Last day of winter, fifth day of blatant IHL violations:

On 28 February 2022, Russia continued to both indiscriminately and intentionally shell civilians with high-explosive bombs and cluster munitions.

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 We do not publish the exact addresses or detailed locations of the attacks, as hostilities in many of these places remain ongoing and precise locations may be utilised to gain military advantage.

Executive summary

On 28 February 2022, armed forces of the Russian Federation engaged in active hostilities and carried out heavy and powerful shelling, causing significant damage and suffering to the civilian population of Ukraine in Kyiv, Chernihiv, Sumy, Donetsk, Kharkiv, Luhansk, and Zaporizhia Oblasts. During the fighting, Russian forces committed a number of serious war crimes, including the following:

1. attacks on civilians and civilian objects
2. seizure of private property

This information also emphasises the possible use by Russian aircraft of weapons that are prohibited by Protocol III of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (Ukraine and Russia are parties to the Convention), specifically the use of uncontrolled explosive ammunition against civilians. Probable use of such bombs was recorded on 28 February in Saltivka District in northern Kharkiv.

Attacks on civilians and civilian objects

During the reporting period, Truth Hounds documenters were able to record from open sources both targeted shootings of civilians and shelling and bombing of civilian buildings and infrastructure.

In the Kyiv and Sumy regions, during its retreat Russian forces shot between four and six people in order to seize their vehicles. In Chernihiv Oblast, according to preliminary data, representatives of the Russian Army shot several civilians who were hiding from artillery shelling in the basements of their homes.

The Russians inflicted significant civilian casualties in Chernihiv Oblast. Indeed, with the use of Smerch multiple-launch rocket systems (MLRS) equipped with high-explosives and cluster munitions, they fired intensely on the villages of Kiinka and Pvlivka in the suburbs of Chernihiv. Dozens of civilian homes were damaged or destroyed, while civilians were also killed.

Throughout 28 February, the city of Kharkiv came under a chaotic barrage of artillery shelling. A rounded probably fired by a Smerch MLRS struck the pavement in front of the entrance to a grocery store on a street in the northern part of the city. An elderly woman was injured - her legs were torn off. The shelling of the Pavlove Pole residential district was resulted
in many deceased. When the air alarm fell silent in Kharkiv, people came out of the shelters to get water and were shelled.

In total, the Main Directorate of the State Emergency Service of Ukraine in Kharkiv reported that it had received notification of 169 munitions strikes within Kharkiv Oblast. Among them were also Hrad MLRS shells. A detailed list of documented affected settlements and civilians is provided in this brief.

**Seizure of private property**

On the outskirts of Kherson, at 1630 EET (UTC+2), on 28 February, soldiers of the occupying Army of the Russian Federation seized property from a local store, located at the entrance to the city. These actions were filmed by a store surveillance camera and posted online by locals. Seizure of private property under international humanitarian law (IHL) is allowed only in cases of urgent military necessity. In any case, compensation for confiscated property must be provided to the rightful owner. It is obvious that the real number of cases of seizure of private property is higher, but, due to the scale of the current offensive and difficulties monitoring the Russian side, it is only possible to clearly record and track events from open sources in a limited number of cases.

**Introduction**

Armed actions on the fifth day of the Russian Federation's new wave of aggression differed significantly from those on previous days. Indeed, ground operations were replaced by large-scale use of artillery and aircraft to bomb Ukrainian settlements. A change of tactics can be seen in the significant destruction caused to civilian objects and civilian infrastructure in cities, towns, and villages, as well as in the reducing loss of personnel on the Russian side (according to the Ministry of Defense of Ukraine). Due to the change in Russia's methods of armed conflict and the intensification of artillery fire, Truth Hounds will no longer distinguish between deliberate attacks on civilian objects and indiscriminate attacks that cause excessive civilian casualties and destruction of civilian objects. The nature of the attacks will be clarified and their proportionality will be determined later. The certificate will therefore record only instances of civilian objects being struck, without further qualifications.

The same, in many cases, applies to the matter of establishing the type of weapons used. Without direct access to the shelling sites, it is sometimes difficult to determine beyond a reasonable doubt the type of weapon used to attack civilian targets. This matter will be resolved once there is access to the point of entry or after additional consultations with military experts.

**Attacks on civilians and civilian objects**

On 28 February, at around 17:02, a video appeared on the “Armed Forces of Ukraine. War with the occupiers” depicting the outskirts of Ivankiv, Kyiv Oblast. The video shows two men, a father and a son, driving on the road. At a certain moment, they are fired upon by actors unknown. The attack came from the road, probably from the north, as during this period the sun hangs approximately in the northwest, indicating that the gunfire would be originating from a roughly northern direction. Specifically, a large-calibre machine gun pierced the car - a Mercedes Vito. At the time of the attack, the sun was already setting, so the estimated time of the attack on civilians would be around 17:00, suggesting that the attack took place the day before, 27 February. One man was killed in the attack.
The body of a civilian man killed on the road on the outskirts of Ivankiv, Kyiv Oblast, video published on 28 February 2022.

In the villages Staryi Bykiv and Novyi Bykiv, in Chernihiv Oblast, according to the report of a Kyiv resident who was there on 24 February after the war started, as well as the reports of eyewitness to the events, the occupiers shot several civilians who were hiding from shelling in the basements of their own homes.\(^1\) It happened on the night of 28 February. We were unable to obtain any new evidence of this incident until the morning of 2 March because none of our contact in Staryi Bykiv could be contacted.

Correspondence of a woman evacuated to Staryi Bykiv with her friend on the morning of 28 February.

Screenshot of correspondence with an eyewitness, Novyi Bykiv, 28 February.

In Sumy Oblast, not far from Chupakhivka, Okhtyrka District, representatives of the Russian Army who were trying to leave the territory of Ukraine after the defeat of their military column by the Armed Forces of Ukraine opened fire on a civilian car. The car’s passengers were then thrown
out and the car itself was taken away; the hijackers took off in the direction of Chupakhivka. In Chupakhivka, Russian soldiers allegedly seized another car and possibly took a local driver as a hostage. There is no reliable information about the fate of the drivers and passengers of the stolen cars but according to various sources, three to five civilians were killed.

In addition, various sources reported that deserting Russian soldiers broke open the locks of garages in Chupakhivka and stole civilian cars. At time of writing, this information has not yet been confirmed as factual. Later the same day, at approximately 12:30, Russian forces opened fire on the city of Okhtyrka, Sumy Oblast and shelled a petroleum-storage depot, causing a massive fire. According to available data, the hit bore no casualties, and the fire was put out within half an hour.

At 14:00 on 28 February, Pavlo Kryvylenko, the head of Donetsk Regional State Administration reported on a shelling attack against an evacuation transport that was heading to Volnovakha to evacuate civilians. The shelling was carried out by Russian forces using a Grad MLRS. The column was not harmed and the evacuation was conducted successfully.

On 28 February, around 21:00, a five-storey dormitory in Vasylkiv, Kyiv Oblast, was destroyed as a result of a rocket attack. According to the Mayor of Vasylkiv, Nataliia Balasyovych, two people were killed and a further three injured.

Later that day, at approximately 20:30, a five-storey dormitory in Bila Tserkva was damaged after a fire attack, its windows smashed by the blast. A tentative examination suggests that the nearest possible military target was approximately 5 kilometres away from the damaged object. On the night of 28 February, at 02:45, a rocket hit a residential building in the downtown area of the city of Chernihiv. A fire broke out, one woman was injured, as reportedly was one man.

A shell also hit the foundation of a five-storey residential building, setting on fire two apartments on the first and second floors. On the same street, a nursery school building was also hit. A shop in the city’s central market was hit, as well.

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7 Information confirmed by photo received from the local witness on March 2 at 12:52. Source - Truth Hounds database.
10 “Російські окупанти розгромили дитсадок”, Сайт міста Чернігова, 01.03.2022 at 16:30 available at: https://www.facebook.com/watch/?v=639143057351673.
In the morning, artillery fired on the Epicentre hypermarket and five nearby houses.1213 The hypermarket burned down entirely.

Around 15:30, on 28 February, Russian forces conducted massive shelling on the villages of Kyinka and Pavlivka, in the suburbs of Chernihiv, using a Smerch MLRS armed with high-explosives and cluster munitions.14 Dozens of civilian homes were damaged or destroyed.15 At least two people were killed and other civilians were injured.16 The exact numbers are currently being clarified. The village’s dispensary and church were also severely damaged.17 During the attack, three officers of the police special forces were killed and 15 others were injured.18

Civilian killed on 28 February 22 by an MLRS strike in the Chernihiv suburbs.
Multiply artillery attacks targeted the city of Kharkiv city throughout the day on 28 February. Shells hit various parts of the city and led to widespread destruction and numerous civilian casualties. In total, according to the city council, 87 residential buildings were destroyed by shelling in Kharkiv during the first four days of the war.20

Around 12:00, an artillery shell – probably from a Smerch MLRS – hit the pavement in front of the entrance to a grocery store on a street in the northern part of the city. An elderly woman was injured by the strike – her legs were torn off.21 Eyewitnesses also claim that a second shell hit the top floor of the building where the store was located, as a result, the apartments on two floors were damaged.22 In addition, there is evidence of another hit nearby that caused the deaths of two men.23

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19 No title, Facebook Виталий Вензик, 01.03.22 at 17:23 available at: https://www.facebook.com/photo?fbid=1085508438913097&set=pcb.1085508795579728.
The Main Department of the State Emergency Service of Ukraine in Kharkiv reported that it had received notification of 169 shell impacts within Kharkiv Oblast. Among them were Grad MLRS shells.24

At 00:57, Anton Gerashchenko, adviser to the Ukrainian Interior Minister, gave information on his Facebook page about the Grad shelling of the city, providing video of shelling in Saltivka District, a northeastern area of Kharkiv.25 The head of the Kharkiv Military-Civil Administration, Oleg Syniegub, said that Kharkiv was being shelled in three districts: Alekseevka, Saltivka, and Pavlove Pole. He highlighted that the Russians were shelling residential areas of Kharkiv where there were no military objectives.
The shelling of the Pavlove Pole neighborhood was accompanied by many deaths. After the air raid siren fell silent, people came out of shelters to collect water and were shelled.
In addition, on 28 February, a video began circulating on the so-called “Runet”, in which a Russian Armed Forces soldier, with a patch declaring "They will die and we will go to heaven" on his chest, films himself against a background of shots from a Grad MLRS. It was impossible to find the original source of the video, but given the time of its first appearances on the internet, the shot could indeed have been of the shelling of Kharkiv's residential infrastructure. In a photo from a closed chatroom of Saltivka residents, there is an image showing Grad MLRS systems pointed in the direction of Kharkiv. The photo was signed with geographic coordinates - 49°42'51.9" N 36°48'59.5" E - indicating the village of Hrakove in Kharkiv Oblast, where the Russian armed forces are now positioned.

On the morning of 28 February, Russian troops shelled a 16-storey building in Kharkiv's Horizont District. An artillery shell hit the top floor and the attic of the building. All the windows and stairwells in the building were blown out. It's not known how many people were injured. According to locals, a second shell landed in the yard in front of the building. The shockwave knocked out the glass in the windows up to the fifth floor. As a result of this hit, five cars caught fire in the yard near the multi-storey building. Two people were injured and one was killed.
Below is a list, with short descriptions, of other shelling incidents in Kharkiv Oblast:
- A direct hit by two artillery shells (probably from a Smerch BM-30) on a house in Microdistrict № 1. Consequences: flat demolition, car destruction. Photo:
- A similar shell hit a flat in a nearby building. The flat’s inhabitant died in hospital due to their injuries.
- A motorist died due to a shell explosion in a Kharkiv street south from the city centre.
- During the shelling of a residence in Kharkiv a family were killed in their car (the exact number of victims has not yet been determined).
- Numerous explosions in a number of houses. Several floors of the houses have been destroyed. There is no information about those killed or injured.

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26 “No title”, Харківська обласна прокуратура, 28.02.2022, 15:53 available at: https://t.me/prokuratura_kharkiv/2932
27 “No title”, Харківська обласна прокуратура, 28.02.2022, 16:17 available at: https://t.me/prokuratura_kharkiv/2935
28 “No title”, Харьков LIVE, 28.02.2022, 14:26 available at: https://t.me/livekharkov/28009
29 “No title”, Харьков LIVE, 28.02.2022, 14:53 available at: t.me/Tsaplienko/1319
30 “No title”, Суспільне Харків, 28.02.2022, 14:34 available at: https://t.me/suspilnekharkiv/8251
Of particular interest is the probable use of weaponry forbidden by Protocol III of the Convention on Certain Conventional Weapons (to which the Russian Federation and Ukraine are both parties), specifically the use of unguided fougasse bombs against civilians by the Russian Air Force. Probable use of such bombs was recorded on 28 February in Saltivka District in the north of Kharkiv. There is no known information about victims.

On the night of 28 February, artillery shelling of settlements in Kharkiv Oblast intensified, specifically in Pischyn, Vysokyi, Berezivka, Zmiiv, and Pivdenne, which are located to the northwest of Kharkiv. Artillery shells (probably from Smerch MLRS) destroyed private and high-rise buildings and damaged property and farm buildings of local residents. There is no known data on the victims. No military targets were found nearby.

The city of Balaklia came under heavy attack. In a video message, the local mayor, Ivan Stolbov, said that residential buildings had been damaged as a result of the large-scale attacks, while the local hospital was hit by air strikes.

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32 “No title”, ТРУХА # Харьков + Украина, 28.02.2022, 07:49 available at: https://t.me/truexanewsua/25655.
33 “No title”, Харьков-1654, 28.02.2022, 08:07 available at: https://t.me/kharkiv_1654/28772.
35 “No title”, ТРУХА # Харьков + Украина, 28.02.2022, 07:59 available at: https://t.me/truexanewsua/25664.
At 09:00, on 28 February, the head of the Luhansk Regional State Administration announced that almost all settlements on the territory of the Luhansk Military-Civil Administration had been shelled. The most serious situations were in the villages of Zolote and Hirske; in the villages of Novoivanivka and Novotoshkivske there were widespread fires; and the village of Nizhne was practically destroyed. There are no operational communications anywhere.\footnote{Луганська ОДА, Сергій Гайдай: Луганщина тримає оборону, Facebook, 28.02.22 at 09:03, available at: facebook.com/odalug/posts/324770046361400.} \footnote{Пожежники Луганщини рятують мешканців Гірської громади, – Сергій Гайдай, Facebook, 28.02.22 at 11:16, available at: https://www.facebook.com/odalug/posts/324827019689036.}
At 14:00, Serhiy Haidai reported on the shelling of Severodonetsk by Russian armed forces. There are dead and wounded local residents, as well as damaged civilian homes. There was a direct hit on a house - a local resident born in 1967 died as a result. Another local resident suffered shrapnel wounds as a result of another direct hit on another residential building. Currently, her condition is defined as "moderately severe".
A local resident suffered shrapnel wounds as a result of a collision between residential buildings. His condition is described as "severe". There was also a direct hit on a civilian car, which was parked near one of these houses.
In seven residential buildings, glass from windows was broken due to the blast wave. A gas pipeline has been cut between seven residential buildings.

The head of the Donetsk Regional Military-Civil Administration Pavlo Kyrylenko, reported that at 07:00 on 28 February five people in Mariupol lost their lives, while another 76 were injured. The National Police of Ukraine stated that during the same day, six local residents were killed and eight more were injured. Since the escalation of the war in Donetsk Oblast on 17

[40] «Мариуполь и Волноваха остаются горячими точками - Павел Кириленко», Youtube, 28.02.22 at 10:18, available at: https://www.youtube.com/watch?v=g7ack928Ztg
February 17, 46 civilians have been killed and 133 injured, two of them children. According to preliminary data, at least 42 residential buildings have been damaged.\textsuperscript{41}

On 28 February, the Russian troops who occupied Berdyansk, Zaporozhye Oblast without fight the previous day \textsuperscript{42} bombed the city's port.\textsuperscript{43} Ports are so-called "dual-use facilities", which means that they cannot be considered exclusively civilian or military. The dual nature of such objects makes them legitimate objects of attack if their military value is significant enough to justify the damage suffered by civilians through the destruction or damaging of such an object. In the case of the attack on the port of Berdyansk, which was not used for receiving and processing military cargo and which, as far as can be determined from available information, did not play any other important military function, there is reasonable reason to believe that the bombing violated Russia's commitments to IHL.

**Seizure of private property**

On the outskirts of Kherson, at 16:30 on February 28, soldiers of the occupying Russian Army, seized property from a local store located at the entrance to the city. These actions were filmed by a store surveillance camera and posted online by local residents.\textsuperscript{44} Seizure of private property under IHL is allowed only in cases of urgent military necessity. In any case, compensation for the seized property must be awarded to the rightful owner.

\begin{itemize}
  \item \textsuperscript{41} «Ситуація на #Донеччина на 28 лютого», Youtube, 28.02.22 at 13:55, available at:https://www.facebook.com/UA.National.Police/posts/280613274208710
  \item \textsuperscript{42} "Срочное обращение исполняющего обязанности городского головы г. Бердянска Александра Свидло!", 27.02.22 at 20:27, available at: https://www.facebook.com/permalink.php?story_fbid=1873131029741637&id=1000113427475454
  \item \textsuperscript{43} “Порт Бердянска сегодня подвергся обстрелу ”, Дежурный по Донбассу, 28.02.22 at 18:03, available at: https://t.me/Novostidnua/14924
  \item \textsuperscript{44} “Російські військові мародерствують в Херсоні: Оприлюднене відео”, депо Херсон, 28.02.2022 at 20:31, available at: https://herson.depo.ua/ukr/herson/rodiyski-viyskovi-maroderstvyut-v-khersoni-opryludnene-video-202202281430103
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