



Briefing: Ukraine – September 2022

RECOMMENDATIONS TO THE UK GOVERNMENT

Amnesty International UK (AIUK) welcomes the UK government's political efforts to help protect civilians in Ukraine and its assistance to the humanitarian response. We have welcomed UK government efforts to uphold international law, including by supporting the International Criminal Court investigation into war crimes in Ukraine and supporting Ukraine's case against Russia before the International Court of Justice. It is also very welcome that the Metropolitan Police's War Crimes Team have for the first time launched a structural investigation, in relation to alleged war crimes in Ukraine. An important step towards realising universal jurisdiction for international crimes.

We are calling on your government to go further to ensure accountability for atrocities and to place international justice at the heart of your support for Ukraine, by:

- **Increasing support to the International Criminal Court** for all situations before the Court, including the Ukraine situation.
- **Increasing support for a domestic investigation** (i) into all international crimes committed in Ukraine, regardless of who the victims and perpetrators are, and (ii) to guarantee that the rights of victims and survivors of war crimes in the UK are fully realised.
- **Support the establishment of an impartial hybrid tribunal** within the Ukrainian system which meets the needs of victims.
- **Support to Ukrainian civil society:** Ukrainian civil society and groups which have documented, or are documenting war crimes in Ukraine, should be supported, including financially, and be at the forefront of engagement with, and any design of, international criminal proceedings and initiatives on Ukraine.

BACKGROUND

On 24th of February, Russia launched an invasion of Ukraine, with troops crossing the border and explosions in multiple cities including Kyiv. Russia's invasion seeks to depose its lawfully elected government, and is having a massive impact on civilians' lives, safety and well-being. Its acts cannot be justified on any of the grounds that Russia has offered.

Russia's invasion of Ukraine has triggered a massive human rights, humanitarian, and displacement crisis that has the makings of the worst such catastrophe in recent European history. On the 19th September, The [UN's Office of the High Commissioner for Human Rights \(OHCHR\)](#) announced it had recorded 14,532 civilian casualties in the country (5,916 killed and 8,616 injured) since the beginning of Russia's armed attack on the country.

AMNESTY INTERNATIONAL UK ADVOCACY OFFICE

For more information on any of the issues contained in this briefing, please contact parliament@amnesty.org.uk or call **020 7033 1557**

Amnesty International UK
The Human Rights Action Centre
17-25 New Inn Yard, London EC2A 3EA
Tel: +44 (0)20 7033 1500
Fax: +44 (0)20 7033 1503
parliament@amnesty.org.uk
www.amnesty.org.uk

INTERNATIONAL LAW CONTEXT

Russia's invasion of Ukraine violates international law, including Article 2(4) of the UN Charter, which prohibits the use of force in international relations, and international human rights law and international humanitarian law.

Russia's attacks on Ukraine constitute the crime of aggression, defined by UN General Assembly Resolution 3314 as *"[t]he invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof"*.

The Rome Statute of the International Criminal Court also includes aggression as a crime under international law, meaning that *"the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations"* can be prosecuted by the Court.

The Ukraine conflict has seen crimes under international law committed on a large scale. Since the invasion began, Amnesty International has been documenting the escalation in violations of humanitarian and human rights law. Russia continues to deploy [indiscriminate attacks on civilian areas](#). Amnesty has conducted on-the-ground [investigations](#) and gathered testimonies across the towns of Borodyanka, Bucha, Andriivka, Zdvyzhivka and Vorzel. We have also documented unlawful air strikes and extrajudicial executions.

In [Kharkiv](#) we documented war crimes by Russian forces against civilians. Everyday people were shelled by widely banned cluster munitions and inherently inaccurate rockets, in hospitals, at playgrounds and queuing for humanitarian aid. While Russia is not a party to either the [Convention on Cluster Munitions](#) or the [Convention on Anti-Personnel Mines](#), international humanitarian law prohibits indiscriminate attacks and any use of weapons that are indiscriminate by nature. Launching indiscriminate attacks resulting in death or injury to civilians, or damage to civilian objects, constitute war crimes.

In [Odessa](#), we investigated a reckless attack in a location where no military was present at all, amounting to a war crime. In [Mariupol](#), we documented how the Russian military likely deliberately targeted the Donetsk Regional Drama Theatre despite knowing hundreds of civilians were sheltering there on 16th March, making the attack a clear war crime.

There are also allegations that sexual violence within areas controlled by Russian forces is rampant and widespread, conducive to conflict-related sexual [violence](#).

Amnesty calls for all perpetrators, from all sides of the conflict, to be brought to justice through independent, impartial, and fair trials for all crimes under international law, including the crime of aggression. 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 especially the national authorities in Ukraine and the International Criminal Court, must take immediate steps to ensure that evidence is collected and preserved so that those most responsible are brought to account in fair trials.

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Both the International Court of Justice and the International Criminal Court have opened cases against Russia and we welcome that the UK has committed humanitarian resources to ensure perpetrators are held to account. This includes support of the International Court of Justice, the International Criminal Court (committing to £2.5 million in funding) and UN Human Rights Council.

We are calling on the UK Government to help deliver justice in Ukraine, by further bolstering international justice mechanisms to hold perpetrators of all international crimes to account. Victims of all war crimes deserve justice. Without exception and regardless of who the victims and perpetrators are. By supporting an over-arching foreign policy that identifies a consistent and comprehensive approach to human rights and international justice, the UK can help deliver justice for Ukraine, and help prevent the repetition of atrocities elsewhere.

THE LAW ON “DISSEMINATION OF FALSE INFORMATION ABOUT THE USE OF RUSSIAN ARMED FORCES”

Russia’s invasion of Ukraine was met with widespread criticism at home. Tens of thousands of Russians peacefully protested in the streets and criticized the aggression in their social media. Russian authorities responded with a crackdown on the protesters and critics, reportedly arresting more than 16,000 for violating the country’s unduly restrictive regulations of public assemblies.

The authorities also cracked down on the few remaining independent media by forcing many to shut down, leave the country or limit their reporting of the war and cite Russian official reports instead. More human rights NGOs have since been labelled “foreign agents” or “undesirable”, have faced arbitrary closure or blocking of their websites and been subjected to other forms of harassment.

The authorities followed up the crackdown with swift legislative change. Within days of the invasion, amendments were made to an existing bill and Article 207.3 (“public dissemination of knowingly false information about the use of the Russian Armed Forces”) was introduced as well as two more articles to the Criminal Code, all of which criminalised various expressions of opinions critical of the Russian authorities, their actions, and their policies.

The bill was signed by President Vladimir Putin into law and came into force on the 4th March. This lightning-fast process prevented public discussion of the amendments and demonstrated that the authorities would not countenance criticism of the war in Ukraine.

On the 25th March, lawmakers further amended Article 207.3 to criminalize “dissemination of knowingly false information” not only about the Russian Armed Forces but also any Russian state bodies acting abroad.

As of August 2022, more than 80 criminal cases were underway related to just one of the new offences, the specific “crime” of “dissemination of knowingly false information” in connection with the Russian aggression in Ukraine.

Depending on circumstances, the maximum penalty under this law may reach 15 years’ imprisonment. Under paragraph 2 of the article, which is invoked in most reported cases, the penalty includes imprisonment of between five and ten years or a fine of between 3 and 5 million rubles (US\$55,000 to \$92,00).

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