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IPHR

International
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ANALYTICAL REPORT

19 MAY – 1 JUNE 2022

**EVIDENCE OF WAR CRIMES AND VIOLATIONS
OF INTERNATIONAL HUMANITARIAN LAW
COMMITTED BY THE RUSSIAN FEDERATION
DURING ITS CAMPAIGN OF MILITARY
AGGRESSION AGAINST UKRAINE**

19/05/22 – 01/06/22

During the reporting period, occupying Russian forces continued their mass theft of grain and pillaging of occupied territories of Ukraine. There is new information regarding Russian forces' campaign of deportation of the local population of Mariupol local via filtration camps and then on to Russia. The Russian military continued to abduct both local Ukrainian government representatives and civilians in occupied territories. There were new recorded instances of sexual violence, torture, and killings of civilians in deoccupied areas of Kyiv Oblast. Russian forces continued to bombard civilian infrastructure in eastern regions of Ukraine, destroying entire towns and killing dozens of civilians.

During the reporting period, we documented the following war crimes and violations of international humanitarian law that were committed by the Armed Forces of the Russian Federation: (1) Torture and wilful killings; (2) sexual violence; (3) attacks on civilian objects; (4) attacks on specially protected objects; (5) impeding humanitarian relief and evacuation efforts; (6) filtration camps and other cases of unlawful transfer and confinement; (7) pillage and appropriation of property; (8) false flag operations; (9) taking of hostages and enforced disappearances.¹

¹The number of war crimes committed by Russian forces during the reporting period is not limited to those analysed in this report. The total number is much higher. The cases that were included in this report were analysed as exemplary cases of war crimes and breaches of international humanitarian law committed by Russia

1) TORTURE AND WILFUL KILLINGS

International criminal law (ICL) and international humanitarian law (IHL) forbid torture and inhumane treatment of any persons regardless of whether they are military or civilian.² ICL and IHL also forbid making civilians the objects of attack and killing them.³ These two types of war crimes and IHL violations are analysed in this report in a single section due to the fact that in all cases of torture analysed in this section the victims were found dead. Violations of the prohibition on killings of civilians, as well as torture and inhumane treatment, are grave breaches of IHL.⁴ Both torture and killings also constitute war crimes and/or crimes against humanity.⁵

The death toll of civilians executed by Russian forces during their occupation of Kyiv Oblast rose to 1,303. Most of the victims were shot dead. The Office of the Prosecutor General of Ukraine reported that it identified Russian soldiers and members of the Wagner Group who had tortured and killed civilians during the occupation of Kyiv Oblast. A journalistic investigation revealed that nine unarmed Ukrainian men were executed by Russian soldiers during their occupation of Kyiv Oblast. A Russian soldier was convicted by a Ukrainian court for violating the laws and customs of war for the first time since the onset of Russia's full-scale invasion in Ukraine.

19/05/2022

A journalistic investigation by the New York Times presented reliable evidence of Russian paratroopers executing nine unarmed Ukrainian men on 4 March in Bucha, Kyiv Oblast.⁶

² Rome Statute of the International Criminal Court of 1998, Article 7.1(f); Article 8.2(a)(ii); Geneva Convention (I) of 1949, Article 12(2); Geneva Convention (II) of 1949, Article 12(2); Geneva Convention (III) of 1949, Article 17, Article 87, Article 89; Geneva Convention (IV) of 1949, Article 32; Rule 90 of the customary IHL.

³ Rome Statute of the International Criminal Court of 1998, Article 7.1(d); Article 8.2(a)(i); Geneva Convention (IV) of 1949, Article 32; Additional Protocol (I) to the Geneva Conventions of 1977, Article 85 3(a).

⁴ Geneva Convention (I) of 1949, Article 50; Geneva Convention (II) of 1949, Article 51; Geneva Convention (IV) of 1949, Article 147.

⁵ Rome Statute of the International Criminal Court of 1998, Article 7.1(f); Article 8.2(a)(ii); Article 7.1(d); Article 8.2(a)(i).

⁶ New York Times, New Evidence Shows How Russian Soldiers Executed Men in Bucha, 19/05/22, available at: <https://www.nytimes.com/2022/05/19/world/europe/russia-bucha-ukraine-executions.html?fbclid=IwAR3bcFkneqngLB7BkJOTPIre8h4ioVxOhT4C8yKJWPkSiCpe41t9WD5PM>

In the photo, Russian servicemen lead unarmed Ukrainian men to execution in Bucha



23/05/2022

A Ukrainian court sentenced Sergeant Vadim Shishmarin to life in prison after finding him guilty of violating the laws and customs of war. Shishmarin admitted to killing an unarmed 62-year-old resident of Sumy Oblast. This trial was the first instance in which a Russian soldier was convicted for war crimes since the invasion began on 24 February 2022.⁷

24/05/2022

The Office of the Prosecutor General of Ukraine reported that it identified five Russian soldiers and three members of the Wagner Group⁸ who had tortured and killed civilians, as well as burned down their houses in Russian-occupied Motyshin, Kyiv Oblast.⁹

⁷ УНІАН, Суд в Україні винес первый приговор российскому военному: Шишимарин получил пожизненное, 23/05/2022, available at: <https://www.unian.net/war/sud-v-ukraine-vynes-pervyy-prigovor-rossiyskomu-voennomu-shishimarin-poluchil-pozhiznennoe-novosti-vtorzheniya-rossii-na-ukrainu-11838207.html>; ZMINA, "The first trial against the russian soldier" as an indicator of the state justice system of Ukraine, 25/05/22, available at: <https://zmina.info/en/articles-en/the-first-trial-against-the-russian-soldier-as-an-indicator-of-the-state-justice-system-of-ukraine/>

⁸ The Wagner Group is a private military company strongly associated with the Russian government. Wagner Group forces have previously aided Russian interests through military engagement in Syria, Libya, and the 2014 invasion of Ukraine. For these reasons, the Wagner Group "should be considered a proxy organisation of the Russian State." CSIS, Band of Brothers: The Wagner Group and the Russian State, 21/09/2020, available at: <https://www.csis.org/blogs/post-soviet-post/band-brothers-wagner-group-and-russian-state>

⁹ Facebook-сторінка Офіс Генерального прокурора України, Вбивство старости села Мотижин та смертельні катування мирних мешканців окупованої Київщини – встановлено п'ять військовослужбовців РФ та трьох «вагнерівців», 24 May 2022, available at: <https://www.facebook.com/pgq.gov.ua/posts/pfbid02dswRnaetC49IE7hB1jjAenrhmynefLssLrGr61PXzvYRssJTBurKn6ENxCE5hw2ul>

Only three of the ten victims mentioned by the Prosecutor's Office survived the torture. In March 2022, the suspects kidnapped the village elder of Motyshin, as well as her son and husband. They tortured the whole family for information on Ukrainian territorial defence forces. In an attempt to extract intelligence, the perpetrators shot the son in the leg in front of his mother. Failing to receive any information, they shot the son in the head and also tortured the husband. The whole family died from multiple gunshot wounds.¹⁰ Hands bound and covered by a thin layer of dirt, their bodies were eventually found in a mass grave outside the village.¹¹

The identified Russian soldiers and mercenaries are also suspected of killing two members of the Ukrainian NGO Patriot, who were found with numerous gunshot wounds, and detaining two volunteers who were attempting to deliver humanitarian aid to Motyzhin. After interrogating and torturing the two volunteers, the suspects brought them to a forest, ordered them to run, and then opened fire on them as they fled. One of the volunteers was shot in the head, another was wounded. Another man was tied to an ATV and forced to run for almost a kilometre. After interrogations, death threats, and beatings, he was held in a sewage pit for several days. Another victim, a civilian from the village, was fatally wounded because she was dressed in dark clothes. Her father was then taken prisoner and kept at a farm for an extended period, during which time he was left without food or water, his eyes covered and his hands bound.¹²

26/05/2022

In Kyiv Oblast, the death toll of civilians executed by the Russian forces during their occupation of the region rose to 1,303 as bodies continue to be found. Most of the victims had been shot dead.¹³

29/05/2022

In a forest in Vyshehrad, Kyiv Oblast, Ukrainian police uncovered the body of a dead civilian. Preliminary investigations indicate that the man was beaten to death by Russian soldiers.¹⁴

¹⁰ Facebook-сторінка Ірина Венедіктова, 24/05/22, available at: <https://www.facebook.com/Venediktovalryna/posts/395188032618871>; Telegram-канал Служба безпеки країни, 24/05/22, available at: t.me/SBUkr/4327

¹¹ Wall Street Journal, Execution of Village Mayor Becomes Symbol of Russian Brutality in Ukraine, 05/04/2022, available at: <https://www.wsj.com/articles/execution-of-village-mayor-becomes-symbol-of-russian-brutality-in-ukraine-11649176611>

¹² Facebook-сторінка Офіс генерального прокурора країни, Вбивство старости села отижин та смертельні катування мирних мешканців окупованої Київщини – встановлено п'ять військовослужбовців РФ та трьох «вагнерівців», 24 May 2022, available at: <https://www.facebook.com/pgo.gov.ua/posts/pfbid02dswRnaetC491E7hB1ijAenrhmynefLsslGr61PXzvYRssJTBurKn6ENxCE5hw2uI>

¹³ Telegram-канал ANDRII NEBYTOV, 26/05/22, available at: https://t.me/andrii_nebytov/65

¹⁴ Facebook-сторінка Поліція Київської області, 29/05/22, available at: <https://www.facebook.com/pol.kyivregion/posts/379064247591231>

2) SEXUAL VIOLENCE

Rape and other forms of sexual violence constitute a war crime, a crime against humanity, and a breach of IHL.¹⁵ Sexual violence can also amount to torture and/or inhumane and degrading treatment – another war crime and a grave breach of IHL.¹⁶

20/05/2022

A month long investigation by Ukraine's Ministry of Internal Affairs identified 13 victims of sexual crimes committed by Russian forces in Kyiv Oblast.¹⁷

30/05/2022

The Office of the Prosecutor General of Ukraine sent to court the first case of rape opened against a Russian soldier during the 2022 invasion. Together with one of his fellow soldiers, Mikhail Romanov allegedly raped the wife of a man killed moments earlier by Russians. The soldiers raped her multiple times and threatened the woman with weapons and violence against her child.¹⁸

A refugee from Kherson told IPHR in an interview that when Russian forces occupied the city her friend's 18-year-old daughter went missing and was later found raped and killed.¹⁹

¹⁵ Rome Statute of the International Criminal Court of 1998, Article 7(1)(g); Article 8.2(b)(iv); Additional Protocol (I) to the Geneva Conventions of 1977, Article 75(2)(b); Article 76(1); Article 77(1); Common Article 3(1)(c) of the 1949 Geneva Conventions; Geneva Convention (IV) of 1949, Article 27; Rule 93 of the customary IHL.

¹⁶ For more information, see Amnesty International, Rape And Sexual Violence Human Rights Law And Standards In The International Criminal Court, Section 6, Acts Of Rape And Sexual Violence Causing Severe Pain And Suffering Must Be Charged As Torture, available at: <https://www.amnesty.org/en/wp-content/uploads/2021/07/ior530012011en.pdf>

¹⁷ Facebook-сторінка ВС країни, За місяць роботи на Київщині спеціальна поліцейська мобільна група виявила 13 потерпілих від сексуальних злочинів, вчинених окупантами рф, 20/05/2022, available at: <https://www.facebook.com/mvs.gov.ua/posts/374187798070209>

¹⁸ Facebook-сторінка Ірина Венедіктова, 30/05/22, available at: <https://www.facebook.com/Venediktovalryna/posts/pfbid036bdiGK-TeUJx7PsnvQ2XyiDT1Btv93NqbULczfavTGyW6XNmJwibc3P5RNbwJes3dl>

¹⁹ IPHR screening interview with witness #34.

3) ATTACKS ON CIVILIANS

IHL and ICL forbid both intentional and indiscriminate attacks on civilian populations and against individual civilians not taking direct part in hostilities.²⁰ Violations of this ban during an international armed conflict constitute war crimes and a breach of IHL.

During the reporting period, we documented three attacks on civilians that resulted in at least two deaths.

20/05/2022

The Prosecutor General of Ukraine identified Senior Lieutenant Vasily Litvinenko as a Russian commanding officer who ordered his subordinates to shoot at unarmed civilians and fire on residential buildings in Lypivka, Kyiv Oblast. He led the 64th Motorised Rifle Brigade in the 35th General Army. As a result of his orders, at least one civilian was wounded. Later, occupying forces fired at the home of the same civilian from a tank. He died in a fire caused by the attack. The investigation into the extent of Litvinenko's crimes remains ongoing.²¹

23/05/2022

Russian soldiers broke into the home of a Zaporizhzhia Nuclear Power Plant employee and shot him multiple times. He was hospitalised and as of 23 May 2022 doctors were fighting for his life.²²

30/05/2022

In Luhansk Oblast, Russian forces fired at an evacuation vehicle, killing a French journalist.²³

²⁰ Rome Statute of the International Criminal Court of 1998, Article 8.2(b)(i), Article 8.2(b)(iv); Additional Protocol (I) to the Geneva Conventions of 1977, Article 51

²¹ Facebook-сторінка Ірини Венедиктової, 20/05/2022, available at: <https://www.facebook.com/Venediktovalryna/posts/pfbid02RPY-eU7JH7kLyNcrPdGHSjc1rjzA5yrWAKUzYJectHxcDQ66uYyBEyYbxeH29WR1E1>

²² НІАН, Ворвались в дом и расстреляли: в Энергодаре оккупанты напали на работника ЗАЭС, 23/05/2022, available at: <https://www.unian.net/war/novosti-energodar-okkupanty-sovershili-napadenie-na-rabotnika-zaes-sergeya-shveca-novosti-vtorzheniya-rossii-na-ukrainu-11838759.html>

²³ Twitter, Emmanuel Macron, 30/05/22, available at: <https://twitter.com/EmmanuelMacron/status/1531280177992454146>; Telegram канал Сергій Гайдай/ Луганська ОДА (ОВА), 30/05/22, available at: t.me/luhanskaVTSA/3037



Photo from the scene in Luhansk

31/05/2022

A Russian sniper captured in Donetsk Oblast admitted to receiving orders to kill peaceful Ukrainian citizens before being deployed to Ukraine.²⁴

A refugee from Kherson told IPHR in an interview that Russian snipers were positioned on the roofs of apartment buildings in the residential neighbourhood where she lived and were killing civilians walking their dogs on the street.²⁵

Another refugee from Kherson told IPHR that Russian forces fired a grenade launcher at 20 civilians who took part in a protest against the Russian occupation in March 2022. Most of the civilians were killed.²⁶

²⁴ Telegram-канал Служба безпеки країни, Російські загарбники йдуть на війну, підписуючи згоду на вбивство цивільних, available at: t.me/SBUkr/4358

²⁵ IPHR screening interview with witness #34.

²⁶ IPHR screening interview with witness #94.

3) ATTACKS ON CIVILIANS

ICL and IHL establish provisions for the general protection of civilian objects and entire towns, villages, dwellings, and buildings which are undefended and which are not military objectives.²⁷ Attacks, reprisals, or other acts of violence against such objects in international conflicts are forbidden and considered war crimes and breaches of IHL.

International law prohibits both intentional and indiscriminate attacks against civilians and civilian objects. The prohibition includes attacks that are not directed at a specific military objective; attacks that employ a method or means of combat which cannot be directed at a specific military objective or whose effects cannot be limited and, thus, strike military objectives and civilians or civilian objects without distinction; bombardment which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village, or other area containing a similar concentration of civilians or civilian objects; and attacks which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof which would be excessive in relation to the concrete and direct military advantage anticipated.²⁸

The UN High Commissioner for Human Rights reported that, as of 31 May 2022, the Russian military had killed over 4,000 civilians in Ukraine.²⁹

During the reporting period, Russia continued relentless shelling and bombardment in eastern regions of Ukraine, including the oblasts of Kharkiv, Donetsk, and Luhansk, and targeted strikes in other regions. In this section, we describe only the most notorious cases of attacks. These attacks resulted in 45 civilian deaths and massive destruction of civilian infrastructure. Rubizhne, Luhansk Oblast has reportedly been completely destroyed due to Russian shelling. In Russian-occupied Mariupol, Donetsk Oblast, the bodies of 270 dead civilians were found beneath the rubble of buildings shelled by Russian forces. Mariupol is on the brink of a humanitarian catastrophe due to the overwhelming number of dead bodies that have not been buried and the sewage flooding the streets and polluting drinking water.³⁰

²⁷ Rome Statute of the International Criminal Court of 1998, Article 8.2(b)(ii),(v); Additional Protocol (I) to the Geneva Conventions of 1977, Article 52.

²⁸ Additional Protocol (I) to the Geneva Conventions of 1977, Article 51.

²⁹ United Nations, Ukraine: civilian casualty update 31 May 2022, 31/05/22, available at: <https://www.ohchr.org/en/news/2022/05/ukraine-civilian-casualty-update-31-may-2022>

³⁰ RFE/RL, «Загроза смертельних епідемій». Фахівці вказують на загострення гуманітарної кризи в Маріуполі, 18/05/2022, available at: <https://www.reuters.com/world/europe/uk-says-mariupol-risk-cholera-outbreak-2022-06-10/>; CNN, Mariupol at risk of cholera outbreak as Russia struggles to provide basic services, says UK intelligence, 10/06/2022, available at: <https://edition.cnn.com/2022/06/10/europe/ukraine-mariupol-potential-cholera-outbreak-intl/index.html>

19/05/2022

According to local authorities in Luhansk Oblast, Russian shelling of Severodonetsk on 18 May 2022 killed three civilians, left two injured, and damaged numerous homes. Rescue efforts following the 17 May missile strike on a residential building in Bakhmut unearthed the bodies of a woman and a two-year-old child. Four more children were severely injured in the attack.³¹

20/05/2022

In Malyn, Zhytomyr Oblast, a Russian missile strike damaged nearly 100 houses and injured three people.³² Luhansk local authorities reported that Rubizhne was completely destroyed due to Russian shelling. Prior to Russia's invasion, over 60,000 people lived there, but now the population is split between those who were evacuated to safe cities, others who were forcibly deported to Russia, and the few who remain who are practically held hostage by Russian forces.³³

21/05/2022

In Donetsk Oblast, Russian forces shelled civilian infrastructure in Lyman, Sviatohirsk, Mykolaivka, and Avdiivka, killing seven civilians and injuring ten more.³⁴ A Russian attack on Severodonetsk destroyed more than 60 houses.³⁵ Donetsk police reported that Russian forces shelled 14 settlements in the region, firing at civilians from aircraft, tanks, and heavy artillery. Three civilians were killed in this attack.³⁶

³¹ Telegram-канал Офіс Генерального прокурора, 19/05/22, available at: <https://t.me/pgq.gov.ua/4146>

³² Facebook-сторінка Олександр Ситайло, 20/05/22, available at: <https://www.facebook.com/100007111728752/videos/5128388970611800/>; Ук раинская правда, Житомирщина: ракетный удар по Ма лину задел 100 домов, три челове ка ранены 20/05/22, available at: <https://www.pravda.com.ua/rus/news/2022/05/20/7347433/>

³³ Telegram-канал Сергій Гайдай/ Луганська ОДА (ОВА), 20/05/22, available at: https://t.me/serhiy_hayday/6597?fbclid=IwAR2ECqoDUSHWL3dUsCk4COWu79P3H6V2UGTOR6yDOY3zOPIMC5bHoVTSGJ8

³⁴ Telegram-канал Павло Кириленко / Донецька ОДА (ОВА), 21/05/22, available at: https://t.me/pavlokyrylenko_donoda/3481

³⁵ Telegram-канал Сергій Гайдай/ Луганська ОДА (ОВА), 21/05/22, available at: <https://t.me/luhanskaVTSA/2783>

³⁶ Telegram-канал Новини поліції Донеччини, На Донеччині за добу росіяни обстріляли 14 населених пунктів, 21/05/2022, available at: https://t.me/don_gunp/3845

22/05/2022

Local authorities in Mykolaiv reported that, as of 22 May, Russian forces had partially or completely destroyed 3,617 civilian objects in Mykolaiv Oblast.³⁷

24/05/2022

In Severodonetsk, continued Russian shelling killed four people in a residential high-rise building, while a separate strike on the Azot ammonia plant killed a further four civilians.³⁸

In Mariupol, 200 dead bodies were found beneath the rubble of an apartment building basement. The city continues to struggle with burying the dead, as the Russian Ministry of Emergency Situations left Mariupol following the refusal of local residents to collect the deceased. Occupying forces offer an “official” free reburial if residents independently bring the body of the deceased to a makeshift morgue and claim that the body was either simply found dead or killed by the Ukrainian Army.³⁹

A refugee from Mariupol told IPHR in an interview that many of the civilian corpses are barely covered with a thin layer of earth. There is a horrible smell of decay. Mariupol is facing a real humanitarian disaster.⁴⁰



Screenshot from a video showing mass graves in Mariupol.

³⁷ Facebook-сторінка Миколаївська обласна державна адміністрація, 22/05/22, available at:

<https://www.facebook.com/mykoda/posts/pfbid02SkHfmwP5zaJy4m9xWVJDCNQJM8hdi9aAkKctkjcT5RVCEHNPf82bK5bbYubAoSI>

³⁸ Telegram-канал НІАН - новости країны | война с Россией | новини країни | війна з Росією, 24/05/22, available at: <https://t.me/uniannet/56594>; Telegram-канал Сергій Гайдай/ Луганська ОДА (ОВА), 24/05/22, available at: <https://t.me/luhanska-VTSA/2887>

³⁹ Telegram-канал Андрющенко Time, 24/05/22, available at: <https://t.me/andriyshTime/1036>

⁴⁰ IPHR screening interview with witness #52.

26/05/2022

In Kharkiv, Russian forces shelled three residential neighbourhoods, killing seven people and injuring 17.⁴¹ In Donetsk Oblast, Russian strikes killed five civilians.⁴² In Luhansk Oblast, Russian shelling killed four civilians in Severodonetsk and one in Komyshevakha.⁴³

27/05/2022

In Mariupol, 70 more bodies were found in the continued clean-up of civilian infrastructure destroyed by Russia's shelling of the city.⁴⁴ Russian airstrikes on residential areas in Donetsk Oblast destroyed 94 civilian objects, including 76 houses, a fire station, recreational centre, and 13 businesses.⁴⁵

28/05/2022

In Donetsk Oblast, Russian attacks killed five and wounded four civilians.⁴⁶

31/05/2022

A court sentenced two Russian soldiers to 11 years and 6 months in prison for firing on residential buildings and civilian infrastructure in Kharkiv Oblast.⁴⁷

A refugee from Mariupol told IPHR that she worked as a nurse in a hospital near the Neptun public pool used as a shelter by civilians. At the end of March, Russian forces shelled the pool. Afterwards, she received patients with torn-off limbs who had been sheltering on-site.⁴⁸

⁴¹ Telegram-канал Олег Синегубов, голова Харківської ОДА, 26/05/22, available at: <https://t.me/synegubov/3294>

⁴² Telegram-канал Павло Кириленко / Донецька ОДА (ОВА), 25/05/22, available at: https://t.me/pavlokyrylenko_donoda/3526

⁴³ Ukrainska Pravda, Russians attempt to break through in Luhansk region: 5 killed, extensive damage, 27/05/22, available at: <https://www.pravda.com.ua/eng/news/2022/05/27/7348820/>

⁴⁴ Telegram-канал Андрющенко Time, 27/05/22, available at: t.me/andriyshTime/1092

⁴⁵ Офіційний сайт Національної поліції, За добу росіяни зруйнували на Донеччині 94 цивільних об'єкти – є загиблі та поранені, 27/05/22, available at: <https://www.npu.gov.ua/news/stoprussia/za-dobu-rosiyani-zruynuvali-na-donechchini-94-czivilnix-objekti-je-zaqibli-ta-poraneni/?fbclid=IwAR32GQ6fmhRJ4vNxaebEY35zxx-tHMoa4ulhSOxU4n7sWGqcCtqimrEssSY>

⁴⁶ Telegram-канал Павло Кириленко / Донецька ОДА (ОВА), 27/05/22, available at: t.me/pavlokyrylenko_donoda/3531

⁴⁷ НІАН, Библи из "Градів" по Харьковщине: двух военных РФ приговорили к 11,5 годам лишения свободы, available at: <https://www.unian.net/war/bili-iz-gradov-po-harkovshchine-dvuh-voennyh-ri-prigovorili-k-11-5-godam-lisheniya-svobody-novosti-harkova-11848707.html>

⁴⁸ IPHR screening interview with witness #114. See also Telegram-канал Павло Кириленко / Донецька ОДА (ОВА), 16/03/22, available at: https://t.me/pavlokyrylenko_donoda/2655

4) ATTACKS ON SPECIALLY PROTECTED OBJECTS

According to ICL and IHL, certain civilian objects are afforded special protection due to their humanitarian importance. Such objects include, inter alia, cultural and religious objects. ICL also specifically protects buildings dedicated to education.⁴⁹

During the reporting period the Russian military attacked at least seven specially protected objects. Nearly 300 civilians were sheltering in two of the attacked objects – a school and a church. Three people that were hiding in the school were killed in the attack.

20/05/2022

The Russian military fired at a school in Severodonetsk in which more than 200 civilians were sheltering. At least three people were killed in the shelling. A Russian strike on a cultural centre in Lozova injured seven civilians, including an 11-year-old girl. In Sviatohirsk, Donetsk Oblast, Russian forces destroyed a music school.⁵⁰

21/05/2022

In Bohorodychne, Donetsk Oblast, a Russian airstrike struck a church, forcing around 100 monks, nuns, and children taking shelter in the building to evacuate.⁵¹

22/05/2022

Ukrainian Minister of Culture and Information Policy announced that, as of 22 May 2022, Russian attacks had damaged or destroyed over 350 cultural objects across the country.⁵²

25/05/2022

In Dnipropetrovsk Oblast, Russian airstrikes damaged a kindergarten and a church.⁵³

⁴⁹ Rome Statute of the International Criminal Court of 1998, Article 8.2(b) (ix). IHL does not

⁵⁰ Telegram-канал Павло Кириленко / Донецька ОДА (ОВА), 12/05/22, available at: https://t.me/pavlokyrylenko_donoda/3470

⁵¹ Facebook-сторінка ВС країни, 21/05/22, available at: <https://www.facebook.com/watch/?v=2106874589476968>

⁵² Facebook-сторінка Олександр Ткаченко, 22/05/22, available at: <https://www.facebook.com/oleksandr.tkachenko.ua/posts/5254169037983989>

⁵³ Telegram-канал Валентин Резніченко/ Дніпропетровська ОДА (ОВА), 25/05/22, available at: t.me/dnipropetrovskaODA/1013

31/05/2022

In Komyshevka, Zaporizhzhia Oblast, Russian airstrikes destroyed a 100-year-old school.⁵⁴

5) IMPEDING HUMANITARIAN RELIEF AND EVACUATION EFFORTS

IHL and ICL have specific provisions to ensure that civilian populations are provided with necessary humanitarian relief during wartime, including food, water, and medicine. The parties to an international armed conflict are obligated to allow and facilitate the rapid and unimpeded passage of relief consignments.⁵⁵ Personnel that transport and distribute relief consignments are also under the protection of IHL.⁵⁶ Actions that impede humanitarian relief constitute a breach of IHL and can amount to the war crime of starvation of civilians.⁵⁷

Additionally, IHL obligates the parties to a conflict to remove the civilian population, individual civilians, and civilian objects under their control from the vicinity of military objectives.⁵⁸ In besieged or encircled areas, the parties are obligated to ensure the removal of wounded, sick, infirm, and aged persons, as well as children and maternity cases, and ensure the passage of ministers of all religions, medical personnel, and medical equipment on their way to such areas. Parties to the conflict shall, without delay, take all possible measures to search for and collect the wounded and sick to ensure their adequate care.⁶⁰

During the reporting period, Russia repeatedly blocked the evacuation of 1,000 civilian vehicles in Zaporizhzhia Oblast, as well as impeded evacuation efforts and the delivery of humanitarian aid in the oblasts of Kherson and Kharkiv, as well as shelled a humanitarian aid centre in Lysychansk, Luhansk Oblast.

⁵⁴ НІАН, В Запоріжській області на поселок два часа беззастановочно сыпалісь російські снаряды: фото последствий атаки, available at: <https://www.unian.net/war/novosti-zaporozhskoy-oblasti-segodnya-na-poselok-dva-chasa-bezostanovochno-sypalis-rossiyskie-snaryady-foto-novosti-vtorzheniya-rossii-na-ukrainu-11850129.html>

⁵⁵ Rome Statute of the International Criminal Court of 1998, Article 8.2(b) (xxv); Geneva Convention (IV) of 1949, Article 23, 59; Additional Protocol (I) to the Geneva Conventions of 1977, Article 70; Rule 55 of the customary IHL.

⁵⁶ Additional Protocol (I) to the Geneva Conventions of 1977, Article 71.

⁵⁷ Rome Statute of the International Criminal Court of 1998, Article 8.2(b) (xxv)

⁵⁸ Additional Protocol (I) to the Geneva Conventions of 1977, Article 58; Rule 24 of the customary IHL.

⁵⁹ Geneva Convention (IV) of 1949, Article 17.

⁶⁰ Geneva Convention (IV) of 1949, Article 15.

19/05/2022

In Vasylivka, Zaporizhzhia Oblast, Russian occupying forces were blocking an evacuation column of around 1,000 civilian vehicles that were trying to leave the occupied territories. They were not allowed to either return to where they came from or to move towards Ukrainian-controlled territory.⁶¹ The Russian forces allowed them to leave only on the evening of 20 May.⁶² Later, the Head of Zaporizhzhia Regional Military Administration informed that occupying Russian forces often block evacuation columns of hundreds of cars for up to five days in Vasylivka. People are forced to stay in their cars for days on end and wait to be allowed to leave in horrible conditions.⁶³

21/05/2022

In Kherson Oblast, Russian forces continuously prevented civilians from leaving the occupied territories, block the delivery of humanitarian aid, including food and medicine,⁶⁴ and open fire on evacuation columns.⁶⁵

22/05/2022

Russian forces blocked evacuations from Izyum to Ukrainian-controlled territory, only allowing exits via Russia.⁶⁶

26/05/2022

A Russian artillery attack on Lysychansk, Luhansk Oblast struck a humanitarian aid centre.⁶⁷

⁶¹ Ukrainska Pravda, Russians attempt to break through in Luhansk region: 5 killed, extensive damage, 19/05/22, available at: <https://www.pravda.com.ua/eng/news/2022/05/19/7347231/>

⁶² Ukrainska Pravda, Russians attempt to break through in Luhansk region: 5 killed, extensive damage, 20/05/22, available at: <https://www.pravda.com.ua/news/2022/05/20/7347544/>

⁶³ Telegram-канал Запорізька обласна військова адміністрація, 29/05/22, available at: https://t.me/zoda_gov_ua/8394

⁶⁴ Facebook-сторінка генеральний штаб ЗС / General Staff of the Armed Forces of Ukraine, Оперативна інформація станом на 06.00 21.05.2022 щодо російського вторгнення, 20/05/2022, available at: <https://www.facebook.com/GeneralStaff.ua/posts/pfbid02-jny2sTMggUq44MmBDKfKx68yVZfzwsiv6KiRTjFp4TtmD3hZHkNnK661Gput366Jl>

⁶⁵ Facebook-сторінка Оперативне командування "Південь"/Operational Command "South," 19/05/2022, available at: <https://www.facebook.com/okPivden/videos/380099047407243/>

⁶⁶ Суспільне, Евакуюватися з Ізюма досі неможливо, окупанти перекрили шлях – мер міста, 22/05/2022, available at: <https://suspijne.media/242090-okupanti-perekrili-dorogu-dla-evakuacii-z-izuma-na-pidkontrolnu-ukraini-teritoriu/>

⁶⁷ Telegram-канал Сергій Гайдай/ Луганська ОДА (ОВА), 26/05/22, available at: <https://t.me/luhanskaVTSA/2910>

Two refugees from occupied Kherson told IPHR in interviews that Russian forces did not allow Ukrainian humanitarian relief supplies to enter the city. There was an acute shortage of medicine and practically no way to buy food. According to a refugee from Vovchansk, Kharkiv Oblast, Russian occupying forces did not allow Ukrainian humanitarian relief supplies to enter the town.⁶⁹

6) FILTRATION CAMPS AND OTHER CASES OF UNLAWFUL TRANSFER AND CONFINEMENT

According to the Fourth Geneva Convention, civilians may only be interned or placed in assigned residence if “the security of the detaining power makes it absolutely necessary”⁷⁰ or, in occupied territory, for “imperative reasons of security”⁷¹ for instance, if the interned persons may seriously prejudice the security of the detaining power by means such as sabotage or espionage.⁷² Any persons arrested, detained, or interned for actions related to the armed conflict shall be informed promptly, in a language they understand, of the reasons why these measures have been taken.”⁷³

Any person interned or placed in an assigned residence has a right to appeal this decision and, if the decision is maintained, to have it periodically reviewed.⁷⁴ Detention that is not in conformity with the above rules constitutes an “unlawful confinement”, which is a war crime and a grave breach of IHL.⁷⁵

Additionally, ICL and IHL prohibit forced displacement, deportation, or transfer of the civilian population of an occupied territory to another state or location. The violation of these norms is a grave breach of IHL, as well as a war crime and/or a crime against humanity.⁷⁶

During the reporting period, at least 2,800 residents of Mariupol were forcefully transferred to filtration camps. At least 175 people were deported from the filtration camp in Bezimyane, Donetsk Oblast to Russia.

⁶⁸ IPHR screening interview with witness #36, 131.

⁶⁹ IPHR screening interview with witness #129.

⁷⁰ Geneva Convention (IV) of 1949, Article 42.

⁷¹ Geneva Convention (IV) of 1949, Article 78

⁷² ICTY, Delalić case, Judgment, para. 576.

⁷³ Additional Protocol (I) to the Geneva Conventions of 1977, Article 75(3).

⁷⁴ Geneva Convention (IV) of 1949, Article 43, 78.

⁷⁵ Rome Statute of the International Criminal Court of 1998, Article 8(2)(b)(vii); Geneva Convention (IV) of 1949, Article 147; Rule 99 of the customary IHL.

⁷⁶ 9 Rome Statute of the International Criminal Court of 1998, Article 7.1(d); Article 8.2(a)(vii); Geneva Convention (IV) of 1949, Article 49, 147; Rule 129 of customary IHL.



A pass given to persons who have undergone the filtration process.

19/05/2022

As of 19 May 2022, a resident of Mariupol, Victoria Obidina, who was captured by Russian forces during the evacuation of civilians from the Azovstal metallurgical plant, remains detained in a filtration camp. During the evacuation, she was separated from her four-year-old daughter, Alisa. Her daughter was brought to Ukrainian-controlled territory. Obidina's condition and exact location remains unknown.⁷⁷

21/05/2022

In Donetsk Oblast, Russian forces confined 313 residents of Mariupol in a filtration camp in Bezimyane.⁷⁸ 175 people were deported from this filtration camp to Russia. Seventy more people were deported to Russia from the filtration camp in Nikolske.

23/05/2022

Russian forces deported another 257 people from Mariupol to the Bezimyane filtration camp.⁷⁹

27/05/2022

Local authorities in Mariupol reported that, between 22 and 27 May, over 2,800 Mariupol residents were deported to filtration camps.⁸⁰

⁷⁷ Українська Правда, "Евакуація не завершена!": українці закликають повернути маму 4-річній Алісі з полону РФ, 19/05/22, available at: <https://life.pravda.com.ua/society/2022/05/19/248714/>

⁷⁸ Telegram-канал Андрющенко Time, 22/05/22, available at: <https://t.me/andriyshTime/1010>

⁷⁹ Telegram-канал Андрющенко Time, 23/05/22, available at: <https://t.me/andriyshTime/1033>

⁸⁰ Telegram-канал Андрющенко Time, 27/05/22, available at: t.me/andriyshTime/1099

7) PILLAGE AND APPROPRIATION OF PROPERTY

ICL and IHL protect the property of civilians from pillage by the warring parties.⁸¹ International law also prohibits extensive destruction and appropriation of any property (including property belonging individually or collectively to private persons or to the state) that is not justified by military necessity.⁸²

During the reporting period, it became known that Russian forces continued to loot occupied cities in the oblasts of Zaporizhzhia and Luhansk. In occupied Mariupol, Donetsk Oblast, they stole medical equipment from hospitals, as well as public trolleybuses and steel. Russian forces also continued to steal Ukrainian grain.

19/05/2022

It became known that Egypt turned away a Russian ship loaded with grain stolen from Ukraine.⁸³

The US Secretary of State accused Russia of using food as a weapon in Ukraine by holding "hostage" supplies not only for Ukrainians, but also millions around the world.⁸⁴

20/05/2022

Medical equipment stolen from Mariupol Hospitals № 1 and 4 was presented as charitable aid to Kalinin Donetsk Clinic, allegedly provided by "United Russia", the main Kremlin-backed political party in Russia.⁸⁵ Six days later, Russian forces presented additional medical equipment from Mariupol hospitals to the Kalinin Donetsk Clinic.⁸⁶

⁸¹ Rome Statute of the International Criminal Court of 1998, Article 8.2(b) (xvi); Geneva Convention (IV) of 1949, Article 33; Rule 52 of customary IHL

⁸² Rome Statute of the International Criminal Court of 1998, Article 8.2(b) (xiii); Geneva Convention (I) of 1949, Article 50; Geneva Convention (II) of 1949, Article 51; Geneva Convention (IV) of 1949, Article 53, Article 147; Rule 50 of customary IHL

⁸³ Украинская Правда, Кулеба поблагодарил Египет, что не взяли российское судно с краденым зерном, 19/05/22, available at: <https://www.pravda.com.ua/rus/news/2022/05/19/7347208/>

⁸⁴ Reuters, Blinken accuses Russia of using food as a weapon in Ukraine, 20/05/2022, available at: <https://www.reuters.com/world/eu-rope/blinken-accuses-russia-using-food-weapon-ukraine-2022-05-19/>

⁸⁵ Суспільне, Викрадене з аріуполя медичне обладнання завезли в клініку Донецька, 20/05/2022, available at: <https://suspiilne.-media/241869-vikradene-z-mariupola-medicne-obladnanna-zavezli-v-klniku-donecka/>

⁸⁶ Суспільне, В клініку Донецька окупанти завезли хірургічне обладнання з аріупольської лікарні, 26/05/2022, available at: <https://suspiilne.media/243480-v-klniku-donecka-okupanti-zavezli-hirurgicne-obladnanna-z-mariupolskoi-likarni/>

21/05/2022

Local authorities in Luhansk reported widespread looting by Russian troops in occupied cities in Luhansk Oblast.⁸⁷

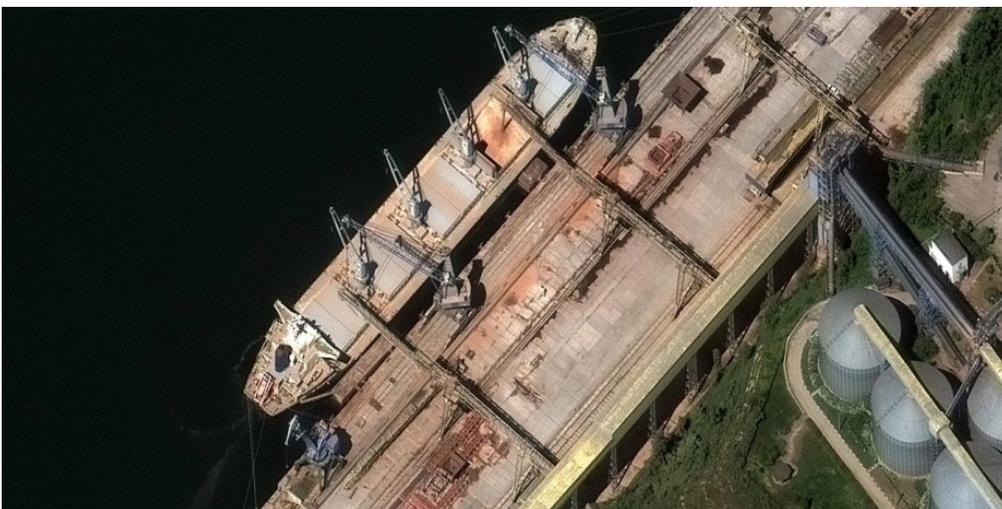
22/05/2022

Zaporizhzhia Regional Military Administration reported that Russian forces stole from the civilian population of Vasylivka. In Berdyansk, they seized property from civilians who refused to cooperate and divided it among Russian collaborators.⁸⁸

23/05/2022

The Mayor of Popasna, Luhansk Oblast, reported that occupying Russian forces pillaged the homes of local residents in the Popasnyanskaya community, whom they forcefully evicted from their homes.⁸⁹

New Maxar satellite images show Russian cargo ships loading stolen Ukrainian grain in occupied Crimea. The Kremlin-appointed deputy head of the occupied Kherson Oblast admitted to continued plans to export stolen Ukrainian grain to Russia.⁹¹



Grain being loaded on to a ship docked in the occupied Crimean Peninsula

⁸⁷ Telegram-канал Сергія Гайдая / Луганська ОДА, Знищити, захопити, розмародерити, знущатися, росіяни намагаються дорватися до северодонецьких унітазів, після того як пожерили декоративну рибу в Рубіжному, 21/05/2022, available at: https://t.me/serhiy_hayday/6629

⁸⁸ Telegram-канал Запорізька обласна військова адміністрація, Ситуація щодо російського вторгнення станом на 22.05.2022 року (22:00), 22/05/2022, available at: https://t.me/zoda_gov_ua/8083

⁸⁹ НІАН, Ситуація на Луганщині: окупанти вивозять жителів Попаснянської общини і грабують їх дома, 23/05/2022, available at: <https://www.unian.net/war/situaciya-na-luganshchine-okkupanty-vyvozyat-zhiteley-popasnyanskoy-obshchiny-i-grabyat-ih-doma-novosti-vtorzheniya-rossii-na-ukrainu-11837868.html>

⁹⁰ CNN, Satellite images appear to show Russian ships loading up with Ukrainian grain in Crimea, 23/05/22, available at: <https://edition.cnn.com/2022/05/23/politics/satellite-images-grain-crimea/index.html>

26/05/2022

Journalists from the independent Russian news outlet Mediazona have created a map tracking parcels of stolen goods sent from Ukraine to parts of Russia and reported that Russian forces sent 58 tonnes of looted goods from Ukraine to cities across Russia⁹²

29/05/2022

A cargo ship sailing under the Russian flag loaded Ukrainian steel at the Mariupol commercial port. The ship was destined to Rostov and was escorted by the Russian military.⁹³

30/05/2022

In Mariupol, Russian forces stole seven trolleybuses that were set to be painted in the colours of United Russia and presented as gifts to Donetsk.⁹⁴

According to two refugees from Melitopol, Zaporizhzhia Oblast, Russian occupying forces seized Ukrainian humanitarian aid and goods from local farmers and distributed them among the local population on behalf of Russia.⁹⁵

⁹¹ ТАСС, Херсонская область рассматривает перевалку зерна через порты Бердянска и Мариуполя, 30/05/22, available at: https://tass.ru/ekonomika/14769525?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com

⁹² Mediazona, Самая полная карта мародеров. «Медиазона» проследила, как военные за три месяца отправили от границы с Украиной 58 тонн посылок (и один «Орлан»), 26/05/22, available at: <https://zona.media/article/2022/05/26/marauders>

⁹³ Telegram-канал Андрющенко Time, 29/05/22, available at: <https://t.me/andriyshTime/1136>

⁹⁴ Telegram-канал Андрющенко Time, 30/05/22, available at: t.me/andriyshTime/1141

⁹⁵ IPHR screening interview with witness #38; 58.

8) FALSE FLAG OPERATIONS

IHL prohibits the use of the flags or military emblems, insignia, or uniforms of adverse parties while engaging in attacks or in order to shield, favour, protect, or impede military operations. If attacks under a “false flag” cause death or serious personal injury, they constitute a war crime⁹⁷

The Ukrainian military reported three false flag operations conducted by Russian forces.

19/05/2022

The Ukrainian military reported that Russian troops wore Ukrainian military uniforms in an attack on a Ukrainian observation post in Mykolaiv Oblast.⁹⁸

25/05/2022

ЗС повідомили що військовослужбовці ЗС РФ носили українську військову форму під час атак на позиції ЗС в иколаївській області.⁹⁹

31/05/2022

The Ukrainian military reported that Russian soldiers dressed up as Ukrainian armed forces and asked civilians for information on Russian forces. Those that provide information are abducted.¹⁰⁰

⁹⁶ Additional Protocol (I) to the Geneva Conventions of 1977, Article 39(2); Rule 62 of customary IHL.

⁹⁷ Rome Statute of the International Criminal Court of 1998, Article 8(2)(b)(vii).

⁹⁸ Facebook-сторінка Оперативне командування "Південь"/Operational Command "South," 19/05/22, available at: <https://www.facebook.com/watch/?v=380099047407243>

⁹⁹ Facebook-сторінка Оперативне командування "Південь"/Operational Command "South," Поточна оперативна обстановка на півдні України: підсумки 24.05.2022, 24/05/22, available at: <https://www.facebook.com/okPivden/videos/550116773154781/>

¹⁰⁰ Facebook-сторінка Оперативне командування "Південь"/Operational Command "South," <https://www.facebook.com/watch/?v=2971458853146269>

9) TAKING HOSTAGES AND ENFORCED DISAPPEARANCES

Taking hostages¹⁰¹ and enforced disappearance of persons¹⁰² constitute separate crimes under ICL. While both involve the forceful deprivation of freedom of another person, they differ in the motive behind them. For an act to constitute the war crime of taking hostages, the perpetrator must threaten to kill, injure, or continue to detain the person with the explicit or implicit intent to compel behaviour from a state or group in exchange for the safety or release of the hostage.¹⁰³

The enforced disappearance of persons is a crime against humanity that requires the perpetrator to refuse to give any information on the abducted person with an intent to remove him or her from the protection of the law for a prolonged period of time.¹⁰⁴ Reports on disappearances are often unable to immediately establish a motive, making it difficult to distinguish between the two crimes. In light of the ongoing collection of evidence from the warzone, we group these crimes together.

During the reporting period, Russian forces abducted / took hostage six civilians. Two of them have since been released; the fates of the remaining four remains unknown.

20/05/2022

Russian forces held the child of a military contractor hostage in exchange for intelligence on Ukrainian troop deployments. The child was later rescued by a special Ukrainian Security Service operation.⁰⁵

22/05/2022

In Kharkiv Oblast, Russian occupying forces abducted Halyna Turbaba, the head of the Dvorichanska Hromada. She was released on 25 May 2022.¹⁰⁶

¹⁰¹ Rome Statute of the International Criminal Court of 1998, Article 8(2)(a)(viii)

¹⁰² Rome Statute of the International Criminal Court of 1998, Article 7(1)(i)

¹⁰³ The International Criminal Court, Elements of Crimes and Rules of Procedure and Evidence, Art. 8(2)(a)(viii)

¹⁰⁴ The International Criminal Court, Elements of Crimes and Rules of Procedure and Evidence, Art. 7(1)(i)

¹⁰⁵ Facebook-сторінка Служба безпеки країни, Під час спецоперації СБ звільнила з полону сина військової, від якої рашисти вимагали розвіддані, 20/05/2022, available at: <https://www.facebook.com/watch/?v=733959510935953>

¹⁰⁶ Ukrainska Pravda, Kharkiv Region: village head abducted by occupiers is released - head of Kharkiv Oblast Military Administration, 25/05/22, available at: <https://www.pravda.com.ua/eng/news/2022/05/25/7348495/>

24/05/2022

Two members of Kirilovsky Village Council and the head of the local art centre were abducted by Russian troops.¹⁰⁷

26/05/2022

В Олешках, Херсонська область, мер повідомив що військовослужбовці ЗС РФ ви крали секретаря Олешківської міської ради, Віктора Сироту.¹⁰⁸

27/05/2022

In Oleshkiv, Kherson Oblast, local mayor Yevhen Ryschuk reported that Russian forces abducted Oleshkiv City Council secretary Viktor Sirota¹⁰⁹

¹⁰⁷ Telegram-канал [Запорізька обласна військова адміністрація](https://t.me/Крилівської_e/zoda_gov_ua/8176), 24/05/22, available at: https://t.me/Крилівської_e/zoda_gov_ua/8176

¹⁰⁸ Facebook-сторінка Офіційна сторінка Рищука Євгена, 26/05/22, available at: https://www.facebook.com/watch/live/?extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C&ref=watch_permalink&v=3088728571442127

¹⁰⁹ Facebook-сторінка Рефат Чубаров, 27/05/22, available at: <https://www.facebook.com/dogrujol/posts/pfbidOvKtho3ipHpWFGJ7-ВУKH2V5WE7ni8GpwrEVWMXGAcFPqVU3xBMqzb8aG69GstdUj>