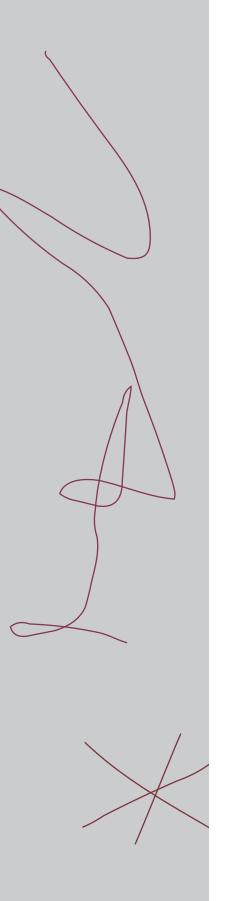
Violations of international humanitarian law in Ukraine:

summary for the period from February 24, 2022 to February 24, 2023.

Attention, this report contains images and cross-references that show violence and cruelty.





On 24 February 2022, Russia launched a new phase of its war against Ukraine and, with the support of Belarus, started a full-scale war of aggression unprecedented in recent history.

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.

After 24 February 2022, the team of the Eastern Ukrainian Center for Civic Initiatives (EUCCI) continued its work started back in 2014 to collect and document violations of international humanitarian law (IHL) during the war 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 competent organizations.

During the year of war 2022, we published every month reviews of gross violations of IHL by Russia, in order to convey this information, first of all, to the international audience. In this summary, we recall some of the most important events of the first year of the large-scale war of the Russian Federation (RF) against Ukraine. These are blatant violations of international humanitarian law that affected the rights of the civilian population, and, in some cases, of combatants (prisoners of war). We explain why certain actions should be considered as violations of IHL.

We hope that the results of our work will be useful for journalists and a wide range of readers interested in the course of the war against Ukraine and violations of IHL.

Ukraine remembers every atrocity committed on its territory.



Premeditated murder, extrajudicial executions and torture of the civilian population.

In early April 2022, the Armed Forces of Ukraine (AFU) completely de-occupied the territories of **Kyiv and Chernihiv regions** occupied by the Russian army in the first weeks of the large-scale invasion.

Over the following months, numerous shocking data began to appear about the killing of people throughout the territory under occupation (the municipalities of Irpin, Hostomel, Motyzhyn, etc.). Often the bodies were found with their hands tied behind their backs and gunshot wounds to the back of the head from small arms. For example, near the village of Motyzhyn (Bucha district), the body of Olga Sukhenko, head of the Motyzhyn village council, who was tortured to death, was found in a pit with her husband and their son. The Sukhenko family was abducted on 23 March¹ by the Russian military.² In the liberated town of Bucha (Kyiv region), in the territory of the children's sanatorium "Promenystyi" (123, Vokzalna Street), a basement was found where the Russian military interrogated and held civilians. It is known that at least five males were tortured and then executed to death there. Their bodies were found during an inspection of the basement. All had civilian clothes on and there were no obvious signs that the men had taken part in the fighting.³



Journalists are shown the bodies of executed civilians in the basement of the "Promenystyi" sanatorium. Video screenshot. Video source: Kyiv TV channel

¹ https://www.youtube.com/shorts/uo0yBtUlaLs

² Here and further in the text, the term "Russian military" refers to military personnel of the armed forces of the Russian Federation, Rosgvardiya, FSB and representatives of other Russian law enforcement agencies that took part in the occupation of the territory of Ukraine under the unified military and political leadership of the Russian Federation, since the data on specific performers is usually not available.

³ https://www.youtube.com/watch?v=7PB8hARuffU

As of 31 July 2022, 1,348 bodies of local residents were found in the Kyiv region, 300 people were considered missing, 216 bodies remained unidentified.⁴ In September 2022, the police announced the discovery of 1,360 bodies of civilians who died during active hostilities in the Kyiv region.⁵

On 15 August 2022,

a detailed report by journalists of the website "Important Stories" about extra-judicial executions and robberies of the civilian population in the village of Andriyivka (Bucha district, Kyiv region) was published. The journalists visited the village and spoke with local residents. The report tells about how 13 bodies of local residents that were found with bullet wounds after the liberation of the municipality. About 40 people were reported missing.⁶



 $Residents\ of\ the\ village\ of\ And\ riyiv ka\ killed\ during\ the\ occupation\ of\ the\ municipality.\ Photo\ source:\ "Important\ Stories"$

⁴ https://interfax.com.ua/news/general/849672.html

⁵ https://t.me/andrii_nebytov/436

⁶ https://storage.googleapis.com/istories/investigations/2022/08/15/komandir-dal-prikaz-v-raskhod-ikh/index.html

On 19 June,

it became known about the episode of premeditated murder of the 17-year-old twin brothers Bohdan and Yevhen Samoid, as well as their friend, 18-year-old Valentyn Yakimchuk, in the village of Mokhnatyn (Chernihiv district, Chernihiv region), which took place on 14 March during the occupation of the village. According to the testimonies of local residents (shown in the journalists' video), the Russian military, moving in a column during the daytime, shot the unarmed boys for no reason right in the middle of the street. A local woman who allegedly witnessed the murder claims that the boys did not commit hostile actions against the military and were holding their hands up in the air at the time of the shots. The boys were shot with 5.45 mm, 7.62 mm and 30 mm caliber weapons (armament of armored vehicles), which gave them no chance to survive.⁷



A resident of the village shows journalists the place where the body of Valentyn Yakimchuk mutilated by shots lay.

Video screenshot. Video source: Radio Liberty Ukraine

These examples show quite typical stories that are characteristic of the municipalities of the Kyiv and Chernihiv regions that were under occupation.

The liberation of municipalities in the **Kharkiv region** in September 2022 was also accompanied by the discovery of mass graves in the de-occupied territories of people who died during the Russian occupation.

On 23 September,

the process of exhumation from the mass grave site in the de-occupied town of Izyum (Kharkiv region) which had been going for a week, was completed. A total of 447 bodies were removed from the graves. Among them were 215 women, 194 men, 5 children, and 22 soldiers. In addition, the remains of 11 people whose gender could not be determined were found.⁸ It is quite possible that some of these people died as a result of artillery fire or natural causes, which should be established by forensic medical examination. However, immediately after the exhumation, the police noted that many of the bodies contained clear signs of torture.⁹









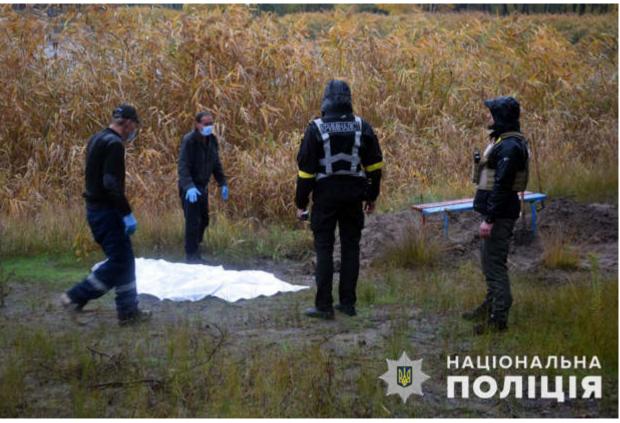
Exhumation of bodies from the mass grave in Izyum. Photo source: Igor Klimenko

⁸ https://www.facebook.com/iklymenko.fb/posts/pfbidogQtxBaWteo571UDnYXSpGWsgjWQ9o7bDmZ33BFeGb8Sw1VbgGUZRFev1w34B5VYql

⁹ https://suspilne.media/283493-z-pocatku-deokupaciiharkivsini-vstanovili-kontrol-nad-118-naselenimi-punktami-mvs/

In early October, the Ukrainian Armed Forces took control of the **town of Lyman (Donetsk region)** and some other municipalities in the north of Donetsk region. The search and exhumation of dead civilians in the de-occupied settlements immediately began. Thus, two mass graves were discovered at the cemetery in Lyman (Donetsk region). Civilians were buried in one location, and Ukrainian military in the other. The bodies of 146 people were exhumed, including 111 civilians and 35 soldiers. It was also reported that 25 unauthorized graves were found in Lyman. A total of 58 such graves were found in the liberated municipalities, but the search was continues.





Exhumation in Lyman (Donetsk region). Photo source: Main Department of the National Police in the Donetsk region

In the de-occupied areas of both Kharkiv and Donetsk regions, numerous places of illegal detention of civilians and evidence of torture were found.

For example, in the de-occupied territories of the Kharkiv region, law enforcement officers identified 22 places where the occupational forces held and tortured people. Torture chambers were located in the municipalities of Vovchansk (2), Kupyansk (4), Shevchenkovo (2), Izyum (4), Kozacha Lopan (3), Lyptsy, Velykyi Burluk, Piski-Radkovski, and Borova. The number of people who passed through all these illegal places of detention is being established and is currently unknown, as some people were taken out and are still in custody in the Russian Federation.¹⁰

In **November**, the Ukrainian Armed Forces liberated the municipalities of the Kherson region located on the right bank of the Dnipro River, including the City of Kherson, and almost completed the full de-occupation of the Mykolaiv region. The situation with the killing and torture of civilians during the temporary occupation was not much different here from the de-occupied Kharkiv or Donetsk regions. For example, on 4 November, in the de-occupied village of Vysokopillya (Kherson region), the police found three bodies with signs of violent death. According to the preliminary data from law enforcement, during the occupation of the municipality, the occupiers shot three civilians to death and buried them near private households.¹¹





Exhumation of bodies in the village of Vysokopillya in the Kherson region.

Photo source: Office of the General Prosecutor (OGP)

¹⁰ https://interfax.com.ua/news/general/867011.html

¹¹ https://www.gp.gov.ua/ua/posts/prokurori-prodovzuyut-fiksuvati-zlocini-zs-rf-na-zvilnenix-teritoriyax-xersonshhini-viyavleno-tila-tryox-rozstrilyanix-civilnix

According to the latest available data, as of early November 2022, the bodies of 868 civilians, including 24 children, were found in the de-occupied areas of Donetsk, Kharkiv and Kherson regions.¹² A few days later, this figure increased to 991 civilians.¹³ There were also more than 2,000 unidentified dead throughout Ukraine.¹⁴

Some of the people whose corpses were removed from single or mass graves were victims of premeditated killings and extrajudicial executions. Others were probably killed or died from other factors of the war (artillery shelling, lack of access to medical care, etc.). Causes of death are still being established.

Why this constitutes a violation of IHL:

Norms of international humanitarian law provide that parties to an armed conflict must at all times 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 the 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 (the 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)).





¹² https://www.pravda.com.ua/news/2022/11/3/7374828/

¹³ https://www.pravda.com.ua/news/2022/11/17/7376799/

¹⁴ https://www.pravda.com.ua/news/2022/11/10/7375828/



Extrajudicial executions and torture of combatants.

On 28 July,

two videos of torture and subsequent execution of a Ukrainian prisoner of war appeared in pro-Kremlin publics on the Internet (the name of the victim is probably known to the Ukrainian side, but has not been publicly disclosed). One video shows a man's genitals being cut off with a clerical knife while still alive. The man is tied up and tries to resist, but the combatants hold him tightly and kick him. ¹⁵ Some time after the torture, the man is killed with a shot to the head, as shown in another video. ¹⁶

According to an investigation by Bellingcat and the Insider, this event took place on the territory of the "Pryvillya" sanatorium (Luhansk region), and a Tuvinian named Ochur-Suge Mongush, born in 1993, was allegedly involved in the torture and murder.¹⁷



Russian Ochur-Suge Mongush, who might have been involved in the torture and murder of a Ukrainian prisoner of war. Photo source: The Insider

It is fully obvious that this case is far from being the only such crime committed against prisoners of war.

On 29 July,

it became known that at least 53 Ukrainian prisoners of war were killed and 75 were injured in the former Volnovakha Correctional Colony No. 120 (Olenivka/Molodizhne village, Donetsk region), which was converted by the occupation forces into a prisoner of war camp (known in the media as the "Olenivka camp").

The Russian authorities stated that the barrack with Ukrainian prisoners of war was shelled on 28 July by Ukrainian artillery (using the American M142 HIMARS rocket artillery system). 18 At the same time, according to the Office of the President of Ukraine, a classic "false flag operation" took place: the prisoners of war were deliberately killed

¹⁵ https://t.me/xoxol200/5312

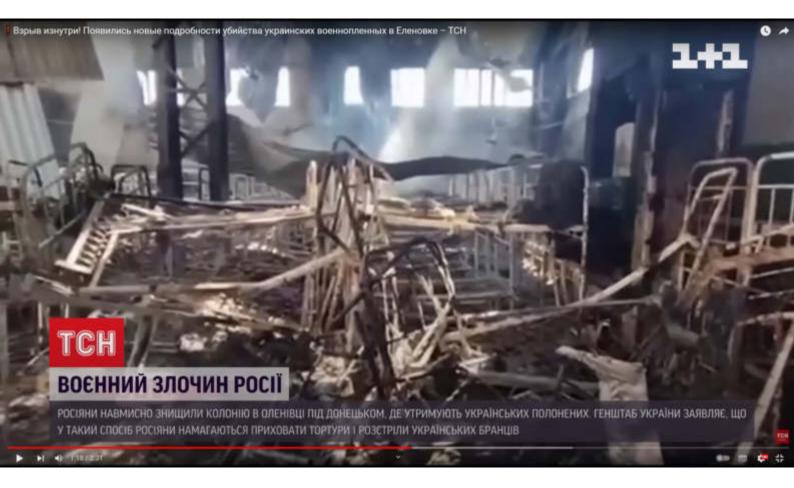
¹⁶ https://web.telegram.org/k/#@xoxol200

¹⁷ https://theins.ru/politika/253767

¹⁸ https://www.pravda.com.ua/news/2022/07/29/7360828/

while staging a shelling by Ukrainian artillery. 19 The report of the American organization "Institute for the Study of War" (ISW), citing sources, states that no traces of the HIMARS rocket system were found at the site. 20

It is believed that only an official independent international investigation can provide an answer to the question of who is responsible for this tragedy, but to date, such a mission has not been conducted. The international fact-finding mission established by the UN in August of 2022 was disbanded in January 2023 due to the alleged lack of conditions for the deployment of the mission on the ground (no security guarantees for participants of the investigation).²¹



 $Prisoner\ of\ war\ barracks\ from\ the\ inside\ after\ the\ explosion.\ Video\ screenshot.\ Source:\ TSN$

¹⁹ https://t.me/M_Podolyak/97

²⁰ https://www.understandingwar.org/backgrounder/russian-offensive-campaign-assessment-august-1

²¹ https://media.un.org/en/asset/k1l/k1lv6pzze6

Why this constitutes a violation of IHL:

Persons who do not actively participate in the military operations, in particular those members of the armed forces who have laid down their weapons, as well as those who have stopped participating in military operations due to illness, injury, detention or for any other reason, shall be treated humanely in all circumstances, without any discrimination. For this purpose, it is forbidden to commit such acts against the above-mentioned persons as violence against life and personality (all types of murder), causing injuries, ill-treatment and torture, abuse of human dignity (degrading and humiliating treatment). Any unlawful act or omission by the detaining power causing death or seriously endangering the health of a prisoner of war in custody is prohibited, and will be regarded as a serious breach of the Geneva Conventions. Prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity (Third Geneva Convention, Articles 3, 13).

Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area *far enough* from the combat zone for them to be out of danger. Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone (Third Geneva Convention, Article 19).

Murder, torture, cruel and inhuman treatment, abuse of human dignity, injury, rape and other forms of sexual violence are prohibited by the norms of customary IHL (customary IHL, norms 89, 90, 92, 93 and others).

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) (a), (g)).

Premeditated murder, in particular the murder or wounding of a combatant who has laid down his arms or has no means of protection, surrendered unconditionally, torture, intentional infliction of severe suffering or serious bodily harm or harm to health, rape and other types of sexual violence are considered in the understanding of the Rome Statute also as *war crimes* (ICC Statute, Article 8 (2) (a) (i), (ii), (iii), (b) (vi), (xxii)).



3 Sexual violence.

Conflict-related sexual violence in its various forms has been widespread since 2014, i.e. from the very beginning of Russia's armed aggression against Ukraine, as EUCCI has repeatedly reported in its publications, research and other materials.

See, for example, the EUCCI report: "War without Rules: Gender-Based Violence in the Context of the Armed Conflict in Eastern Ukraine": https://totalaction.org.ua/public/upload/book/1522852942_gon_eng_web.pdf

Since the beginning of Russia's large-scale invasion of Ukraine, the number of known cases has increased, and the violence itself has taken on even more horrific forms.

On 12 April,

in a speech to the Lithuanian parliament, President **Zelensky** named a member of the Russian armed forces who, according to media reports, had sexually assaulted a baby. This is about a 24-year-old Russian "Alexey Bychkov", allegedly a serviceman of the 2nd Separate Special Forces Brigade stationed in the Russian city of Pskov (military unit No. 64044).²²

On 23 July,

the UN Secretary-General's Special Representative on Sexual Violence in Conflict, **Pramila Patten**, in a video address to the participants of the Second Summit of First Ladies and Gentlemen, said: "Since February 24, the UN has received over 150 allegations of sexual violence against women, children and men. These include rape at gunpoint in the presence of family members as a consequence of the attack on Ukraine by Russian troops."²³

The Prosecutor General of Ukraine Andriy Kostin said in an interview with the "Left Bank" news website (19.09.2022) that **five children** aged 4 to 16 who were victims of sexual violence had been identified. The Prosecutor General emphasized that there are many more such crimes, but their detection and documentation is a complex process.²⁴

On 20 September,

the Parliament of Ukraine established a **Temporary Investigative Commission to investigate cases of sexual violence** committed as a result of Russia's armed aggression against Ukraine. The main tasks of the Temporary Investigative Commission, which will consist of 11 members of the Parliament, are to investigate cases of sexual violence, as well as to initiate the issue of bringing perpetrators to justice, including the international search for such persons and cooperation by the principle of universal jurisdiction.²⁵

²² https://www.slidstvo.info/news/pskovskyj-pedofil-shho-vidomo-pro-rosijskogo-vijskovogo-yakyj-znushhavsya-z-nemovlyaty/?fbclid=lwAR3n76fUbRMfLozbTTqX2vngiMN6k5gYPooCegm6gHmzjlw7GpH56zdmmfl

²³ https://www.ukrinform.ua/rubric-ato/3535533-oon-rozgladae-ponad-150-zvernen-sodo-skoenih-rosianami-zgvaltuvan-pid-cas-vijni-v-ukraini.html

²⁴ https://lb.ua/news/2022/09/19/529761_andriy_kostin_rosiya_vikoristaie.html

²⁵ https://zakon.rada.gov.ua/laws/show/2602-IX#Text

On 18 October.

the Independent International Commission of Inquiry on Ukraine released its first progress report.²⁶ The Commission was established by Human Rights Council Resolution 49/1, adopted on March 4, 2022, to investigate all alleged violations and abuses of human rights and violations of IHL, as well as related crimes in the context of Russia's aggression against Ukraine. A separate paragraph of the Commission's report was devoted to specific facts of sexual and gender-based violence committed by the Russian military. The audacity of the crimes is staggering.

The report can be found here.

Among the reports of sexual violence, those based on testimonies of the victims themselves and their relatives are most noteworthy.

On April 15,

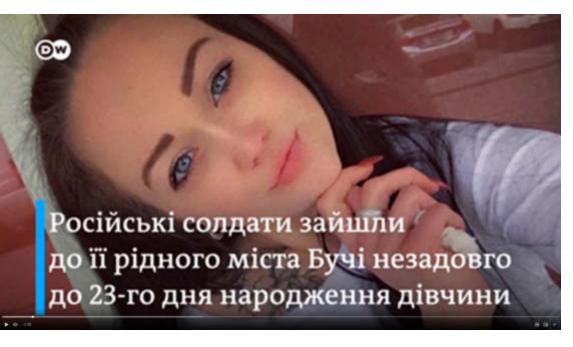
Radio Liberty published a video in which a woman (changed name - Svitlana) tells how she was raped by a 19-year-old Russian soldier (other soldiers called him "Danya"). According to the woman, it happened on March 09 in one of the occupied villages in Kyiv region. Svitlana also says that another soldier, called "Oleg", killed the husband of her neighbor Natalia with a shot to the head, and allegedly raped Natalya herself. The senior among the soldiers was a man named "Sanya". 27

There are also cases of sexual violence against **men**.

For example, on 16 April (the date of the interview), the mayor of Bucha (Kyiv region), Anatoliy Fedoruk, told about the case of rape of a male security guard of the children's camp "Orlyatko" (Vorzel, Kyiv region). The man's name is not mentioned. After, or as a result of the abuse (the official does not specify), the victim died. The incident took place during the occupation of the town.²⁸

On 07 May,

"Deutsche Welle" published a fragment of an interview with the parents of 22-yearold Karina Yershova from the city of Bucha (Kyiv oblast). During the occupation of the city, the woman was raped and then killed by a shot to the head. Before being shot, the woman was abused, including being shot in her legs.²⁹



Karina Yershova. Video screenshot. Video source: Deutsche Welle

²⁶ https://www.ohchr.org/ru/press-releases/2022/10/un-commission-has-found-array-war-crimes-violations-human-rights-and

²⁷ https://www.facebook.com/radiosvoboda.org/videos/388139929841647/

²⁸ https://web.telegram.org/k/

Full version of the interview: https://www.youtube.com/watch?v=FZ73kHlBeBM

²⁹ https://www.dw.com/uk/vitchym-zgvaltovanoi-ukrainky-ia-nenavydzhu-russkyi-myr/av-61720084

On May 22,

"Fakty" published a report from the village of Berestyanka (Borodyanka district, Kyiv region). In the report, a woman named Zoya (surname withheld) tells how the Russian military shot her unarmed son-in-law in the head during the occupation of the village (showing traces of the shot and blood in the house) and raped her daughter Nataliia (surname withheld), as well as another woman from the same village named Victoria. Zoya's story is complemented by her neighbor Victor (surname withheld), with whom Victoriia hid after the rape for fear of being raped by other soldiers.³⁰

³⁰ https://fakty.com.ua/ua/videos/cholovikiv-rozstrilyuvaly-a-zhinok-gvaltuvaly-zlochyny-okupantiv-u-berestyanczi/

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 the 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)).



Intentional attacks on civilians and civilian objects. Indiscriminate attacks. Failure to comply with the principle of proportionality in attacks.

From the very beginning of the full-scale invasion, in violation of *the principle of distinction*, deliberate attacks have been carried out against both civilians and civilian objects. The number of *indiscriminate attacks* remained consistently high throughout 2022. In many known cases, there are signs that combatants do not comply with *the principle of proportionality* in their attacks. It is worth reminding that the essence of the latter is that attacks that may be expected to cause incidental loss of civilian life or injury to civilians, damage to civilian objects, or a combination of such effects that would be excessive in relation to the expected specific and direct military advantage to be gained are prohibited.

Throughout the year, the entire territory of Ukraine was and continues to be at risk of missile and bomb attacks. Air raids were sounded in all regions and cities without exception.

On March 16,

there was a bomb attack on the **Drama Theater in the besieged city of Mariupol** (Donetsk region). At the time of the attack, civilians (mostly women, children and elderly) were in the theater's bomb shelter. The theater building was almost completely destroyed. There is still no information about the number of dead and wounded.

The building of the Mariupol Drama Theater on a satellite image. There is an inscription "children" near the building.

Photo: Maxar Technologies; source: BBC



On April 08,

the Russian military launched a missile attack on the **Central Railway Station in Kramatorsk** (Donetsk region). At that moment, hundreds of people were at the station and near it, waiting to be evacuated from the city. At least 50 civilians (including 5 children) were killed and about 100 people were injured.³¹

On June 27,

the **city of Kremenchuk** (Poltava region) was hit by a rocket attack. One of the missiles hit the building of the "Amstor" shopping mall located in the central part of the city.³² At least 20 people were killed, more than 59 people were injured and more than 40 people were reported missing.³³

Shopping mall in Kremenchuk after a missile strike. Video screenshot. Source: Espreso.tv



The body of 4-year-old Liza Dmytrieva, who died as a result of the missile strike on Vinnytsia, 14.07.2022. The video with Liza was shown in the US Congress on 20.07.2022.³⁵ Photo source: Wikipedia.



On July 14,

the country was shocked by a missile attack on **the center of the densely populated city of Vinnytsia** (Vinnytsia region). The population of this city, located in the deep rear of Ukrainian troops, is almost 400 thousand people. As a result of the missile strike, at least 26 people were killed, including three children (a 4-year-old girl and boys aged 7 and 8), 202 persons were injured, and 8 people were considered missing. Numerous office and residential buildings were destroyed and damaged.³⁴

These are just a few examples of attacks on civilian objects.

- 31 https://www.facebook.com/100050176913214/ posts/521313092884583/?d=n and https://www.bbc.com/ukrainian/ news-60967698
- 32 https://t.me/DMYTROLUNIN/2739
- 33 https://t.me/OP_UA/6945
- 34 https://uk.wikipedia.org/wiki/%D0%A0%D0%B0%D0%BA%D0%B5%D1%82%D0%BD%D0%B8%D0%B9_%D1%83%D0%B4%D0%B0%D1%80_%D0%BF%D0%BE_%D0%92%D1%96%D0%BD%D0%BD%D0%B8%D1%86%D1%96_14_%D0%BB%D0%B8%D0%BF%D0%BD%D1%8F_2022_%D1%80%D0%BE%D0%BA%D1%83#cite_note-63
- 35 https://www.bbc.com/ukrainian/news-62242512

On September 11,

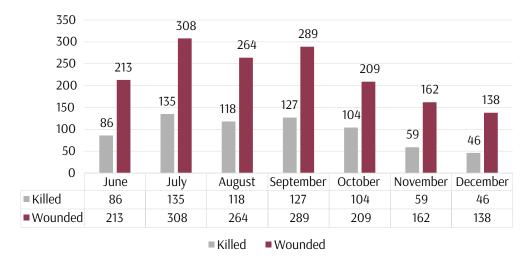
one of the very first massive **attacks on Ukraine's energy infrastructure** took place. In particular, the Zmiivska Thermal Power Plant (the village of Slobozhanske, Kharkiv region, the largest power plant in the region and one of the largest thermal power plants in Ukraine) and three high-voltage substations were shelled, 40 substations of different voltages were de-energized, 2,750 kV overhead lines and 5,330 kV overhead lines were disconnected.³⁶ Kharkiv Combined Heat and Power Plant 5 (Podvirky village, Kharkiv region, a suburb of Kharkiv) was also hit by a missile.³⁷ Electricity consumers in Kharkiv, Poltava, Dnipropetrovs'k, Sumy and Donetsk regions were left without electricity.

Since then, Russian attacks on Ukraine's energy infrastructure have become commonplace. The attacks cause rolling power outages across the country, that became regular (systemic). The situation is different in each region, however, after 23 November, schedules of planned or emergency shutdowns are in place everywhere. Electricity is supplied to households and commercial consumers by distribution system operators (regional power companies), depending on the daily electricity consumption limit provided to the region by the transmission system operator (the state-owned company "Ukrenergo").

"The strategy behind Russia's warfare tactics is obvious. By bombing Ukraine's critical civilian infrastructure, including energy facilities, the Russian army clearly intends to undermine industrial production, disrupt transportation, spread fear and despair, and deprive Ukraine's civilians of heat, electricity, and water as the cold winter approaches. Russia's targeting of Ukrainian civilian infrastructure is illegal. **The morale of the civilian population is not a legitimate goal, and carrying out these attacks with the sole purpose of terrorizing the civilian population can be considered a war crime"**, - stated Marie Struthers, Amnesty International's Eastern Europe and Central Asia director (20.10.2022).³⁸

As of the beginning of 2023, **Donetsk region** remains the hottest spot of the armed confrontation. In total, during just **7 months of 2022** (June-December), at least **675** civilians were killed and at least **1583** people were injured in the government-controlled area of Donetsk region (there is no data on how many of the injured later died in hospitals or at home from direct or indirect consequences of their injuries).

Number of civilians killed and wounded in Donetsk region (government-controlled territory) for June-December 2022



Approximate information on the number of dead and wounded civilians in the territory of the Donetsk region (government-controlled area) for the period from June to December of 2022 is provided according to the daily messages of the Chairman of the Donetsk Regional State Administration/Regional Military Administration on Telegram https://t.me/pavlokyrylenko_donoda.

³⁶ https://www.facebook.com/german.galushchenko/posts/pfbidoJxzDwu8 UmhbHz4oGbpVx1F4ByiJnXQnkCEzUDswzy8UnEggocBQujWPQ6hnerxRVl

³⁷ https://www.unian.ua/war/v-opu-pidtverdili-ataku-po-harkivskiy-tec-5-odniy-z-naybilshih-v-ukrajini-novini-harkova-11975607.html

³⁸ https://www.amnesty.org.ua/ataky-rosiyi-na-krytychnu-energetychnuinfrastrukturu-ukrayiny/

In recent months, the number of deaths and wounded among civilians in the Donetsk region (government-controlled areas) has been decreasing. At the same time, this does not indicate a decrease in the intensity of hostilities and the number of missile and bomb attacks, as the intensity of fighting in Donbas remains consistently high. The statistical decrease in the number of civilian deaths and injuries is more likely due to a gradual decrease in the total number of civilians in the region, as people flee the negative consequences of the war in large numbers to other regions of Ukraine and abroad. In some towns (for example, Mariinka or Soledar), there are no residents left, and the towns are completely destroyed.³⁹

Civilian infrastructure, including residential and public buildings, has also suffered significant damage in Donetsk region. Since February 24, 682 educational institutions have been destroyed or damaged, including 283 kindergartens and 298 schools (according to the latest information as of 24.11.2022).⁴⁰

From February 24 to January 29, at least **459** children were killed, no less than **917** children were injured and at least **341** children went missing in Ukraine. The exact number of harmed children is currently unknown due to the ongoing fighting and the temporary occupation of part of the territory of Ukraine.⁴¹

For the period from 24 February 2022 to 26 December 2022, the Office of the United Nations High Commissioner for Human Rights (OHCHR) recorded **17831** cases of civilian deaths or injuries in the country: **6884** killed and **10947** injured. OHCHR notes that the majority of the reported deaths and injuries were caused by long-range explosive weapons (including heavy artillery and MLRS attacks, as well as missile and air strikes), and believes that the actual numbers are much higher as information from areas of intense fighting is delayed and requires verification (for example, the cities of Mariupol (Donetsk region), Izyum (Kharkiv region), Popasna, Lysychansk, Severodonetsk (all in Lugansk region).⁴²

³⁹ https://www.npu.gov.ua/news/zavdiaky-roboti-ekipazhu-bilyi-ianhol-evakuiovano-100-vidsotkiv-tsyvilnoho-naselennia-marinky

⁴⁰ https://t.me/pavlokyrylenko_donoda/5650

⁴¹ https://childrenofwar.gov.ua/

⁴² https://ukraine.un.org/sites/default/files/2022-12/Ukraine%20-%20civilian%20 casualty%20update%20as%20of%2026%20December%202022%20RUS.pdf

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 the 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).

Intentional attacks on the civilian population or individual civilians, intentional attacks on civilian objects, non-compliance with the principle of proportionality in an attack, as well as some 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).

Threat to high-risk structures and installations.

On February 24,

the Russian military seized **the Chernobyl Nuclear Power Plant** (Kyiv region), but on 31 March, probably against the background of general military defeats in the areas of combat operations, the military left the territory of the plant. The Nuclear Power Plant was looted and Ukrainian soldiers from among the power plant guards were captured.⁴³ It is known that during the stay of the Russian military at the NPP, about 50 units of military equipment and about a thousand soldiers were based there, that is, the Russian army actually turned the NPP into their a military base.⁴⁴

On March 16,

the Russian military made an unsuccessful attempt to advance in the direction of the **South-Ukrainian Nuclear Power Plant** (Mykolaiv region). The offensive was stopped by Ukrainian troops. On 05 June and 26 June, surveillance cameras of the South-Ukrainian Nuclear Power Plant recorded missiles flying over the territory of the plant.⁴⁵ On September 19, Russian troops launched a missile attack on the industrial zone of the nuclear power plant.⁴⁶ The strike was probably caused by an "Iskander" missile.⁴⁷ A powerful explosion occurred just 300 meters from the reactors.⁴⁸

Explosion on the territory of the South-Ukrainian NPP: link to the video

On March 4,

the Russian military captured **Zaporizhzhya Nuclear Power Plant**. Seven months later, on October 5, Russian president Putin signed a decree on the acceptance of the Zaporizhzhya Nuclear Power Plant⁴⁹ into "federal ownership", and the Russian state corporation Rosatom created a joint-stock company "Zaporizhzhya Nuclear Power Plant Operating Organization", registered in Moscow, which, according to the Russian authorities, should manage the occupied nuclear power plant.⁵⁰

On September 1,

a mission of the International Atomic Energy Agency (IAEA) visited the Zaporizhzhya Nuclear Power Plant. In the report published on September 6, the mission members testified that Russia deployed military personnel, vehicles and equipment on the territory of the power plant, in particular, military trucks were seen on the first floor of the turbine halls of the 1st and 2nd power units.⁵¹ EUCCI presumes that some of the other military equipment and weapons that are usually located on the territory of the power plant, might have been temporarily relocated at the time of the visit of the mission. It is known that since July 2022, Russian troops have set up a military base on the territory of the Zaporizhzhia NPP, deploying heavy artillery, including BM-30 "Smerch" multiple launch rocket systems.⁵²

- 43 https://mepr.gov.ua/news/39106.html
- 44 https://www.ukrinform.ua/rubric-ato/3447414-na-caes-buv-stab-rosijskih-vijskovih-i-blizko-tisaci-zagarbnikiv.html
- 45 https://t.me/energoatom_ua/6877

https://www.facebook.com/energoatom.ua/posts/pfbid0mxFZsC15Qy7izTNZA1mNsHnkybz jPhvAmBEd7d5UGVQQhh3H6DYxd37SmnigGN4Hl

- 46 https://www.bbc.com/ukrainian/news-62952911
- 47 https://www.facebook.com/okPivden/videos/778222990086241/
- 48 https://t.me/energoatom_ua/9672
- 49 https://www.epravda.com.ua/news/2022/10/5/692270/
- 50 https://t.me/energoatom_ua/9966
- 51 https://www.iaea.org/sites/default/files/22/09/ukraine-2ndsummaryreport_sept2022.pdf
- https://www.ukrinform.ua/rubric-ato/3566162-ak-zabezpeciti-voennu-kampaniu-u-2023-roci-ukrainskij-poglad.html?fbclid=lwAR3ttHie-mpTE3suP-s3laUJadN1WwrOxHC2q0059LmRFklFX_gVQdC_RRo



Military equipment on the first floor of the turbine hall of the power unit No 2, Zaporizhzhya NPP. Photo source: IAEA

The European Union has condemned Russia's military activities in the area around and on the territory of the Zaporizhzhya NPP⁵³ and UN Secretary General Antonio Guterres called for the demilitarization of the plant.⁵⁴ On November 17, the IAEA Board of Governors adopted its third resolution since the beginning of the full-scale war in Ukraine, calling on Russia to stop all actions at Ukrainian nuclear facilities.⁵⁵

As of February 2023, the Russian armed forces continue to threaten the safe operation of nuclear facilities in Ukraine by their actions.

⁵³ https://www.eurointegration.com.ua/news/2022/08/6/7144558/

⁵⁴ https://www.eurointegration.com.ua/news/2022/08/18/7145204/

⁵⁵ https://www.unian.ua/economics/energetics/magate-uhvalila-rezolyuciyu-yakoyu-zaklikaye-rf-pripiniti-okupaciyu-yadernih-ob-yektiv-v-ukrajini-12049011.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).

Therefore, the prohibition of 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 the Zaporizhzhya Nuclear Power Plant under the control of Ukraine was a purely civilian facility and was not a military facility. There were no Ukrainian military facilities near the nuclear power plant. The consequences of conducting military operations near the plant, damage to its infrastructure, turning the Zaporizhzhya Nuclear Power Plant into a military base of the Russian Federation (militarization of the plant), launching missiles over the territory of the nuclear power plant, 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)).





Using hunger as a method of warfare. Restricting access to humanitarian aid. Attacks on objects necessary for the survival of the civilian population.

From February 24 to May 20, 2022, battles for the city of Mariupol (Donetsk region) continued. Of the 86 days of defense, the city was completely surrounded for 82 days. As of the beginning of the siege of the city by Russian troops, there could have been about 300-400 thousand civilians in the city. At certain times, the Russians selectively allowed some of the population to leave the city by their own transport (in the direction of the city of Berdyansk). However, a significant number of people were not able to leave because they either did not have their own transport (many people had damaged/destroyed vehicles or there was no fuel), or they remained blocked in the areas of the city where active military hostilities were taking place. Ukrainian and international humanitarian supplies, as well as buses for organized evacuation of civilians, were almost never allowed to enter the city by the Russian military. Since the beginning of March (in some districts – since February 24), the city has been without centralized water supply (including drinking water), electricity, heating, and food. There were reports starvation among the civilian population.



Residents of Mariupol line up for food. Photo source: Andryushchenko Time in Telegram

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

Obviously, a similar critical humanitarian situation, according to the plan of the Russian military and political leadership, should have occurred in other Ukrainian settlements that were under siege at the same time, in particular in Chernihiv and Sumy, and this would have forced the defenders to lay down their weapons. At the same time, the Russian armed forces were forced to retreat from the northern regions of Ukraine in April 2022.

Similar tactics of artificially creating a humanitarian and food crisis was used by Russian troops in the Luhansk region. For example, food warehouses in the city of Severodonetsk (Luhansk region), which was defended by Ukrainian troops, were allegedly targeted.⁵⁶

As of April 2022, it was reported that Russian troops had destroyed at least 6 large grain storage facilities in Ukraine and many other food infrastructures.⁵⁷



Remains of the grain elevator in Ochakiv after the missile strike on 04.09.22. Photo source: Crappy Mykolaiv

⁵⁶ https://t.me/s/luhanskaVTSA?before=853

⁵⁷ https://www.unian.ua/war/z-pochatku-viyni-rosiyani-poshkodili-v-ukrajini-shist-zernoshovishch-reuters-novini-vtorgnennya-rosiji-v-ukrajinu-11768158.html

The difficult humanitarian situation was gradually developing in the occupied municipalities, in particular, due to a lack of medicines and food.

President Zelensky, during a speech in the Irish parliament, said: "They are consistently destroying fuel storage facilities, food distribution centers, destroying even ordinary agricultural machinery and are mining fields." ⁵⁸

Humanitarian supplies sent by Ukraine to the occupied territories were detained by the Russians. For example, on April 6, a humanitarian cargo traveling from Zaporizhzhya to the occupied city of Tokmak (Zaporizhzhya region) was detained, and on April 8, the Russians did not allow humanitarian cargo to enter the occupied city of Melitopol (Zaporizhzhya region).

On June 20, the EU High Representative for Foreign Affairs and Security Policy, **Josep Borrell**, called the blockade of Ukrainian grain exports a war crime: "It is unconceivable, unimaginable that millions of tons of wheat remain blocked in Ukraine while in the rest of the world, people are suffering from hunger. This is a real war crime. I cannot imagine that this will last much longer. Otherwise, it will be something that Russia will be accountable for."59

The European Council called on Russia to immediately stop attacks on agricultural facilities, as well as unblock the Black Sea, in particular the port of Odesa, to allow grain exports from Ukraine and commercial shipping operations.⁶⁰

The well-known Russian propagandist Margarita Simonyan, speaking at the St. Petersburg International Economic Forum 2022 (15-18 June), noted that there is a joke now allegedly popular in Russia: "All our hope is hunger. That's what it means. This means that now there will be a famine, and they will lift sanctions and be friends with us, because they will understand that it is impossible not to be friends with us." [61]



Margarita Simonyan. Photo: Getty Images. Source: TSN

⁵⁸ http://www.golos.com.ua/article/358324

⁵⁹ https://www.eurointegration.com.ua/news/2022/06/20/7141605/

⁶⁰ https://www.pravda.com.ua/news/2022/06/24/7354342/

⁶¹ https://tsn.ua/ru/lady/news/obschestvo/vsya-nasha-nadezhda-na-golod-propagandistka-simonyan-rasskazala-o-lyudoedskih-nastroeniyah-v-rossii-2092990.html

Why this constitutes a violation of IHL:

It is prohibited to use hunger among the civilian population as a method of warfare, and to attack, destroy, remove or render unusable objects necessary for the survival of the civilian population, such as food supplies, agricultural areas that produce food, crops, livestock, structures to provide drinking water and supplies of the latter, as well as irrigation facilities specifically for the purpose of preventing them from being used by the civilian population or an opposing party as a means of maintaining existence, regardless of motives, as if for the purpose of causing hunger among civilians, forcing them to leave or for any other reason. The parties to the conflict should allow and facilitate the rapid and unhindered flow of humanitarian assistance to civilians in need, provided that such assistance is impartial, is carried out without discrimination and is subject to control by the parties to the conflict (Additional Protocol I to the Geneva Conventions, Article 54, IHL, norms 53-56).

The deliberate commission of acts exposing civilians to hunger as a way of waging war by depriving them of items necessary for survival, including intentionally creating obstacles to aid, as provided for in the Geneva Conventions, is a war crime within the meaning of the Rome Statute of the International Criminal Court (ICC Statute, Article 8).



Threat to the natural environment.

The threat to the natural environment of Ukraine as a result of military hostilities (air pollution, soil pollution, damage to ecosystems, water resources, etc.) caused by Russia's aggressive war continued to grow steadily throughout the year.

On 30 March, the concentration of pollutants in the air of Kyiv was almost 9 times higher than normal, and a little earlier, on March 19, Kyiv was for a short time even on the *first place in the world* by the degree of air pollution. This was caused, in particular, by large-scale fires in the Kyiv region, a change of the wind direction and fires in neighboring regions caused by the armed hostilities.⁶²

While the Russian military were at the Chernobyl NPP and controlled the Chernobyl Exclusion Zone, uncontrolled forest fires continued, that were one of the factors contributing to the deterioration of radiation safety. In one of the parts of the highly contaminated territory "Red Forest" (Chernobyl Exclusion Zone), the Russian military dug up the soil and set up large-scale fortifications (military positions). Such irresponsible actions probably caused the release of highly radioactive dust.

An excerpt from the weekly publications of the Ukrainian Ministry of Environment states further facts in this context:

• Fighting took place on an area of more than 3 million hectares of Ukrainian forests. At least 450,000 hectares of forests were occupied or located in the war zone. In total, 900 protected areas have been affected since February 24 with the total area of 1.24 million hectares. The main consequences of the military aggression for the forestry are fires, explosive contamination, and loss of capacities.



Illustrative photo. Remains of the forest after the fight in the area of the Oskil river (Kharkiv region). Photo source: Suspilne.News

⁶² https://www.pravda.com.ua/news/2022/03/30/7335756/

⁶³ https://mepr.gov.ua/news/39106.html

⁶⁴ https://mepr.gov.ua/news/39106.html

⁶⁵ https://mepr.gov.ua/news/40672.html

⁶⁶ https://mepr.gov.ua/news/39747.html

- Russian troops are deliberately targeting the infrastructure for water intake, purification and supply, as well
 as sewage treatment plants. Water supply and sewerage facilities in Luhansk, Donetsk, Zaporizhzhya, Kharkiv
 and Mykolaiv regions have been severely damaged;⁶⁷
- Use of phosphorous bombs leads to chemical soil contamination;⁶⁸



Bombing of a Ukrainian municipality using phosphorous munitions. Photo source: the Ministry for Environment of Ukraine

• More than 30% of Ukraine's territory is now considered potentially contaminated by various ammunitions and explosive devices. ⁶⁹ Destroyed military equipment and ammunition, as well as unexploded missiles and bombs, contaminate soil and groundwater with chemicals, including heavy metals. ⁷⁰ The destruction of municipalities leads to environmental contamination with construction debris and asbestos, and environmental impacts of such contamination for years. ⁷¹

On 20 September, the Parliament of Ukraine approved an appeal to the UN General Assembly, the UN Environment Program, the European Parliament, the European Commission, parliaments and governments of UN General Assembly Member States to establish a **special environmental monitoring mission** to record environmental damage caused by the Russian Federation's armed aggression in Ukraine.⁷²

In a ministerial declaration that resulted from the 9th UN Conference "Environment for Europe" (Nicosia, October 5-7), European countries officially condemned Russia's crimes against the Ukrainian environment and the involvement of Belarus in them.⁷³

⁶⁷ https://mepr.gov.ua/news/39823.html

⁶⁸ https://mepr.gov.ua/news/39879.html

⁶⁹ https://mepr.gov.ua/news/39518.html

⁷⁰ https://mepr.gov.ua/news/39447.html

⁷¹ https://mepr.gov.ua/news/39210.html

 $^{^{72}\} https://zakon.rada.gov.ua/laws/show/2594-20#Text$

⁷³ https://mepr.gov.ua/news/40022.html

Why this constitutes a violation of IHL:

When conducting military operations, care shall be taken to protect the 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 may be expected to cause such damage to the natural environment and thereby endanger the health or survival of the population (Additional Protocol I to the Geneva Conventions, Article 55).

It is prohibited to attack 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 shall be taken to avoid and, in any case, to 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)).

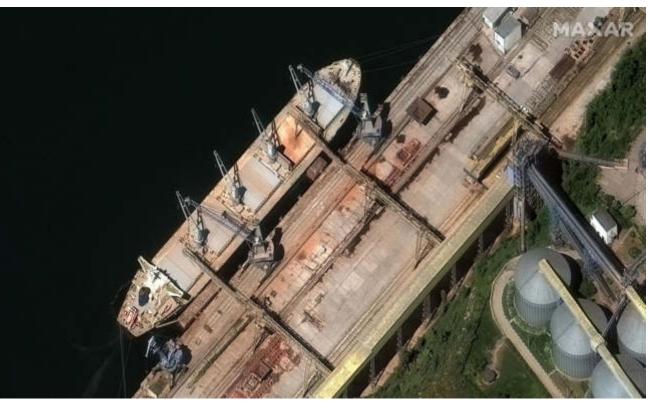
Probably, it is too early to speak of "widespread, long-term and serious damage" as it is understood in the practice of applying the relevant IHL norms. At the same time, it is already evident that the armed forces of the Russian Federation do not take all practically possible *measures of precaution*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

Seizure and looting of property.

Throughout the year, the trend of seizure and looting of property by the occupation forces and the occupation administrations (people and organizations under their control) has steadily continued in the temporarily occupied territories. Reports of such cases are usually difficult to verify through several (alternative) sources, but the veracity of most of them does not raise reasonable doubts. The range of the types of property targeted is rather diverse: from domestic robberies of local residents (cars, cash, etc.) to the seizure and looting of property of large companies in significant amounts (crops of agricultural enterprises, goods and property complexes of Ukrainian hypermarkets, etc.).

A fairly typical example is the case of the theft of John Deere agricultural machinery of the private company "Agrotek" worth 1 million EUR in March 2022 in the occupied city of Melitopol (Zaporizhzhya region). Thanks to the positioning systems installed on the equipment, the company's specialists found that the machinery had been moved to the territory of a farm in the village of Zakan-Yurt in the Chechen Republic (Russian Federation)⁷⁴.

The story of the looting of Ukrainian grain was widely publicized. In May of 2022, the American TV and radio company CNN published a story about the alleged 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 had been spotted in southern Ukraine.⁷⁵ CNN noted that "farmers and other residents of Kherson and Zaporizhzhya provided CNN with details of numerous thefts."⁷⁶



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

⁷⁴ https://www.facebook.com/agrotek.in.ua/

⁷⁵ https://edition.cnn.com/2022/05/05/europe/russia-ukraine-grain-theft-cmd-intl/index.html

⁷⁶ https://edition.cnn.com/2022/05/05/europe/russia-ukrainegrain-theft-cmd-intl/index.html

From time to time, the occupation authorities issued resolutions that effectively deprived Ukrainian citizens of the right to free possession of their property. For example, on July 8, 2022, the "State Defense Committee of the Donetsk People's Republic (DPR)" issued the Resolution No. 153, which invalidated documents confirming the emergence, transfer or termination of the property rights of individuals to residential real estate located in the" liberated territories" if such documents were certified by notaries of Ukraine after 19 February 2022 or by state or local government bodies of Ukraine from 11 May 2014 to 19 February 2022.⁷⁷ On July 18, the same "defense committee" issued Resolution No. 156, by which it forcibly seized real estate located in the occupied city of Donetsk (allegedly owned in whole or in part by the private joint-stock company "Donetskoblgaz") into "state ownership". Decisions such as the latter were quite common and were made on a regular basis.

On 30 September,

it became known that the occupational authorities recognized about 200 objects of tourism infrastructure (hotels, recreation centers) in the once popular but now occupied resort village of Kyrylivka (Zaporizhzhya region) as "ownerless property". In the "document" published on the website of the "Zaporizhzhya regional administration", the owners of the relevant property were invited to claim their rights to it by contacting the "administration" in Melitopol. If no such appeal was received within three days, the objects were threatened to be "registered" as "ownerless property", which is essentially the first step towards "nationalization" of the property. Similar lists were published from time to time also in other occupied settlements of Zaporizhzhya region (Vasylivka, Melitopol, Prymorsk, and others). 80



Hotel "Texas" in the village of Kyrylivka before the occupation. Photo source: Our city

⁷⁷ https://www.0629.com.ua/news/3428493/okupanti-hocut-nacionalizuvati-majno-mariupolciv-foto

⁷⁸ https://t.me/itsdonetsk/22349

⁷⁹ https://nashemisto.dp.ua/2022/09/30/na-azovskomu-mori-v-kyrylivtsi-okupanty-vkraly-blyzko-200-baz-vidpochynku-z-iavyvsia-spysok/

https://zapgov.ru/deyatelnost-mejvedomstvennaya-komissiya/%d0%b2%d1%8b%d1%8f%d0%b2%d0%bb%d0%b5%d0%bd%d0%bd%d0%be%d0%b5-%d0%b5%d1%81%d1%85%d0%be%d0%b7%d1%8f%d0%bg%d0%bd%d0%be%d0%b5%d0%b8%d0%bc%d1%83%d1%89%d0%b5%d1%81%d1%82%d0%b2%d0%be-10/

Also on 30 September,

the Russian authorities announced the signing in Moscow of "treaties" on the accession of the so-called Donetsk People's Republic (DPR) and Lugansk People's Republic (LPR), as well as Zaporizhzhya and Kherson regions to the Russian Federation, within the borders that existed "on the day of their formation and the day of their accession to the Russian Federation". Thus, we expect that this will subsequently lead to the total "confiscation" and/or "nationalization" of the property of Ukrainian state and municipal enterprises, institutions, organizations, as well as the property of private owners who refuse to recognize Russian sovereignty over the temporarily occupied territories of Ukraine or are considered disloyal to the Russian authorities for any other reason.

Why this constitutes a violation of IHL:

IHL prohibit looting. In occupied territory, it is allowed to confiscate movable public property *which can be used for military operations*; private property must be respected, it is not allowed to be confiscated unless the 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 justified by military necessity, looting of municipalities, as well as certain other related acts committed during an international armed conflict constitute war crimes within the meaning of the Rome Statute of the International Criminal Court (ICC Statute, Article 8).



Arbitrary detention and deprivation of freedom of civilians. Enforced disappearances.

During 2022, there was a constant practice of arbitrary detentions by the Russian armed forces, Rosgvardiya, FSB and detention of the civilian population of the occupied territories in illegal detention centers. As before, illegal deprivation of freedom continues to be carried out everywhere and is clearly part of a plan or policy for certain segments of the civilian population of the occupied territories. Some people were later released, while the whereabouts of others are still unknown.

Among the people who became victims of arbitrary detentions and enforced disappearances, the following groups can be identified: (1) representatives of Ukrainian state authorities and local self-government; (2) civic activists, participants of pro-Ukrainian rallies, volunteers; (3) veterans of the Anti-Terrorist Operation/Joint Forces Operation; (4) journalists; (5) entrepreneurs; (6) people suspected of helping the Ukrainian military; (7) representatives of various religious confessions; (8) others.

In illegal detention centers, detainees were often subjected to torture and sexual violence.

For example, Serhiy Chudynovych, a priest of the Orthodox Church of Ukraine detained on 30 March in occupied Kherson (Kherson region), described the treatment of the Russian military after his release: "[...] I was beaten, strangled. Then they started unbuttoning my pants. They took off my jeans, pulling them down. They pulled my underwear down to the ground. I was half naked. They put me on my knees, bent my head to the chair, and pressed it down with a knee. They took a rubber button⁸¹ and said they would shove it into my anus, tear it open, and then use 'Finalgon'⁸². Can you imagine how I felt? I didn't know what to do. I said goodbye to my life. I prayed. [...] They tried to rape me and I started screaming: 'What should I do to make you believe me?' These were the words I said." At the end of the abuse, the priest was forced to sign papers on cooperation with Russian law enforcement agencies and only then he was released. Once on the territory controlled by Ukraine, the priest immediately turned to law enforcement agencies.⁸³



Priest Serhiy Chudynovych. Photo source: Ukrinform

⁸¹ Probably referring to a police rubber baton.

⁸² "Finalgon" is an ointment for local treatment of joint and muscular pain, which, when applied to open wounds or with excessive application (overdose), causes a burning sensation.

⁸³ https://www.ukrinform.ua/rubric-regions/3465911-svasennik-pcu-z-hersona-rozpoviv-pro-torturi-akih-zaznav-u-poloni-zagarbnikiv.html

Matthew Holliday, Director of the International Commission on Missing Persons (ICMP), said that more than **15,000** people went missing during the war in Ukraine. According to him, this number is conservative, given that in Mariupol alone, according to estimates by Ukrainian authorities, 25,000 people were killed or disappeared. ⁸⁴ Of course, the announced figure includes not only victims of enforced disappearances, but also presumably all other people who disappeared under circumstances related to the conflict.

The practice of arbitrary detention and keeping civilians in illegal places of detention has been widespread since 2014, that is, from 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
War without Rules: Gender-Based Violence in the Context of the Armed Conflict in Eastern Ukraine
https://totalaction.org.ua/public/upload/book/1522852942_gon_eng_web.pdf
Surviving Hell

https://totalaction.org.ua/public/upload/book/1522853480_SURVIVING_HELL_eng_web.pdf

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 the security of the state under whose authority they stay (Article 42) and in the occupied territory for reasons of maintaining security (Article 78). For deprivation of freedom in such cases to be considered lawful, the established procedure must also be followed (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, taking of hostages 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)).



10

Deportation and forced displacement of the civilian population of the occupied territories.

There are numerous reports of deportation and forced displacement of the Ukrainian civilians in the occupied territories by the Armed Forces of the Russian Federation. During the year, such reports came not only from the city of Mariupol (Donetsk region), where this phenomenon was most widespread, but also from other regions of Ukraine, such as the city of Izyum (Kharkiv region).⁸⁵ In general, a similar problem is likely to be experienced in all places that were seized by the Russian military in 2022.

Already on April 20, Ukraine's Permanent Representative to the UN, Serhiy Kyslytsya, stated at a meeting of the UN Security Council that Russians had forcibly deported to Russia more than 500,000 Ukrainians, including 121,000 children.⁸⁶

As of 30 January 2023, the Ukrainian authorities are aware of at least 14,732 deported children, although the real number is likely much higher.⁸⁷

The Russian authorities themselves estimated in April 2022 that "since the beginning of the special military operation" they already "evacuated" 1,002,429 people to Russia, including 183,168 children.⁸⁸

In Mariupol, from those areas of the city that gradually came under the control of the Russian armed forces during March-May 2022, the Russian military organized and probably planned in advance to move civilians to the occupied city of Donetsk and other occupied cities of Donetsk and Luhansk regions, or to the territory of the Russian Federation. At the same time, before that, people were transferred through a rather humiliating procedure of the so-called "filtration" and through the system of the so-called "filtration camps" created by the Russian authorities.

In particular, the following categories of people were forced to undergo the "filtration" procedure:

- 1. Persons displaced by the occupational authorities in an organized manner from Mariupol to the territory of the Russian Federation or to the occupied cities of the Donetsk/Luhansk region ("DPR/LPR");
- 2. Persons who left Mariupol on their own (by private transport or on foot), trying to evacuate from the city, in particular, to the territory controlled by Ukraine.

According to the observations of EUCCI, this is not about any permanent facilities specially designed for detention/filtration (in particular, with security and a regime of detention), but rather about a whole network ("archipelago") of places of temporary detention of people throughout the occupied territory. The premises of schools, kindergartens, cultural centers and other previously seized public objects located, in particular, but not exclusively, in the occupied villages and towns around Mariupol (Khreshchatytske, Kozatske, Pershotravneve, Bezimenne, Novoazovsk, Mangush, Mykilske, etc.) were used as such places.

The following video gives an impression what a typical "filtration camp" might look like: https://t.me/mariupol_super_marik/9593

⁸⁵ https://www.facebook.com/max.strel.g/posts/1740435009497051

⁸⁶ https://www.ukrinform.ua/rubric-ato/3462129-kislica-v-oon-zagarbniki-ak-nacisti-vivozat-ukrainciv-iz-zahoplenih-teritorij.html

⁸⁷ https://childrenofwar.gov.ua/

⁸⁸ https://ria.ru/20220427/evakuatsiya-1785836409.html

The well-known Ukrainian online publication "Slidstvo.Info" conducted its own investigation into the role of the Russian Orthodox Church (ROC) in the displacement of Ukrainians to the Russian Federation and described the church's cooperation with the Ministry of Emergency Situations of the Russian Federation, the church's participation in providing deported persons with housing (at churches and monasteries), in providing them with food and basic necessities, in conducting "information and explanatory work" with people, etc.⁸⁹



Places of accommodation of deported Ukrainians in clerical institutions of the Russian Orthodox Church on the territory of Russia.

Photo source: Slidstvo.Info

⁸⁹ https://www.slidstvo.info/warnews/deportuj-blyzhnogo-svogo-yak-rosijska-pravoslavna-tserkva-razom-iz-sylovykamy-prymusovo-pereselyayut-ukrayintsiv-do-rosiyi/

Why this constitutes a violation of IHL:

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. Nevertheless, the Occupying Power may undertake total or partial evacuation of the population of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. (Fourth Geneva Convention, Article 49, customary IHL, rule 129).

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



Abuse of the bodies of the dead and cremation.

Certain pro-Russian internet resources regularly publish photos and videos of the disdainful treatment of the bodies of fallen Ukrainian soldiers. An example is the Telegram channel "384 OMRP SpN "(possibly "384 Separate Special Purpose Marine Reconnaissance Point, military unit No. 00800, part of the 1st army corps of the DPR").

Link to the channel: https://t.me/morskaya_pehota_384

Another striking example of abuse is a video fragment circulated on social media in August 2022, in which Russian nationalist **Igor Mangushev** disparagingly demonstrated a human skull during a military-themed stand-up event. According to him, it was the skull of a Ukrainian soldier who died at "Azovstal" in Mariupol (Donetsk region). Mangushev's speech was accompanied with an explanation of whom and what for is his country at the war with. In the end of the video, he uttered a phrase that suggests that he personally took part in the murder of the person whose skull he was demonstrating.⁹⁰

Link to the video: https://amp.censor.net/ru/news/3363608/v_rossii_propagandist_mangushev_vyshel_na_stsenu_s_cherepom_yakoby_zaschitnika_azovstali_video_18



Russian Igor Mangushev demonstrates a human skull during a public event. Video screenshot. Source: Censor.Net

⁹⁰ https://amp.censor.net/ru/news/3363608/v_rossii_propagandist_mangushev_vyshel_na_stsenu_s_cherepom_yakoby_zaschitnika_azovstali_video_18

According to EUCCI, such a disrespectful demonstration of the bodies (body fragments) of fallen combatants for clearly propaganda purposes, i.e. caused by neither military nor humanitarian necessity, is offensive and constitutes a mistreatment on the bodies, and is therefore a violation of the laws and customs of war.

After the massacre of civilians in Bucha (Kyiv region) gained international publicity, in early April 2022, reports began to emerge that Russia had launched mobile crematoria in Mariupol (Donetsk region), where it burns the bodies of people (allegedly both civilians and combatants). The press service of the Mariupol City Council then claimed that Russia had engaged "special cleaning brigades formed of local residents" and representatives of the so-called "DPR" to burn the bodies of Mariupol residents.⁹¹

Why this constitutes a violation of IHL:

About dead civilians.

Article 34 of the Additional Protocol I to the Geneva Conventions states: "The remains of persons who have died for reasons related to occupation or in detention resulting from occupation or hostilities and those of persons not nationals of the country in which they have died as a result of hostilities *shall be respected*, *and the gravesites of all such persons shall be respected*, maintained and marked as provided for in Article 130 of the Fourth Geneva Convention, where their remains or gravesites would not receive more favorable consideration under the Conventions and this Protocol." (Additional Protocol I to the Geneva Conventions, Article 34).

On burial and cremation Article 130 of the Fourth Geneva Convention states that "the detaining authorities shall ensure that internees who die while interned are honorably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected, properly maintained, and marked in such a way that they can always be recognized. Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be **cremated** only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

Regarding dead combatants and cremation.

Article 17 of the First Geneva Convention states that bodies "shall **not be cremated** except for imperative reasons of hygiene or for motives based on the religion of the deceased. In case of cremation, the circumstances and reasons for cremation shall be stated in detail in the death certificate or on the authenticated list of the dead." Parties to conflict shall further ensure "that the dead are honorably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found."

General information.

International humanitarian law forbids mistreatment of the bodies of the dead. The dead shall be honorably interred and their graves shall be respected and properly maintained (Customary IHL, norms 113, 115).

The parties to conflict shall do everything possible to facilitate the return of the remains of the deceased at the request of the party to which they belong, or at the request of relatives of the deceased. Personal items belonging to the deceased are also subject to return. In order to identify the remains of the deceased, each party to conflict must register all available information before burial and indicate the location of graves (Customary IHL, norms 114, 116).

Mistreatment of the bodies of the deceased constitutes an "encroachment on human dignity" (also applicable to the deceased) within the meaning of the Rome Statute of the International Criminal Court, and therefore constitutes a war crime (ICC Statute, Article 8 (2) (b) (XXI)).



12

Imposition of Russian citizenship.

From the very first days of the large-scale invasion, the Russian authorities began to impose Russian citizenship on residents of the occupied territories.

On 25 May 2022.

V. Putin signed the decree No. 304, which simplified the process of granting Russian citizenship to residents of the occupied territories of Kherson and Zaporizhzhya regions of Ukraine. By another Decree No 330 of 30 May, the Russian president introduced a "simplified procedure" for acquiring Russian citizenship for orphans, children deprived of parental care and incapacitated persons with Ukrainian citizenship. Already at that time, the head of the Office of the President of Ukraine, A. Yermak, in his speech at the opening of Russian War Crimes panel at the World Economic Forum in Davos, noted that as of May 21, the Russian Federation deported more than 232,000 children to its territory, and more than 2,000 of them were either orphans or separated from their parents.



Fragment of a propaganda story about obtaining a Russian passport in the city of Kherson. Video screenshot. Video source: VTV Plus

As for the territories of Donetsk and Luhansk regions occupied after 24 February 2022, Russian passports are issued to residents of these territories under Russian legislation introduced for the self-proclaimed Donetsk and Luhansk "People's Republics", i.e. residents of the so-called "DPR/LPR" (Putin's Decree No 183 of 24.04.2019). 95

⁹² https://www.pravda.com.ua/news/2022/05/25/7348452/

⁹³ https://life.pravda.com.ua/society/2022/05/30/248879/

⁹⁴ https://president.gov.ua/news/vistup-kerivnika-ofisu-prezidentaukrayini-andriya-yermaka-n-75297

⁹⁵ http://www.kremlin.ru/acts/bank/44190

On 30 September,

the Russian authorities announced the signing of "treaties" in Moscow on the admission of the so-called "Donetsk People's Republic" and "Luhansk People's Republic", as well as Zaporizhzhya and Kherson regions to the Russian Federation, within the borders that existed "on the day of their formation and the day of their admission to the Russian Federation". 96

Subsequently, on 02 October, the Constitutional Court of the Russian Federation concluded that these "international treaties" were "constitutional", and on 03 October, the Russian authorities announced that its parliament unanimously supported the annexation of the temporarily occupied territories of Ukraine: the regions of Donetsk, Luhansk, Zaporizhzhya and Kherson.⁹⁷

Each of the "treaties" contains Article 5, which reads as follows: "From the date of admission to the Russian Federation of DPR/LPR/Zaporizhzhya region/Kherson region and the formation of a new entity within the Russian Federation, citizens of DPR/LPR/Ukraine and stateless persons permanently residing on that date in the territory of DPR/LPR/Zaporizhzhya region/Kherson region, shall be recognized as citizens of the Russian Federation, except for persons who, within one month after that day, make a statement about their desire to retain the other citizenship that they and/or their minor children have or remain stateless persons."

Consequently, all residents of the occupied territories of Ukraine who permanently reside or at least have a mark in their passport (or other document provided for by law) about their registered place of residence (previously - residence permit) in the occupied territories, automatically receive Russian citizenship in the understanding of the authorities of the Russian Federation. Living under occupation (against the background of military hostilities, the presence of armed military and special services, etc.) or having left for the territory controlled by Ukraine or abroad, it is hardly practicable to declare within a month to the Russian authorities "their desire to retain the other citizenship that they and/or their minor children have", as stated in the "treaties". In addition, orphans and children without parental care, as well as incapacitated persons, are explicitly deprived of this opportunity.

⁹⁷ http://duma.gov.ru/news/55411/

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.

Article 47 of the Geneva Convention (IV) on Civilians states: "Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory (Article 47 IV of the Geneva Convention).

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

Any change of citizenship must be a priori voluntary. Voluntariness requires a free choice, not an artificially offered one. Using the example of imposing citizenship on residents of the temporarily occupied Crimean peninsula, ⁹⁸ it can be noted that the legal framework adopted "in a period of upheaval 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" of the options to keep Ukrainian citizenship or to acquire the citizenship of the occupying state. Undoubtedly, the situation with Russian citizenship in the Crimean peninsula and in the occupied mainland of Ukraine is different, and the issue of acquiring citizenship is complex and multidimensional.

However, there are already grounds to assert that residents of the territories occupied by Russia do not have the opportunity to freely choose citizenship and that there is no voluntariness in the acquisition of Russian citizenship in accordance with the "treaties" promulgated by the Russian authorities.



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, EUCCI's interviewers visited almost every city in Donetsk and Luhansk oblasts (on 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.

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We now face new challenges because of 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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