



“HE’S NOT COMING BACK”

WAR CRIMES IN NORTHWEST AREAS
OF KYIV OBLAST

AMNESTY
INTERNATIONAL



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First published in 2022 by Amnesty International Ltd
Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK

Index: EUR 50/5561/2022

Original language: English

amnesty.org



Cover photo:

Screenshot taken of @tinso_ww's Twitter account, posted on 1 March 2022 with the caption "Vodeo of immense damage in town of Borodyanka."
https://twitter.com/tinso_ww/status/1498709008311590922

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1. INTRODUCTION

During the initial phase of the Russian invasion of Ukraine, in late February and early March, towns and villages northwest of the capital, Kyiv, saw some of the most serious violence. On 1 and 2 March, as Russian forces attempted to advance on Kyiv, Russian airstrikes hit tall apartment blocks in Borodyanka, about 56 kilometres northwest of Kyiv along the main road to the capital. At least 40 civilians were killed in these attacks, which were disproportionate and indiscriminate, and apparent war crimes.

By early March, Russian forces were occupying much of the region northwest of the capital. Civilians in several Russian-held towns and villages, most notably Bucha, faced extensive abuses, including extrajudicial executions, reckless shootings, and torture. In early April, after the Russian military withdrew from the area, Ukrainian authorities said that at least 300 civilians had been killed in Bucha alone.¹ Journalists who visited the town saw dead bodies left splayed in residential yards and on the streets.² Amnesty International documented 22 cases of unlawful killings by Russian forces in Bucha and nearby areas northwest of Kyiv, most of which were apparent extrajudicial executions.

Amnesty International researchers spent 12 days in April investigating killings in Bucha, Borodyanka, Novyi Korohod, Andrivka, Zdvyzhivka, Vorzel, Makariv, and Dmytrivka. In all, they collected testimonies from 45 people who witnessed or had first-hand knowledge of the killing of their relatives and neighbours by Russian soldiers, as well as 39 others who witnessed or had first-hand knowledge of air strikes that hit large apartment buildings. Researchers also collected and analysed material evidence from the locations where strikes and killings occurred, as well as an array of digital investigative material.³

1 Joel Gunter, “Bucha killings: ‘I wish they had killed me too,’” BBC, 6 April 2022 (quoting the mayor of Bucha).

2 See, for example, “War in Ukraine: Evidence grows of civilian killings in Bucha,” BBC, 2 April 2022; “Russia faces global outrage over bodies in Ukraine’s streets,” AP, 5 April 2022 (describing how Associated Press journalists saw at least 22 bodies, including two with their hands tied).

3 Among the digital material relied upon was satellite imagery showing the damage caused by air strikes, and verified videos and photos showing Russian military vehicles transiting or parked in these areas, as well as the aftermath of battles.



The burned-down house of Iryna Abramova and her husband Oleh Abramov, who was killed by Russian soldiers outside the house in Bucha.

2. UNLAWFUL KILLINGS IN BUCHA AND OTHER TOWNS AND VILLAGES NORTHWEST OF KYIV

The town of Bucha, some 30 kilometres northwest of Kyiv, was the site of a host of apparent war crimes during the period of Russian control, which lasted from early March to 30 March 2022.⁴ Amnesty International documented numerous unlawful killings there, most of which took place near the intersection of Yablunska and Vodoprovodka streets, as well as additional killings in nearby towns and villages.⁵ Residents of these areas also described rampant looting and other violations.

EXTRAJUDICIAL EXECUTIONS

Five men were extrajudicially executed in five separate incidents between 4 and 19 March in a compound of five buildings set around a courtyard northwest of the Yablunska/Vodoprovodka intersection.

Yevhen Petrashenko, a 43-year-old sales manager and father of two, was shot dead in his apartment on the ground floor of the building at 203A Yablunska Street on 4 March. Amnesty International researchers

4 Russian forces appeared in Bucha on 25 February, but their control of the town was extremely contested for some time, with Russian and Ukrainian forces engaging in intense fighting in the area for at least a week in early March.

5 In a previous output, Amnesty International described the killing of a civilian woman in Bucha, as well as additional killings in Hostomel and Vorzel, towns near Bucha, and in Bohdanivka, a town northeast of Kyiv. See Amnesty International, "Ukraine: Russian forces extrajudicially executing civilians in apparent war crimes – new testimony," 7 April 2022. Human Rights Watch has also published an account of Russian abuses in Bucha, including extrajudicial executions, torture, and enforced disappearances. See Human Rights Watch, "Ukraine: Russian Forces' Trail of Death in Bucha," 21 April 2022.

BLACK TIPPED 7N12 ARMOUR-PIERCING 9X39MM ROUNDS

The bullets found by Amnesty International at 203A Yablunska Street were black tipped 7N12 armour-piercing 9x39mm rounds, a relatively rare sub-sonic bullet, developed by Russia, that can only be fired by a few suppressed rifles, such as the AS Val and VSS Vintorez. These weapons are only fielded to a few elite specialty units, including Russian special forces (Spetsnaz) and airborne forces (VDV) that were reportedly operating in Bucha at the time of the killings.¹ The Ukrainian military is not known to use this ammunition.²

Relatedly, Amnesty International researchers analysed a collection of Russian military papers found in Bucha. The conscription and training records belonged to an enlisted Driver-

Mechanic in the 7th Air Assault Company of Unit 32515, which is part of the 104th Guards Airborne Infantry Regiment of 76th Guards Airborne Division of the VDV, the Russian Airborne Forces. Media outlets have



👁️ ↑ **Yevhen Petrashenko's wife** holds bullets and casings recovered at her home in Bucha, where Yevhen was killed. © Amnesty International

reported the presence of the 104th Regiment in Bucha. Some VDV units are equipped with AZ Val and VSS rifles, which fire the 9x39mm round.

Also, the 539_10 headstamp on the cartridges indicated that the ammunition was produced at the Tula Cartridge Plant, south of Moscow, in 2010.

1 See "As Evidence of War Crimes in Bucha Mounts, A Hunt for Russian Military Units," Radio Free Europe, 6 April 2022.
2 See Conflict Armament Research, Weapons of the War in Ukraine (2021).

found two bullets and three cartridge cases at the scene of the incident.⁶ The organization's weapons investigator identified the bullets as armour-piercing 9x39mm rounds that can only be fired by rifles used by a few specialized Russian units, such as Russian Airborne Forces (VDV) and special forces (Spetsnaz), reported to have been operating in Bucha during this period.

Petrashenko's wife Tatiana recalled:

I was in the basement and Yevhen was upstairs in our apartment. He texted me at 8 pm saying that Russian soldiers were going door to door trying to break into apartments. Our next-door neighbour told me that she was also in her apartment and when the soldiers tried to enter she called Yevhen and asked him to go to her door; she told the soldiers that she was on her own and would only open the door if her neighbour was present. Yevhen came and she opened the door and the soldiers searched her apartment and then left, and Yevhen went back home and I did not hear back from him all night and all the following day.

The next day, 6 March, one of the couple's neighbours, Leonid Goy, went to check on Yevhen Petrashenko. When he returned, he told Tatiana that her husband had been shot and killed. At her request, Russian soldiers allow Tatiana to visit the apartment. She said:

Yevhen was lying dead in the kitchen. He had been shot in the back, by the lungs and by the liver. His body remained in the apartment until 10 March, when we were able to bury him in a shallow grave in the courtyard.

The neighbour from the adjacent apartment confirmed that Petrashenko had been present when the Russian soldiers had searched her flat, and had then returned to his own flat. She said that she later asked the soldiers where Petrashenko was and they said that he had left in his car, which was not true. Two other neighbours who were present at the time also confirmed this sequence of events.

Dmytro Konovalov, a 41-year-old electrician, was shot dead outside the building next door, where he lived with his brothers and his mother.⁷ One of his brothers told Amnesty International:

We were staying in the basement most of the time, only going to our apartments to charge our phones, take naps, and use the bathroom; we could not go out in the street because there was a risk of being shot at by Russian soldiers. Even in the courtyard it was not safe to be outside when the soldiers were around.

On 4 or 5 March — I cannot remember exactly which day — shortly before curfew, at around 4:30 to 4:45pm, my brother went out to the courtyard to smoke. He and a 15-year-old neighbour stood by the corner of the building near the basement entrance facing Yablunska Street. When they saw some Russian soldiers approach from Yablunska Street they retreated into the courtyard. The boy ran into the basement and my brother sat on the second highest step of the basement stairs smoking. Soldiers came around the corner of the building into the courtyard and shot him several time in the neck, chest, and face.

One of the soldiers called out "Volodya" and another soldier approached and checked Dmytro's pulse. He was dead. He had died on the spot.

6 Tearing of the outer bimetal jacket of the rounds, revealing the inner lead and steel core, indicated that the bullets had been fired.

7 The address was 203B Yablunska Street.

His brother said that Konovalov's body remained on the stairs overnight, until their mother and another brother dragged the body over to the entrance of the building, and then, the following day, to the middle of the courtyard where it was colder. He said that on the fifth day after Konovalov was killed, they were able to bury him "in a shallow grave in the courtyard."⁸ A neighbour who witnessed the incident described the same sequence of events.

A week later, on 12 March, Ilya Navalny, age 61, was shot and killed in the courtyard outside the building. He lived in an adjacent building (building 203V, to the west), and three of his neighbours told Amnesty International what happened. One of them, Olexiy Sholudenko, recalled:

In the morning Ilya and another neighbour went to the hospital to charge their phones and when they came back at about 1:30 pm I started to cook lunch outside the front door and he came to have lunch with me and my wife at our apartment and then went home. At about 3:30 pm we heard shouting and saw some of the soldiers running around the yard, shouting and firing their weapons, and a woman who was cooking in the yard came running into the building.

... When the shooting was over an elderly couple from entrance 5 came to our basement and later, after 5 pm curfew, she went home and saw Navalny lying face down in the yard.

Two other neighbours gave similar accounts of the events of that afternoon. One neighbour said that the door to Navalny's apartment had been left open, suggesting that Navalny may have gone to check his car, which was parked in the courtyard and had been damaged in the shooting. The three neighbours said that the following morning they examined Navalny's body and found that he had been shot twice in the back and in the head. The wool cap he was wearing was said to have been soaked in blood, and they found torn pages of his identification document scattered near his body. They wondered whether his surname, Navalny, could have been the reason he was killed.

A week later Leonid Goy, the neighbour who had discovered the lifeless body of Yevhen Petrashenko, was himself killed. A neighbour who witnessed the killing told Amnesty International that Goy, a 51-year-old factory worker, was shot in the courtyard at the back of building 203A in the early morning of 19 March. The man said that after spending the night in the basement, Goy went upstairs to his apartment to contact his family, who had fled to Poland. When Goy went outside to the courtyard, on his way to the basement, he was met by young Russian soldiers who asked him who he was and what he was doing. Goy said that he lived in apartment 1 of that building. They asked him to take them there. On the way they noticed a grave near the building and asked whose it was. Goy said that it was the grave of his friend Yevhen. At that point the soldiers shot him and he fell to the ground. He did not move and his body remained there until the following day, when neighbours buried him next to Yevhen.

A fifth neighbour, Leonid Bodnarchuk, a 44-year-old construction worker who lived in the same building, was killed four days later, on 22 or 23 March. Neighbours who were in the basement at the time told

8 Amnesty International researchers saw the grave. The body had already been exhumed and brought to the morgue. On 2 May 2022, the body was returned to the family, and was buried in the cemetery in Bucha.

Amnesty International that Russian soldiers shot Bodnarchuk as he was walking up the basement stairs, and then threw a grenade into the stairwell. A neighbour recounted the incident:

It was afternoon, just before lunch, about 2:30 to 3pm. A young soldier came to the basement and asked for our phones. I asked him if he wanted us to put all our phones in a bag and he pointed his rifle at me. He was very aggressive. He collected all the phones and gave them to Leonid and told him to carry the phones and walk in front of him. Leonid obeyed and took the phones and as he was walking up the stairs we heard two or three shots and after a few minutes we heard a big bang also coming from the stairs.

We stayed in the basement and could not go to the stairs to look as we were afraid we would be shot too. We waited for a while and then went to look and found Leonid dead, slumped in the middle of the stairs in a pool of blood. Part of his head was missing and bones were sticking out of his leg. The injuries were huge, not gunshots. They must have been from the grenade.

On the stairs leading to the basement, Amnesty International researchers found large blood stains over several steps, as well as burn marks and pattern of damage on the wall consistent with a grenade explosion.

About 300 metres from the apartment complex where the five men were killed, on the corner of Yablunska and Vokzal'na Street (where fierce battles took place between Russian and Ukrainian forces, including on 27 February), Russian soldiers stormed the family home of Irina Abramov and held her, her husband Oleh, and her father Volodymyr at gunpoint before taking Oleh outside and killing him on the pavement outside the house, which was set on fire by the soldiers.

Standing in the ashes of her house, Irina Abramov told Amnesty International:

On the morning of 5 March some soldiers parked a BTR [armoured personnel carrier] in our neighbour's garden, threw a grenade into our house, and were shooting at our house. We couldn't hear the shots, only a hail of bullets hitting the metal fence and door. It was about 11 am.

My husband Oleh went out with his hands up, saying please don't shoot, we are civilians. They said, "get out all of you." There were four soldiers in our yard. As we went out with our hands up they said "show what you have in your pockets." They took my husband's smartphone and when my father handed them his phone; it was an old phone [not a smart phone] and they threw it on the ground.

They said, "why weren't you outside to greet us? We came to liberate you; look at our stripes." They had black and orange striped ribbons wrapped around their arms, helmets and rifles.⁹

As we were being questioned by the soldiers in the yard we saw a fire rapidly spreading from the back of the house, where the soldiers had thrown the grenade.

9 Since the start of the conflict in Eastern Ukraine in 2014, the black and orange Saint George ribbon has served as a marker of allegiance to Russia. Pro-Russian activists have been seen sporting the symbol, even tying it to military equipment. See, for example, "The Ribbon of Saint George: Russia's Version of the Remembrance Poppy," Forces.Net, 6 September 2021. Several residents of Bucha told Amnesty International that Russian soldiers had black and orange ribbons tied to their vehicles, around their weapons, and on their uniforms.



👁️ ↑ **Irina Abramov** points to the spot where her husband Oleh Abramov was found dead in Bucha.
© Amnesty International

Irina's father, Volodymir, said that he tried to douse the fire with water but struggled to breathe from the smoke; he asked the soldiers to allow Oleh to come help him. One of the soldiers glanced out to the street and told him in a sarcastic tone, "he's not coming back." Irina recalled:

I could see my father coughing from the smoke while trying to throw water at the house but could not see Oleh as the soldiers had taken him behind the fence. I ran out into the street and first I saw the soldiers sitting on the wall on the opposite side of the road drinking water near the BTR [armoured personnel carrier] that was parked outside our house.

Then I looked to the right and I saw Oleh lying on the ground in a pool of blood. I knew immediately that he was dead. Part of his head was missing and he was bleeding profusely from his head and his ear. I screamed and the soldiers pointed their rifles at me and I shouted at them, "shoot me too."

The soldiers forced us to leave immediately. We were not allowed to come back until after they withdrew from Bucha. Oleh's body remained there on the street.

Aleksander Yeremich, a 43-year-old railway inspector and father of two, was taken from his friend's farm on the edge of Bucha, marched to the edge of the forest outside the house, and extrajudicially executed on the morning of 25 March.

His friends, at whose house he was staying, told Amnesty International about the incident:

It was the fifth anniversary of my mother's death so we visited her grave, just outside the fence of the farm, about 100-150 metres from the house. The Russian soldiers were stationed not too far from there and we could hear shelling in the area, so we only spent a few minutes at the grave. We placed the flowers and candies and went back home.

... After 15-20 minutes three soldiers came to the farm and took us out to the street. One of the soldiers, who wore a balaklava, took Alex's phone and was looking through it for about seven minutes, and an older soldier exclaimed, "what is taking you so long?" They left with Alex's phone and after 20 minutes they came back in a

larger group and asked: “whose phone is this?” and Alex said: ‘it’s mine; I have nothing on my phone; I just filmed some fires.’”

A Chechen soldier in the group fired three shots at the ground and an Asian soldier told us, “you are lucky,” while the Chechen soldier took Alex behind the fence (where we could no longer see him). A few minutes later we heard a single shot and then a burst of three shots. We knew they had killed him. We asked if we could bury him and the Asian soldier said no. I said, “we won’t go out anymore; please don’t harm anyone.” The Asian soldier said, “you are lucky to have us here,” and then they all left.

Later Oleks went to look for Alex and found him lying face down with his hands up. We buried him there.

The body was exhumed after Russian forces were ousted from the area, and was subsequently reburied in mid-April, Aleksander’s son told Amnesty International.

Residents of other neighbouring towns and villages also experienced serious violations during Russia’s occupation of these areas. In Zdyzhivka, a village 20 km northwest of Bucha, Amnesty International investigated the cases of two young men, Pavlo Kholodenko and Viktor Balay, who appear to have been summarily killed by Russian forces sometime in March. Their bodies were left partially buried in a foxhole in a forest on the outskirts of the village, where Russian soldiers had camped during their occupation of the area. During a visit in mid-April, Amnesty International researchers found Russian military ration packs, clothing, empty bottles of alcohol, and other signs of the military presence strewn about, amidst numerous fox holes and tracks of armoured vehicles.

An older resident of Zdyzhivka, age 68, recalled the period of Russian occupation. He said:

There was a big battle at Hostomel and they arrived here in retreat. They were in a big military convoy of at least 60 vehicles, which stopped here on 25 February. Then the next day, the 26th, there were more than 200 of them. The Russian soldiers didn’t have insignia on their uniforms. They all said they were privates, no rank. They said they were here to fight the “junta.” They called the Ukrainian government the “junta.”

... For a while you could speak to them, but later they changed. They started looting. They looted all the houses of people who had left: they took appliances, carpets, blankets and bedding. (It was cold so they needed the bedding.) They stole all the pickled foods that people had left. But they mostly looted empty homes. If there were people inside, they left the houses alone. They would enter but not take things, as long as you opened the door when they knocked. But you had to open the door -- they almost killed a woman, accidentally, who hid from them.

... At one point there was a bit of combat action on the main road; a Ukrainian helicopter strike knocked out a tank. After taking more casualties, the Russian forces started withdrawing into the village and hiding their vehicles on people’s properties. They took over some houses and lived in them, and built trenches in the yards, etc.

... They got more aggressive as time went on. They may have thought they’d receive a warm welcome here, but that didn’t happen.

The mother of Pavlo Kholodenko, a 28-year-old taxi driver and veteran of the conflict in eastern Ukraine's Donbas region, described what she knew about the death of her son. She said:

We lived in Hostomel but came here to our summer house on the first day of the war. We thought that small villages would be safer. Indeed, our house in Hostomel was destroyed in the first days of the conflict. Pavlo had been living here in recent years.

On the second day of the war (25 February) Pavlo and his friend Viktor went to Borodyanka intending to enlist in the Territorial Defence Forces, but that evening Pavlo called and said that they had not managed to enlist and were coming back. But by then Russian forces were in the area and they could not find a way back so they stayed with friends in the village of Babintsi (five km away) and would try to come back home via the fields to avoid the main roads where the Russian force were.

On 26 February we spoke to Pavlo again and urged him not to try to come back because the village was surrounded by Russian forces ... We last heard from Pavlo on 3 or 4 March. We then lost communication on 15 March for the remainder of the Russian occupation. When Russian forces left the area we learned that the bodies of Pavlo and Victor had been found dumped in the forest.

Amnesty International visited the area and interviewed villagers who had found the bodies; they said that they had noticed a leg sticking out from the sand in a foxhole. Relatives of the two men told Amnesty International that when the bodies were recovered their hands were tied behind their back and they both had been shot in the head. Photographs of the bodies seen by Amnesty International are consistent with this description. In addition to having his hands tied behind his back, Victor Balay's body had clear tape wrapped around the face and head.

In another village, Novyi Korohod, some 30 km southwest of Zdvyzhivka, Viktor Klokun, a 46-year-old construction worker, was likewise found dead with his hands tied behind his back and a bullet hole in his head. His partner, Olena Sakhno, told Amnesty International:

On 5 March he had gone to Dmytrivka, a village a couple of kilometres away, to visit his brothers. He came back in the afternoon and brought me 1 kilogram of flour. He said that as he walked back from Dmytrivka he saw a Russian tank. We had tea; it was about 5 km and the territorial defence (Ukrainian) volunteers had blocked the road to Borodyanka and were running around. Viktor said he had to go to for his shift. He was among the civilians who helped keep an eye on the village, looking out for Russian forces' movements. He did not have a weapon. He left home at 6pm.

The following morning some villagers said they had found four bodies and shortly after, at about 9am, they brought the body of Viktor. His hands were tied behind his back with a piece of white plastic and he had been shot in the head. The cover of his phone and the small knife that he always carried in his pocket (from before the war) were found next to his body, but his phone was missing.

On the morning of 6 March, the bodies of Oleksander Shylan, age 26, Olexi Presazhni, age 40, and Igor Servinsky (aka “Chuvas”) were found on the northern edge of the village of Novyi Korohod. Their families and friends described them as local activists who were involved in collecting information about the movements of Russian forces. Olexander Shylan’s father, Volodymir, told Amnesty International that on the afternoon of 5 March, just hours before his son was killed, he had tried to convince his son to leave the village but his son said that his pregnant girlfriend did not want to leave and he would stay with her. Volodymir left the village with his wife and daughter, saying that he last heard from his son at 2:25 pm. According to Oleksander Shylan’s uncle and another villager, Shylan and his two friends were killed at about 5 pm.

Nadiya Zayat, who also lived in Novyi Korohod, told Amnesty International that between 4 and 5 pm she looked out her window and saw the three men walking past the bus stop on the main road on the edge of the forest. At one point, she said, all three raised their hands above their heads and continue walking with their hands up. A few houses along Olexander Shylan’s uncle, Hrehoryi, said that he heard several shots and saw the three men fall to the ground. Shortly after that, he saw two soldiers approach from the forest — where they had their encampment — and drag the bodies to the side of the road.

At the soldiers’ encampment (about 200 metres from the spot where the bodies of the three were found), Amnesty International researchers found Russian military rations strewn around the tracks of an armoured military vehicle.

A 15-year-old boy, Igor Denchik, and his aunt Ludmila Shabanova were shot dead in front of their family in the village of Vorzel, a few km away from Bucha. It was the evening of 3 March, and the two were killed just outside a basement in which the family and their neighbours were sheltering. Denchik’s 68-year-old grandfather, Leonid Timoshenko, described what happened. He recalled:

We were sheltering in the basement under our building when Russian soldiers banged on one of the doors at about 7pm, followed by a burst of gunfire through the door. We were about 40-50 people but luckily no one was injured as people were away from the door. Shortly after that the soldiers went to another entrance to the basement, by the central staircase, and threw a flash-bang grenade into the basement, followed by two teargas grenades. My throat was sore and my eyes burning and others were likewise feeling the effect of the teargas. We opened the small window to try to get some air in but people started to panic and opened the door to go out.

In the commotion I lost sight of Igor. He went out with others and the soldiers told people to lay on the ground. As he and others lay on the ground face down the soldiers opened fire.

I was last to leave the basement and as I got out I found that Igor had been shot in the back of the neck, his aunt Ludmila in the leg, and her husband Valeriy in the back. A Russian military medic approached and said Igor was dead. Ludmila and Valeriy were taken upstairs by relatives and neighbours but Ludmila died of her injuries the following day.

Valeriy Shabanov and the other people who were escaping the basement survived.



Leonid Timoshenko by the entrance to the basement under his apartment building in Vorzel, where his family and neighbours were sheltering when his 15-year-old grandson Igor Denchik and his cousin Ludmila Lesya Shabanova were shot by Russian soldiers on 3 March. Igor died on the spot and Ludmila died the following day. On the door of the basement part of a sign written by residents says "children live here"
© Amnesty International



Timoshenko and another building resident said that in the days following the killing of Igor Denchik and Ludmila Shabanova they learned that the soldiers had searched the basement of the house and found some weapons and/or ammunition which Ukrainian forces or volunteers had recovered from a Russian armoured vehicle which had been struck and immobilized by Ukrainian forces in the area. If in fact Ukrainian forces or volunteers had hidden weapons in a residential building full of civilians, such action would have endangered the safety of the civilians, contrary to their obligation to take all feasible precautions to protect civilians under their control from the effects of attacks, including by avoiding locating military objectives within densely populated areas.¹⁰

In Andriivka, a village 60 km northwest of Kyiv, 23-year-old Anton Ishchenko was among those killed by Russian forces, his grandfather told Amnesty International. Two villagers who were detained by Russian forces, which occupied the village for three weeks in March, told Amnesty International that Anton had been held with them.

“Anton was arrested on 3 March, the day after his birthday,” recalled Andrii Hilazunov, one of the two. “When he was brought to where we were held he was in a bad way. He had been badly beaten ... He tried to escape and was shot dead.”

¹⁰ Additional Protocol I, Article 58(b).

EXTRAJUDICIAL EXECUTIONS AFTER TORTURE

Amnesty International investigated two cases of civilians killed by Russian forces in captivity, where the bodies of the victims bore marks indicating they had been tortured prior to being shot.

The bodies of Vasiliy Nedashkivsky, a 47-year-old window installer and father of two, and his neighbour Igor Lytvynenko, in his late 20s, were found in the basement of a building southwest of the Sadova/Tsentralna street intersection in Bucha on 31 March.

Nedashkivsky's wife Tatiana told Amnesty International:

The Russian soldiers were all around; they were going in and out of the buildings and looting and using apartments whose owners had left. Since the soldiers arrived we could not move much. Even going outside to throw out the trash was not allowed by some soldiers. My children had left and it was just me and Vasiliy and we stayed in the apartment most of the time. We were told [by Russian soldiers] to wear a white armband whenever we went out of the building. Vasiliy did not like to wear it. From 15 March we were told to go to the basement.

On 18 March soldiers came to our apartment (building 34A) at 7pm and took us both out. They made us walk with our hands behind our back and hit Vasiliy repeatedly with their rifle butts. My husband and my son had helped the Territorial Defense Forces and had dug trenches and the soldiers had found out. They took us to an apartment they were using on the second floor the building next door (number 33V) and from there I never saw Vasiliy again.

When I asked about him they said they had taken him to headquarters for questioning. I said that we were civilians and one of the soldiers tapped me on the shoulder and said “we know everything; we have informants here.” They did not harm me and did not even interrogate me. The commander told the soldiers to give me tea and treat me well, and nobody spoke to me until they released me the following morning at 5:30 am.

I went back to the basement with the other residents and waited for my husband to be released but he never came back. Then as the Russians left, on 31 March, a neighbour told me to go look in the basement and there I found Vasiliy and Igor dead. They had tortured them and shot them. When the Ukrainian soldiers took the bodies out they used ropes because they were afraid they might be booby trapped.

In photographs of Nedashkivsky's body seen by Amnesty International, open wounds are visible on his hands and head, with the latter being particularly extensive. The photos also reveal bruising to his abdomen and right side.

At the building where Vasiliy and Tatiana Nedashkivsky were held, and in other buildings around the same courtyard, an Amnesty International researcher saw Russian graffiti in apartments that had been looted and trashed. She also found spent bullet casings near the entrances of the building where the two had been detained, and near the basement where the bodies of Nedashkivsky and Lytvynenko were found — bullets that are known to be used by special units of the Russian military.

In the cellar of a small shed located in the garden of a house off Vokzal'na Street, the body of a woman was found when the Russian soldiers left Bucha, in early April. The owner of the house told Amnesty



👁️ ↑ Boxes of munitions

International that they left it on 3 March and when they returned on 7 April they found the body of the woman slumped on the floor of the cellar. They said her body was naked and wrapped in a fur coat; part of her head was missing, and she had open wounds on the front of her thighs, abdomen and upper chest. She was later identified.¹¹

Russian soldiers had occupied the house during their stay in Bucha. Boxes of munitions and Russian military rations were strewn all over the field adjacent to the garden, where Russian forces had parked their vehicles, and the house was thoroughly trashed.

Several other bodies were found in buildings in Bucha, including some with their hands tied behind their backs and some bearing injuries suggesting that they had been tortured before being killed.¹²

RECKLESS SHOOTINGS

Tatiana Pomazenko, a 56-year-old retired shop assistant, was shot dead on the morning of 27 February in the courtyard of her home, near the northern end of Vokzal'na Street, in Bucha. Her mother, 76-year-old Larysa Savenko, told Amnesty International:

We were outside in the courtyard at about 10 am when we saw a column of Russian military vehicles coming down Vokzal'na Street. We had seen the same the previous two days. The Russian military first came past our house on 25 February and again on the 26th and this was the third time. I told her to hurry inside because the soldiers shot right and left as they passed through the streets and it was dangerous. She said she wanted to make sure I was inside, and she would then go into her house. [The two houses are near each other around the same courtyard.] I have time, she said.

As the military vehicles approached they sprayed her house with bullets. They smashed all the windows and doors. They shot a large number of bullets. They must have seen her in the courtyard from a distance.

She lay dead outside her house all day and then at night I buried her myself in the garden.

11 Her grieving family requested that no information be published about the case.

12 See, for example, "Bucha: A street filled with bodies," France 24, 21 April 2022.

Savenko said that Russian troops returned about a week later. She recalled:

I stayed alone in my house throughout the war. On 5 March they came and parked a BTR [armoured personnel carrier] in my garden and stayed there for two days. My son was visiting me and we had to hide in the barn for several days because they were using the house and we could not move around. We could not even go into the house to use the toilet. We had to use buckets. We lit a fire to cook and they did not allow it and we had to put it out. There were five of them, all very young except their commander who was older. They took our phone and when they left after two days they did not give our phone back.

On 30 or 31 March two soldiers came to the gate and told me, “your daughter is dead and you should not stay here.” They knew my daughter was dead. They asked me where the body was and said they wanted to take the body and that I should go with them ... I refused and then they got distracted and their colleagues called them from the road and they left.

In the absence of safe humanitarian corridors, Ukrainian civilians who have tried to escape areas of active combat have faced serious risks. Olexandr Sechevky, age 62, and his daughter-in-law Olha Sechevky, age 32, were both killed when the car they were traveling in was fired upon by what were believed to be Russian forces. Olha’s son Mykola, age 7, was injured in the incident.

Olha Sechevky’s husband, the driver of the car, recounted the experience to Amnesty International. He said that he and his family had tried to flee their home town of Makariv on 11 March due to heavy fighting, but had found it extremely difficult to escape. They reached various Russian checkpoints and were turned back or made to wait. Finally, on the 12th, they were allowed to pass a key Russian checkpoint as part of an approximately 12-15 car convoy. The stretch they were attempting to cross was between the towns of Lypivka and Khorolivka, about 9 km from Makariv.

“The convoy was all fleeing civilians,” he recalled. “Almost all of the cars had kids inside.” He continued:

They told us to go forward at a slow pace, with the cars in single file formation. We drove slowly, about 30 km an hour, for a short while. When our car had just reached a line of trees, I heard shots – first single shots, then a burst of gunfire. At a certain point I heard what sounded like a heavier weapon, maybe a machine gun.

The shots hit the first vehicle in the convoy, and it stopped. We were the second vehicle and we had to stop, too. Then we were hit. At least six or seven shots hit our car. My dad was killed instantly by a bullet to the head. My wife was hit by metal shrapnel and my kid was also hit.

Then the lead car came alive and started moving again. I was driving our car and I accelerated. At some point I looked back and saw other cars in the convoy on fire. Only about five cars got away.

Olexandr Sechevky was killed instantly and Olha Sechevky died in a nearby hospital. Mykola, the son, was hit by a bullet that was extracted at the hospital.



👁️ ↑ **Ilya Navalny**, who was shot dead outside his apartment building in a complex where four other neighbours were also killed by Russian soldiers in Bucha.



👁️ ↑ **Pavlo Kholodenko**, who was killed with his friend Viktor Balai. Their bodies were found - with their hands tied behind their backs - partly buried in a ditch on the outskirts of Zdyzhivka, near where Russian forces were based.



👁️ ↑ **Tatiana Pomazenko**, killed in Bucha.



👁️ ← **Victor Klokun**, who was killed by Russian soldiers in Novyi Korohod. His body was found with his hands tied behind his back, on the edge of the forest, where Russian soldiers were based when they controlled the village.



👁️ ← **Ludmila Lesya Shabanova** was shot dead and mortally wounded by Russian soldiers on 3 March 2022 as she was coming out of the basement under her apartment building, where she and her family and neighbours were sheltering in Vorzel. Her 15-years-old nephew Igor Denchik was shot dead at the same time.



👁️ ↑ **Oleh Abramov**, who was killed at his home in Bucha.



👁️ ↑ **Igor Servinsky**, who was killed with his two friends in Novyi Korohod. Neighbours saw the three men being shot dead by Russian soldiers near the place where Russian soldiers were based on the edge of the village.



👁️ ↑ **Oleksandr Shylan, 26**, was killed with his two friends in Novyi Korohod. Neighbours saw the three men being shot dead by Russian soldiers near the place where Russian soldiers were based on the edge of the village.



👁️ ↑ **Igor Denchik, 15**, was shot dead by Russian soldiers on 3 March 2022 as he went out of the basement under his building, where he and his family and neighbours were sheltering in Vorzel. His aunt Ludmila Lesya Shabanova was shot and mortally wounded at the same time.



↑ *What remains of building 326, which was bombed by Russian forces on 2 March 2022.*

3. ATTACKS ON RESIDENTIAL BUILDINGS IN BORODYANKA

The town of Bucha, some 30 kilometres northwest of Kyiv, was the site of a host of apparent war crimes during the period of Russian control, which lasted from early March to 30 March 2022.¹³ Amnesty International documented numerous unlawful killings there, most of which took place near the intersection of Yablunska and Vodoprovivna streets, as well as additional killings in nearby towns and villages.¹⁴ Residents of these areas also described rampant looting and other violations.

A series of devastating air strikes launched by Russian forces on 1 and 2 March 2022 hit eight residential apartment buildings in Borodyanka, a small town some 60 km northwest of Kyiv.¹⁵ The buildings were home to more than 600 families, and at least 40 residents were killed when large portions of the buildings collapsed. Most of the victims were killed in the buildings' basements — the very place where they had gone to find protection.

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- 13 Russian forces appeared in Bucha on 25 February, but their control of the town was extremely contested for some time, with Russian and Ukrainian forces engaging in intense fighting in the area for at least a week in early March.
- 14 In a previous output, Amnesty International described the killing of a civilian woman in Bucha, as well as additional killings in Hostomel and Vorzel, towns near Bucha, and in Bohdanivka, a town northeast of Kyiv. See Amnesty International, "Ukraine: Russian forces extrajudicially executing civilians in apparent war crimes – new testimony," 7 April 2022. Human Rights Watch has also published an account of Russian abuses in Bucha, including extrajudicial executions, torture, and enforced disappearances. See Human Rights Watch, "Ukraine: Russian Forces' Trail of Death in Bucha," 21 April 2022.
- 15 It is unclear what kind of munitions were used in the strikes. While the evidence suggests that almost all of the aerial bombs that Russia is dropping in Ukraine are dumb and unguided, its air force has, in the last several years, fielded new systems that allow much greater precision with these weapons. The SVP-24 Gefest system uses GLONASS satellites to determine the location of the strike aircraft, allowing low-level bombing runs by that aircraft to achieve greater accuracy. "Russia's advanced technology helps use unguided munitions as precision bombs," Tass.com, 25 August 2017. In 2019, Russian Defense Minister Sergey Shoigu said that using new avionics systems, Russian aircraft had achieved a Circular Error Probable (the radius within which half of a certain type of weapon is expected to fall) of about 15 metres. "Russia's Aerospace Force can use standard air bombs as precision weapons," Tass.com, 18 June 2019.
- What is clear, at any rate, is that explosive weapons with wide-area effects were used. See generally International Committee of the Red Cross, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas* (January 2022). The devastation in Borodyanka is further evidence of the need for a strong political declaration that includes a commitment to avoid the use of such weapons in populated areas. See Amnesty International, "States should curb urban slaughter of civilians from explosive weapons," 3 March 2021; Department of Foreign Affairs of the Government of Ireland, *Protecting Civilians in Urban Warfare*, <https://www.dfa.ie/our-role-policies/international-priorities/peace-and-security/ewipa-consultations/> (undated).

Vasyl Yaroshenko was standing near one of the buildings when it was hit. He recalled:

As I left my apartment to go do some work in the garage, as my wife was about to take a couple of elderly neighbours down to the basement. When I reached the garage, about 150 meters from the building, there was a huge explosion. I ducked behind the garage. When I looked I saw a large gap in the building. The whole middle section of the building had collapsed — exactly where residents were sheltering in the basement.

My wife Halina was among those killed. I still see her by the door of our apartment, the home where we lived for 40 years.

The targeted buildings were located on or near the roundabout at the southern entrance of Borodyanka. Some overlooked a road known as the Warsaw highway that runs northwest from Kyiv; others were on the main road (Tsentralna Street) running through Borodyanka, perpendicular to the highway. Starting on 25 February, there was intense fighting between Russian and Ukrainian forces on these roads, and Russian military convoys passed in front of the buildings that were later targeted.

There is some evidence that at least at certain moments Ukrainian forces or their armed supporters were using the buildings as a platform from which to fire upon Russian military vehicles transiting the area.¹⁶ A resident of one of the buildings, who spoke on the phone and sent text messages to a relative before his building was hit, said that Ukrainian snipers were on the rooftop and behind the building shooting at Russian convoys; he was afraid that this would lead to Russian retaliation. If it is true that Ukrainian forces were firing from the buildings, they were irresponsibly putting civilians in danger and violating the laws of war. Nonetheless, given the substantial number of civilians that would be expected to be found in these buildings, such large-scale Russian attacks were both disproportionate and indiscriminate under international humanitarian law, and as such constitute war crimes.

The strikes were precise and deadly. Each building was likely struck by a large aerial bomb, which completely pulverised an entire section of the targeted building and caused massive destruction to dozens of apartments, as well as to smaller houses located nearby, leaving hundreds of families homeless. The enormous extent of the damage — roofs blown off, windows smashed to bits, doors ripped off their hinges and blown hundreds of meters away — indicates the devastating power of the blasts.

Several eyewitnesses described seeing and hearing the planes that launched the strikes. One eyewitness who was some distance away from one of the targeted buildings said that he saw a plane fly by and then circle back and drop a bomb on the building.

16 Some Borodyanka residents also said that many people had prepared Molotov cocktails in advance of the arrival of Russian forces, and used them in an effort to stop incoming troops.



⦿ ↑ Buildings 429 and 429A which were bombed on the 1st of March 2022 in Borodyanka. © Amnesty International



⦿ ↑ Satellite imagery from 14 October 2019, shows buildings 429 and 429A, located at the intersection where a convoy of probable Russian troops were visible on 27 February 2022, in verified ground photos and videos along with satellite imagery (not shown). The relevant entrances to the buildings have been marked. On 16 March 2022, satellite imagery shows destruction from two documented airstrikes and other damage. Two destroyed armoured vehicles are also visible.

Yevhen Zukho, who lived in building 429, described the first air strike. It hit the 5-story apartment building at 429A Tsentralna Street, located at the southwest end of street near the roundabout. He told Amnesty International:

We lived in building 429 but were sheltering next door in 429A because the basement there was well equipped; there was electricity. When the first strike took place me and my wife and our children were in the basement of building 429A, but we were beneath a section of the building that survived. I was by entrance 1 and my family was deeper inside. As the building was bombed the door connecting the two sections of the basement got stuck. I run outside to get to the basement from entrance 2 and I was shocked to see that the whole section of the building by entrance 5 had collapsed. I knew that there were residents there. I managed to open the door to the section 2 of the basement and started to bring people out.

There were more than 40 people in that section of the basement, mostly older people and children, and even a baby only few months old. They all survived.

While some residents who were in building 429A survived, those who were in the section of the building that was struck were killed. A survivor of the bombing — whose son-in-law, Volodymyr Pekar, age 43, was killed — described what her family experienced. She said she, her daughter, and her son-in-law lived in a different building on Tsentralna Street, but on 26 February they had gone to stay with her sister who lived in building 429, believing it would be safer. Just before the strike the three women left the basement, while Volodymyr remained there and was killed.

Two other victims were residents of the building, Olena Tkachuk (Vakhnenko), a 57-year-old social rehabilitation counsellor, and her son Yuri Tkachuk, a 24-year-old manager at a logistics company.

Also among those killed in the same air strike were relatives and friends of residents of buildings 429 and 429A, who were sheltering in the latter building because they believed it to be safer than their own homes. The victims include Alyona Khukhro, a 41-year-old nurse, and her husband Serhiy Khukhro, a 37-year-old construction worker, who left behind two children. They lived elsewhere but were staying with Alyona's mother, who lived in building 429, and were sheltering in the basement of building 429A, together with their friend Yuriy Kholyavka, who likewise lived elsewhere but was sheltering there.

Just after the first strike on building 429A came two more strikes, hitting adjacent buildings on Tsentralna Street. Zukho, who lived in building 429, described the situation:

In the meantime there were two more strikes: one on building 427 and one on building 429. People in the basement of 429 survived. We [the group of residents who got out of the basements] tried to get away from the tall buildings and went toward the lake but Russian military vehicles were moving in that area so we went back to the courtyard of our apartment complex, where there was a kindergarten. We spent the night in the basement of the kindergarten.

Later that evening, at about 8:20 pm, another air strike hit the building at 371 Tsentralna Street, about 500



↑ Satellite imagery from 14 October 2019, shows building 371. The relevant entrances to the building have been marked. On 16 March 2022, satellite imagery shows destruction from a documented airstrike and other heavily damaged areas nearby. No large military objects were readily visible in imagery from 27 February 2022 (not shown).

metres down the street from the first buildings that were hit. Among those killed in that attack were Vitaliy Smishchuk, a 39-year-old surgeon, his wife Tatiana, in her mid-thirties, and their four-year-old daughter Yeva. Vitaliy’s mother recalled:

My son and his family lived on the 4th floor of the building. I was speaking to my son and telling him to leave but he was worried about going outside. They sheltered in the basement for safety but the bomb destroyed the middle section of the building, where the basement was. If they had stayed in their apartment they would have been safe.

Mykola Zhetnitsky, age 46, was killed in the basement of building 371, where he was sheltering with his 68-year-old mother. His mother survived but sustained very serious injuries and remains unable to walk. His siblings and nephews, who lived in the same apartment, escaped injury because they had left the building shortly before the strike, but the whole family was left homeless.¹⁷

Also killed in the building 371 was Yuriy Kaletnyk, a 43-year-old sales manager. Yuri’s mother told Amnesty International:

On 24 February he called me and said that the war had started, and he was not going to Kyiv to his work as the left bank [of the city] was being bombed. He came to the village (near Borodyanka) to bring medicines and we had lunch and then went to Borodyanka to get his three cats from his apartment and got stuck there. He could not find fuel. The queues for fuel were 5 km long. His cousin said that he had fuel and would go to Borodyanka to pick him up and bring him and his cats to the village. But the following day it was impossible to move; the roads were too dangerous as the Russian forces had arrived in the area.

He remained in the building, staying in the basement most of the time.

¹⁷ Mykola’s sister and her family, six people in all, fled their apartment in building 359 less than an hour before the strike that destroyed the building and left them homeless.

The last time I heard from him was on 1 March at 19:30 when he said that he was in his apartment charging his phone. His body was recovered from the bathroom of his apartment.

The next day the bombing continued, with the building at 359 Tsentralna Street being hit. Vadym Zahrebelny lost five relatives — his mother Lydia, his brother Volodymyr, Volodymyr's wife Yulia, and her parents Liubov and Leonid Hurbanov — in that strike. He told Amnesty International:

My mother lived with me in building 353 but a few days before the bombing we moved to building 359, where my brother lived with his wife and her parents. On 27 February a convoy of Russian BTRs [armoured personnel carriers] and other military vehicles passed on the road in front of our building and they shot at our building. My son got scared and fell. So we went to shelter in the basement of building 359, next door, which was in better condition than our basement. Water was leaking in our basement and there was a bad smell.

We stayed there for three nights. We heard that Russian military vehicles were shooting at people in the street, so people were afraid to go outside. We stayed in the basement until the morning of 2 March. The previous evening we heard that several buildings further down the road were bombed. Being outside in the street was dangerous and being in the buildings was dangerous. I decided to take my wife and my children to the nearby school. We left building 359 just after 7 am. However, my mother, my brother, and his wife and her parents insisted on staying in the basement because they were afraid of getting shot by Russian soldiers if they went out on the streets.

About 20 minutes after we left, building 359 was bombed and they were all killed, together with other neighbours. Minutes later building 353 was also bombed, killing more people.

At least 23 people were killed in building 359, all of them civilians who lived in that building or in the building next door (building 353). Although building 353 was struck soon after, most residents who had been in the part of the building that was destroyed had managed to flee after the bombing of building 359.

Others killed in building 359 included:

- Valeriy Piskovets, a 43-year-old factory worker, his wife Ludmila, a 41-year-old accountant, their daughter Valeria, age 12, and Ludmila's mother Olha Shehovtsova, age 65.
- Marko Bobrovsky, a 60-year-old school principal, his wife Halina, a medical doctor, and their son Maksym, a university student at Kyiv Polytechnical Institute.
- Leonid and Zinaida Hachnikova, a retired couple, both in their 60s.
- Oleksandr Harayev, a 41-year-old construction worker, and his brother-in-law Oleksandr Severyn, who was staying with him after his wife and children had left the city on 27 February.

Also among those who stayed and were killed were several older people, including Halyna Pinchuk, age 71. Her son Alex told Amnesty International that he had left building 359 after the bombing of other



👁️ ← Building 353, which was bombed on 2nd March 2022 in Borodyanka.
© Amnesty International

buildings further down the road the previous evening, but that his mother had refused to leave.

Dmytro Sadofiev was in his apartment on the sixth floor of building 353 when building 359 was bombed. He tried to flee the building, fearing it too would be targeted, but did not manage to get out in time. As he told Amnesty International:

I was in my apartment with two of my neighbours from entrance number 3 when building 359 was bombed. They were helping me gather my belonging to bring downstairs to the car. We were going to leave the building because after the bombing of the other buildings the previous evening we feared that all the buildings in the area would be targeted. When the strike on building 359 happened they went downstairs, and when our building was struck they had already reached the ground floor and I was still going downstairs.

[When the strike hit], I froze and rubble fell on top of me. I did not pass out but I was dazed. I could not see anything. My eyes and my mouth were full of concrete dust. I found myself trapped under what I first thought was a concrete wall panel but was in fact a metal door. I was injured in my back but I was able to extricate myself and go downstairs. My neighbours from apartment number 20 and their two children were also safe and going down the stairs. Me and my neighbours looked into the section of the basement that survived (under the section of the building that survived), but we did not see anyone there.

When I got out of the building we checked the car: the doors and windows were missing but the engine was working. In the meantime, we heard someone shout to please wait for them. It was the daughter of my neighbour on the eighth floor. She was helping him go downstairs. He is an old man, about 80 years old. He was barefoot, but they made it downstairs and we all got into the car and left the area as quickly as possible.

In all, the sequence of strikes on the buildings and the known civilian deaths were as follows. First, on 1



☉ ↑ Satellite imagery from 14 October 2019, shows buildings 353 and 359. The relevant entrances to the buildings have been marked. On 16 March 2022, satellite imagery shows destruction from two documented airstrikes and other heavily damaged or destroyed areas nearby. Cloud cover prevented a clear view of this area in imagery from 27 February 2022.



☉ ↑ Satellite imagery from 16 March 2022, shows the Borodyanka area where airstrikes to buildings were documented. The buildings are highlighted on the map.

March at about 5:20 pm, the first Russian aerial bombardment struck the building at 429A Tsentralna Street. Six civilians were killed there, including residents of that buildings and of nearby buildings who were sheltering in the basement at 429A. Minutes later, building 429 was struck, killing one civilian, following by strikes on buildings 427 and 427A, where no casualties were reported. Later that same evening, at about 8:20 pm, the building at 371 Tsentralna Street was struck, killing 7 civilians. Just after that, building 326, on the opposite side of Tsentralna Street, was struck, killing at least two people (two bodies have been recovered by the building plus body parts of an unidentified person or persons near one of the small houses at the back of the building). On the following day, 2 March, building 359 was struck at about 7:40 am, killing more than 20 residents, most of them in the basement. Minutes later, building 353 was struck, killing 3 residents. Both strikes destroyed large middle sections of each of the two buildings.

In addition to air strikes, the upper floors of many of the apartment buildings along the same road were struck by Russian forces, most likely using ground-launched munitions such as rockets or artillery.

Survivors of the attacks and family members of the victims explained how people ended up staying in the targeted buildings. First, they emphasised that the security situation had deteriorated very rapidly. Although many people had fled immediately, within a day or two of the Russian invasion, those who did not flee quickly found themselves confronted with a situation they had never experienced before — a foreign armed force with tanks on the streets of their town — and they found it difficult to assess the risks posed by the situation. While fearing the incoming Russian forces, many did not initially expect that they, as civilians not involved in the conflict, would be at the receiving end of Russian attacks.

Those who did not leave immediately also found it very difficult to leave in the following days. As fighting raged in and around the town, residents were paralysed by fear. They did not know where Russian forces might go, where clashes between Russian and Ukrainian forces would take place, or how such developments would affect their security.

The mother of a man who was killed in building 371 recalled:

As the situation deteriorated it became too dangerous to move from one part of the town to another. There were tanks on the streets in some parts of the town. We had never seen such a thing. People were frightened to be outside.

In addition, a significant proportion of those who did not leave wanted to protect their property from possible looting by Russian forces; at least initially, they believed that looting of empty properties would be the main threat posed by the conflict. They did not expect tanks to be shooting at residential buildings and even less large bombs to be dropped on their homes.

Finally, some people did not leave because they needed to take care of relatives or friends who lacked mobility, were unable to flee, and required assistance.



👁️ ↑ *Zineida Hachnikova (L), Halyna Pinchuk (C), Svitlana Holovey (R), Building 359*



👁️ ↑ *Alyona and her husband Serhyi Khukhro, Building 429A*



👁️ ↑ *Valery Piskovets and his daughter Valerya, Building 359*



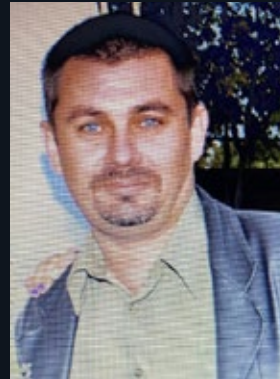
👁️ ↑ *Halyna Bobrovska, Building 359*



👁️ ↑ **Vitali and Tatiana Smishchuk**, Building 371



👁️ ← **Nadiya Zuzko**,
Building 359



👁️ ← **Andriy Olishkevych**,
Building 353



👁️ ↑ **Marko Bobrovsky**, Building 359



👁️ ← **Ludmila Plskovets**,
Building 359

Halyna Yaroshenko, who was killed in the Russian bombardment of building 359, in Borodyanka on 2 March 2022. Her husband Vassili had left home only minutes earlier and was standing by his garage about 100 meters from the building, and witnessed the strike. 👁️ →





👁️ ← *Yuri Kaletnik,*
Building 371



👁️ ↑ *Oleksandr Harayev, Building 359*



👁️ ← *Victoria Vlasenko,*
Building 353



👁️ ← *Anatoli Nevmerzhytsky,*
Building 353



👁️ ↑ **Volodymyr and his wife Yulia Zahrebelny**, killed in Building 359



👁️ ← **Mykola Zhytnytsky**,
Building 371



👁️ ← **Volodymyr Pekar**,
Building 429A



👁️ ← **Yeva Smishchuk, age 4**,
killed in Building 371
with her parents Vitali and
Tatiana Smishchuk



Rescue workers digging in the rubble of building 353, which was bombed by Russian forces on 2nd March 2022, searching for bodies of residents killed in the bombing.

4. LEGAL ANALYSIS

International humanitarian law (IHL), or the laws of war, sets out legal rules that bind all parties to armed conflict, whether state armed forces or non-state armed groups. These rules, the most relevant of which are explained below, aim to minimise human suffering in war, and offer particular protection to civilians and others who are not directly participating in hostilities.

In situations of armed conflict, not all civilian casualties will be unlawful. However, deaths and injuries of civilians are an indication that something has gone wrong. They could be the result of a violation of the rules, even of criminal wrongdoing; or they could be the result of an accident, mistake or malfunction of a weapons system, or the incidental result of a lawful attack. Meaningful investigations are necessary to make these determinations, ensure accountability for violations, and lead to corrective measures being taken in the future to avoid unnecessary harm to civilians.

Both Russia and Ukraine are parties to the Geneva Conventions and their Additional Protocol 1.¹⁸ These treaties, as well as the rules of customary international humanitarian law, are fully applicable to the international armed conflict currently taking place in Ukraine. All parties to that conflict must therefore respect these basic rules, which protect people during armed conflict. That means, among other things, taking all feasible precautions to spare the civilian population from military operations and allow safe passage for civilians fleeing the fighting.

The principle of distinction is one of the cornerstones of international humanitarian law. It requires the warring parties to, at all times, “distinguish between civilians and combatants” and ensure that their attacks are directed against combatants and not against civilians.¹⁹ Anyone who is not a member of the armed forces of a party to the conflict is a civilian, and the civilian population comprises all persons who are not combatants.²⁰ Civilians are protected against attack unless and for such time as they take a direct

18 Both Russia and Ukraine are states party to the four Geneva Conventions of 12 August 1949 and their Additional Protocol of 1977 relating to the Protection of Victims of International Armed Conflicts (Protocol I). Many of the rules in these conventions are also part of customary international law.

19 ICRC, Customary IHL Study, Rule 1. See also Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Article 48, and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Article 12(2).

20 ICRC, Customary IHL Study, Rule 5; see also Protocol I, Article 50.

part in hostilities.²¹ In cases of doubt, individuals should be presumed to be civilians and immune from direct attack.²² Making the civilian population, or individual civilians not taking a direct part in hostilities, the object of attack is a war crime.²³

The parties to the conflict must also distinguish between “civilian objects” and “military objectives” — i.e., between structures used for civilian purposes and those used for military purposes.

The principle of proportionality, another fundamental tenet of IHL, also prohibits disproportionate attacks, which are those “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”²⁴ Intentionally launching a disproportionate attack (that is, knowing that the attack will cause excessive incidental civilian loss, injury or damage) constitutes a war crime.²⁵ The Commentary on the Additional Protocols makes clear that the fact that the proportionality calculus requires an anticipated “concrete and direct” military advantage indicates that such advantage must be “substantial and relatively close, and that advantages which are hardly perceptible and those which would only appear in the long term should be disregarded.

There is compelling evidence that the incidents described in this briefing — both the deliberate killing of civilians and the air strikes that caused numerous civilian deaths — constitute war crimes. Extrajudicial executions, irrespective of the victim’s status as a civilian or captured combatant, are strictly prohibited and when committed in an international armed conflict constitute the grave breach and war crime of wilful killing. The bombing of the eight apartment buildings in Borodyanka appears to have been a disproportionate attack in violation of international humanitarian law. Launching an attack in the knowledge that it will cause incidental loss of civilian life, injury to civilians or damage to civilian objects which would be clearly excessive in relation to the concrete and direct military advantage anticipated is a war crime.²⁶

The eight targeted buildings were largely not located near areas where armed clashes took place — except for buildings 429 and 427, which are near the roundabout where armed clashes were reported, and where the damage supports such reports. No fixed military targets are known to have been located at or around any of the buildings that were struck, though at times Ukrainian forces or armed individuals acting in support of Ukrainian forces may have fired at passing Russian military vehicles from some of those buildings.

Russian forces cannot credibly claim to have been unaware that civilians were living in the targeted buildings. Further, if there were military objectives in the buildings Russian forces have an obligation to give effective advance warning to civilians unless circumstances do not permit, which they failed to do.²⁷

21 ICRC, Customary IHL Study, Rule 6; see also Protocol I, Article 51(3); Protocol II, Article 13(3).

22 Protocol I, Article 50(1).

23 ICRC, Customary IHL, Rule 156, p. 591.

24 ICRC, Customary IHL Study, Rule 14; Protocol I, Articles 51(5)(b) and 57.

25 ICRC, Customary IHL Study, Rule 156, pp. 599-601.

26 Rome Statute of the ICC, Article 8(2)(b)(iv); ICRC, Customary IHL Study, Rule 156, pp. 599-601.

27 Additional Protocol I, Article 57(2)(c).

And they are required to cancel any attack as soon as it becomes apparent that the objective is not a military one or that it may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.²⁸ Even if those planning the attacks were somehow initially unaware of the large numbers of civilians present when they launched the first attack, it would have quickly been clear that civilians were being killed. And yet they proceeded to carry out strikes on seven more civilian buildings in the same area over the next 12 hours. At a minimum, the sustained and repeated targeting of so many buildings and the use of munitions which caused such large-scale damage in vast areas beyond the likely target appears excessive in relation to the concrete and direct military advantage anticipated. In addition, the use of explosive weapons with wide area effects in populated areas contravenes the prohibition on indiscriminate attacks.

28 Additional Protocol I, Article 57(2)(b).



Vasili Yaroshenko, who lost his wife Halyna in the Russian bombardment of building 359, meeting Amnesty International's Secretary General.

5. JUSTICE AND ACCOUNTABILITY

Amnesty International calls for justice processes and mechanisms to be as comprehensive as possible, ensuring that all perpetrators, from all sides of the conflict, are brought to justice through independent, impartial, and fair trials for all crimes under international law. The rights of victims of crimes under international law must be at the forefront of investigations and prosecutions, and victims must be able to fully realise their rights to truth, justice, and reparations. All national and international institutions with jurisdiction over the crimes committed in Ukraine, including national authorities in Ukraine and the International Criminal Court (ICC), must take immediate steps to ensure that evidence is collected and preserved so that those most responsible are brought to account in fair trials.²⁹ In addition, given the multiplicity of bodies working to collect and preserve evidence in Ukraine — and the likelihood of overlap — these bodies should coordinate appropriately with each other.³⁰

The International Criminal Court is the most immediately viable forum for the investigation and prosecution of suspected perpetrators.³¹ Notably, it has a mandate to pursue investigations into senior level military and political commanders and leaders, who lack immunity before it, and states parties are legally obliged to cooperate with it.

29 It is far from clear that the Ukrainian authorities have the capacity or experience required to carry out satisfactory forensic analyses for these incidents. Notably, Amnesty International researchers who visited Bucha, Borodyanka and other nearby towns and villages in April, after victims had been exhumed (either from the rubble of collapsed buildings or from the shallow, temporary graves in which many had been buried), found that many family members were unhappy with treatment of victims' remains. Family members were concerned that the processing of remains was chaotic, that they were not kept properly informed, and that remains in some cases were not being correctly identified. In addition, several autopsy reports reviewed by Amnesty International researchers were manifestly deficient, lacking certain basic details about the victim's injuries.

30 In addition to domestic judicial processes and the ICC, there is also a UN-established Independent International Commission of Inquiry on Ukraine that has a mandate to, among other things, collect and analyse evidence of international human rights and humanitarian law violations in Ukraine. See UN Human Rights Council, Resolution 49/1, UN Doc. A/HRC/RES/49/1 (7 March 2022).

31 Ukraine is not a party to the Rome Statute of the International Criminal Court (ICC), but it has accepted the court's jurisdiction over alleged crimes committed on its territory since November 2013. On 28 February 2022, the ICC prosecutor announced he would seek authorisation to open an investigation into alleged crimes in Ukraine. Statement of ICC Prosecutor on the Situation in Ukraine, 28 February 2022.

Ukraine has also commenced investigations into crimes under international law, and, as of this writing, has brought charges against 10 Russian soldiers for war crimes allegedly committed in Bucha.³² However, the Ukrainian justice system appears to lack capacity to undertake such investigations to international standards.³³ Amnesty International calls on Ukraine to urgently ratify the Rome Statute, and to ensure that domestic legislation is adopted which is fully in line with international law standards, including in the definitions of crimes under international law.

Amnesty International also calls on the Ukrainian authorities to ensure that domestic legislation is adopted which will enable Ukraine to effectively cooperate with the ICC and other international justice processes, including the Joint Investigation Team (made up of Poland, Lithuania, Ukraine, and the ICC).³⁴

32 Amy Cheng, “Ukraine names 10 Russians it accuses of war crimes in Bucha,” *Washington Post*, 29 April 2022. The charges were brought in absentia and the Ukrainian authorities have acknowledged that obtaining custody over the defendants will be extremely challenging.

33 See, for example, Amnesty International Report 2021/22, Index: POL 10/4870/2022 (chapter on Ukraine); Freedom House, *Freedom in the World 2022*.

34 See European Union Agency for Criminal Justice Cooperation, “ICC participates in joint investigation team supported by Eurojust on alleged core international crimes in Ukraine,” 25 April 2022.

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“HE’S NOT COMING BACK”

WAR CRIMES IN NORTHWEST AREAS OF KYIV OBLAST

In this briefing, Amnesty International provides compelling evidence of Russian war crimes committed in February and March 2022 in towns and villages northwest of Kyiv, during Russian forces’ unsuccessful advance on the capital.

On 1 and 2 March, Russian airstrikes hit eight tall residential buildings in Borodyanka, about 56 km northwest of Kyiv. At least 40 civilians were killed in the attacks, which were disproportionate and indiscriminate, and apparent war crimes. Russian forces cannot credibly claim to have been unaware that civilians were living in the targeted buildings.

Civilians in several Russian-held towns and villages also faced extensive abuses. This briefing documents 22 cases of unlawful killings by Russian forces in Bucha and nearby areas northwest of Kyiv, most of which were apparent extrajudicial executions.

Amnesty International researchers spent 12 days in April investigating abuses in areas northwest of Kyiv, including Bucha, Borodyanka and Andrivka. In all, they collected testimonies from 45 people who witnessed or had first-hand knowledge of the killing of their relatives and neighbours by Russian soldiers, and 39 others who witnessed or had first-hand knowledge of air strikes that hit residential buildings. Researchers also collected and analysed material evidence from the locations where strikes and killings occurred, as well as an array of digital investigative material.