

When there is no doubt it was a war crime.

Evidence that the Russian Federation has used the following indiscriminate weapons in populated areas: unguided (free-fall) bombs, cluster munitions, and incendiary munitions.

Indiscriminate attacks on civilians

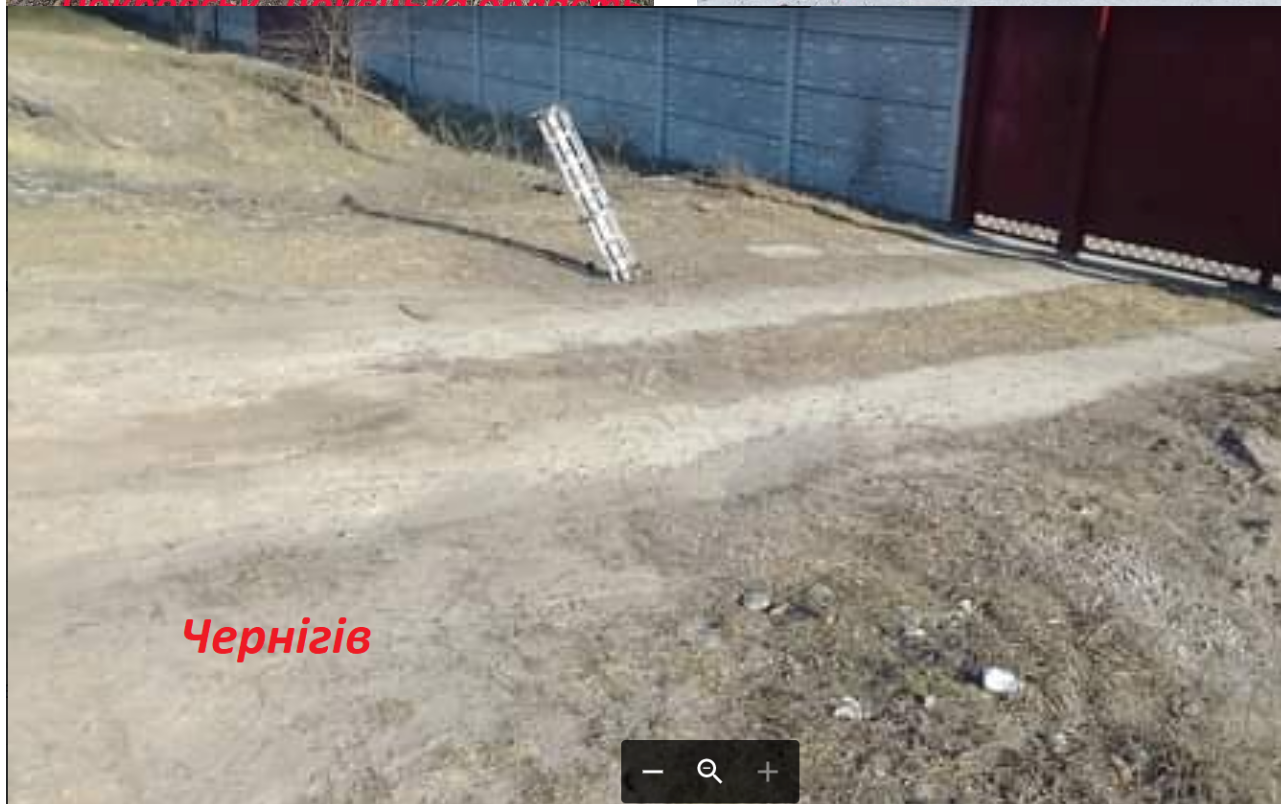
Despite the difficulty of distinguishing between (1) intentional attacks on civilians and civilian objects, (2) indiscriminate attacks, and (3) legitimate military attacks that destroy civilian objects and cause civilian casualties, several recent attacks must be singled out. The specific factor that needs to be addressed is the wartime use of indiscriminate weapons in populated areas. Additional Protocol I and customary international humanitarian law (IHL) directly prohibit the use of indiscriminate weapons. Commentary on Rule 71 of the Code of Conventional IHL provides examples of such indiscriminate weapons: cluster munitions and incendiary weapons. Irrespective of the presence or proximity of military facilities, the use of indiscriminate weapons—especially when it comes to armed actions in urban areas—can be considered, at the very least, an indiscriminate attack that disproportionately harms the civilian population. Such attacks not only violate IHL but also constitute a war crime according to Ukrainian criminal law and the Rome Statute of the International Criminal Court.

Cluster munitions. Cluster munitions are munitions that consist of containers that open in the air and scatter large amounts of explosive submunitions or "small-calibre bombs" over a large area. Depending on the model, the number of submunitions can range from a few dozen to more than 600. Cluster munitions can be dropped from aircraft or delivered to the target by artillery or missiles. Most submunitions explode on impact. The vast majority of cluster munitions are free-falling, i.e. each munition is not precision-guided to a specific target.

Truth Hounds analysed photos of (1) unexploded cluster munitions, (2) the remains of cluster munition at impact sites, and (3) areas damaged by cluster munitions, as well as video footage showing the use of cluster munition, in the period of 24 February to 5 March 2022. Truth Hounds concluded that Russian troops used forbidden, indiscriminate weapons in various cities of Ukraine.

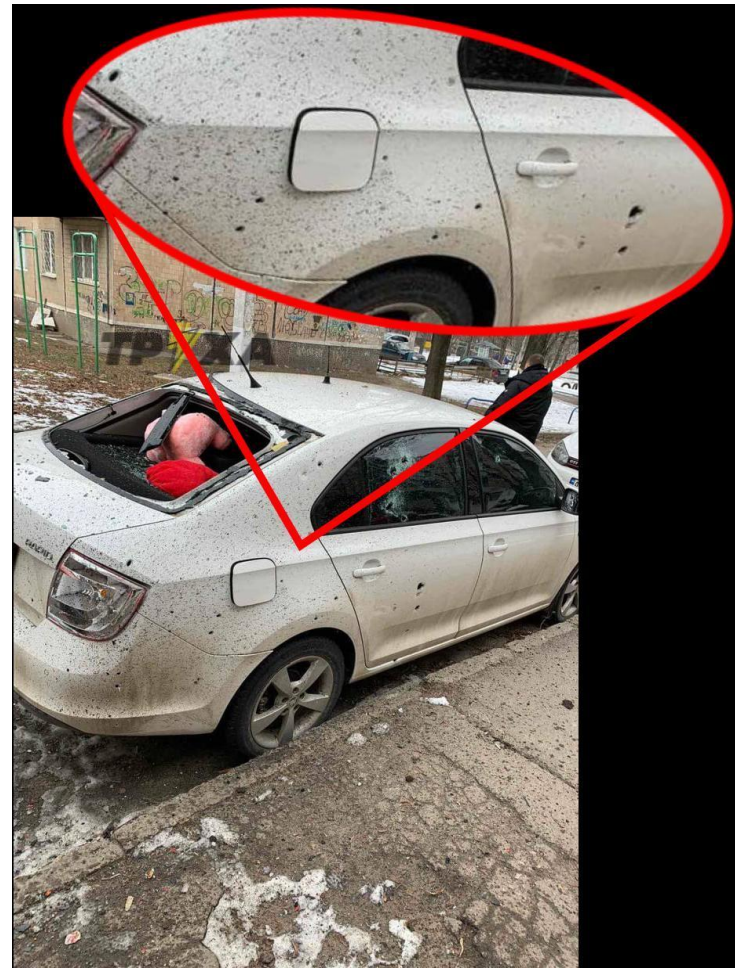
Most commonly, witnesses recorded shelling by Smerch BM-30 heavy multiple-launch rocket systems. Smerch BM-30 systems are capable of launching different types of rocket projectiles.

However, the characteristic design of the warheads documented in Ukrainian cities, as shown in the photo below, indicates the use of cluster munitions.



Examples of the use of cluster munitions launched from Smerch BM-30 systems in attacks on Ukrainian cities.

There is also photographic evidence from affected areas that shows cluster munitions were used. A cluster bomb contains numerous submunitions that each consist of a large number of fragments of the same size, which strike in an indiscriminate fashion. The characteristic, identically-sized round holes that are caused by a cluster munition attack were recorded in a residential district of Kharkiv which was attacked by the Russian military.



The characteristic, identically-sized holes caused by submunitions from cluster bombs that were used by the Russian military in Kharkiv.

Additionally, Truth Hounds found an open-source video recording from a dashboard camera that captures the moment on 25 February when cluster munitions were used to shell Kharkiv.¹

¹ “Так Харьков обстреливали из ракет сегодня днем”, УНИАН, 25.02.22 at 20:01, available at: <https://t.me/unianet/32012>.



The moment when a cluster submunition exploded in Kharkiv on 25 February 2022.

Besides the aforementioned cases of using the cluster rockets MLRS “SMERCH”, Russians also used cluster munitions of another origin - aerial bombs with cluster elements PTAB-1M. These cluster submunitions are the elements of the antitank aviation bomb of uncontrolled action. Having a high destructive capability, it is aimed at destruction of heavy military equipment. The video posted by the Facebook page of State Emergency Service of Ukraine (Odesa region) features 253 pieces of the aforementioned submunition that were found in the aerial bombs’ strike locations in the populated centres Bilenke and Zatoka (Odesa region). Such a great number of unexploded cluster elements means that this kind of weapon is of even higher danger for civilians as unexploded submunitions of cluster bomb can remain unnoticed in strike locations for a long time and explode at any moment afterwards.



Submunitions of the aerial bomb dropped at the cities in Odesa region were discovered by the rescuers.

Aerial bombs

In addition to cluster-type artillery shells, the Russian military used other indiscriminate weapons against the civilian population in Ukraine. These other indiscriminate weapons include high-explosive bombs, photos of which have repeatedly appeared in open sources. Here is a photo of one of the unexploded bombs that was dropped on a settlement in Kharkiv Oblast:



From the markings on the body of the bomb, it is visible that it is an FAB-500 aerial bomb, a 500-kilogramme high-explosive general purpose aerial bomb. The FAB-500 was widely used by Soviet troops in Afghanistan and later by Russian troops in Syria.



Crater from the explosion of a 500 kg high-explosive bomb.

On 5 March, the Ukrainian Army shot down a Su-34 aircraft of the Russian Armed Forces over Chernihiv using a surface-to-air missile.² The plane crashed in the city, damaging several private homes.³ The photo from the crash site shows that the plane was carrying 250-kg FAB-250 free-fall aerial bombs and 500-kg FAB-500 free-fall bombs.⁴

² “Відео як збили російський літак”, Суспільне Чернігів, 5.03.22 at 12:23, available at: <https://t.me/suspilnechernihiv/6771>.

³ “Один мертвий, один - поранений: у Чернігові збили ворожий літак та затримали пілотів”, Суспільне Новини, 05.03.22 at 12:51, available at: <https://suspilne.media/214078-odin-mertvij-odin-poranenij-u-cernigovi-zbili-vorozij-litak-ta-zatrimali-pilotiv/>.

⁴ “Это пиздец, товарищи”, Nata Li Nata Li, 05.03.22 at 14:06, available at: <https://www.facebook.com/photo/?fbid=3151833251720133&set=pcb.3151833615053430>



A FAB-250 aerial bomb discovered at the site where a Russian Su-34 crashed in Chernihiv on 5 March 2022.



An FAB-500 bomb discovered at the site where a Russian Su-34 crashed in Chernihiv on 5 March 2022.

These types of aerial bombs are unguided weapons and, therefore, the use of them in heavily populated areas results in disproportionate casualties among the civilian population and disproportionate destruction. Due to the massively destructive capacity of these types of munitions, the scope of casualties and destruction caused by these shells is truly catastrophic.



Crater from the explosion of a 500-kg high-explosive bomb in Hatne, Kyiv Oblast.

The Use of Incendiary Weapons

On the evening of 5 March, the city of Chernihiv was attacked with incendiary weapons. As a result of the attack on a residential area, several private homes caught fire at the same time. In a video taken at the time of the fire, a witness stated that she heard two salvos pass her and her neighbour's houses, after which everything caught fire. As in previous instances, the use of incendiary weapons against a civilian population during a military conflict is forbidden and constitutes a war crime.



Aftermath of the incendiary weapon attack on Chernihiv which took place on 5 March 2022.