
Investigative Committee of Russia continues to investigate military crimes against civilians in South-East Ukraine



On November 26, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity celebrates its 50th anniversary. The idea to bring to justice war criminals with no statutory limitations applied had taken shape in mid-60s, and even then it complied with the full to general human values. The Convention's adoption in 1968 proclaimed a new era in the international law development and implemented the idea of the inevitability of punishment.

The criminalisation of war crimes in international treaties requires establishing a responsibility for them in national law. Should a state fail to respond to such crimes committed by its citizens, including those with official power, the universality principle applies designed to protect the general values. In this case, the criminal jurisdiction of the state covers the deeds recognised as offensive by the international law, in spite of the citizenship of persons who committed them and the location of the crime scene. In Russia, Article 12 of the Criminal Code of Russia grants the application of the principle.

Since its launch, the Investigative Committee of Russia has been contributing to investigations into offences against peace and safety of the humankind. In August 2008, the staff of the Investigative Committee was gathering and setting evidence of such crimes against civilians in South Ossetia. Now, the investigations continue into the use of banned means and methods of warfare against civilians in the South-East Ukraine. The Investigations Directorate on Crimes Associated with Prohibited War Means investigates into more than 230 episodes of offensive deeds by Ukrainian military. This year alone has 69 investigations opened into their artillery attacks on civilians.

Recently, the Investigative Committee opened three more investigations into an offence under Article 365 of the Criminal Code of Russia (cruel treatment of civilians and use in a military conflict of means and methods of warfare, banned by an international treaty of the Russian Federation).

For instance, on November 15, 2018, while executing admittedly offensive orders of unknown higher officials from the Ministry of Defence of Ukraine in the area of Travnevoe rural settlement, military personnel of the Armed Forces of Ukraine and the National Guard of Ukraine performed a targeted artillery attack with high-casualty heavy weapons on civilian infrastructure objects of no military target in settlement of Golmovsky of the self-appointed Donetsk People's Republic. On November 17, 2018, civilian structures in Trudovskaya Shaft settlement were targetedly attacked by Ukrainian combatants, and on November 21, Yelenovka settlement was shelled. The criminal actions of the Ukrainian military resulted in a 19-year old female civilian, as well as a 28-year-old and 62-year-old male civilians injured, though not involved in the armed conflict. In addition, an apartment building was partially destroyed.

The Investigative Committee of Russia continues to gather evidence of the crimes against peace and safety of the humankind to further present them to international courts or a special tribunal.

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