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War crimes in the wake of Russia's military onslaught on Ukraine.

An analysis of grave IHL violations during the first 48 hours of this blatant attack

Truth Hounds-26/02/22-Ukraine

Introduction

On 24 February 2022, the Russian Federation initiated military operations against Ukraine, supposedly aimed at "demilitarising" and "denazifying" the neighbouring state, according to Russian President Vladimir Putin. Artillery rounds and rockets were fired at numerous targets, while motorised and airborne troops advanced into Ukrainian territory from multiple directions, including from Belarus. The invasion has met stiff resistance from the Ukrainian Armed Forces and the Russian Army is apparently sustaining heavy casualties.

As of 10:00 am (UTC+2) on 26 February, since the onset of Putin's war against Ukraine, 198 civilians have been killed, three of them children. In addition, 1,115 civilians, including 33 children, have been injured by the Russian forces in the course of hostilities, according to Viktor Lyashko, Ukraine's Minister of Health[1].

Truth Hounds have been documenting international crimes committed by all actors during the armed conflict in and occupation of parts of Ukraine's territory since 2014. We have made submissions to the International Criminal Court, and provided analytical reports to national investigative authorities, including the Office of the Prosecutor General of Ukraine.

Our team has continued documenting war crimes during the current large-scale wave of aggression. Truth Hounds documenters are currently working in several cities affected by the invasion across central, northern, eastern, and southern Ukraine. We also maintain a wide network of informers on the ground, including relatives and friends, who provide the latest up-to-date information.

The present analytical brief is primarily based on open sources, verified by our analysts. We do not publish the exact addresses or detailed locations of the attacks, as hostilities in many such places remain ongoing and the precise locations may be utilised to gain military advantage.

Crimes committed during the first day of active hostilities

Russian intervention in Ukraine is a blatant violation of the prohibition on the use of force inscribed in Article 2(4) of the Charter of the United Nations. The intervention itself constitutes a serious breach of international law and, from an individual perspective, may be categoriied as a crime of aggression. Were that not enough, during only the first two days of hostilities, the armed forces of the Russian Federation committed a series of war crimes. These can be categorised into four baskets: attacks against the civilian population and civilian

[1] https://www.facebook.com/viktor.liashko/posts/2569220276543414

objects (especially those that enjoy special protection, such as hospitals and buildings dedicated to education), attacks against medical units and medical personnel, improper use of the military emblems, insignia, or uniforms of the adversary, and perfidy.

Attacks against the civilian population and civilian objects. A number of the Russian Federation's artillery attacks and airstrikes targeted civilian objects that were situated far from any significant military objectives. At 08:23 am (UTC+2), on 24 February 2022, an artillery shell hit the yard of an apartment building in Chuhuiv, Kharkiv Oblast. There is verified information that a young boy died and several people were injured. The shelling caused a fire on the second, third, and fourth floors of the building. The total area of the fire was around 100 square metres. Ukrainian firefighters were able to put out the fire. Dozens of apartments had their windows smashed, furniture and other property was damaged, as were cars. The type of weapon from which the shelling was carried out has not been established. However, the nature of the damage indicates that Russian forces probably used a BM-30 Smerch multiple rocket launcher (hereinafter, "Smerch"). There are no military targets in the areas of Chuhuiv where the shelling caused casualties and destruction. The shelled apartment building is located 1.4 km away from Chuhuiv Air Base and 6.2 km away from the then-location of the 6th Division of the National Guard of Ukraine. Note, the Conflict Intelligence Team (CIT) separately identified the remnants of a Smerch rocket following shelling of Kharkiv.[2] The shelling caused no casualties and no destruction.

On the same day, 24 February 2022, around 10:00 am (UTC+2), an artillery shell struck an apartment building on the northern outskirts of Kharkiv. One apartment was damaged. At least one person was injured, while the facade, windows, and the ceiling between two floors were damaged. Based on a photo taken at the location, it is evident that the apartment building was shelled with a Smerch rocket. The military facility closest to the damaged building was Military Unit 3017 of the National Guard of Ukraine, some 5.4 km away.

2 https://twitter.com/CITeam_ru/status/1496730579622318083?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1496730579622318083%7Ctwgr%5E%7Ctwcon%5Es1_c10&ref_url=https%3A%2F%2F24tv.ua%2Fru%2Frf-obstreljala-harkov-raketami-smerch-obstrel-gorodov-jetimi_n1876369

Photo credit: Suspilne.media[3]

On the same day, 24 February 2022, another civilian sector in the northern part of Kharkiv was hit by a Smerch rocket. The shell exploded in the yard of a residential building, damaging walls and smashing windows. There were no casualties among the local population. The nearest military facility—Military Unit 3005—is situated 16 km from the location of impact. There is also evidence of a Smerch rocket attack on the grounds of the local university building and student dormitory. There were no casualties or injuries among the population.[4] No military facilities are located near the university.

A video published online[5] shows that Russian troops fired using cluster munitions, the hits described above being from 300 mm Smerch shells. An analyst from Truth Hounds, who was in Kharkiv at the time of the attack, verified the location of the video, confirming that the shelling took place in the district of Oleksiyivka. It should be noted that the location of the shelling in Kharkiv shows that the same type of rockets struck objects located a short distance from each other and at a considerable distance from any military facilities. This is indicative of the indiscriminate nature of the attack on civilian targets.

[3] https://suspilne.media/210204-u-harkovi-snarad-pociliv-u-zitlovij-budinok-poranenij-26-ricnij-colovik/
[4] https://twitter.com/sternenko/status/1496816999590252554/photo/1
[5] "Харьков мужчина попал под обстрел на пр. Победы в районе Областной детской больницы/Алексеевка/", Youtube, 24/02/22 at 14:30, available at: https://www.youtube.com/watch?v=dgcJz7LacTs&ab_channel=KsuKalininaLive

On 25 February, an airstrike killed 4 and wounded 15 in Marianivka, Kyiv Oblast[6]. There were reportedly no military objectives in close proximity to the destroyed civilian building.

Donetsk Oblast was the target of a series of attacks on the night of 23-24 February. The shelling of cities located in the territory under Ukrainian control began at 05:00 am (UTC+2). A video showing the shelling of dormitories in Mariupol was published at 05:38 am (UTC+2). At 07:20 am (UTC+2), it became known that seven private residences were on fire as a result of the shelling. On 24 February, there were four massive attacks on Donetsk, all targeting residential areas away from military installations. At 12:45 pm (UTC+2), the residential district of Shidniy was shelled with a BM-21 Grad multiple missile launcher system (hereinafter, “Grad”). The battle around Mariupol lasted until 04:00 pm (UTC+2). During this time, the city's civilian infrastructure came under fire from both Grad and Smerch missiles. The Shidniy and Livobereshniy residential areas were the most severely damaged. At least seven civilians were killed and a further seven injured.

On the territory in Donetsk Oblast not then controlled by Ukraine, artillery shelling of the city of Donetsk was reported. During the shelling, the regional children's hospital in Kalinin District was hit. We could not clarify whether Ukrainian military forces were nearby. Neither was it possible to clarify whether information regarding shelling in the areas of Izotov Park, a residential building on Shivopysna Street, and civilian buildings on Sportyvna Street and Mamedova Street in Horlivka, Donetsk Oblast. It has been stated that five people were wounded and another killed as a result of these shelling attacks, but it was not possible to determine whether Ukrainian military forces were present at these locations at the supposed time of the shelling.

Several attacks in Kyiv, Donetsk, Zaporizhia, and Sumy Oblasts seemed to target schools, kindergartens, and hospitals. From the information currently available, no military objectives were situated near the targets of the attack. Education and educational institutions enjoy special protection in international humanitarian law (hereinafter, “IHL”), as do hospitals and other medical institutions. Intentional attacks on such objects constitute even more grave violations of IHL.

During the shelling of the south-eastern outskirts of Mauripol at 07:20 pm (UTC+2), on 25 February 2022, a local school (№48) and a neighbouring residential building were hit, resulting in injuries to three people.

During the shelling of Vuhledar, Donetsk Oblast at 11:00 pm (UTC+2), on 24 February 2022, a shell hit a municipal outpatient clinic, killing four civilians and injuring a further 10. Six of the casualties were medical personnel.

At 06:53 am (UTC+2), on 24 February 2022, during the assault on Shchastia, Luhansk Oblast, a shell struck a boarding school. The closest military target that belonged to the Armed Forces of Ukraine was located 1.5 km away from the strike. However, due to the ongoing assault on the city, the exact distance between the school and the Ukrainian-held position at the time may have been different to that stated above.

At 08:17 am (UTC+2) on 24 February 2022, the Armed Forces of Ukraine announced that Russian military forces may attack Vorzel, located on the outskirts of Kyiv. At the same

[6] “Авіаудар російської авіації у Київській області: загинуло четверо цивільних”,Depo.ua,25/02/22 at 17:53, available at: https://kyiv.depo.ua/ukr/kyiv/aviaudar-rosiyskoi-armii-u-kiivskiy-oblasti-zaginulo-chetvero-tsivilnikh-202202251428884

time, pro-Russian media reported that Russian military forces *had* entered Vorzel. At 01:03 pm (UTC+2) the same day, there were reports that Vorzel was under fire from Grad shells. Later, it was reported that shrapnel from these shells struck the premises of one of the largest orphanages in Ukraine. Children and teachers at the orphanage were already sheltered at the time of the shelling and there were no physical injuries reported. It was suggested that disinformation distributed by pro-Russian media—which claimed that Russian military forces were present in the city—was intended to establish a pretext for falsely blaming the shelling on the Ukrainian military. However, following the shelling, pro-Russian media did not publish any additional information about these events or about Vorzel.

On 24 February 2022, a residential area—which included a kindergarten—in Okhtyrka, Sumy Oblast, was struck by rockets from a BM-27 Uragan multiple missile launcher system, according to preliminary assessments. The attack killed five people and injured a further 18, including two young boys who suffered grave wounds to their chest and stomach. Many of the wounded suffered injuries to limbs caused by rocket shrapnel.

Individuals killed by the shelling of a kindergarten in Okhtyrka, Sumy Oblast.

Russian military forces in Kherson Oblast fired at a vehicle containing at least four civilians for 60 seconds using automatic firearms[7]. These Russian military forces were located near to a destroyed vehicle and a mobile surface-to-air missile system (specifically, a "9K33 Osa") in Kherson Oblast, which Russia had attacked from the occupied Crimean Peninsula. In the course of the shooting, several rounds hit the vehicle, shattering windows. There are also reports that Russian military forces shelled civilian vehicles outside of Kharkiv in the direction of Tsyrkuny. The shelling resulted in the death of at least one person.

Attacks against medical units and medical personnel. Medical units and medical personnel enjoy the utmost protection in the course of armed conflict. They may lose this protection only if they are being used, outside their humanitarian function, to commit acts harmful to the enemy. In at least three reported cases, medical personnel were made targets of attack while performing their usual function of providing medical assistance to wounded persons.

Since 24 February 2022, Russian military forces have shelled ambulances.[8]

Around 11:00 am (UTC+2), on 24 February 2022, Russian military forces shelled medical facilities. The attacks struck a hospital in Vuhledar, Donetsk Oblast, resulting in the following casualties among medical personnel at the hospital: four dead and six sustaining injuries of varying degrees of severity.[9]

[7] "Оккупанты стреляют по гражданским машинам под Херсоном", Nexta, 25/02/22 at 15:48, available at: https://t.me/nexta_live/17252

[8] Звернення В.Ляшко, Facebook , 25/02/2022 https://www.facebook.com/100003664006848/videos/306552714697101/

[9] "Донецька ОДА у Вугледарі снаряди потрапили в лікарню", Радіо Свобода, 24/02/2022 at 19:28 https://www.radiosvoboda.org/a/news-vuhledar-obstril-likarni/31721399.html
Пост голови Донецької ОДА, Facebook, 24/02/2022 at 01:06 https://www.facebook.com/photo/?fbid=493641052318454&set=pcb.493641112318448

Improper use of military emblems, insignia, or uniforms of the adversary. IHL clearly prohibits making improper use of the national flag or military ensigns and uniform of the enemy in order to shield, favour, protect, or impede military operations. On 25 February, Ukrainian armed forces engaged with several groups of Russian armed forces that used Ukrainian ensigns and uniforms to penetrate into the rear of Ukrainian positions.[10] Such actions constitute a grave violation of IHL and should be regarded as war crimes.

Perfidy. To penetrate deep into the rear of Ukrainian positions, the Russian Federation's forces - apart from using Ukrainian military uniforms - also made use of civilian clothing. This unlawful tactic was supposed to help Russian armed forces mingle among the civilian populations of Ukrainian cities and then attack Ukrainian armed forces when the situation allowed. The Rome Statute of the International Criminal Court qualifies such actions as war crimes provided that individuals belonging to the hostile nation or army were treacherously wounded or killed. While there is currently no confirmed information about the members of the Ukrainian armed forces wounded or killed by Russian servicemen wearing civilian clothing, at least two cases of use of civilian clothing were reported in Bucha, Kyiv Oblast[11] and in the City of Kyiv.

In addition to the tactic described above, the Russian Federation's forces allegedly employed another treacherous method of warfare. As such, the State Border Guard Service of Ukraine reported that, on 24 February, Russian forces used cars bearing the emblems of the OSCE to approach Ukrainian positions and then launch attacks on them. The use of such methods, if proven, are in violation of IHL and constitute the war crime of perfidy.

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[10] "А вот и видео с ликвидированными российскими диверсантами на Оболони.", Nexta, Feb 25 at 10:48, Available at: https://t.me/nexta_live/17125

[11] https://kyiv.media/news/u-buchi-rosijski-vijskovi-zahopyly-zhk-ta-perevdyagnulysya-v-czyvilnyj-odyag

In lieu of conclusions

Some of the gross IHL violations documented during the first day of active hostilities unfortunately accompany most of contemporary armed conflict. Of course, this doesn't make them any less evil compared to other grave violations of IHL. However, such war crimes as treacherous wounding and killing and improper use of military emblems, insignia, or uniforms of the adversary are more common to asymmetric warfare where one party to the conflict cannot respond equally to the military force of the other and, therefore, employs unlawful methods of warfare. The Russian Federation is anything but a technically outmatched and underdeveloped military force. Resorting to perfidy and improper use of military emblems, insignia, or uniforms in this context amplifies the Russian Federation's general and unfortunate disrespect for IHL.