



## Statement for the record

Submitted to the Subcommittee on Europe, Energy, the Environment, and Cyber of the House  
Foreign Affairs Committee

### Accountability for Atrocity Crimes Committed by Russia in Ukraine Hearing

September 21, 2022

The Hon. William R. Keating  
Chairman  
2351 Rayburn HOB  
Washington, DC 20515

The Hon. Brian Fitzpatrick  
Ranking Member  
271 Cannon HOB  
Washington, DC 20515

Dear Chairman Keating and Ranking Member Fitzpatrick:

On behalf of Amnesty International and our more than 10 million members, activists, and supporters around the world, we submit the following statement for the record expressing our grave concern about the ongoing violations of international humanitarian law, including war crimes, by the armed forces of the Russian Federation with respect to the war in Ukraine.

On February 24, 2024, the Russian military began its invasion of Ukraine. The resulting war, which has continued for nearly seven months, represents a manifest violation of the United Nations charter and constitutes a crime of aggression under international law. The war triggered a massive humanitarian crisis in Ukraine and forced over [7 million Ukrainians](#), roughly 15% of the country's pre-war population, to flee as refugees. Millions more remain in internally displaced in Ukraine.

Over the course of the war, international and Ukrainian human rights monitors documented numerous violations of international humanitarian law by the armed forces of the Russian Federation. Some of these violations amount to war crimes. Russia's violations on Ukrainian territory are not new. In 2014, the Russian Federation occupied and illegally annexed the Crimean Peninsula and Russian-backed armed separatists took control of large parts of Donetsk and Luhansk regions. Russian authorities in [Crimea](#) have shuttered independent media, curtailed the right to freedom of expression, and launched a campaign of persecution and harassment against their critics. In the [Donetsk and Luhansk regions](#), Russia-backed separatists have tortured and executed numerous individuals in their custody. While the Russian government's February 24<sup>th</sup> invasion of Ukraine may have overshadowed the suppression of human rights in these territories, they remain ongoing.



The sheer scale of the violence unleashed on Ukraine since February has rendered it difficult to catalogue, let alone describe, the totality of the suffering. As the fighting continues, the world continues to uncover new evidence of killings, torture, rape, and privation on an almost daily basis. While no document can catalogue, let alone fully describe, all of the human rights abuses and violations of international humanitarian law that have taken place, this statement aims to tease out some patterns uncovered by Amnesty International researchers since the start of Russia's invasion.

## **Use of internationally banned cluster munitions**

Some of the civilians killed by the Russian military have lost their lives to weapons widely regarded as illegal under international law. The [Convention on Cluster Munitions](#), signed by over 110 state parties, bans the use, development, production, acquisition, stockpiling and transfer of cluster bombs. Cluster weapons are inherently indiscriminate, often covering large areas. Moreover, they have an exceptionally high dud rate, upwards of 70% of some models fail to detonate upon deployment. As such, the bomblets may remain exposed for years after the conclusion of hostilities, killing and maiming civilians including children. Despite this, the Russian military has frequently used these weapons in Ukraine, leading to horrific casualties. On the second day of the war, Russian forces [struck a preschool](#) in Northeast Ukraine with a 220mm Uragan rocket that dropped cluster bomblets on a nursery and a kindergarten. Three civilians, including a child, were killed. The northern Ukrainian city of Kharkiv has become a focal point of the Russian military's use of cluster bombs and scatterable mines. On March 24, 2022, a [Russian military strike](#) peppered a wide area around the Akademika Pavlova metro station, killing at least six people and injuring some 15 more. One man was killed while his wife purchased pet food, another was injured standing outside his car. Civilians describing the scene said, "shrapnel was falling like rain". The Russian military has a long history of using cluster munitions in highly populated areas. [Amnesty International](#) and [other human rights monitors](#) have documented their use across Syria where they have destroyed homes and schools.

## **Disproportionate and indiscriminate attacks**

Most of the civilian loss of life in Ukraine, however, results not from the use of banned weapons by the Russian military but by their use of conventional weapons such as bombs, rockets, and artillery shells without regard for the principles of distinction and proportionality, which are the bedrocks of international humanitarian law.

The principle of distinction delineates what constitutes a legitimate target in armed conflict. Under the principle, civilian infrastructure may not be targeted during hostilities. The principle of proportionality stipulates that, even if a target is a legitimate military objective, combatants must balance its strategic value with other considerations including damage to civilian objects and risk to civilian lives in the course of operations. Throughout the conflict and across various locations in Ukraine, the Russian military has struck residential areas and civilian infrastructure. In most of these cases, there was no evidence that Ukrainian military personnel were operating from the



vicinity. In many of these cases, the Russian military used unguided weapons with a large blast radius in densely populated civilian areas.

These attacks have exacted a staggering toll on Ukrainian lives. Ukrainian civilians have lost their lives engaging in the most prosaic activities and interactions that typically constitute the very fiber of daily life for most human beings on this planet. In February, a civilian woman in the town of Bucha heard a commotion as Russian military vehicles rolled down her street. She peeped over the fence and was immediately shot. On April 15, Tetiana Ahayeva, a 53 year old nurse, [was standing outside the entrance](#) of her building in conversation with her neighbors, enjoying the warm sunshine, when a cluster bomb went off around her. Tetiana survived but would spend the next hours watching as doctors at the hospital remove metal pellets from her son Ilham's abdomen. Nearby, Oksana Litvynenko was going for a walk with her husband and four-year-old daughter. The cluster munitions explosion sent shrapnel into Oksana's back, chest, abdomen, lungs, and spine. She died less than a month later. All told, the attack killed nine civilians and wounded 35 others. On March 3rd, dozens of people [lined up for bread](#) in the Ukrainian city of Chernihiv. An unguided bomb, likely an FAB-500 M62 frequently used by the Russian military in Syria, fell near by killing 47 civilians. The pattern of indiscriminate attacks by the Russian armed forces has ensured that many Ukrainian civilians fear being killed in the course of living their daily lives.

On the second day of the war, [a 9M79 Tochka ballistic missile](#) struck near a hospital building in Vuhledar, in Donetsk region, eastern Ukraine. Four people were killed in the attack and a further 10 were injured, including six healthcare workers. In another attack in the Kharkiv region, a Russian missile or rocket intended to strike a nearby airbase, slammed into an apartment block, killing a civilian man and injuring two women.

In other cases, Russian strikes hit the exact same civilian target multiple times just days apart. In [one emblematic case](#), a Russian Grad rocket struck a home opposite a church in Kharkiv on February 28th or March 1st. Just days later, another rocket struck the yard of the church.

### **Intentional attacks against civilians and civilian infrastructure**

Intentionally targeting civilians is a [war crime](#) and liable government and military leaders incur individual criminal responsibility for their actions. Given the gravity of the charge, human rights monitors who uncover evidence of war crimes must meet a higher evidentiary burden and document intentionality on the part of the concerned party. In multiple cases documented by Amnesty, the only appropriate conclusion can be that Russian military personnel made the Ukrainian civilian population or individual Ukrainian civilians not taking a direct part in hostilities the object of attack.

On March 16, 2022, a Russian warplane dropped two 500 kilogram bombs on the Donetsk Regional Academic Drama [Theater in Mariupol](#). At the time of the attack, hundreds of civilians were sheltering inside the theater, and many were killed. Evidence reviewed by Amnesty, leads to the strong conclusion that the theater was intentionally targeted by the Russian military and



constitutes a war crime. The theater was a large and distinctive building and one of Mariupol's major cultural landmarks, clearly visible from overflying planes. The building is separated out from its environs by green space and a wide road. The day of the strike was a clear morning, allowing for excellent aerial visibility. Satellite imagery and other targeting methodology would have revealed a clear civilian "pattern of life" in the days prior to the attack as the civilian population cooked food on open fires. Most notably, the theater was clearly demarcated as a civilian object with the Russian word for "children" written on the ground in large block letters in the building's front and rear.

During the airstrike, Russian bombs easily pierced the roof of the theater and detonated in performance space creating a massive field of debris on two sides of the theater. While it is difficult to confirm the exact number of civilians killed in the strike, Amnesty International believes that at least a dozen people lost their lives.

In many cases documented by Amnesty International where Ukrainian civilians were deliberately targeted by the Russia military, soldiers- not aircraft- were responsible. In February and March 2022, Russian forces occupied large swathes of territory in the northwest of Kyiv as part of their ultimately failed advance on the capital. In many of these villages and towns, Russian soldiers engaged in the deliberate killing of civilians, often at close quarters. In April, Amnesty International [interviewed civilians](#) in eight towns on Kyiv's periphery. Many of the Ukrainian civilians who spoke with Amnesty's researchers had firsthand knowledge of or had personally witnessed the killings of friends, relatives, and neighbors.

Many of the individuals subjected to extrajudicial executions by Russian soldiers had little in common with one another. One was known for collecting information about Russian troop movements. Another was a civilian shot while having a cigarette on his stoop. Some were killed in close proximity to their families or friends. Others were led away and shot in the forest; their bodies were found with bound hands days later. One was a 15-year-old boy and others were pensioners. Some were shot with specialized armor piercing rounds while others killed with grenades. Some were tortured or raped before their killing. In all, Amnesty International researchers documented 22 cases of unlawful killing, the majority of which were extrajudicial executions. These killings represent only a fraction of similar cases in villages and towns around Kyiv.

After ousting Russian forces from the city of Iziom in September 2022, Ukrainian officials announced the [discovery of several mass graves](#) in a forest. These reports track closely with photographs and testimonies sourced from journalists operating in the area.

## **Sexual Violence**

Since the start of the conflict, credible reports of rape and other forms of sexual violence by Russian military personnel have repeatedly filtered out from occupied Ukrainian territories. Human rights monitors, including Amnesty International, have been able to confirm some of these reports. A [woman in a village east of Kyiv](#) told Amnesty that on March 9, two Russians



entered her house, killed her husband and repeatedly raped her at gunpoint while her young son hid in a boiler room nearby. The owner of a house in Bucha who returned after Russian forces left the area found the [body of a woman](#) on the floor of a cellar. Her body was naked and wrapped in a fur coat with open wounds on her chest, thighs and abdomen.

## Humanitarian situation

In various regions across the country, military tactics of the Russian federation have precipitated a humanitarian catastrophe. From February 28th until April 1st, when it fell under Russian military occupation, [civilians in Izium](#), a town with a pre-war population of over 40,000 people, were forced to live under siege-like conditions. Residents reported hiding in their basements with a lack of access to food, clean water, medications, sanitation, electricity, gas, or heating. During this period, the town remained virtually severed from the outside world with almost no access to cellular services or other communications. Despite repeated demands from the international community, the Russian military did not stand up safe humanitarian corridors for the embattled civilian population. Their suffering was exacerbated by a Russian military strike that severely damaged the town's central hospital, inhibiting its ability to provide services to the wounded.

The period of siege was marked by heavy Russian military attacks on the city, which were often large scale and indiscriminate in nature. These attacks rapidly destroyed the towns residences, schools, and medical facilities, forcing the remaining grocery stores to shutter. Residents survived on sporadic deliveries of bread which only reached those hiding in larger shelters.

Despite agreements reached between the governments of Russia and Ukraine, civilians across the country have been [prevented from leaving](#) areas under sustained attack by continuous Russia shelling. In many cases, Ukrainian civilians fleeing affected areas were attacked. One woman from the town of Irpin fled in a convoy with signs marked "Kids" placed on the vehicles. The convoy came under attack from Russian soldiers, killing at least two civilians. Throughout the war, relentless Russian shelling prevented many individuals across Ukraine from leaving their hiding places. Older people and people with mobility issues and other disabilities have been disproportionately affected. Even in situations where medicine was available at local clinics, many were too fearful of Russian artillery and missile strikes to make the dangerous journey to healthcare facilities.

## Recommendations

- **Securing Justice:** The Biden Administration must prioritize the provision of resources for Ukraine in securing evidence and conducting the necessary investigations into Russian war crimes and abuses, including those that occurred before the invasion of February 24, 2022. Congress must ensure this effort is adequately funded. This effort should also include direct support to Ukraine in its effort to establish a judicial mechanism that will help in its effort to hold accountable those responsible for the crime of aggression on Ukrainian territory through fair criminal proceedings. The [recent decision to strengthen](#) U.S.-Ukrainian collaboration on war crimes investigation in the aftermath of the Russian



government's invasion is commendable. Now, the administration needs to make sure that good intentions translate to lasting outcomes and that Ukraine receives the technical capacity and resources it needs.

- **Banning Cluster Munitions:** The U.S. must accede to the Convention on Cluster Munitions, and to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and destroy existing stocks of these weapons. It must also use all available diplomatic channels to pressure the government of the Russian Federation to follow suit.
- **Identifying Perpetrators:** To date, Ukrainian officials have said that they have documented more than [34,000 war crimes](#). The White House must work to help Ukrainian officials identify individuals responsible for war crimes and preserve all evidence of their involvement. Specifically, the White House should render appropriate assistance collecting evidence, storing it, documenting chains of custody, and, especially, uncovering the identities of alleged suspects. This evidence must be made available to relevant international bodies and prosecutors. All suspected perpetrators brought before a judicial process must be guaranteed a fair trial and the rights of all victims and survivors must be protected.
- **Empowering International Institutions:** Congress must work to prevent any administration from interfering with the proceedings of the International Criminal Court (ICC). The ICC has played a pivotal role in helping ensure individuals accused of grave crimes under international law such as genocide and war crimes committed around the world face justice. World leaders have yet to agree on what form war crimes prosecutions will take, with some calling for [special tribunals](#) and others preferring pre-existing international institutions. Still, the ICC may yet play a pivotal role in Ukraine, where the country's parliament has accepted ICC jurisdiction for crimes committed on its territory from February 20, 2014 onward. The Senate should rapidly move to ratify the Rome Statute of the ICC.

We are grateful to the committee for holding this important hearing. Should you or your staff wish to discuss these issues in greater detail, please me at [dbalson@aiusa.org](mailto:dbalson@aiusa.org).

Sincerely,

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