As Russia’s invasion of Ukraine escalates, war crimes mount

Evidence of grave violations of IHL by Russia during the period 00:00 EET, 26 Feb - 23:59 EET, 26 Feb, 2022

Renewed Russian military aggression on Ukraine continues to be accompanied by grave breaches of Geneva Conventions of 12 August 1949. Ongoing monitoring and documentation conducted by Truth Hounds reveals that Russian military fails to respect the fundamental IHL principles of distinction and proportionality and is routinely engaged in the acts of:

- Willful killing of civilians not taking part in armed hostilities;
- Willfully causing great suffering or serious injury to body or health;
- Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- Intentionally directing attacks against the civilian population not taking part hostilities;
- Intentionally directing attacks against civilian objects;
- Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition;
- Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law.

All listed acts amount to war crimes under the Article 8 of the Rome Statue of the International Criminal Court.
Truth Hounds and International Partnership for Human Rights welcome the decision of the Prosecutor of the International Criminal Court to open an investigation into the situation in Ukraine. Both organizations are committed to continue documenting war crimes committed by the Russian forces and will be filing collected evidence with the Office of the Prosecutor of the ICC.

**Attacks on civilian objects and civilians**

At 08:12 EET (UTC+2), on 26 February 2022, a rocket struck a residential building in Kyiv at 6a Lobanovskoho Street. As a result of the shelling, six civilians were injured and several apartments were destroyed.¹

*The moment the rocket struck the building, Kyiv, 26.02.22.*

On the afternoon of 26 February, two residential areas were struck by missiles in the northeastern part of Chernihiv. The shots were fired from the northeast.
A kindergarten building was also destroyed, while the corner of a nearby school was damaged. A shell struck a five-story residential building between the first and the second floors, causing a fire on the fourth floor. Another shell struck an apartment on the fifth floor of a different five-story residential building nearby. The water supply system was cut off and all apartments on the lower floors were flooded.

A shell also hit the windows of a residential building located near to a kindergarten in Chernihiv. The windows in the house were blown out. One shell hit an apartment on the ninth floor of a residential building, resulting in a fire. At a secondary school situated among residential buildings, a wave of explosion blew out windows. In the residential area in the city, as well as that in the suburbs, where people live permanently, almost all homes were destroyed.

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The damaged roof of the school building in Chernihiv, 26.02.2022.
The destroyed kindergarten building, Chernihiv, 26.02.2022.
The destroyed kindergarten building, Chernihiv, 26.02.2022.
Site of a residential building after a fire inflicted by shelling, Chernihiv, 26.02.2022.
A shell hit an apartment on the fifth floor of this residential building in Chernihiv. 26.02.2022.
The fire on the ninth floor of one of the residential buildings, caused by a shell hit, Chernihiv, 26.02.2022.
At 15:00, on February 26, there was an air raid on the village Sartana, located near Mariupol, Donetsk Oblast. Four civilians were killed and nine (including one child) were injured in the shelling, the extent of the damage is still being determined. The Donetsk Regional State Administration reported that as of 17:00 EET on February 26 there were four dead and nine wounded in Sartana.

On February 25, Russian armed forces shelled the city of Vorzel, Kyiv Oblast using a BM-21 Grad multiple launch rocket system (MLRS). An orphanage was damaged as a result of the shelling. The next day, 26 February, the Russian Air Force raided and shelled a residential building in Vorzel. According to the public testimony of a local lawyer, there is no military facility in immediate proximity to the building. However, at a distance of 500 meters from the building is a scientific and technical enterprise that supplies protective ammunition to the Armed Forces of Ukraine and which could be a legitimate target of the shelling. There is so far no information about the victims of this attack.

On 26 February, the armed forces of the Russian Federation shelled the village of Borodyanka in Kyiv Oblast. Artillery destroyed a house. A family of six people died on the spot, while a small child born in 2020 is in serious condition. There are no military facilities in the village, while in terms of strategic ones there is only an airfield located on the outskirts of the opposite side of the village from the site of the shelling.

At 20:00, on 26 February, a shelling attack took place in the Poviroflotsky Bridge area of Kyiv. The shelling appears to have been aimed at a residential area with no military facilities.

The same day, artillery shelling resumed in residential areas of Kharkiv. At approximately 15:00, an artillery shell struck a public transport stop in the northern part of the city. As a result of the shell explosion, two people were killed on the spot and at least two others were

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16 No title, ХС.Харьков, 26.02.22 at 16:00, available at: https://t.me/c/1347456995/38894.
injured. The type of weapon used has not been officially established, but the analysis of video footage points to the conclusion that a Smerch MLRS was used.¹⁷

The same evening, around 21:00, an apartment building on the northeastern outskirts of the city was fired upon by unidentified weapons. An elderly woman died as a result of the shelling. At least two people were injured. The shelling also destroyed part of the loadbearing wall and stairways from the second to the seventh floor, also damaging apartments on the fourth, fifth, and sixth floors.

Saltivka District in the north of Kharkiv was subject to intense shelling. Multiple artillery strikes (possibly including some launched by a Smerch MLRS) damaged houses and cars of local residents. In particular, an artillery shell hit an apartment on the fourth floor of an apartment block in the district. As a result of the hit, a gas pipe was damaged. The whole apartment block has been left without heating, warm water, and electricity. There is currently no evidence about victims. There is no military facility nearby.

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Instances of shelling leading to destruction and casualties among the civilian population have also been established in settlements in Kharkiv Oblast. Thus, as a result of artillery shelling by the Russian Federation, a resident of the village of Babai was killed on 26 February, while his house was partially destroyed.

In Kyiv, on 26 February, at a distance of 1.5 kilometres from Kyiv (Zhulyany) Airport, a missile probably fired by the Russian military hit a multistorey apartment building at the level of the 17th and 18th floors. Local residents say that they heard two blasts, but obviously the sound of the second blast was the sound of the building’s loadbearing structures and floor slabs collapsing.\(^\text{19}\) The impact affected apartments spread across six floors, causing massive structural damage and bringing the building into a critical state. According to preliminary information provided by rescue workers, there were no casualties among civilians.

Similar to the Kyiv attacks, in the cases of the Chernihiv, Kharkiv, and Sartana attacks, there were no military targets near to the affected civilian buildings, meaning that the attacks were deliberately targeted against civilian objects. Moreover, some of the affected objects had special protection according to IHL: a children’s educational establishment and a gymnasium in Chernihiv. Both objects are educational establishments and, as such, are subject to and protected by international humanitarian law. Attacks on educational establishments are a distinct \textit{corpus delicti} under the Rome Statute of the International Criminal Court, which emphasises special protection of such objects.

Since Truth Hounds’ first publication about war crimes – which concerned those committed during the first 48 hours of Russia’s current new wave of aggression – was released, a significant number of messages about the opening of fire on civilian vehicles by the Armed Forces of the Russian Federation have appeared in open sources.

Several incidents are connected with the shelling of cars that were trying to leave the settlement of Nova Kakhovka via the M-14 highway. One incident which wasn’t mentioned in the previous publication occurred on 24 February near the village of Kosatske. Three adults and two children were killed.\(^\text{20}\) Another incident relates to the VAZ cars being shot at on the night of 25 February – at least one person was killed.\(^\text{21}\) One more incident occurred at a crossing in Nova Kakhovka,\(^\text{22}\) when a woman, born

\(^{19}\) “Відео удaru по житловому будинку в Києві”, УП.Стрічка, 26.02.2022 at 09:29, available at: https://t.me/ukpravda_news/7676.


\(^{21}\) “Сообщается о пострадавших мирных жителях в Новой Каховке”, Nexta Live, 25.02.22 01:08, available at: https://t.me/nexta_live/17441?fbclid=IwAR0bJbtotGVkltqfcnHhBUOjWQgPKqvaMLVe90p3et_-0pmgEHLIP_-SB5E.

\(^{22}\) Координати влучання надані жителями Нової Каховки, 46°44′47.1″N 33°23′35.0″E.
in 1970, was returning home to Nova Kakhovka by car and was shot by firearms.23
The territory described in all of these incidents has been under the control of the Armed Forces of the Russian Federation since 24 February.24

In the area of Zalenivka Village, Kherson Oblast, Shakirow Dilerbek Shukurowich, a civilian journalist of the weekly informational publication Nawkolo tebe (“Around you”) and member of the Dim nadii (“Hope house”) charitable foundation, was shot in his car by an automatic weapon.25

On the morning of 26 February, Russian military shelled passenger bus with firearms on the Izium-Kharkiv Highway, near the village of Volokhiv Yar. Due to the shelling, 15 passengers sustained gunshot wounds. According to statements by Stepan Maselskii, head of the Isium District State Administration, one person was killed, with another 14 wounded.26

The same day, a Moskvich car was shot at with an unidentified weapon on the highway near to the town of Balakliya in Izium District. The driver of the car died on the spot.

Another case of an attack by Russian armed forces on the civilian population is the shelling of a Volkswagen Transporter on the highway between the town of Balakleya and the village of Yakovenkove in Izium District, occurring around 15:00 on 26 February. As a result of the shelling, the driver received a gunshot wound to the neck.

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The man who died as a result of an attack by Russian troops on his car, Balakliya, 26.02.2022.

The head of the Luhansk Regional State Administration, Serhiy Haidai, reported on the shelling by a Grad MLRS of school buses used for evacuating civilians in the town of Shchastya, an event which took place on 25 February. There is currently no information about the victims.

Around 12:00 on 25 February, civilian vehicles were fired upon on Warsaw Highway, on the way out of Bucha, near Kyiv. One person was injured.

Early on the morning of 26 February, on Olena Teliga Street (a residential area of Kyiv) Russian saboteurs shot at a civilian vehicle carrying a family with three children. An 11-year-old girl died on the spot. Her parents and two other children were injured and are in critical condition.

All the incidents described above are characterised by the fact that the perpetrators of the shelling had control over the situation and the possibility of direct (rather than remote as in the case of artillery shelling) assessment of the objects attacked. Despite such controls and assessments, the civilian transport, including buses used for

29 «Зранку у Києві російська ДРГ вбила школярку та її батьків, двоє інших дітей з родини в реанімації. Потрібна допомога», lb.ua, 26.02.2022 at 18.02, available at: https://lb.ua/society/2022/02/26/507034_zranku_kievi_rosiyska_drg_vbila.html.
evacuation of the civilian population, were attacked. Yet, these shelling attacks did not provide any military advantage that could theoretically justify the victims among civilians. Thus, the circumstances of all these shelling attacks indicate the intentional selection of civilians and civilian objects as targets of attack.

**Attacks on medical staff and medical institutions**

During the day, on 26 February, in Kherson Oblast, armed forces of the Russian Federation shot and blew up an ambulance which was transporting an injured Ukrainian army soldier. The driver and injured soldier died on the spot, while a 52-year-old medical assistant sustained a severe injury.

![An ambulance transport on fire, Kherson Oblast, 26.02.22.](image)

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30 “Российские нацисты, вас ждет кара за военные преступления”, Украина Online новости Война, 26.02.22 at 17:22, available at: [https://t.me/UkrainaOnline/18750](https://t.me/UkrainaOnline/18750).

In Kharkiv, on 25 February, a children's hospital and nearby regional blood transfusion centre located north of the city centre where damaged by artillery shelling. The victims of the attack were a nurse at the children's hospital and four other people from the blood transfusion center. All received injuries of varying degrees of severity.

Medical transport enjoys high levels of protection under IHL. This applies to both military and civilian vehicles which are appropriately marked (marked with the emblem of the Red Cross). Attacks on such vehicles are prohibited under all circumstances. The only exception being when they are used outside of their humanitarian functions. In other words, when it serves to achieve the military goals of a party to the armed conflict. However, in the case of the hitting of an ambulance in Kherson Oblast, there is no reason to believe that the car was used to achieve military ends. Thus, the shelling seriously violated IHL and should be classified as a war crime in the form of intentional strikes on medical vehicles, as well as personnel who use – in accordance with international law – distinctive emblems established by the Geneva Conventions.

Deprivation of liberty of protected persons

Following the capture of the Chornobyl Nuclear Power Plant by Russian armed forces on 24 February, the occupying forces continue to hold the station workers captive. The workers, of course, do not belong to the Armed Forces of Ukraine and are civilians. They are protected by Geneva Convention IV from both attacks and arbitrary deprivation of liberty. As of 26 February, several dozen employees at the station are unable to leave. There is no information on their conditions of detention and treatment.32

An attack that can cause extensive, long-term, and serious damage to the environment

On 26 February, the Ukrainian Ministry of Infrastructure, with reference to Ukrvodshlyakh (the Ukrainian State Enterprise for Waterways) reported that the air defence system of the Armed Forces of Ukraine had shot down a missile launched by the Army of the Russian Federation, whose target was the dam of the Kyiv Reservoir. The volume of the reservoir is 3.73 cubic kilometres. The dam is located north of the capital in the city of Vyshgorod. The destruction of Kyiv Reservoir could cause the flooding of all cities surrounding the reservoir, including Kyiv. The amount of water released could also cause the destruction of other dams to the south of Kyiv and the subsequent flooding and destruction of millions of civilian infrastructure objects. The rocket attack on the dam of the Kyiv Reservoir was preceded by night battles for the facility between the Armed Forces of Ukraine and the Russian Army. An attempt to attack a dam can be classified as a war crime for following reasons:

1) The dam is a civilian object, an attack on which is inadmissible until required by military necessity;

2) The release of water from the dam can cause environmental damage that is widespread, long-lasting, and serious in terms of both Annex I of the Convention on the Prohibition of Military or Any Hostile Use of Environmental Agents and the Rome Statute of the International Criminal Court.