

digest №14

Eastern Ukrainian Center  
for Civil Initiatives (EUCCI)

# *International Humanitarian Law Violations in Ukraine:*

2023 Event Digest.



Aftermath of the a rocket strike on Kharkiv, October 6, 2023.  
Photo source: State Emergency Service of Ukraine



**On 24 February 2022, Russia, with the support of Belarus, launched a new stage of the war against Ukraine, having carried out a full-scale invasion of the country, unprecedented in recent history.**

**The Eastern-Ukrainian Center for Civic Initiatives (EUCCI)** believes that it is important to inform a wider public, particularly outside Ukraine, about war crimes committed in Ukraine.

Both parties to an international armed conflict must as a minimum comply with the 1949 Geneva Conventions, the 1977 Additional Protocol I to the 1949 Geneva Conventions, the 1907 Hague Convention on the Laws and Customs of War on Land and the Regulations on the Laws and Customs of War on Land, annexed to that Convention, as well as with customary international humanitarian law (IHL) and their obligations under international human rights law.

In this Digest, the reader will find a brief overview of the main types of IHL violations that took place in Ukraine during 2023 or became known during the respective period of time, and that affected the rights of the civilian population, and in some cases, of combatants (prisoners of war). We will try to explain why, in our opinion, certain acts are evidence of IHL violations.

We hope that the results of our work and information updates will be useful for journalists and a wide range of readers who are interested in the facts of IHL violations during Russia's armed aggression against Ukraine.

Previous digests covering this subject are available on the EUCCI website:

<https://totalaction.org.ua/war-news/257>

# 1

## Willful killing and summary executions of the civilian population.

At the beginning of April 2022, the Ukrainian Armed Forces (AFU) completely de-occupied the Kyiv and Chernihiv Regions that had been occupied by the Russian Federation (RF) armed forces in the first weeks of the full-scale invasion. In the following weeks, numerous shocking data started to emerge about the killings of civilians throughout the territory that had been under occupation (cities and villages such as Bucha, 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, made from small arms.

The liberation of the Kharkiv Region in September 2022 was also followed by the discovery on the de-occupied territories of mass burials of civilians whose deaths had occurred during the occupation and had signs of violent trauma.

In November 2022, the AFU liberated the communities of the Kherson Region, located on the west bank of the Dnipro River, including the city of Kherson, and almost completed the liberation of the Mykolaiv Region. The situation with killings and torture of the civilian population there during the temporary occupation did not differ much from the above mentioned regions of Ukraine.

In contrast to 2022, the 2023 saw predominantly trench warfare along the entire front line that was more than 700 km long. Some areas of the Kharkiv, Luhansk, Donetsk, Zaporizhzhia, Kherson, and Mykolaiv (Kinburn Spit) regions remained temporarily occupied. In the summer of 2023, the trench warfare was replaced by a Ukrainian counteroffensive. The Ukrainian Security and Defense Forces managed to liberate a large number of small towns, but as of today, for many reasons, they have not achieved the strategic goal of complete de-occupation of the entire territory of Ukraine.

For these reasons, information on human rights violations on the temporarily occupied territories is still largely inaccessible to the general public, and the number of reports on the uncovered facts of willful killings and summary executions of the civilian population in 2023, compared to 2022 (taking into account the number of newly de-occupied populated areas), significantly decreased.

In October 2023, a murder of nine civilians in the temporarily occupied city of Volnovakha (Donetsk Region) was reported; even Russian media wrote about. According to the information of the Ukrainian Prosecutor General's Office, individuals in military uniforms and armed with firearms came to a private home in the occupied city. They demanded that the family vacate the house for the Russian military to live in it. After the 53-year-old owner had refused, the combatants left, but on October 27 they returned to the



Bullet-riddled bodies of the civilians killed in their own house in the occupied city of Volnovakha (Donetsk Region), October 2023. Source: Prosecutor General's Office

house and shot dead nine people who were in the house at that time, including three women and two children born in 2014 and 2018.<sup>1</sup> A purely domestic conflict between the Russian military and the house owner was widely discussed on social media applications (in local communities) as a possible motive for the killing. Subsequently, some Russian media reported the arrest of the alleged suspects by Russian law enforcement agencies, but it is impossible to verify that information.

Taking advantage of the opportunity to access victims and/or witnesses of crimes, Ukrainian law enforcement officers continued to quite actively investigate, first of all, crimes committed by the invading forces on the now de-occupied territories.

In November 2023, Ukrainian investigators issued in absentia a notification of the suspicion of violating the laws and customs of war to two Russian servicemen: a company commander with the call sign “Lion” and his subordinate machine gunner with the call sign “Udod” (names withheld). Both served in the “2nd Army Corps of the 8th Combined Arms Army of the Southern Military District” of the Russian Federation and, according to Ukrainian law enforcement officers, were involved in the premeditated murder of **Volodymyr Vakulenko**, a famous children’s book writer.<sup>2</sup>

As a reminder, the murder of **Volodymyr Vakulenko** became known to public in the fall of 2022, after the de-occupation of several districts of the Kharkiv Region. His body, with traces of bullet wounds, along with more than 400 other bodies, was discovered in a mass grave in the de-occupied city of Iziurm (Kharkiv Region). Subsequently, a DNA test confirmed the writer’s identity.<sup>3</sup>



Writer Volodymyr Vakulenko. Photo source: Wikipedia

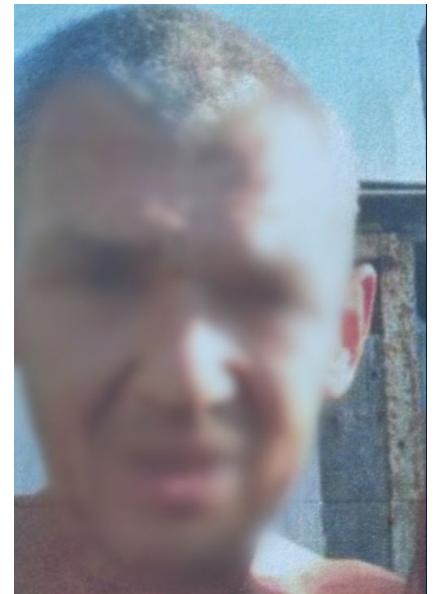
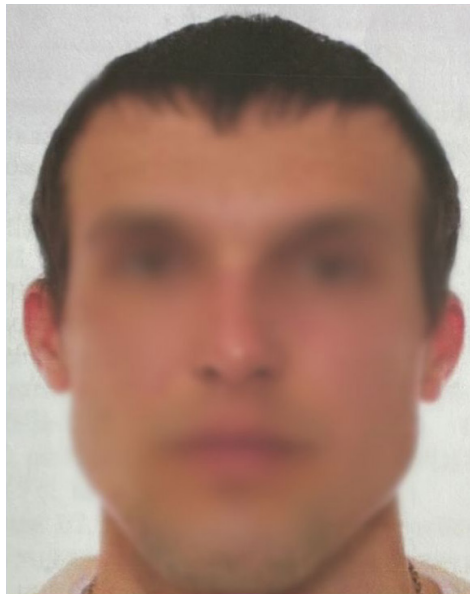
<sup>1</sup> <https://www.gp.gov.ua/ua/posts/rozpocato-rozsliduvannya-za-faktom-vbivstva-v-okupovanii-volnovasi-g-civilnix-sered-yakix-dvoje-ditei>

<sup>2</sup> <https://www.gp.gov.ua/ua/posts/identifikovano-dvox-okupantiv-pricetnix-do-rozstrilu-ukrayinskogo-diyacogo-pismennika-volodimira-vakulenska-ta-vbivstva-shhe-tryox-lyudei-pid-cas-okupaciyi-xarkivshhni>

<sup>3</sup> <https://suspilne.media/327144-pismennika-volodimira-vakulenska-vbili-pid-cas-okupacii-rozsliduvanna-i-rezultat-dnk/>

The investigators found that on March 22, 2022, combatants came to the writer's house and conducted an illegal search there. Then they detained the man and his fourteen-year-old son. The detainees were taken to the Russian troops base camp, where the invaders tried to persuade the writer to cooperate, but after his refusal, they let him go. On March 24, 2022, the combatants came to the writer's home for the second time and arrested him only. The company commander with the call sign "Lion" ordered his subordinate with the call sign "Odod" to shoot the writer, which he did by shooting the man with a pistol.

These same individuals are suspected of other killings of civilians, in particular, a veteran of the Anti-Terrorist Operation (ATO) and two other men, whom the suspects kept in a cellar in unsanitary conditions, without light, systematically beat them with sticks, and later took them to the forest, where they were executed. Experts determined that two men were killed by gunshots, and one was bludgeoned to death.



The combatants with the call signs "Lion" and "Udod", suspected of willful killings of civilians in the Kharkiv Region. Photo source: Prosecutor General's Office

## Other examples:

---

In November 2023, the Ukrainian Prosecutor General's office sent an indictment to the court against eleven servicemen (names withheld) of the "37th Separate Motorized Rifle Brigade of the 36th Combined Arms Army of the Russian Federation", who are accused of deadly fire on civilian vehicles. According to the indictment, in February-March 2022, Russian servicemen, armed with firearms and using military equipment, were conducting filtering operations in the then-occupied village of Motyzhyn (Kyiv Region) and its vicinity. While driving their armored vehicles marked with "V", they killed people in civilian cars near the Motyzhyn landscape park, as well as on Shevchenko Street in the village itself. The civilians tried to evacuate from the village, they drove towards the military and didn't take hostile actions. After ordering the cars to stop, the military personnel without any warning opened automatic gun fire on the cars, as a result of which **six** civilians died from gunshot wounds.<sup>4</sup> The accused will be tried in absentia.

<sup>4</sup> <https://www.gp.gov.ua/ua/posts/suditimut-11-viiskovosluzbovciv-rf-yaki-v-bucanskomu-raioni-rozstrilyali-avtomobili-z-mirnimi-meskancyami>



The identified Russian military service members charged with willful killing (violation of laws and customs of war) of six civilians in the Kyiv Region in spring 2022. Photo source: Prosecutor General's Office

In another similar case, a notice of suspected violation of the laws and customs of war was issued in absentia to a Russian lieutenant colonel, commander of the “2nd battalion of the 104th regiment of the 76th Guards Airborne Assault Division of the Airborne Forces of the Russian Federation Armed Forces” (name withheld). According to Ukrainian law enforcement officials, in March 2022, Russian military personnel under the suspect’s command partially occupied the city of Bucha (Kyiv Region). While conducting a so-called filtering operation and moving on armored vehicles along the Kyivo-Myrotskyi Street towards the city center, the combatants opened fire on two civilian cars on the suspect’s orders. Four civilians died from gunshot wounds.<sup>5</sup>



The Russian lieutenant colonel who was served a notice of suspicion of committing crimes during the occupation of Bucha in spring 2022. Photo source: Prosecutor General's Office

<sup>5</sup> <https://www.gp.gov.ua/ua/posts/povidomleno-pro-pidozru-geroyu-rf-komandiru-desanto-sturmovogo-batalionu-yakii-brav-ucast-v-okupaciyi-buci-ta-viddavav-nakazi-vbivati-civilnix>

Another example of a deadly fire on civilian vehicles is a crime committed in the Sumy region. In the fall of 2023, the notice of suspicion was delivered in absentia to the commander of the “5th Battery of the 147th Self-Propelled Artillery Regiment of the Russian Federation Land Forces” (name withheld). According to the investigation, on March 9, 2022, Russian soldiers opened fire on a car, resulting in the death of a woman, at their own checkpoint. After that, disregarding the dead body of the female passenger in the car, the combatants ordered the car driver to take them to their desired destination. In the village of Boromlia (Okhtyrka District, Sumy Region), the car was stopped by a bunch of different Russian soldiers. The driver got out of the car and told the commander of the combatants about the circumstances of the murder, hoping to get help. Instead, the latter ordered the man to simply bury the woman’s body on the side of the road. When the man refused to do so, the Russian commander ordered his subordinates to first shoot the man in the knees, and then gave the order to just shoot him dead. The victim was saved only by the fact that the combatants unexpectedly received a message to urgently proceed to a different location for reinforcements. After ordering the man to remove the dead woman’s body from the car, the gunmen took the car, leaving the man behind, and drove away in an unknown direction.<sup>6</sup>

One of the latest reports of the **Office of the United Nations High Commissioner for Human Rights (OHCHR)** states that “since February 24, 2022, the OHCHR has documented the killing of **521** civilians (404 men, 85 women, 23 boys and 9 girls) by Russian armed forces, either through summary executions or attacks on individual civilians”.<sup>7</sup>



The Russian unit commander suspected of giving an order to execute a civilian.  
Photo source: Prosecutor General's Office

<sup>6</sup> <https://www.gp.gov.ua/ua/posts/pid-cas-okupaciyi-sumshhni-viddav-nakaz-strilyati-v-civilnogo-yakii-vidmovivsyia-zakopati-v-yami-tiloznaiomoyi-identifikovano-viiskovogo-rf>

<sup>7</sup> <https://ukraine.un.org/uk/248372-%D0%B4%D0%BE%D0%BF%D0%BE%D0%B2%D1%96%D0%B4%D1%8C-%D1%89%D0%BE%D0%B4%D0%BE-%D1%81%D0%B8%D1%82%D1%83%D0%B0%D1%86%D1%96%D1%97-%D0%B7-%D0%BF%D1%80%D0%B0%D0%B2%D0%B0%D0%BC%D0%B8-%D0%BB%D1%8E%D0%B4%D0%B8%D0%BD%D0%B8-%D0%B2-%D1%83%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96-1-%D0%BB%D1%8E%D1%82%D0%BE%D0%B3%D0%BE-%E2%80%9331-%D0%BB%D0%B8%D0%BF%D0%BD%D1%8F-2023-%D1%80%D0%BE%D0%BA%D1%83>

## Why this is a violation:

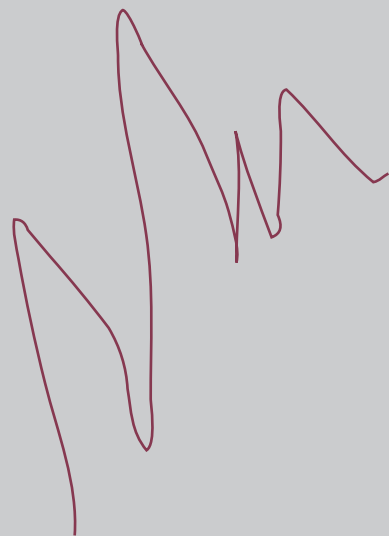
---

The rules of international humanitarian law provide that the parties to a conflict must always distinguish between the civilian population and combatants, as well as between civilian objects and military targets, and direct their actions accordingly only against military targets, 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, rules 1, 7).

Civilians have the right to respect for their person, their dignity, their right to family, their religious beliefs and their rituals, customs and practices in all circumstances. They must always be treated *with humanity* and protected from any act of violence or intimidation, from insults and from the curiosity of the crowd. The taking of hostages is forbidden (Fourth Geneva Convention, articles 27, 34).

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

Murder, torture or inhuman treatment, unlawful detention of a civilian are grave breaches of the Fourth Geneva Convention (Article 147) and war crimes as defined by the Rome Statute of the International Criminal Court (ICC Statute, Article 8 (1) (a) (i), (ii), (vii)).





## Combatants' summary executions and torture.

Reports of cases of summary executions and torture of combatants from among Ukrainian prisoners of war were quite common throughout 2023.

The brutal murder of an unknown Ukrainian soldier, involving **beheading**, was perhaps the most outrageous one. On April 11, 2023, a respective video was posted on pro-Russian Telegram channels and was later also made public by Ukrainian media.<sup>8</sup> He is screaming that it hurts. But an individual armed with a knife firmly presses the man to the ground and cuts off his head. The beheading lasts for about a minute and a half and is accompanied by agitated comments from another combatant who shouts in Russian: "Let's do it, brothers! Cut it off <...>. Break his spine. Have you never cut a head off before? <...>." At the end of the video, the killer shows off the severed head to the camera.

Neither Ukrainian law enforcement officials, nor investigative journalists had ever mentioned the name of the executed prisoner of war, however, they claimed that the direct perpetrators of this crime were combatants from the so-called Russian Sabotage and Assault Reconnaissance Group "Rusich", which had been fighting in Ukraine since 2014.<sup>9</sup>

The OHCHR subsequently stated that it had sufficient grounds to believe that the video was authentic.<sup>10</sup>

### On December 2,

a video was uploaded to the Internet in which two prisoners of war were shot dead near the village of Stepove (Pokrovsky District, Donetsk Region) during the fighting for the city of Avdiivka (Donetsk Region). In the footage filmed by a drone, one can see how two servicemen of the Ukrainian Armed Forces surrender themselves as prisoners with their hands behind their heads (the media claim that this happened because the soldiers had run out of ammunitions). They come out of the dugout in turn and lie down on the ground, evidently, strictly obeying the Russians' orders. After that, Russian servicemen open fire on them, which caused the prisoners' deaths.<sup>11</sup> The Strategic Communications Directorate of the Office of the AFU Commander-in-Chief confirmed the information about the execution of the Ukrainian prisoners of war by the Russian military.<sup>12</sup>

However, the summary execution of **Oleksandr Matsievskiy**, a serviceman of the Ukrainian Armed Forces from the city of Nizhyn (Chernihiv Region), got the most publicity in 2023.

Oleksandr Matsievskiy.  
Photo source: Wikipedia



<sup>8</sup> [https://censor.net/ua/video\\_news/3411579/polonenomu\\_ukrayinskomu\\_soldatu\\_rosiyiski\\_voyenni\\_zlochyntsi\\_iz\\_dshrg\\_rusych\\_vidrizaly\\_golovu\\_skolko](https://censor.net/ua/video_news/3411579/polonenomu_ukrayinskomu_soldatu_rosiyiski_voyenni_zlochyntsi_iz_dshrg_rusych_vidrizaly_golovu_skolko)

<sup>9</sup> [https://censor.net/ua/video\\_news/3411579/polonenomu\\_ukrayinskomu\\_soldatu\\_rosiyiski\\_voyenni\\_zlochyntsi\\_iz\\_dshrg\\_rusych\\_vidrizaly\\_golovu\\_skolko](https://censor.net/ua/video_news/3411579/polonenomu_ukrayinskomu_soldatu_rosiyiski_voyenni_zlochyntsi_iz_dshrg_rusych_vidrizaly_golovu_skolko)

<sup>10</sup> <https://ukraine.un.org/uk/248372-%D0%B4%D0%BE%D0%BF%D0%BE%D0%B2%D1%96%D0%B4%D1%8C-%D1%89%D0%BE%D0%B4%D0%BE-%D1%81%D0%B8%D1%82%D1%83%D0%B0%D1%86%D1%96%D1%97-%D0%B7-%D0%BF%D1%80%D0%B0%D0%B2%D0%B0%D0%BC%D0%B8-%D0%BB%D1%8E%D0%B4%D0%B8%D0%BD%D0%B8-%D0%B2-%D1%83%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96-1-%D0%BB%D1%8E%D1%82%D0%BE%D0%B3%D0%BE-%E2%80%9331-%D0%BB%D0%B8%D0%BF%D0%BD%D1%8F-2023-%D1%80%D0%BE%D0%BA%D1%83>

<sup>11</sup> <https://t.me/DeepStateUA/18197>

<sup>12</sup> <https://www.dw.com/uk/rozstril-polonenih-ukraina-zvinuvatila-rf-u-novomu-zlocini-dopovнено/a-67618717>

The man had been executed on December 30, 2022 near the city of Soledar (Donetsk Region), but it was not until March 6, 2023 that the public found out about it, as a result of the execution video that began to spread on the Internet. At the beginning of the video, an unarmed man in a Ukrainian military uniform stands in a pit dug in the middle of a forest strip, probably, at gunpoint. A male voice at the background says in Russian, "Film him." Next, the Ukrainian military man says the phrase "Glory to Ukraine!", after which he is immediately shot dead with automatic gun fire. From the outside, the pit, in which the soldier was standing when he was still alive, looks like a freshly dug grave (a shovel can be seen behind it). This gives reason to assume that before the execution the soldier was forced to dig his own grave.<sup>13</sup>

By the decree of the President of Ukraine dated March 13, 2023, Oleksandr Matsievsky was awarded the title of the Hero of Ukraine (posthumously).<sup>14</sup> In many cities of Ukraine, streets were named after him, several monuments were erected in his memory, and a mural was created in his honor near the Wall Museum (Museum Haus am Checkpoint Charlie) in Berlin.<sup>15</sup>



Oleksandr Matsievskyi, member of the Ukrainian Armed Forces, seconds before his execution. Video screenshot. Source: Ombudsman D. Lubinets



Mural on the Berlin Wall dedicated to Oleksandr Matsievskyi. Photo: Sergiy Fomenko/Facebook. Photo source: Suspijne Kultura

<sup>13</sup> [https://t.me/dmytro\\_lubinets/1854](https://t.me/dmytro_lubinets/1854)

<sup>14</sup> <https://www.president.gov.ua/documents/1462023-46089>

<sup>15</sup> <https://suspijne.media/culture/515825-ukrainskij-hudoznik-stvoriv-stinopis-na-berlinskomu-muri-prisvacenij-vbitomu-rosianami-vijskovomu/>

## Why this is a violation:

---

Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any discrimination. To this end, the following acts are prohibited with respect to the above-mentioned persons: violence to life and person (murder of all kinds), mutilation, cruel treatment and torture, outrages upon personal dignity (humiliating and degrading treatment). Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. 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).

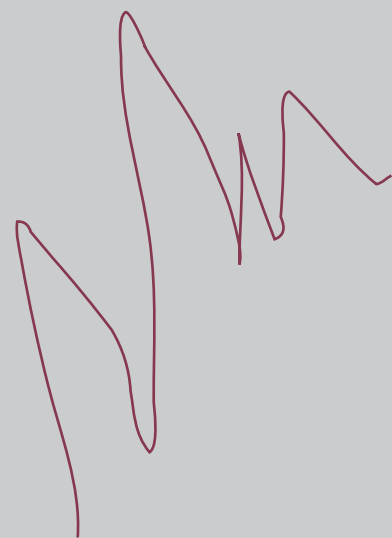
Prisoners of war shall be evacuated, as soon as possible after their capture, to camps located in an area *far enough* from the combat zone for them to be out of danger. Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they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

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

The widespread or systematic use of rape and any other form of sexual violence of comparable gravity constitutes *a crime against humanity* within the meaning of Article 7 of the Rome Statute of the International Criminal Court (ICC Statute, Article 7 (1) (a), (g)).

Premeditated murder, in particular murder or wounding of a combatant who has laid down his arms or who has no means of defense and has surrendered unconditionally, torture, willfully causing serious suffering or injury, rape and other forms of sexual violence are also considered *war crimes* under the meaning of the Rome Statute (ICC Statute, Article 8 (2) (a) (i), (ii), (iii), (b) (vi), (xxii)).

The statement that “there will be no mercy” constitutes a separate war crime under the Rome Statute (ICC Statute, Article 8 (2) (b) (xii)).



Since February 24, 2022, Ukraine's law enforcement authorities have documented **235** cases of conflict-related sexual violence (CRSV), victims including **150** women and **85** men, **13** of whom were minors (12 girls and one boy).

During 2023, the number of identified cases of CRSV was on the steady rise.

However, a large number of cases are not included into official statistics, as many victims do not turn to law enforcement agencies and/or are in the temporarily occupied territories. Also, as of the end of 2023, the Prosecutor General's Office official statistics keeps ignoring CRSV cases that occurred before the full-scale invasion of Ukraine by the Russian Federation (probably because such cases are filed separately).

Since the beginning of the full-scale invasion, the geography of the CRSV covered nine regions of Ukraine that were under occupation at different periods of time.<sup>17</sup>

The largest number of CRSV cases were documented in the Kherson Region – **69** cases.



CRSV statistics by region.  
Source: Prosecutor General's Office

<sup>16</sup> <https://www.gp.gov.ua/ua/posts/gvaltuvali-zinok-ta-ditei-suditimut-dvox-rosiiskix-viiskovoslužbovciv-yaki-vcinili-masove-seksualne-nasilstvo-pid-cas-okupaciyi-kiyivshhini>

<sup>17</sup> <https://www.gp.gov.ua/ua/posts/rezultati-diyalnosti>

**The Office of the United Nations High Commissioner for Human Rights (OHCHR)** reported that “between February 1 and July 31, 2023, members of the Russian armed forces and Russian penitentiary staff committed acts of conflict-related sexual violence against four men and one woman. The OHCHR also documented additional 35 cases that occurred before the reporting period. [...] Sexual violence was often reported in the context of detention. In residential areas where members of the Russian armed forces were stationed, they also committed sexual violence against women and one girl from among civilians.” The OHCHR states that “in the majority of cases documented during the reporting period, sexual violence was used as a form of torture or ill-treatment of male detainees (15 prisoners of war, 12 civilians). These men suffered instances of rape, electric shocks and beatings to genitals and buttocks, forced nudity and beatings while naked, unjustified cavity searches, homophobic slurs, threats of castration, and threats of rape against the detainees or their loved ones” – Report on the Human Rights Situation in Ukraine: February 1 - July 31, 2023, October 4, 2023, paragraphs 5, 52-54.<sup>18</sup>

“[...] members of Russian armed forces detained a gay man at a checkpoint in 2022. They held him for several weeks in a temporary detention facility where they beat him, subjected him to homophobic slurs and degrading treatment, and questioned him about his sexual orientation and alleged LGBTI+ advocacy. One guard raped him orally”, - state OHCHR analytics describing one of the documented cases.<sup>19</sup>

In total, since 24 February 2022, OHCHR documented that members of Russian armed forces, law enforcement officials or penitentiary staff in occupied territory or in the Russian Federation perpetrated **149** cases of conflict-related sexual violence (94 men, 51 women, 4 girls) – Report on the Human Rights Situation in Ukraine: February 1 - July 31, 2023, October 4, 2023, paragraph 60.<sup>20</sup>

On its official website the Prosecutor General's Office published a notification about charges (with a detailed description of the crimes committed and personal data of the suspects) against at least **32** Russian military personnel.<sup>21</sup> Criminal complaints against 17 combatants have been sent to court.<sup>22</sup>

As an example, on August 29, 2023, the police notified 24-year-old **Oleksandr Lebid**, lieutenant, the Russian Federation Federal Security Service (FSB), of charges against him. According to the indictment notice, in April 2022, during the occupation of one of the villages in the Kherson Region by Russian troops, the man took an underage girl from home under the pretext of interrogation and later raped her. In another case incriminated by the investigation, the combatant took an adult girl from her home twice under the pretext of interrogation and forced her to undress in his presence. In May 2022, this man abducted the same girl from her home for the third time and raped her.<sup>23</sup>



Russian national Oleksandr Lebid suspected of sexual violence. Photo source: Journalist Investigations Center

<sup>18</sup> <https://ukraine.un.org/uk/248372-%D0%B4%D0%BE%D0%BF%D0%BE%D0%B2%D1%96%D0%B4%D1%8C-%D1%89%D0%BE%D0%B4%D0%BE-%D1%81%D0%B8%D1%82%D1%83%D0%B0%D1%86%D1%96%D1%97-%D0%B7-%D0%BF%D1%80%D0%B0%D0%B2%D0%B0%D0%BC%D0%B8-%D0%BB%D1%8E%D0%B4%D0%B8%D0%BD%D0%B8-%D0%B2-%D1%83%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96-1-%D0%BB%D1%8E%D1%82%D0%BE%D0%B3%D0%BE-%E2%80%93-31-%D0%BB%D0%B8%D0%BF%D0%BD%D1%8F-2023-%D1%80%D0%BE%D0%BA%D1%83>

<sup>19</sup> <https://ukraine.un.org/uk/248372-%D0%B4%D0%BE%D0%BF%D0%BE%D0%B2%D1%96%D0%B4%D1%8C-%D1%89%D0%BE%D0%B4%D0%BE-%D1%81%D0%B8%D1%82%D1%83%D0%B0%D1%86%D1%96%D1%97-%D0%B7-%D0%BF%D1%80%D0%B0%D0%B2%D0%B0%D0%BC%D0%B8-%D0%BB%D1%8E%D0%B4%D0%B8%D0%BD%D0%B8-%D0%B2-%D1%83%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96-1-%D0%BB%D1%8E%D1%82%D0%BE%D0%B3%D0%BE-%E2%80%93-31-%D0%BB%D0%B8%D0%BF%D0%BD%D1%8F-2023-%D1%80%D0%BE%D0%BA%D1%83>

<sup>20</sup> <https://ukraine.un.org/uk/248372-%D0%B4%D0%BE%D0%BF%D0%BE%D0%B2%D1%96%D0%B4%D1%8C-%D1%89%D0%BE%D0%B4%D0%BE-%D1%81%D0%B8%D1%82%D1%83%D0%B0%D1%86%D1%96%D1%97-%D0%B7-%D0%BF%D1%80%D0%B0%D0%B2%D0%B0%D0%BC%D0%B8-%D0%BB%D1%8E%D0%B4%D0%B8%D0%BD%D0%B8-%D0%B2-%D1%83%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96-1-%D0%BB%D1%8E%D1%82%D0%BE%D0%B3%D0%BE-%E2%80%93-31-%D0%BB%D0%B8%D0%BF%D0%BD%D1%8F-2023-%D1%80%D0%BE%D0%BA%D1%83>

<sup>21</sup> <https://www.gp.gov.ua/ua/posts/povidomlennya-pro-pidozru-33083>

<sup>22</sup> <https://www.gp.gov.ua/ua/posts/rezultati-diyalnosti>

<sup>23</sup> <https://www.gp.gov.ua/ua/posts/povidomlennya-pro-pidozru-ta-povistka-pro-viklik-lebidyu-ov-na-14092023-15092023-16092023>

Two guilty verdicts are known to have been passed by Ukrainian courts on charges accusing a total of three Russian military service members of violations of the laws and customs of war, that involved sexual violence against the victims. However, both verdicts were announced in absentia at the end of 2022.<sup>24</sup> We were unable to find verdicts in similar cases announced during 2023.

We would like to remind that in June 2023, the Prosecutor General approved *the Strategic Plan for the Implementation of the Powers of the Prosecutor's Office in the Area of Prosecution for Conflict Related Sexual Violence*. According to the prosecutor's office, the document should improve access to justice for victims by improving the processes of investigation and criminal prosecution, as well as comprehensive protection of the rights and needs of victims and witnesses in accordance with international standards. Only the main provisions of the Strategic Plan are published on the Prosecutor General's Office website.<sup>25</sup>

In November 2023, the Prosecutor General's Office announced the completion of the initial stage of filling the *Unified Register of Those Convicted of Crimes Against Gender Freedom and Sexual Integrity of Minors*. Data on more than 600 persons previously convicted of sexual violence have already been entered into the Register.<sup>26</sup> The register was created in compliance with the law adopted by the Parliament of Ukraine back in 2019. The purpose of creating this electronic database was not to prevent war crimes. However, we believe that, within the framework of international cooperation, the Register could also be a useful tool for accumulation and further transfer of information about the relevant category of war criminals to the law enforcement agencies of other states, particularly with the aim of introducing personal sanctions (introducing certain restrictions).

<sup>24</sup> <https://www.gp.gov.ua/ua/posts/sudovi-rishennya>

<sup>25</sup> <https://gp.gov.ua/ua/posts/andrii-kostin-pidpisav-strategichni-plan-realizaciyi-povnovazen-prokuraturi-u-sferi-kriminalnogo-peresliduvannya-za-seksualne-nasilstvo-povyazane-z-konfliktom-snpk>

<sup>26</sup> <https://www.gp.gov.ua/ua/posts/sformovano-rejestr-zasudzenix-za-zlocini-stosovno-ditei-na-seksualnomu-grunti-ce-stane-zapobiznikom-vid-kontaktu-zi-zlocinciyami>

## Why this is a violation:

---

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault. (Fourth Geneva Convention, Article 27, Additional Protocol I to Geneva Conventions, Article 76).

The UN General Assembly Resolution 3318 (XXIX) of December 14, 1974, proclaimed the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, in which it called on the UN member states to make every effort to protect women and children from the devastating consequences of war, to seek a ban on such measures as torture, humiliating treatment and violence against them.

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

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

Additionally, the Rome Statute considers committing outrages upon personal dignity, in particular humiliating and degrading treatment, a war crime (ICC Statute, Article 8 (2) (b) (xxi)).

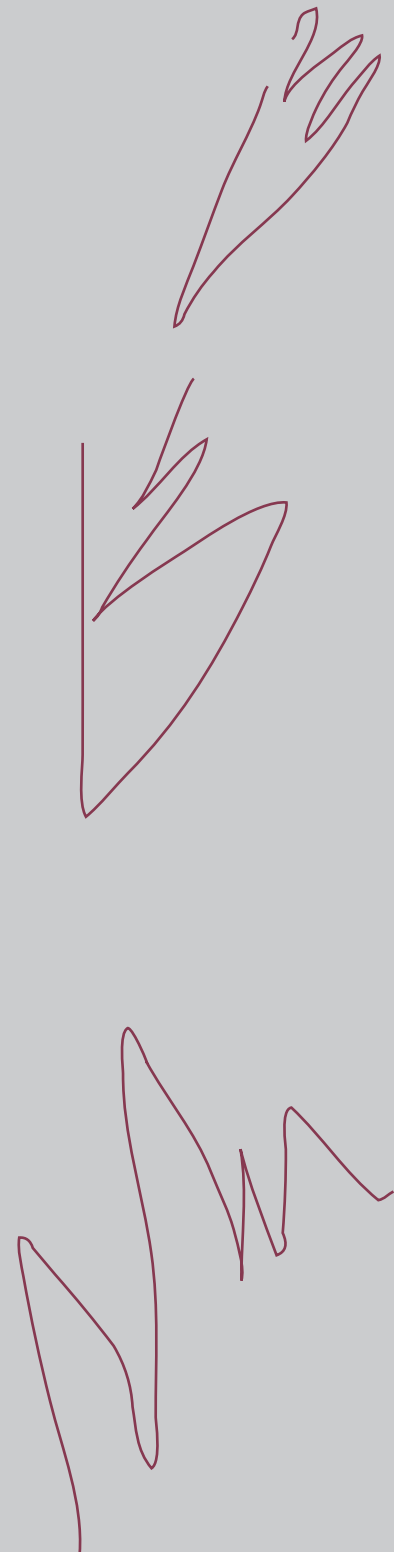
## For Reference:

---

CRSV in various forms has been widespread since 2014, that is, from the very beginning of Russia's armed aggression against Ukraine, which EUCCI has repeatedly reported in its publications, research and other materials.

See, for example, 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](https://totalaction.org.ua/public/upload/book/1522852942_gon_eng_web.pdf)



## 4

## Deliberate attacks against civilians and civilian objects. Indiscriminate attacks. Violation of the proportionality in an attack.

From the very beginning of the full-scale invasion, deliberate attacks on civilians and civilian objects are carried out in violation of the *principle of distinction*. The number of *indiscriminate attacks* remains consistently high throughout 2023. In many cases, there were indications that the combatants did not adhere to the *principle of proportionality* in their attacks. As a reminder, the essence of the latter is that attacks that can be expected to cause incidental deaths of civilians or injuries to civilians, damage to civilian objects, or a combination of such consequences, which would be excessive in relation to the expected specific and direct military advantage to be gained, are prohibited.

Throughout 2023, the entire territory of Ukraine continued to be under the threat of missile and bomb attacks, to include the threat of drone attacks. Air alerts sounded in all regions of Ukraine without exception. Since February 24, 2022 (when the full-scale invasion began), the total number of air alerts announced in Ukraine has already reached more than 30,000, and the number of media reports about explosions—more than 8,000.<sup>27</sup>

The Donetsk Region remained the hottest spot in the armed confrontation, in particular (since the fall), the city of Avdiivka and the surrounding areas. (According to the estimates of the Donetsk Regional Military Administration, about 1,800 civilians were still residing in Avdiivka, as of the beginning of April 2023<sup>28</sup>, however, there are no data as of the end of the year). During the year, heavy fighting continued for the cities of Vuhledar and Mariinka. All the above-mentioned towns and surrounding villages were almost completely destroyed.

According to preliminary data provided by OHCHR, from February 24, 2022, the total number of civilian casualties has already reached **27,768: 9,806** killed and **17,962** injured (as of October 8, 2023). At the same time, OHCHR notes that the actual number of civilian casualties is higher, as the receipt of information from some locations where intense hostilities have been going on has been delayed and many reports are still pending corroboration. The number of civilian casualties on the territories occupied by Russia in 2014 is also unknown. Most deaths/injuries were caused by explosive weapons with wide area effects.<sup>29</sup>

Since February 24, 2022, over **500** children have been killed and at least **1,100** children have been injured in Ukraine, because of various factors of the war. However, these data do not take into account the locations that are under temporary occupation, and therefore the exact number of casualties among children is currently unknown.<sup>30</sup> It is believed that the vast majority of casualties were caused by artillery shelling and rocket-bomb attacks.

During 2023, both locations where intense hostilities were going on and locations in the rear of the Ukrainian troops, continued to be subject to indiscriminate artillery shelling and missile attacks and bombings.

Here are just a few examples.

<sup>27</sup> <https://alerts.in.ua/>

<sup>28</sup> [https://t.me/pavlokyrylenko\\_donoda/7461](https://t.me/pavlokyrylenko_donoda/7461)

<sup>29</sup> <https://ukraine.un.org/uk/248799-%D1%83%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D0%B0-%D0%B2%D1%82%D1%80%D0%B0%D1%82%D0%B8-%D1%81%D0%B5%D1%80%D0%B5%D0%B4-%D1%86%D0%B8%D0%B2%D1%96%D0%BB%D1%8C%D0%BD%D0%B8%D1%85-%D0%BE%D1%81%D1%96%D0%B1-%D1%81%D1%82%D0%B0%D0%BD%D0%BE%D0%BC-%D0%BD%D0%B0-8-%D0%B6%D0%BE%D0%B2%D1%82%D0%BD%D1%8F-2023-%D1%80%D0%BE%D0%BA%D1%83>

<sup>30</sup> <https://childrenofwar.gov.ua/>



**On April 28,**

the country was shocked by a missile attack on the city of Uman (Cherkasy Region). One of the missiles hit a nine-story residential building. At least 23 civilians were killed, six of them—children of various ages. Two people were declared missing. A large number of people were injured in various degrees of severity.<sup>31</sup>



Rescuers clear the rubble of the nine-story residential building in the city of Uman after a Russian missile hit it. Photo source: State Emergency Service of Ukraine

<sup>31</sup> <https://www.pravda.com.ua/news/2023/04/29/7399991/>

**On 7 August,** the Russian military launched a missile attack on residential and public buildings in the center of the city of Pokrovsk (Donetsk region). It was reported that 7 people were killed (five civilians, one rescuer and one military service member) and at least 81 people were injured (39 civilians, including two children; 31 policemen, 7 rescuers and 4 military personnel). Twelve high-rise buildings, hotels, pharmacies, shops, cafes, government offices, etc. were damaged.<sup>32</sup> After the first missile strike, rescuers and policemen went to the site of the attack. Forty minutes later, the Russian military insidiously launched a second missile attack on the same area of the city, killing one rescuer, and injuring another, as well as several police officers.<sup>33</sup>

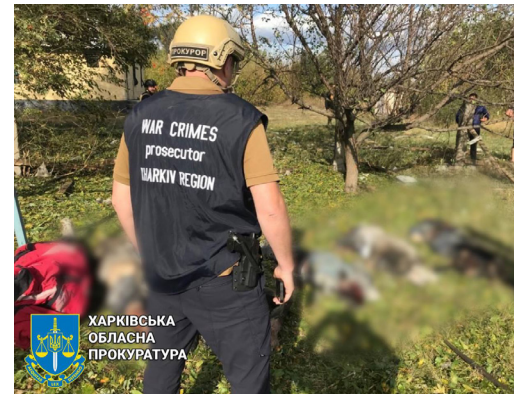


Consequences of the missile attack on the city of Pokrovsk, 07 Aug 2023.  
Photo source: Donetsk Regional Military Administration

<sup>32</sup> <https://dn.gov.ua/news/onovleni-dani-stanom-na-1100-shchodo-zhertv-rashistskogo-obstrilu-pokrovska>

<sup>33</sup> <https://dn.gov.ua/news/pokrovsk-vidomo-pro-5-zagiblih-i-14-poranenih-civilnih-sered-poranenih-11-richna-ditina>

**On October 5,** the armed forces of Russia launched a missile attack on a cafe in the village of Hroza (Kupyansk District, Kharkiv Region), located about 35 km away from the front line. At that moment, a memorial dinner was held in the cafe for a local resident (a soldier of the Ukrainian Armed Forces who died in the spring of 2022 and was to be reburied in his native village). At least **59** civilians (36 women, 22 men and an 8-year-old child) were killed as a result of a targeted missile attack, probably by an “Iskander” type missile. One person is considered missing.<sup>34</sup> Vasyl Nebenzia, Russia’s Permanent Representative to the UN, admitted Russia’s involvement in the attack, stating that at the time of the attack “a funeral of one of the high-ranking Ukrainian nationalists was going on” and “there were allegedly many Nazi supporters at the event”.<sup>35</sup>



Consequences of the Russian missile attack on the village of Hroza, October 5, 2023.  
Photo source: Kharkiv Regional Prosecutor's Office

The Prosecutor General’s Office announced that law enforcement officers had identified the individuals who directed the Russian missile at a civilian object. They turned out to be two brothers—residents of the village of Hroza, who fled to the Russian Federation before the deoccupation of the Kharkiv Region.<sup>36</sup>

<sup>34</sup> <https://www.ohchr.org/en/press-briefing-notes/2023/10/ukraine-report-hroza-missile-attack>

<sup>35</sup> <https://www.pravda.com.ua/news/2023/10/9/7423344/>

<sup>36</sup> <https://www.gp.gov.ua/ua/posts/prokuratura-ta-sbu-vstanovili-dvov-ridnix-brativ-yaki-naveli-rosiisku-raketu-po-kafe-u-s-groza-na-xarkivshhini>

## Why this is a violation:

---

The rules of international humanitarian law provide that the parties to a conflict must always distinguish between the civilian population and combatants, as well as between civilian objects and military targets, and direct their actions accordingly only against military targets, 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, rules 1, 7).

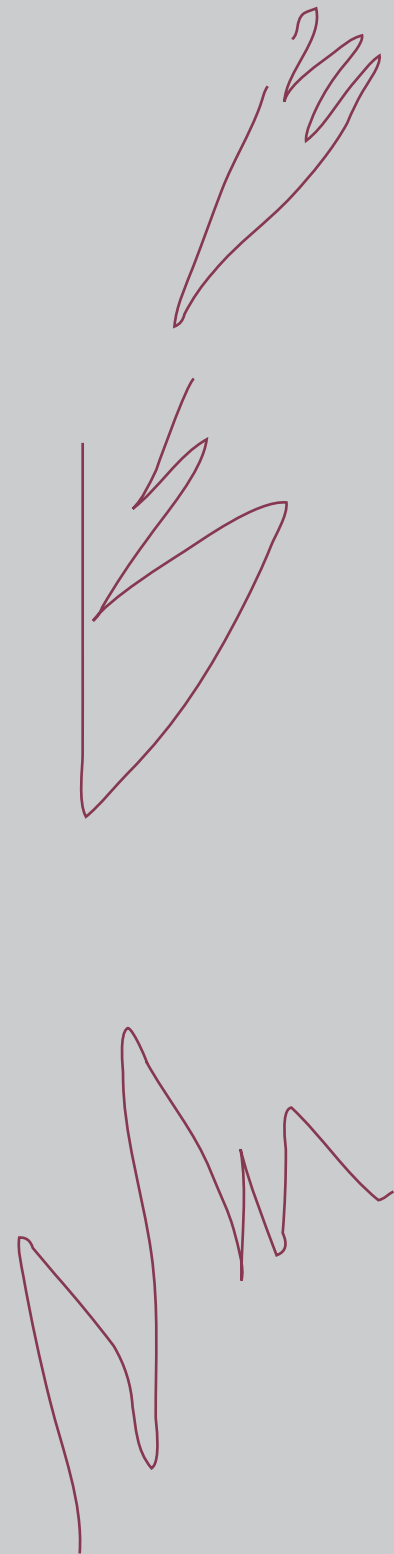
The protection of civilian objects ceases when these objects are used for military purposes.

Preventive measures during an attack provide, in particular, but not exclusively, that the person who plans an attack or decides to carry it out must do everything practically possible to ensure 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 directed against a specific military target, or attacks using methods or means of conducting military operations which cannot be directed against a specific military target, are prohibited.

In case of doubt as to whether an object normally intended for civilian purposes, such as a place of worship, an apartment building, a school, is being used in effective support of hostilities, such object shall be presumed to be used for civilian purposes (Additional Protocol and to the Geneva Conventions, Article 52).

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



## 5

## Threat to high-risk structures and facilities.

In July-August 2023, the actions of the Armed Forces of the Russian Federation continued to threaten the safe operation of Ukraine's nuclear facilities. First of all, this applies to the **Zaporizhzhya Nuclear Power Plant (NPP)**, where Russia continued to station their troops, large numbers of weapons and heavy military equipment, while having placed explosive mines around the plant.

For example, on May 3, the State Nuclear Regulatory Inspectorate of Ukraine, referring to the IAEA Incident and Emergency Center (IEC), reported that the occupying forces had placed military equipment, weapons and explosives in the power unit 4 turbine compartment. It has also been reported that as early as the end of July 2022 the Russian military placed heavy military equipment with ammunitions, as well as weapons and explosives, in the power unit 1 engine room. In early August 2022 there have been reports regarding the placement of military equipment also in the power unit 2 engine room.<sup>37</sup>

However, the destruction of the **Kakhovka Hydroelectric Power Plant (HPP)/Dam** was the main threat in 2023. The dam was the last (bottom) step of the cascade of hydroelectric dams on the Dnipro river and was located in the south of Ukraine, 0.5 km from the city of Nova Kakhovka (Kherson Region). The cynicism of this war crime, among other things, was that the dam destruction took place the day after the *World Environment Day*, that is observed annually on June 5.



Panoramic view of the Kakhovka dam and reservoir before destruction. Photo source: Wikipedia



Kakhovka dam after destruction. Video screenshot. Source: Ukrainian news/State Emergency Service

As a reminder, Russian forces seized the Kakhovka HPP on the first day of the full-scale aggression—on February 24, 2022.<sup>38</sup> On October 20, 2022, in his address to the European Council, the Ukrainian President Volodymyr Zelenskyi reported that the Russian military had placed mines on the dam and units of the Kakhovka HPP. The head of the Ukrainian state emphasized that the dam held about 18 million m<sup>3</sup> of water, and in the event of its destruction, more than 80 residential areas, including the city of Kherson, would be within the rapid flooding zone.<sup>39</sup>

Oleksiy Danilov, Secretary of the National Security and Defense Council of Ukraine, named those responsible for the explosion that had destroyed the dam – “205th Motorized Rifle Brigade of the Russian Armed Forces” (205th Infantry Brigade, Military Unit 74814, Budyonovsk, Stavropol Territory, Russian Federation).<sup>40</sup> At the end of June 2023, investigative journalists from The Schemes Project (Radio Liberty) and the Slidstvo.Info Agency identified the individuals (Russian servicemen and their commanders) who may have been directly involved in blowing up the dam.<sup>41</sup>

On May 30, a week before the explosion on the Kakhovka dam, the Russian government approved Resolution #873 “On the peculiarities of applying provisions of the “Russian industrial safety legislation referring to hazardous production facilities and safety of hydrotechnical facilities” in the territories of the Donetsk People’s Republic (DPR), Luhansk People’s Republic (LPR), Zaporizhzhia Region, and Kherson Region”, which, among other things, prohibited technical investigations of accidents at hydrotechnical facilities: “Until January 1, 2028, technical investigations of accidents at dangerous production facilities and accidents at hydraulic facilities that occurred as a result of military operations, sabotage and terrorist acts **shall not be conducted**” (paragraph 10 of the document).<sup>42</sup> Many experts thought this regulatory act of the Russian state was a planned preparation for the destruction of the hydroelectric dam.

“What is it if not a “smoking gun” of a terrorist?,” Oleg Ustenko, an economic advisor to the President of Ukraine, aptly noted in a commentary to Newsweek.<sup>43</sup>

**“The Post Disaster Need Assessment Report: 2023 Kakhovka Dam Disaster” (PDNA)**, prepared jointly by the Ukrainian Government and the UN and published in October 2023, states that “[t]he destruction of the Kakhovka Dam on 6th June 2023 is another devastating consequence of the Russian invasion of Ukraine. The breach led to extensive flooding, impacting 80 settlements across four oblasts: Kherson, Mykolaiv, Dnipropetrovsk, and Zaporizhzhia. Approximately 100,000 residents were directly affected by the resulting deluge. The destruction of the dam also disrupted critical aspects of life in southern Ukraine, including energy production, access to drinking water, irrigation, and river transport. It left a trail of damage in housing, infrastructure, the environment, and cultural heritage”<sup>44</sup>.

“The PDNA findings indicate that there was approximately \$2.79 billion in direct damage to infrastructure and assets, with losses exceeding \$11 billion, with a particularly long-lasting environmental impact. The energy and housing sectors were hit the hardest in terms of direct damage, with the energy sector suffering \$1.26 billion in losses and housing damage amounting to over \$1.1 billion. Environmental and energy sectors also recorded the highest losses, which are vital for long-term stability and recovery”, experts emphasize.<sup>45</sup>

<sup>38</sup> <https://suspilne.media/210310-pivnicno-krimskij-kanal-ta-kahovsku-ges-zahopili-okupanti/>

<sup>39</sup> [https://www.president.gov.ua/news/rosijskij-teror-maye-prograti-ukrayina-j-usya-yevropa-mayut-78613?fbclid=IwAR1vPzj-tisioqd-ddMfqoPjPo\\_u-Z6rn4Od4NV-4KgOCbTaSdb3SidwSio](https://www.president.gov.ua/news/rosijskij-teror-maye-prograti-ukrayina-j-usya-yevropa-mayut-78613?fbclid=IwAR1vPzj-tisioqd-ddMfqoPjPo_u-Z6rn4Od4NV-4KgOCbTaSdb3SidwSio)

<sup>40</sup> <https://www.dw.com/uk/kahovsku-ges-pidirvala-205ta-mostrilecka-brigada-vijsk-rf-danilov/a-65839276>

<sup>41</sup> <https://www.radiosvoboda.org/a/skhemy-kakhovska-hes-identifikovani-viyskovi-perekhoplennya/32480831.html>

<sup>42</sup> <http://publication.pravo.gov.ru/document/0001202305310067?index=4>

<sup>43</sup> <https://president.gov.ua/news/rujnuvannya-grebli-kahovskoyi-ges-bulo-dobre-pidgotovlene-j-83565>

<sup>44</sup> <https://ukraine.un.org/uk/248860-%D0%B7%D0%B2%D1%96%D1%82-%D0%BE%D1%86%D1%96%D0%BD%D0%BA%D0%B0-%D0%BF%D0%BE%D1%82%D1%80%D0%B5%D0%B1-%D0%BF%D1%96%D1%81%D0%BB%D1%8F-%D0%BA%D0%B0%D1%82%D0%B0%D1%81%D1%82%D1%80%D0%BE%D1%84%D0%B8-%D0%BD%D0%B0-%D0%B3%D1%80%D0%B5%D0%B1%D0%BB%D1%96-%D0%BA%D0%B0%D1%85%D0%BE%D0%B2%D1%81%D1%8C%D0%BA%D0%BE%D1%97-%D0%B3%D0%B5%D1%81-pdna>

<sup>45</sup> <https://ukraine.un.org/uk/248860-%D0%B7%D0%B2%D1%96%D1%82-%D0%BE%D1%86%D1%96%D0%BD%D0%BA%D0%B0-%D0%BF%D0%BE%D1%82%D1%80%D0%B5%D0%B1-%D0%BF%D1%96%D1%81%D0%BB%D1%8F-%D0%BA%D0%B0%D1%82%D0%B0%D1%81%D1%82%D1%80%D0%BE%D1%84%D0%B8-%D0%BD%D0%B0-%D0%B3%D1%80%D0%B5%D0%B1%D0%BB%D1%96-%D0%BA%D0%B0%D1%85%D0%BE%D0%B2%D1%81%D1%8C%D0%BA%D0%BE%D1%97-%D0%B3%D0%B5%D1%81-pdna>



Flooding in the city of Kherson due to the destruction of the dam, July 6, 2023. Photo source: Ukraine State Emergency Service's Facebook page

## Why this is a violation:

---

Facilities and structures containing hazardous forces such as dykes, dams, and nuclear power plants, may not be attacked if such an attack is likely to result in the release of hazardous forces and subsequent large civilian casualties. Attack is prohibited, even if such objects are military in nature (Additional Protocol I to the Geneva Conventions, Article 56). When attacking high-risk structures and installations, special care should be taken to avoid the release of dangerous forces and excessive civilian casualties during such attacks (Customary IHL, rule 42).

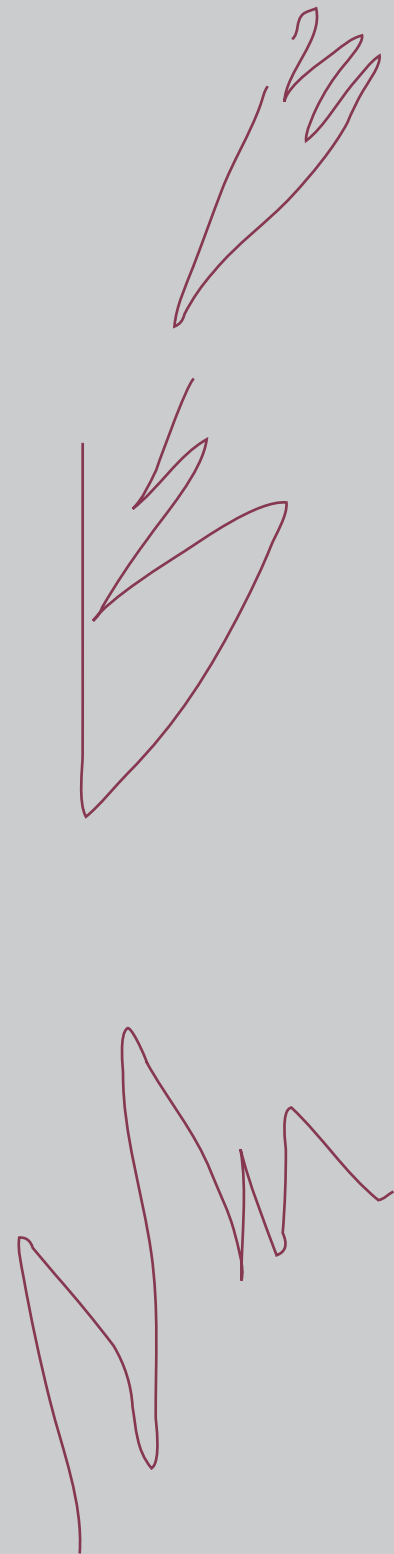
Therefore, the prohibition of attacks on these objects is not absolute. For example, the special protection against attacks on a nuclear power plant or a hydroelectric station ends if the facility generates electricity for the regular, substantial and direct support of military operations and if such an attack is the only practical way to stop such support.

A deliberate attack, when it is known that such an attack will cause incidental death or injury to civilians or damage to civilian objects or extensive, lasting and serious damage to the natural environment, which is clearly not 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)).

The Kakhovka Hydroelectric Plant/Dam under the control of Ukraine was a purely civilian object and in no way provided significant and direct support for military operations, and since February 24, 2022—the station was under the control of the occupation army.

The destruction of the Kakhovka Hydroelectric Dam caused a large-scale, long-term and serious damage to the environment. At the same time, the specific and direct expected overall military advantage that the Russian Federation could achieve is completely unclear to an outside independent observer.

Russia traditionally denies its involvement in the sabotage of the hydroelectric station, which indirectly indicates the inability of the aggressor country to explain and prove the specific and direct overall military advantage it allegedly achieved.





# 6

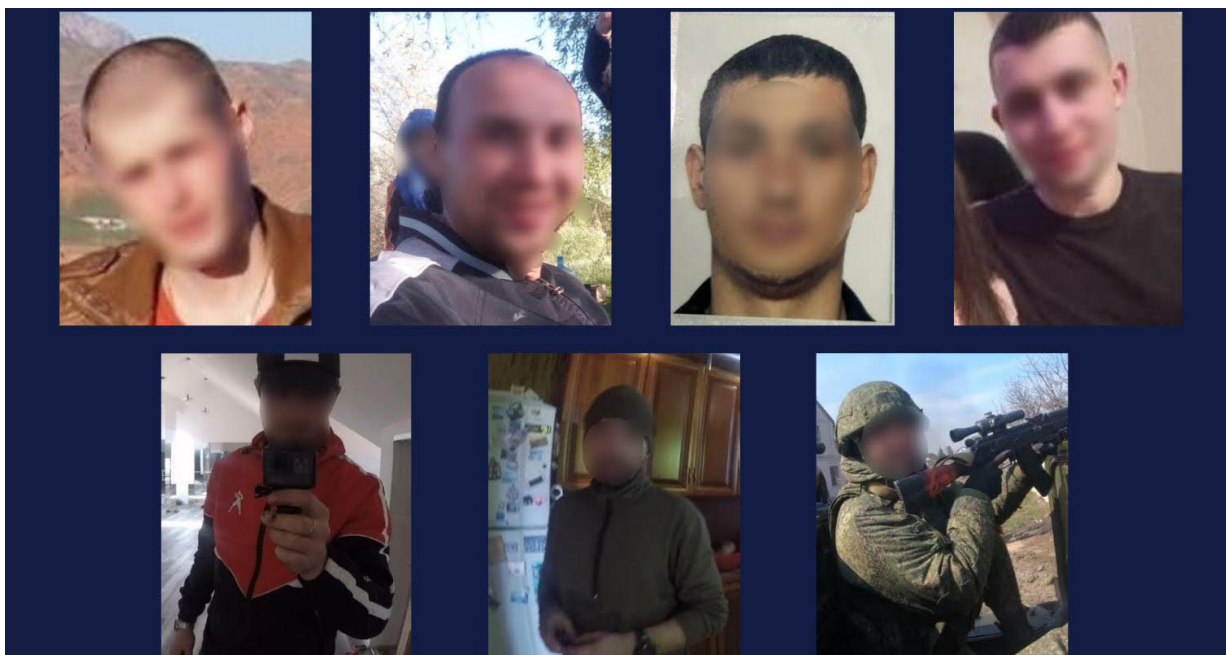
## Illegal appropriation and looting of property.

The trend of illegal appropriation and plundering of property by the occupying forces and the occupation administration (persons and organizations under its control) in the temporarily occupied territories did not change during 2022-2023. The range of types of property that become object of encroachment is still quite diverse: from domestic robbery of the local population (cars, cash, etc.), to seizure and looting of property of large enterprises in significant amounts (crops of farmers, goods and property complexes of Ukrainian enterprises, etc.).

Information from the temporarily occupied territories is becoming less and less accessible to the general public, the primary probable reason being the strengthening of punitive measures by the occupation authorities. Therefore, in 2023, cases of confiscation and looting of property were reported mostly post-factum, after the completion of investigations by Ukrainian law enforcement officers.

For example, in September 2023, it became known that the investigators of the Security Service of Ukraine had identified and charged in absentia seven Russian servicemen with violation of the laws and customs of war (the names of the suspects had been withheld). According to the investigators, in March 2022, during the occupation of the village of Bohdanivka (Brovary District, Kyiv Region), six out of the seven combatants had broken into the home of a local resident and had set up their temporary quarters there. Retreating from the town, they had stolen tools, household appliances, jewelry, a generator, personal medals, ski equipment and other property from the house, loading the looted property onto an armored personnel carrier. One of the Russians had lost his passport in the house, which probably helped the law enforcement officers to identify all the criminals. The seventh suspect turned out to be a citizen of Ukraine, who is fighting on the side of the aggressor state as part of the “64th Separate Motorized Rifle Brigade of the RF 35th Combined Arms Army”.

In the spring of 2022, while in the occupied village of Dymer (Vyshgorod District, Kyiv Region), the Russian military on an armored personnel carrier with the “V” marking on it forced their way into a private company. The suspect interrogated the company’s security guard, hitting him on the head and chest with the butt of his automatic rifle, and also threatened the man with execution. Then the combatants looted the company for the manufactured products worth about 1.3 million Hryvnias. According to the Prosecutor’s Office, the suspects must have understood that the looted property could not be used for military purposes.<sup>46</sup>



Russian servicemen suspected of looting private property in the Kyiv Region. Photo source: Prosecutor General’s Office

<sup>46</sup> <https://www.gp.gov.ua/ua/posts/vikrali-maina-na-ponad-13-mln-v-timcasovo-okupovanix-selax-kiyvshhini-pidozryuyutsya-semero-viiskovoslužbovciv-rf>

In another case, the guilty verdict in absentia dated October 23, 2023 in case #361/6545/22 was issued by the Brovary City and District Court (Kyiv Region) against **Anton Antonov**, a serviceman of the Russian Armed Forces, for violating the laws and customs of war. Antonov was born in the Russian city of Engels. He was in charge of food supply service in his military unit and took part in the occupation of the village of Bohdanivka (Brovary District, Kyiv Region). According to the indictment presented in court, which the court found proven, in March 2022, the accused Russian serviceman, together with other unidentified servicemen, had driven their armored vehicles over a private fence and had broken into a private house. Threatening the owner of the estate with physical violence, the soldiers had illegally confiscated cash, a mobile phone, jewelry, as well as some other things, in particular, food and household items. The house owner had been taken to another seized house, where he had been held against his will for a short time. After which he had been released, but the property hadn't been returned. The accused was sentenced to twelve years in prison in absentia.<sup>47</sup>

These are several of many examples of looting of private property, supported by materials of Ukrainian law enforcement investigations.

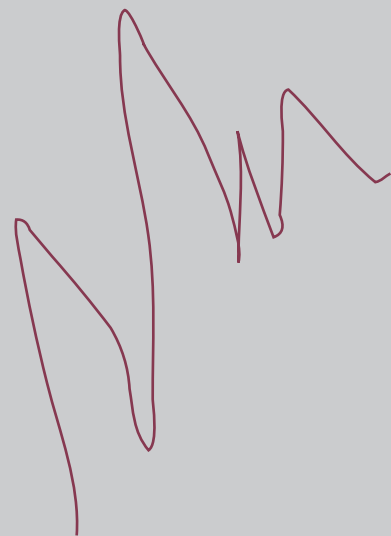
<sup>47</sup> <https://reyestr.court.gov.ua/Review/114340568>

## Why this is a violation:

---

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

The unlawful, wanton or extensive destruction and appropriation of property not caused by military necessity, the pillaging of municipalities, and certain other related acts committed during an international armed conflict are war crimes within the meaning of the Rome Statute of the International Criminal Court (ICC Statute, Article 8).



# 7

## Arbitrary arrests and deprivation of liberty of civilians.

Throughout 2023, EUCCI continued to monitor the practice of arbitrary detentions by military personnel of the Russian Federation Armed Forces, Rosgvardiya (Russian Guard), FSB (Russian Federal Security Service), etc. (hereinafter referred to as the “Russian military” for the sake of simplicity) and the detention of civilians of the occupied territories in illegal places of detention. Illegal deprivation of liberty is still being practiced all over the occupied territories and, evidently, is part of a plan or policy against certain strata of the civilian population in those areas.

Almost every day, there are new reports of cases of detention of people by the occupation authorities. Some of the detainees are subsequently released, while the fate of others remains unknown.

In June, 2023, OHCHR published a profound report on **Detention of civilians in the context of the armed attack by the Russian Federation against Ukraine**.<sup>48</sup>

As stated in the report, “OHCHR documented **864** individual cases (763 men, 94 women and 7 boys) of arbitrary detention perpetrated by the Russian Federation between 24 February 2022 and 23 May 2023, many of which also amounted to enforced disappearances. Many individuals were detained during so-called ‘filtration’ carried out by the Russian Federation in occupied territory, a process used to seek to identify possible affiliation with or support for the Ukrainian armed forces or authorities, and to collect information about residents in occupied territory. In many of the documented cases, detentions during ‘filtration’ failed to comply with both IHL and IHRL standards and were arbitrary, and in some cases amounted to the enforced disappearance of individuals.”

OHCHR located **161** places of detention where conflict-related detainees have been confined. 124 were located in territory of Ukraine occupied by the Russian Federation, including five places in Crimea. 35 places of detention – pre-trial detention facilities (SIZOs), penitentiary colonies and temporary tent camps – are located in the Russian Federation. OHCHR has also identified two places in the Republic of Belarus used by Russian armed forces as temporary or transit places of detention for conflict-related detainees (and also for prisoners of war – POWs) transferred from the northern regions of Ukraine.

The Report mentions the known cases of summary execution of 77 civilians, while they were arbitrarily detained by the Russian Federation.

*“The Russian armed forces, law enforcement and penitentiary authorities used the widespread practices of torture or ill-treatment of civilian detainees. The majority of the interviewed individuals stated that they were victims of torture and ill-treatment and, in some cases – sexual violence. Torture appears to have been carried out to force victims to confess to providing assistance to Ukrainian Armed Forces, to compel them to cooperate with the occupying authorities, or to intimidate those with pro-Ukrainian views”* – the Report states.

Throughout the whole year 2023, the Shevchenkovsky District Court of the city of Kyiv tried the case of **Denys Kulikovskyy** (known by the nickname “Palych”). As reported in the media, he was arrested in November 2021 in Kyiv.<sup>49</sup> According to the data available to EUCCI, the prosecutor’s office charged him with participation in a terrorist organization and in an illegal paramilitary formation, cruel treatment of civilians and other violations of the laws and customs of war, human trafficking (labor exploitation). The indictment states that in 2014, the

<sup>48</sup> <https://www.ohchr.org/en/documents/country-reports/detention-civilians-context-armed-attack-russian-federation-against>

<sup>49</sup> <https://www.pravda.com.ua/news/2021/11/9/7313336/>

occupation authorities put “Palych” in charge of **“Izoliatsia”** (“Isolation”), a secret prison of the “Ministry of State Security” of the so called DPR, located at 3 Svitly Shliakh Street, city of Donetsk (the occupied former factory of isolation materials). He served in that “position” until February 2018. According to the indictment, being in charge of the illegal prison and organizing illegal detention, he gave orders and personally tortured people from among the detained civilians and prisoners of war.

Officially, only 22 victims were mentioned in the criminal case, although there is every reason to believe that the number of victims who passed through the basements of the illegal prison that has been operating since 2014 until today, was much higher, especially, during the time “Palich” was in charge. At least four of the 22 victims testified that they had been tortured by electric shock via wires connected to their genitals, which is sexual abuse. During the court trial in December 2023, the prosecutor asked to sentence the accused to 15 years of imprisonment.<sup>50</sup>

In our opinion, that was probably the most significant trial against a person responsible for illegal deprivation of freedom of the civilians on the temporarily occupied territories of Ukraine since 2014.

<sup>50</sup> <https://www.pravda.com.ua/news/2023/12/20/7433883/>

## Why this is a violation:

---

During an international armed conflict, the ground on which a party to the conflict may deprive a civilian of his or her liberty are laid down in the Fourth Geneva Convention: civilians may be interned or forcibly transferred to a particular place only if it is absolutely necessary for the security of the State under whose authority they are (Article 42), and in the occupied territory for reasons of maintaining security (Article 78). In order for the deprivation of liberty in such cases to be considered lawful, it is also necessary to follow the established procedure (articles 43, 78 and others).

Enforced disappearances and arbitrary deprivation of liberty (Customary IHL, rules 98, 99) directed against civilians are prohibited.

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

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

## For Reference:

---

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

See, for example:

*Imprisoned in the "LPR Government" Building*

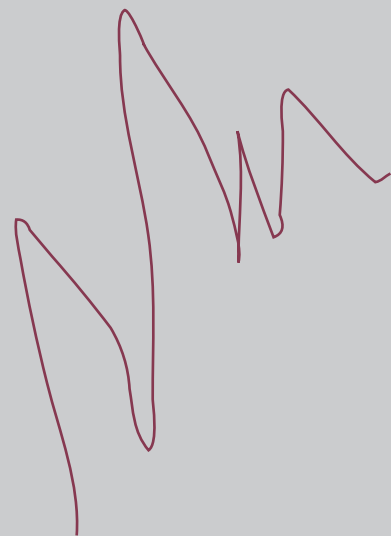
[https://totalaction.org.ua/public/upload/book/1534328816\\_LNR\\_B\\_engl.compressed.pdf](https://totalaction.org.ua/public/upload/book/1534328816_LNR_B_engl.compressed.pdf)

*War Without Rules*

[https://totalaction.org.ua/public/upload/book/1522852942\\_gon\\_eng\\_web.pdf](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](https://totalaction.org.ua/public/upload/book/1522853480_SURVIVING_HELL_eng_web.pdf)



## Reference:

Since 2014, EUCCI has been documenting human rights violations committed during the war in Ukraine. Our team has undergone a series of specialized trainings to properly collect, process, and preserve victim testimony. During 2014-2021, EUCCI interviewers visited almost every city in the Donetsk and Luhansk oblasts (on the territory controlled by the Ukrainian government) to collect dozens of first-hand accounts of human rights violations. We collected information on gross human rights violations caused by the armed conflict, including:

- unlawful detention and imprisonment;
- inhuman treatment;
- torture;
- involvement of minors in organized armed groups;
- gender-based violence.

EUCCI provides free legal assistance to any victim in the form of counseling and assistance in court proceedings.

This publication was prepared jointly by the [Eastern Ukrainian Center for Civic Initiatives](#) (EUCCI) and the German organization [KURVE Wustrow](#) – Center for Training and Networking in Nonviolent Action as part of the Civil Peace Service (CPS) in Ukraine.

The publication funded by the German Federal [Ministry for Economic Cooperation and Development](#) (BMZ).

We now face new challenges due to 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:

### Contacts of EUCCI:

Email: [info@eucci.org](mailto:info@eucci.org)

Tel.: +38 (044) 5781438, + 38 (063) 6409640



Східноукраїнський центр  
громадських ініціатив

