory of nuclear power plants, mining the relevant territories and other similar actions in most cases are unpredictable and pose an exceptional danger.

An intentional attack, when it is known that such an attack will cause accidental death or injury to civilians or damage to civilian objects or large-scale, long-term and serious damage to the natural environment, which will clearly not be comparable to the specific and immediate expected general military advantage, is a war crime within the meaning of the Rome Statute of the International Criminal Court (ICC Statute, Article 8 (2) (b) (IV)).







Field in Donetsk region, June 2022. Photo: imgur.com

Threat to the natural environment of Ukraine as a result of military operations (air pollution, damage to ecosystems, water resources, etc.) is increasing daily.

In addition to what we have already described in our previous digests<sup>65</sup>, it must be noted that the Ministry for Environment of Ukraine has noted the following in its May weekly reports (quoted selectively):

- large-scale fires at infrastructure and industrial facilities led to poisoning of the air with particularly dangerous substances. Pollutants can be carried by winds over long distances;<sup>66</sup>
- destruction of settlements leads to pollution of the environment with construction debris and asbestos, and consequences of such pollution for the environment will manifest themselves for many years;<sup>67</sup>
- due to armed hostilities and mining of territories, rescuers and foresters are not always able to fully prevent and eliminate forest fires.<sup>68</sup> As a result of fires caused by the actions of Russian troops, more than 17,000 hectares of forests of natural reserves were damaged in Luhansk region alone;<sup>69</sup>

<sup>65</sup> [https://drive.google.com/file/d/1wzOhWVoJ6ISgO\\_zeLNvtBUCINHHez-5D/view?fbclid=IwAR3k2tdgCzOw81NiUyVeBclvdFgNlYMs6ZP1zFYXfL1iWNU\\_euJYx\\_t7gT4](https://drive.google.com/file/d/1wzOhWVoJ6ISgO_zeLNvtBUCINHHez-5D/view?fbclid=IwAR3k2tdgCzOw81NiUyVeBclvdFgNlYMs6ZP1zFYXfL1iWNU_euJYx_t7gT4)

<sup>66</sup> <https://mepr.gov.ua/news/39210.html>

<sup>67</sup> <https://mepr.gov.ua/news/39210.html>

<sup>68</sup> <https://mepr.gov.ua/news/39210.html>

<sup>69</sup> <https://mepr.gov.ua/news/39252.html>

- Russian troops are attacking infrastructure along the coasts of the Black and Azov seas and ships at anchor, which leads to water pollution and the spread of toxins into the sea.<sup>70</sup> In particular, on 4 May, the Russian military fired at the MTM RIO Grande tanker from Singapore at Nika-Tera Port of Mykolaiv;<sup>71</sup>
- The Russian Federation is fighting in protected areas of international and European significance while destroying habitats of rare and endemic species. Some unique foci of endemic species may disappear due to armed hostilities;<sup>72</sup>
- Turkish marine biologists report that more than 100 dolphins have been found stranded on the Black Sea coast since February. This figure significantly exceeds indicators of past years. Earlier, a significant increase in mortality among dolphins was reported by employees of the National Nature Park "Tuzla estuaries" in Odesa region. Sonar devices of Russian warships, which affect the hearing organs of dolphins, have a negative impact on animal health. Having lost their orientation, Dolphins in a panic can throw themselves ashore and die. The scale of dolphin deaths has not yet been studied.<sup>73</sup>



Illustrative photo. Photo: Odessa public

## Individual examples:

**On May 11,**

due to shelling in Kramatorsk District of Donetsk region, a warehouse with ammonium nitrate was damaged. Leaders of the city military administration of the city of Slovyansk have asked residents to limit their stay in the open air and close their windows tightly for a day.<sup>74</sup>



**On May 16,**

the Russian military hit a warehouse with ammonium nitrate in Kharkiv region. A large column of orange smoke was formed as a result of the explosion.<sup>75</sup>

Consequences of explosion of the warehouse with ammonium nitrate.  
Photo: Pavlo Kyrylenko / Donetsk Regional State Administration  
(Regional Military Administration)

<sup>70</sup> <https://mepr.gov.ua/news/39210.html>

<sup>71</sup> <https://usm.media/tanker-v-portu-nikolaeva-popal-pod-obstrel/>

<sup>72</sup> <https://mepr.gov.ua/news/39218.html>

<sup>73</sup> <https://mepr.gov.ua/news/39218.html>

<sup>74</sup> <https://mepr.gov.ua/news/39218.html>

<sup>75</sup> <https://mepr.gov.ua/news/39218.html>

**On May 11-18,**

numerous attacks on the phenolic plant in the village of New York (Donetsk region) and Avdiivka coke plant (Donetsk region) were registered.<sup>76</sup>

**On 20 May,**

Russian troops launched a missile strike on a fertilizer plant in Odesa region, which caused a fire to break out. The air smelled of ammonia. Another Russian missile hit one of the infrastructure facilities in the city of Mykolaiv. The air in the city smelled of ammonia.<sup>77</sup>

**On 30 May,**

as a result of armed hostilities, tightness of the ammonia pipeline branch in the Bakhmut District of Donetsk region was damaged.<sup>78</sup> There was a minor ammonia leak with a possible damage radius of about 4 km.<sup>79</sup>

**On 31 May,**

as a result of shelling of the Azot plant in the city of Severodonetsk (Luhansk region), a nitric acid leak has occurred.<sup>80</sup>



Consequences of hitting a nitric acid tank at a chemical plant.  
Photo: Serhiy Gaidai / Luhansk Regional State Administration (Luhansk Regional Military Administration)

<sup>76</sup> <https://mepr.gov.ua/news/39218.html>

<sup>77</sup> <https://mepr.gov.ua/news/39238.html>

<sup>78</sup> [https://t.me/pavlokyrylenko\\_donoda/3547?fbclid=IwAR0XmkhsRq8BHINyori6AglZgq1hpBU3fnWtuQneFqHp7gfoigOdyIC-gz8](https://t.me/pavlokyrylenko_donoda/3547?fbclid=IwAR0XmkhsRq8BHINyori6AglZgq1hpBU3fnWtuQneFqHp7gfoigOdyIC-gz8)

<sup>79</sup> <https://mepr.gov.ua/news/39252.html>

<sup>80</sup> <https://mepr.gov.ua/news/39252.html>



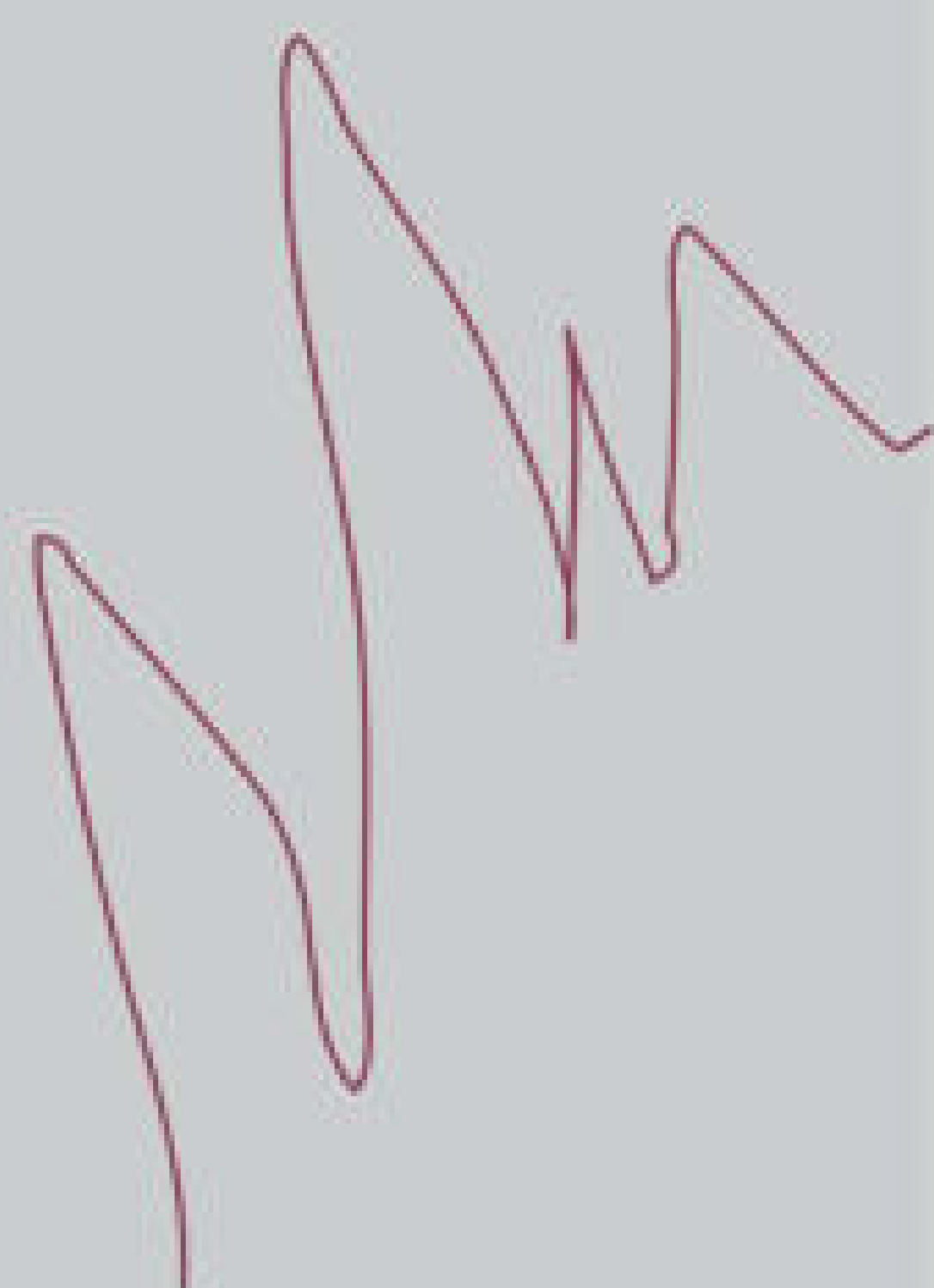
## Why this constitutes a violation of IHL:

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

It is prohibited to make an attack on a military target if such an attack can be expected to cause excessive accidental damage to the natural environment compared to the expected specific and immediate military advantage (Customary IHL, norm 43). When conducting military operations, all practically possible precautions must be taken to avoid and, in any case, minimize accidental damage to the environment (Customary IHL, norm 44).

An intentional attack, when it is known that such an attack will cause a large-scale, long-term and serious damage to the natural environment, which will clearly not be comparable to the specific and immediate expected general military advantage, is a war crime within the meaning of the Rome Statute of the International Criminal Court (ICC Statute, Article 8 (2) (b) (IV)).

Obviously, it is too early to speak of "widespread, long-term and serious harm" as it is understood in practice of application of the relevant IHL norms. At the same time, it is also obvious that the armed forces of the Russian Federation do not take all practically possible measures of precaution to avoid such potential harm. Further disregard of the above-mentioned norms of IHL will inevitably lead to the harm mentioned above.



## 6

## Seizure and looting of property.



Equipment of the Russian military with looted property, Chernihiv region, April 2022.  
Photo: General Staff of the Armed Forces of Ukraine

The trend of seizing and looting property which belongs to individuals and legal entities, the state and territorial communities continue to remain unchanged in the occupied territories.

The range of types of property that become an object of encroachment is quite diverse: from domestic robbery of the local population (cars, money, etc.), to the seizure and looting of the property of large companies in significant amounts (crops of agricultural enterprises, steel products of metallurgical plants, goods and property complexes of supermarkets, etc.).

## Individual examples:



New supermarket sign. Photo: RIA-Melitopol

### 30 April - 01 May

in the Russian-occupied city of Melitopol (Zaporizhzhya region) a "new" grocery supermarket called "Mera" was launched ("Mera market"). At least one such store was opened on the basis of the seized property complex of the largest Ukrainian grocery supermarket chain "ATB" (supermarket on Heroes of Ukraine Street). Actually, goods of a Ukrainian company are sold out in the premises of the captured supermarket. Before the occupation, 11 supermarkets of the ATB company operated in Melitopol, and all of them were probably seized by the occupation authorities.<sup>81</sup> One can pay Russian rubles or Ukrainian hryvnias in the "new" supermarket, and the recipient of funds according to the receipt is probably a Russian company registered in the territory of the Russian Federation (city of Belgorod, Belgorod region).<sup>82</sup> It is expected that "Mera" supermarkets controlled by the occupation authorities will also open on the basis of other seized stores of ATB and other Ukrainian retailers in the near future.

### On May 16,

it became known that the Russian military immediately after the occupation of the city of Kherson (Kherson region), seized the building "Suspilne Kherson" (National Public Television and Radio Company of Ukraine) and looted the equipment of the TV and radio company.<sup>83</sup>



Suspilne Kherson. Photo: IPC-Kherson

<sup>81</sup> [https://ria-m.tv/news/284965/v\\_melitopole\\_v\\_otjatom\\_u\\_atb\\_supermarkete\\_produktyi\\_uje\\_prodayut\\_za\\_rubli\\_\(foto\).html](https://ria-m.tv/news/284965/v_melitopole_v_otjatom_u_atb_supermarkete_produktyi_uje_prodayut_za_rubli_(foto).html)

<sup>82</sup> <https://zn.ua/ECONOMICS/okkupanty-otkryli-v-melitopole-svoj-mahazin-i-torhujut-kradennym-s-atb-izvestno-imja-i-adres-rukovoditelja-kompanii.html>

<sup>83</sup> <https://suspilne.media/240088-vijskovi-rf-rozikrali-suspilne-kherson-a-teper-stvoruut-propagandistskij-kanal/>



On 26 May,

, a thorough journalistic investigation of the Russian online publication Mediazona was published, which, after the story of sending parcels by the Russian military from the Belarusian city of Mozyr (see below) has started monitoring how the military uses the services of "SDEK" postal company. 13 cities on the border of Ukraine with Russia and Belarus were included in the journalistic monitoring. While describing in detail the methodology of their research, the journalists have noted that they found both an abnormal increase in shipments that coincided with the beginning of the war, and also unusual connections between cities, which in their opinion confirm the version of the widespread looting of Ukrainian municipalities. It is claimed that in one of the cases the Russian military have used a delivery service even to transport a Russian military drone, that is, they probably robbed both Ukrainians and their own army.<sup>84</sup>



The military send the Orlan UAV by delivery service, 29 April, Valuiki. Video screenshot. Source: Mediazona

We remind that on 3 April, the "Belarus Gayun" publication has published a three-hour video recording from a surveillance camera at the SDEK delivery service office in the Belarusian city of Mozyr (near the border with Ukraine). In the video, one can see how the Russian military make shipment of domestic items.<sup>85</sup> Later, the names of military personnel (16 people), the destination and content of the parcels (clothing, fishing accessories, instruments, musical accessories, etc.) were established.

<sup>84</sup> [https://zona.media/translate/2022/05/27/marauders\\_eng](https://zona.media/translate/2022/05/27/marauders_eng)

<sup>85</sup> [https://lme/hajun\\_BY/3669](https://lme/hajun_BY/3669)

On 27 May,

the Ukrainian international mining and metallurgical Company "Metinvest" which owns enterprises in Ukraine, EU and the United States, has issued a statement entitled "Metinvest reports piracy by the Russian Federation".<sup>86</sup> The company claims that on the day of the beginning of the war (24 February 2022) in the port of the city of Mariupol (Donetsk region), there were metallurgical products produced at the company's enterprises. These products were to be exported to customers from different countries, in particular Spain, Italy, Belgium, Greece, Portugal and Turkey. The company notes that there is a high risk of theft and illegal export of metallurgical products. On 29 and 31 May, an adviser to the mayor of the city of Mariupol has reported in his Telegram channel that in the port of Mariupol, 2,500 tons of rolled steel were loaded onto a ship under the Russian flag that went to the Russian port in the city of Rostov-on-Don.<sup>87</sup> In addition, according to the mayor's adviser, the occupation authorities have already announced the "nationalization" of 34 vessels that remain in the port.<sup>88</sup> On the same day, 31 May, the Russian media outlet "RBK" has quoted the words of the head of a self-proclaimed "DNR" Denis Pushilin, who said that *"some of the vessels will come under the jurisdiction of DNR, relevant decisions have already been taken and the flags that will be on them were already changed. These vessels will be renamed"*.<sup>89</sup>



Loading of a vessel in the port of Mariupol. Video screenshot.  
Source: Andriyushchenko Time



Loading of a vessel in the port of Mariupol. Video screenshot.  
Source: Andriyushchenko Time

<sup>86</sup> <https://metinvestholding.com/ua/media/news/metinvest-povdomlya-pro-pratsstvo-z-boku-rosjsjko-federac>

<sup>87</sup> <https://t.me/andriyshTime/1136>

<sup>88</sup> <https://t.me/andriyshTime/1151>

<sup>89</sup> [https://t.me/rbc\\_news/50352](https://t.me/rbc_news/50352)

On 05 May,

the American TV and radio company CNN published an article about possible looting of Ukrainian grain and equipment in the occupied territories of southern Ukraine (Kherson and Zaporizhzhya regions). Citing their own sources, the journalists claimed that columns of Russian trucks transporting grain from farms and grain elevators were seen in the south of Ukraine. For example, at the end of April, the Russian military took out 1,500 tons of grain from grain elevators in the Kherson village of Mala Lepetykha, on trucks with "Crimean" license plates. The next day, the same trucks, in the quantity of 35 trucks, returned and took out grain from a grain storage facility in the nearby village of Novorayske.<sup>90</sup>

Information about the export of grain crops is also received from other occupied regions of Ukraine. For example, according to the report of Luhansk regional military administration, as of 04 May, the occupation authorities have exported about 100,000 tons of grain from Luhansk region<sup>91</sup>, and Borivska village council (Izyum district, Kharkiv region) claimed that the occupation authorities had implemented a "taxation system" in the territory of the community, which includes transfer of 50% of profit/crop to the occupation administration. The village council also noted that on 26 May, at least 15 trucks of sunflower seeds were taken out of the village in the direction of the occupied city of Starobilsk (Luhansk region).<sup>92</sup>

In all cases with the exported crops, it is not known for certain whether their owners (farms, agricultural enterprises and small landowners, etc.) have received at least a partial refund of its value.

At the same time, on 19 May, Ukrainian Foreign Minister Dmytro Kuleba thanked Egypt "for refusing from a Russian ship loaded with grain stolen in Ukraine"<sup>93</sup>, which probably indicates the validity of statements of Ukrainian authorities and journalists about looting of Ukrainian grain, since it is refused by governments of foreign countries.



ТВИТ



Dmytro Kuleba



@DmytroKuleba

Ukraine government official

...

Spoke with my Egyptian counterpart Sameh Shoukry. Grateful to Egypt for turning away a Russian ship loaded with grain stolen in Ukraine. We agreed to coordinate efforts to make Russia unblock Ukraine's food exports. Ukraine and Egypt keep working together to ensure food security.

1:18 PM · 19 мая 2022 г. · Twitter for iPhone

1 435 ретвитов

92 твита с цитатами

8 414 отметок «Нравится»

Twit of the Minister D. Kuleba. Screenshot. Author of the tweet: Dmytro Kuleba

<sup>90</sup> <https://edition.cnn.com/2022/05/05/europe/russia-ukraine-grain-theft-cmd-intl/index.html>

<sup>91</sup> <https://lme/luhanskaVTSA/2295>

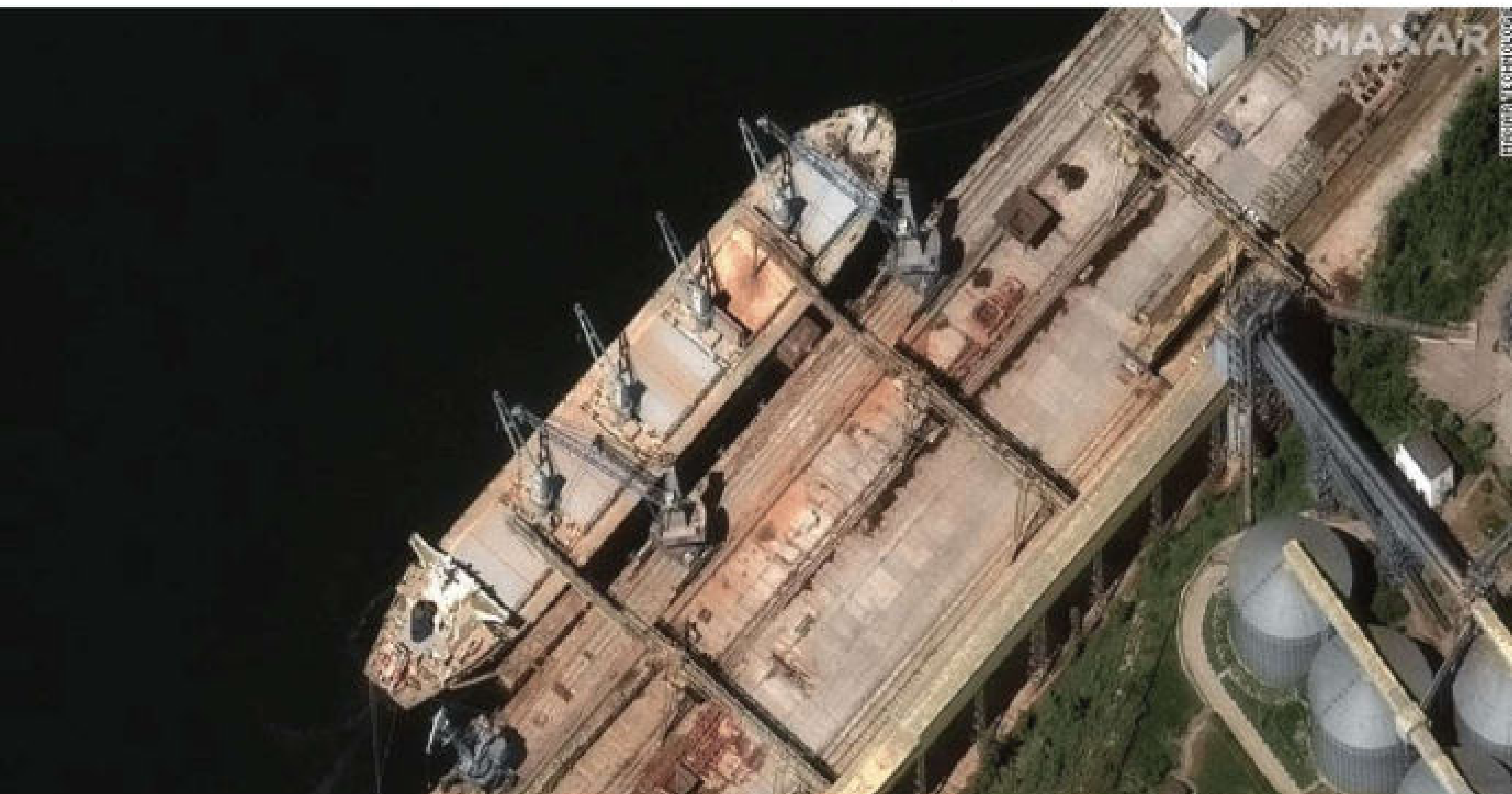
<sup>92</sup> [https://lme/borova\\_gromada/1013](https://lme/borova_gromada/1013)

<sup>93</sup> [https://twitter.com/DmytroKuleba/status/1527232095982075908?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1527232095982075908%7Ctwgr%5E%7Ctwcon%5Es1\\_&ref\\_url=https%3A%2F%2Fwww.pravda.com.ua%2Fnews%2F2022%2F05%2F19%2F7347208%2F](https://twitter.com/DmytroKuleba/status/1527232095982075908?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1527232095982075908%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.pravda.com.ua%2Fnews%2F2022%2F05%2F19%2F7347208%2F)



CNN notes that "farmers and other residents of Kherson and Zaporizhzhya provided CNN with details of numerous thefts".<sup>94</sup>

About loading presumably Ukrainian grain on Russian ships in the occupied city of Sevastopol, CNN, with reference to satellite images of Maxar Technologies, reported in another article.<sup>95</sup> The journalists noted that in the images for 19 May and 21 May, grain was loaded onto the Russian bulk carriers "Matros Poznych" and "Matros Koshka".



Loading of grain onto the ship "Matros Poznych" in Crimea. Photo / screenshot: Maxar Technologies and CNN

**On 29 May,** CNN while referring to satellite images from Maxar Technologies, reported that the ship "Matros Poznych" arrived on 27 May to the Syrian port of Latakia (this was the second trip of the ship in four weeks). According to some estimates, on this regular voyage, the ship could carry about 30 thousand tons of grain. The bulk carrier Matros Poznych is one of three vessels that were loading probably stolen Ukrainian grain after the full-scale Russian invasion into Ukraine in the port of the occupied city of Sevastopol.<sup>96</sup>

<sup>94</sup> <https://edition.cnn.com/2022/05/05/europe/russia-ukraine-grain-theft-cmd-intl/index.html>

<sup>95</sup> <https://edition.cnn.com/2022/05/23/politics/satellite-images-grain-crimea/index.html>

<sup>96</sup> <https://edition.cnn.com/europe/live-news/russia-ukraine-war-news-05-29-22/index.html>

## Why this constitutes a violation of IHL:

IHL regulations prohibit robbery. It is allowed to confiscate movable public property in the occupied territory, *which can be used for military operations*; private property must be respected, it is not allowed to be confiscated, except in cases where destruction or seizure of such property is required by *urgent military necessity* (Fourth Geneva Convention, Article 53, IHL, norms 49-51).

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

In addition to the mass displacement/deportation of Ukrainian civilian population of the occupied territories, as EUCCI has written in detail in its previous sigests,<sup>97</sup> the trend of imposition of Russian citizenship on residents of the territories occupied after 24 February 2022 was gaining momentum in May.

Representatives of the occupation authorities started talking about the issuance of Russian passports at the beginning of the month<sup>98</sup> and then, on 25 May, Russian president Vladimir Putin signed the Decree No. 304 which simplified admission of residents of the occupied territory of Kherson and Zaporizhzhya regions of Ukraine to Russian citizenship.<sup>99</sup> By another Decree No. 330 of 30 May, the Russian president introduced a "simplified procedure" for acquiring Russian citizenship by orphans, children deprived of parental care and incapacitated persons with Ukrainian citizenship.<sup>100</sup> Head of the Office of the President of Ukraine Andriy Yermak, while speaking at the opening of the Russian War Crimes session at the World Economic Forum in Davos, noted that as of 21 May, the Russian Federation had deported more than 232,000 children to its territory, and more than two thousand of them were either orphans or separated from their parents.<sup>101</sup>

As for the territories of Donetsk and Luhansk regions occupied after 24 February 2022, Russian passports are issued to residents of these territories in accordance with the legislation of the Russian Federation introduced for the self-proclaimed "DNR/LNR", in the same way as for residents of "DNR/LNR" (Decree No 183 of 24.04.2019).<sup>102</sup>

According to EUCCI, people in the occupied territories are actively directly or indirectly solicited to apply for Russian citizenship, positioning this as the only possible condition for establishing a normal life and further residency in the relevant territory (a condition for unhindered continuation of education, work, receiving pensions and social benefits, doing business, etc.). For example, according to unconfirmed reports, the occupation authorities are already putting forward obtaining a Russian passport as a condition for continuing to work in public sector institutions (schools, hospitals, etc.).

As an example of hidden solicitation and artificial imposition of the idea that obtaining Russian citizenship is a key to stability in the region, we can quote a video report of the local Kherson TV channel now controlled by occupation authorities, in which a man named Dmytro Kuzmenko, who is emphatically called the former head of the territorial defense of the Kherson region in the story, together with his wife, submits an application for a Russian passport, after which, against the background of the portrait of the president of Russia, he talks about "voluntariness" of this decision, about stability and order that Russia brings to the region. With that, by the facial expressions of characters of the plot, one can doubt a "voluntary" nature of their choice.<sup>103</sup>

<sup>97</sup> [https://drive.google.com/file/d/1wzOhWVoJ6ISgO\\_zeLNvtBJCINHHez-5D/view?fbclid=IwARzHGFJoUMDqcRcxBegmgGF7b\\_AApDHHRr-SGBtqXLKdLezv0J2IQVqjApg](https://drive.google.com/file/d/1wzOhWVoJ6ISgO_zeLNvtBJCINHHez-5D/view?fbclid=IwARzHGFJoUMDqcRcxBegmgGF7b_AApDHHRr-SGBtqXLKdLezv0J2IQVqjApg)

<sup>98</sup> <https://www.pravda.com.ua/news/2022/05/7/7344575/>

<sup>99</sup> <https://www.pravda.com.ua/news/2022/05/25/7348452/>

<sup>100</sup> <https://life.pravda.com.ua/society/2022/05/30/248879/>

<sup>101</sup> <https://president.gov.ua/news/vistup-kerivnika-ofisu-prezidenta-ukrayini-andriya-ermaka-n-75297>

<sup>102</sup> <http://www.kremlin.ru/acts/bank/44190>

<sup>103</sup> [https://www.youtube.com/watch?v=GF\\_Trwmq7n4](https://www.youtube.com/watch?v=GF_Trwmq7n4)



Fragment of a propaganda story about obtaining a passport of a citizen of the Russian Federation. Video screenshot. Source: VTV Plus

Some individuals claim direct coercion in obtaining Russian passports. For example, Serhiy Khlan, an advisor to the head of the Kherson regional military administration, claimed that the Russian military forced detained residents of the occupied city of Kherson Kherson to write applications for obtaining passports of the Russian Federation.<sup>104</sup> Objectively, it is difficult to say whether this was solely an element of psychological pressure on the detainees, or whether the military really deliberately forced people to get Russian passports.

The Ministry of foreign affairs of Ukraine condemned the decree of the president of the Russian Federation of 25 May, describing it as opening the way for forcing residents of the territories temporarily captured by the Russian army to acquire Russian citizenship.<sup>105</sup>

<sup>104</sup> <https://www.radiosvoboda.org/a/novyny-pryazovya-khersonshchyna-pasportyzatsiya/31871328.html#:~:text=%C2%AB%Do%g2%Do%BE%Do%BD%Do%B8%20>

<sup>105</sup> <https://mfa.gov.ua/news/zayava-mzs-ukrayini-shchodo-ukazu-prezidenta-rf-pro-vidachu-rosijskih-pasportiv-gromadyanam-ukrayini-na-timchasovo-zahoplenih-teritoriyah>



## Why this constitutes a violation of IHL:

In accordance with the Article 45 of the regulations on respecting laws and customs of land warfare, which is an annex to The Hague Convention (IV) on the laws and customs of land warfare of 1907, it is prohibited to force residents of the occupied territory to swear allegiance to an enemy state.

Protected persons who are in the occupied territory will in no way and in by no means be deprived of benefits of this Convention in connection with any changes introduced in relation to the governing institutions or administration of this territory as a result of its occupation, or in connection with any agreement concluded between the authorities of the occupied territory and the authorities of the occupying state, or in connection with annexation by the occupying state of all or part of the occupied territory (Article 47 IV of the Geneva Convention).

Imposition of Russian citizenship on residents of the occupied territories de jure and de facto forces them to swear allegiance to the occupying state, which is prohibited by international law.

Any change of citizenship must be voluntary a priori. Volunteerism requires free choice, not artificially offered. By example of imposition of citizenship on residents of the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol,<sup>106</sup> it can be noted that the legal framework adopted "in a period of shock and general legal uncertainty" significantly undermines the ability of any person to make an informed choice based on a full understanding of the "advantages and disadvantages" among the options to leave Ukrainian citizenship or acquire citizenship of the occupying state. Of course, the situation with Russian citizenship in the Crimean Peninsula and on the occupied mainland territory of Ukraine is different, and the issue of acquiring citizenship is complex and multidimensional. However, first facts of imposition of Russian citizenship are already appearing, and there is every reason to believe that this trend will increase in the future, which at the same time will allow collecting more evidence of Russia's violations of international law on the relevant matter.

<sup>106</sup> [https://www.irf.ua/content/files/report\\_crimea\\_human\\_rights.pdf](https://www.irf.ua/content/files/report_crimea_human_rights.pdf)

## 8

## Illegal detentions and deprivation of liberty of civilians.



Basement in the town of Bucha where prisoners were held during occupation.  
Photo: BBC

During May 2022, the practice of illegal arrests by the Russian military (military personnel of the armed forces of the Russian Federation, Rosgvardiya, FSB, etc.) and keeping civilian population of the occupied territories in places of detention has continued. As before, illegal deprivation of freedom of people is carried out everywhere and is obviously part of the plan or policy of the Russian Federation in relation to certain segments of the civilian population of the occupied territories (journalists, public activists and bloggers, volunteers, entrepreneurs, participants in peaceful protests and other persons who do not support occupation).

## Individual examples:

- On 09 May,** a group of people in civilian clothes and with St. George's ribbons (probably Russian special services) in the occupied town of Nova Kakhovka (Kherson region) have arrested a sports coach **Iryna Petrova** and took her to the occupied building of the local police station. Subsequently, on 13 May, it became known that the woman was released.<sup>107</sup>
- On 10 May** it became known that the Russian military have detained and tortured **two** residents of the occupied Kherson region, after which they posted videos with the detainees on the Internet. The video clearly shows that the faces of both men contain traces of beatings. In one of the videos, a wire is connected to the ear of a man named **Sergey Morozov**, which may indicate that this person was probably tortured with electricity.<sup>108</sup>
- On 13 May,** in occupied Melitopol (Zaporizhzhya region), right in the middle of the street, the Russian military have arrested a local blogger **Tetyana Kumok** and two of her female friends, **Iryna** and **Olena** (the women's surnames are not quoted). The blogger was released almost immediately after her arrest, and her female friends were taken out of town, after which they were also released. This was not the first arrest of Tetyana Kumok. The woman believes that these detentions are an element of intimidation and are related to her civic activity.<sup>109</sup>
- On May 13, in occupied Kherson (Kherson region), the Russian military have detained **Iryna Gorobtsova**. The probable reason for the detention could be the public patriotic position of the woman and corresponding activity in social networks, as well as living in a house with a view on Chornobaivka airfield. It is claimed that the woman could have been accused of adjusting the fire of Ukrainian artillery.<sup>110</sup>
- On 21 May,** the Russian military have detained **Olesya Dorokhova**, acting director of Melitopol Multidisciplinary Center for vocational education in the occupied Melitopol (Zaporizhzhya region). A humanitarian hub "from heart to heart" functioned on the basis of the center, which provided humanitarian assistance to socially vulnerable groups of the population.

<sup>107</sup> [https://www.facebook.com/permalink.php?story\\_fbid=367065628795856&id=100064772648646](https://www.facebook.com/permalink.php?story_fbid=367065628795856&id=100064772648646)  
[https://www.facebook.com/permalink.php?story\\_fbid=369790978523321&id=100064772648646](https://www.facebook.com/permalink.php?story_fbid=369790978523321&id=100064772648646)

<sup>108</sup> [https://24tv.ua/okupanti-katuyut-lyudey-hersonshhini-viklali-video-sotsmerezhi\\_n1975529](https://24tv.ua/okupanti-katuyut-lyudey-hersonshhini-viklali-video-sotsmerezhi_n1975529)

<sup>109</sup> <https://www.facebook.com/PinkPantherWedding/posts/5299924420059570>

<sup>110</sup> [https://m.facebook.com/story.php?story\\_fbid=10223184987067192&id=1058396889](https://m.facebook.com/story.php?story_fbid=10223184987067192&id=1058396889)



## Why this constitutes a violation of IHL:

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

Enforced disappearance and arbitrary deprivation of freedom (Customary IHL, norms 98, 99) directed against civilians are prohibited.

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

Unlawful deprivation of freedom, hostage-taking and some other related acts are also considered a war crime in the sense of the Rome Statute (ICC Statute, Article 8 (2) (a) (vii), (viii)).

## For reference:

The practice of illegal arrests and detentions in places of detention of civilians, in particular journalists in connection with their professional activities, has been widespread since 2014, that is, since the very beginning of Russia's armed aggression against Ukraine, as EUCCI and other human rights organizations have repeatedly reported in their publications, research and other materials.

See, for example,

*Imprisoned in the "LPR Government" Building*

[https://totalaction.org.ua/public/upload/book/1534328816\\_LNR\\_B\\_engl.compressed.pdf](https://totalaction.org.ua/public/upload/book/1534328816_LNR_B_engl.compressed.pdf)

*War without rules: Gender-Based Violence in the Context of the Armed Conflict in Eastern Ukraine*

[https://jfp.org.ua/system/reports/files/110/en/gon\\_eng\\_220818\\_web.pdf](https://jfp.org.ua/system/reports/files/110/en/gon_eng_220818_web.pdf)

*Surviving hell*

[https://totalaction.org.ua/public/upload/book/1522853480\\_SURVIVING\\_HELL\\_eng\\_web.pdf](https://totalaction.org.ua/public/upload/book/1522853480_SURVIVING_HELL_eng_web.pdf)

## Capture of the defenders of Mariupol.

Coverage of the May events in Ukraine will not be complete without mentioning the capture of the Ukrainian defenders of the city of Mariupol (Donetsk region) surrounded by Russian troops. They were defending the city since February 24, and as of May they were concentrated in the territory of the Azovstal plant.

On May 14, the General Staff of the Armed Forces of Ukraine reported that the garrison "Mariupol" has fulfilled the assigned combat task and the highest military command ordered the commanders of the units located at the Azovstal plant to save the lives of personnel. It was announced that an operation is underway to rescue the defenders of Ukraine blocked on the territory of the plant.<sup>111</sup>

Subsequently, a video was released of Ukrainian servicemen leaving the territory of the plant.<sup>112</sup>

Afterwards, they were captured as prisoners of war, from where they are to be released as a result of an exchange (probably as part of a rescue operation).

A retrospective analysis of these events shows that from a theoretical point of view, it was possible to save the lives of the Ukrainian military by military or non-military means.

The *military path* consisted of a breakthrough of the defenders of Mariupol in the direction of the location of the main group of the Ukrainian army or the de-blocking of Mariupol by the Armed Forces of Ukraine. At the same time, it was quite obvious that as of May, that breakthrough of the defenders of Mariupol was actually absolutely impossible due to the forces and means available to them, complete encirclement of the plant, considerable distance of the main group of Ukrainian troops from Mariupol, the presence of a large number of sick and wounded among them. The possibility of de-blocking Mariupol by the Ukrainian army was also unlikely, since its nearest units were located at a distance of 100-140 km from Mariupol and fought heavy battles with the superior forces of the Russian Federation. The official Ukrainian authorities and the General Staff of the Ukrainian army have repeatedly stated that de-blocking of Mariupol by military means is impossible.<sup>113</sup>

The garrison of Mariupol leaves the territory of the Azovstal plant.  
Video screenshot. Source: Associated Press



<sup>111</sup> <https://www.facebook.com/GeneralStaff.ua/posts/pfbid02hw/W/3acr8MBfz3fHqFs3nwgTrzVjgX8ViGiBwZteuQl3JsaalBntQpo81CKVN3r6l>

<sup>112</sup> [https://www.youtube.com/watch?v=Qv1XvsMkqf4&ab\\_channel=AssociatedPress](https://www.youtube.com/watch?v=Qv1XvsMkqf4&ab_channel=AssociatedPress)

<sup>113</sup> <https://t.me/UkraineMediaCenterKyiv/915>

The *non-military path* probably presumed only two possible scenarios. The first is surrender into captivity, followed by an exchange. This option was accompanied by significant risks for the combatants, because there was no reasonable guarantee that all the prisoners, or at least some of them, would not be killed (here we can recall Ukrainian soldier Dan Zvonik, who was captured in Mariupol and whose mother reasonably believes that he was killed in captivity),<sup>114</sup> and they would not sustain serious injuries both in the process of surrender into captivity, and afterwards, in places of detention. Probably, no one could guarantee the Russian Federation's compliance with the norms of international humanitarian law in treatment of prisoners of war. There was also no guarantee that they would not be taken to the territory of Russia and, contrary to the norms of international law, would not be sentenced to long prison terms as "war criminals" or "extremist terrorists". At the same time, the Russian Federation insisted on the option of surrender into captivity.<sup>115</sup> The second option is the so-called extraction or exfiltration, i.e. a military and political operation consisting of the removal (evacuation) of people (civilians, military personnel) from enemy territory to a safe place. Operations of varying degrees of complexity to exfiltrate one person or even a small group of people from enemy territory to a safe place are typical for the work of special services of different countries in various periods of history (used in relation to agents, employees or even enemies), but cases of exfiltration of such a group of people that would be comparable to the number of combatants who were on Azovstal, including the wounded and sick ones are difficult to be found in history.

The most often mentioned operation was the "Dunkirk evacuation" of 1940, when about 300,000 English, French and Belgian military were evacuated by sea from the city of Dunkirk (France) surrounded by German troops during several days on 26 May - 04 June. Before that, it is believed that Hitler gave the order to stop the offensive of German troops and not to approach the city closer than 10 km.

At the same time, the military and political situation around Dunkirk was significantly different from the situation which had developed around Mariupol as of May. Therefore, the consent of the Russian Federation to exfiltration, in particular, with the participation of a third country, was a key factor for exfiltration to become possible.

The Russian Federation probably did not provide such consent, which was probably the reason that in order to save the lives of combatants, Ukrainian authorities agreed to the option of leaving the plant under certain security guarantees (possibly from third countries) and subsequent exchange.

<sup>114</sup> <https://edition.cnn.com/videos/world/2022/05/02/ukrainian-war-prisoner-death-dnt-rivers-newday-intl-ldn-vpx.cnn>

<sup>115</sup> [https://function.mil.ru/news\\_page/country/more.htm?id-12417675@egNews](https://function.mil.ru/news_page/country/more.htm?id-12417675@egNews)

Treatment of wounds of the wounded person at Azovstal. Photo: kztzsky





# Why does the failure of the Russian Federation to provide consent to the exfiltration is considered as a violation of IHL by EUCCI:

The very fact of a siege of a city or a certain part of it (an object) is not considered a war crime. Regulations on laws and customs of land warfare of 1907 even set minimum requirements for siege and bombing (protection of buildings intended for religious purposes, art, science or charity, historical monuments, hospitals and places where the sick and wounded are gathered, provided that they are not used at that time for military purposes).

History knows many examples of the siege of cities, which was accompanied by excessive suffering among residents and defenders. For example, the siege of Jerusalem in 1187 ended with casualties and losses, the surrender of Christians to the Ayyubid troops under conditions of exit of some of inhabitants from the city for ransom. Some sources describe the process of near-total rape of women and girls. Here it is appropriate to recall that among the defenders of Mariupol who were at Azovstal, there were also women. The second siege of Saragossa (1808-1809) during the Iberian War ended with heavy losses in the city, surrender of the garrison, and a difficult choice between captivity and joining the French army.

Modern customary international humanitarian law prohibits "giving an order not to leave anyone alive, threatening enemy with this, or conducting military operations on such a basis" (Customary IHL, norm 46). The Geneva Convention of 1949 also protects the wounded and sick, which provides, inter alia, that (Article 15) whenever circumstances permit, the parties to an armed conflict arrange a short-term truce or cease-fire or reach local agreements to allow gathering, exchange and transportation of the wounded who were left on the battlefield. Also, local agreements may be concluded between the parties to the conflict on evacuation and exchange of wounded and sick from the siege or encirclement zone, as well as on passage of medical and religious personnel and equipment on their way to such zone.

In our opinion, the word "may" in relations between modern civilized countries must not mislead that we are talking about the right, and not the duty of the party to the conflict. The principle of humanism, as a basic principle that must guide civilized countries, allows us to state that agreements on evacuation of the wounded and sick must be concluded in a mandatory way in all cases where objective circumstances of military nature allow for it.

In the St. Petersburg Declaration of 1868, concluded during an international conference held at the initiative

of the Russian Empire where almost all the leading European states of that time were represented, it was stated that "the success of civilization must have the consequence of reducing, if possible, the disasters of war". The declaration has proclaimed that **"the only legitimate goal that states must have in times of war is to weaken the enemy's military forces"**.

In cases not covered by treaty law, civilians and combatants remain protected by the principles of international law arising from established customs, **principles of humanism and requirements of public consciousness** (the so-called Martens warning).

The Defenders of Mariupol, who were at Azovstal, have repeatedly stated their readiness to agree to extraction. Moreover, they were among the first to publicly declare this option for solving the problem of the encirclement and saving people's lives. That is, in fact, under conditions when they ran out or were close to run out of ammunition, medicines, water and food, in the interests of the wounded and sick, they agreed to stop armed resistance, however, not by surrender into captivity due to existing risks, but rather by extraction to a third neutral country.

The existing military situation in the area of Mariupol in general, and around the Azovstal plant in particular, indicated that the urgent military need for a further assault by the armed forces of the Russian Federation on the fortified territory of the plant was absent, because the forces of their enemy were already weakened and as a result, the legitimate goal of war in this sector of the frontline should have been considered achieved.

Further military actions for Azovstal would lead to absolutely senseless losses of both the personnel of the armed forces of the Russian Federation and personnel of the defenders of the city. The complete destruction of the defenders of the city, including through the use of such a method as famine, came into clear contradiction with the principle of humanism and requirements of public consciousness.

In this regard, the key thesis for the top military and political leadership of the Russian Federation should be an inadmissibility of destroying people at Azovstal, the need to save the lives of combatants on both sides of the conflict. The acceptance of terms and conditions of extraction with participation of a third neutral country was, in fact, a civilized and humane way to quickly end the armed confrontation for Mariupol.

## Reference:

Since 2014, EUCCI has been documenting human rights violations committed during the war in Ukraine. The EUCCI team underwent a series of specialized trainings, where they learned how to properly collect, process and store testimonies of victims. During 2014-2021, the centre'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 minors in organized 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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