CASE CONCERNING

APPLICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM AND OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

(UKRAINE V. RUSSIAN FEDERATION)

VOLUME XII OF THE ANNEXES TO THE MEMORIAL SUBMITTED BY UKRAINE

12 JUNE 2018

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Annex 435

Resolution No. 1656-6 /14 (27 February 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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Reference Bill No.: 1114/30-10 Date posted on the website: 9 March 2014

Resolution of the VR of the ARC

On the appointment of S.V. Aksyonov as Chairman of the Council of Ministers of the Autonomous Republic of Crimea

In accordance with Article 136 of the Constitution of Ukraine, paragraph 6 of part three of Article 29 of the Constitution of the Autonomous Republic of Crimea, paragraph 21 of part two of Article 9 of the Law of Ukraine "On the Verkhovna Rada of the Autonomous Republic of Crimea",

the Verkhovna Rada of the Autonomous Republic of Crimea decided:

1. To appoint Sergey Valeryevich Aksyonov as Chairman of the Council of Ministers of the Autonomous Republic of Crimea in accordance with the procedure established by Article 136 of the Constitution of Ukraine.

2. This Decision shall become effective on the date of its adoption.

Chairman of the Verkhovna Rada of the Autonomous Republic of Crimea

V. KONSTANTINOV

Simferopol 27 February 2014 No. 1656-6/14

Annex 436

Rosfinmonitoring Functions, Federal Financial Monitoring Service (19 September 2017)

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9/18/2017

Rosfinmonitoring functions



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Rosfinmonitoring functions

Pursuant to the Regulations on the **Federal Financial Monitoring Service**, approved by Presidential Decree No. 808 dated June 13, 2012, the functions of the **Federal Financial Monitoring Service** are as follows:

 monitor legal entities' and individuals' compliance with Russia's anti-money laundering and terrorist financing legislation, and prosecution of violators;

• submit draft versions of federal laws, presidential and government acts and other documents concerning its activities to the President of the Russian Federation and the Government of the Russian Federation for consideration;

· issue regulations concerning its activities;

 collect, process and analyze data on transactions with monetary funds or other assets that are subject to monitoring in accordance with applicable Russian state and federal laws;

 verify the information on transactions with monetary funds or other assets, including by request of additional customer transaction data from organizations and entities carrying out transactions with monetary funds or other assets in accordance with the established procedure, as well as information about account (deposit) activity of credit institutions' customers;

 identify indicators of potential money laundering and terrorist financing activity in transactions with monetary funds or other assets;

• exercise control over transactions with monetary funds or other assets in accordance with applicable Russian laws and regulations;

• receive, including in response to requests, from the federal bodies of state power, bodies of state power of constituent entities of the Russian Federation, local government bodies and the Central Bank of the Russian Federation the information concerning its activities, except for private personal data;

 assess the threats to national security posed by money laundering and terrorist financing and submit the annual report on such threats and measures to neutralize them to the President of the Russian Federation;

 keep a record of organizations carrying out transactions with monetary funds or other assets without having a designated oversight body in the main field of activities;

 suspend transactions with monetary funds or other assets in accordance with applicable Russian laws and regulations;

• prepare and implement measures aimed at the prevention of violations of Russia's legislation governing the combating of money laundering and terrorist financing;

· coordinate activities of the federal bodies of executive power in areas within its purview;

• work closely with the Central Bank of the Russian Federation on the issues within its purview;

 cooperate and share information on matters within its purview with competent authorities of foreign countries in accordance with international treaties of the Russian Federation or based on the principles of reciprocity;

 engage on behalf of the Russian Federation in cooperation with international organizations, public authorities, businesses and private individuals of foreign states on matters within its purview;

 disseminate information to law enforcement authorities based on sufficient grounds to suspect the transactions (deals) of being linked to legalization (laundering) of criminally gained proceeds or terrorism financing, as well as make disclosures at requests of law enforcement authorities in accordance with applicable federal laws and regulations;

• create a unified information system to cover the designated field of its activities;

• create and maintain the federal database and ensure the methodological unity and coordinated functioning of the information systems existing in the areas of its activity;

• ensure an adequate storage and protection mode for data constituting a state, service, banking, tax, commercial or communication secret, as well as any other confidential information obtained in the course of its activities;

Rosfinmonitoring management and structure

Rosfinmonitoring functions

Activity reports

The International Training and Methodology Center for Financial Monitoring

9/18/2017

 participate in the development and implementation of international cooperation programs, as well as in the preparation and conclusion of international, including interagency, treaties and agreements governing matters within its purview;

engage, including on a contractual basis, in the prescribed manner and in strict compliance with the law
governing the protection of state or other secrets the services of scientists, experts, research institutes
and other organizations to conduct expert examinations, develop training programs and teaching
manuals, software and information applications and create information systems in the field of financial
monitoring;

• place in the prescribed manner orders and conclude state procurement contracts for the supply of goods, performance of work and provision of services in areas within its purview, as well as to research contracts and other types of civil contracts;

 carry out the functions of a chief steward and recipient of budgetary funds allocated in the federal budget for the needs of Rosfinmonitoring;

• ensure timely and proper processing of citizens' requests, effective decision-making and provision of timely feedback;

• provide mobilization training to Rosfinmonitoring's staff;

· conduct civil defense drills involving Rosfinmonitoring's staff;

 provide vocational, retraining and advanced training and internship opportunities for Rosfinmonitoring's federal civil servants;

 carry out in accordance with the laws of the Russian Federation the work on compiling, storing, recording and using Rosfinmonitoring's archival documents;

· exercise other powers in areas within its purview.

About Rosfinmonitoring	International cooperation	News
Rosfinmonitoring management and structure	Action Plan to enhance transparency and prevent misuse of companies and other legal	Contacts
Rosfinmonitoring functions	entities	
Activity reports	Bilateral Cooperation	Useful links
The International Training and Methodology Center for Financial Monitoring	Multilateral Cooperation	
	International standards	

Legal Basis

Annex 437

Rosfinmonitoring Activity Public Report (2016)

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ROSFINMONITORING

ROSFINMONITORING ACTIVITY PUBLIC REPORT 2016





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OPENING REMARKS

Dear reader,

As we begin our traditional review of Rosfinmonitoring's performance, it is worth pointing out that on November 1, 2016 Russia's financial intelligence unit – and, by extension, the country's national AML/CTF system – celebrated its 15th anniversary.

Following its inclusion on the Financial Action Task Force (FATF) blacklist in June 2000, our country has gone all the way from being labelled as a "failure" for its anti-money laundering efforts to recognition of its AML/CTF system as one of the most progressive in the world. We have become a full-fledged member of the key AML/CTF organizations including the FATF, MONEYVAL, Egmont Group, EAG and Council of Heads of CIS member states. Rosfinmonitoring is connected via secure on-line communication network – which is used to speed up the resolution of issues related to the conduct of international financial investigations – to over 100 financial intelligence units around the world.



Yu. Chikhanchin – Director of Rosfinmonitoring, EAG Chairman

V. PUTIN:

Immediately after its establishment, the agency was assigned a number of important tasks, namely, to combat shadow capital, cut off funding for terrorist and criminal organizations, enhance the transparency of the national financial system and introduce advanced financial reporting standards in the banking system. **Today, Rosfinmonitoring is an integral part of the country's national security system.** Thanks to your efforts, Russia succeeded in rapidly transforming itself into a leading member of the global AML/CTF community.



Since the adoption of the framework AML/CTF law (Federal Law No. 115-FZ "On Combating Money Laundering and Terrorist Financing"), Russia has succeeded in creating a legislative framework that meets all modern international requirements (over 50 laws).

Over these years, Russia has become a leading force behind international efforts to fight financing of terrorism, and especially ISIL.

In the supervisory sphere, Rosfinmonitoring has gone far beyond the initial task of involving reporting entities in AML/CTF efforts and explaining to them the specifics of mandatory requirements. Over the past period, the list of high-risk activities subject to AML/CTF regulation has been significantly expanded. The work to monitor compliance with the AML/CTF legislation is carried out today in close cooperation with law enforcement, control and supervisory authorities, as well as with financial institutions.

The past few years have seen significant changes in the country's financial sector, achieved through the implementation of targeted measures designed to cleanse the national banking sector of large-scale illicit and criminal schemes. These measures helped Russia to migrate the risk of misappropriation of public funds and terrorist financing, as well as allowed it to take control of the cash flows of enterprises that are of strategic importance for the country's defence industry complex and its national security.

The introduction of modern IT solutions had a major impact on the format of information exchange with organizations and the effectiveness of data processing, boosting not only the quantity of submitted reports but also their quality. Since its establishment, Rosfinmonitoring has drastically changed the mode of its interaction with law enforcement and other special task forces. 15 years ago, our financial investigations were primarily based on law enforcement agencies' source information on economic crimes. Today, however, the "opposite direction" functions well: from the detection by Rosfinmonitoring of questionable financial transactions to the criminal.

The past 15 years have also seen changes in the mix of functions exercised by the agency, which currently holds the status of the National Centre for Assessing AML/CTF Threats to National Security.

As part of its efforts to promote financial literacy, Rosfinmonitoring has set up an effective international network that was used to train several thousand AML/CTF experts not only for Russia but also other countries.

In 2018, Russia's AML/CTF system will undergo yet another round of evaluations. Although, until recently, it was more about technical compliance - whether the country adopted the relevant laws, built relationship between various AML/CTF system participants, etc. - this time round we must prove the effectiveness of what has been done over the past 15 years. The FATF will assess Russia not only in terms of Rosfinmonitoring's performance, but also as regards the effectiveness of each and every component of the national AML/CTF system, ranging from financial institutions reporting suspicious transactions to the judiciary ordering confiscations of criminal proceeds. This is our common priority for 2017.

Yury Chikhanchin



RUSSIA'S PREPARATIONS FOR THE 4TH ROUND OF FATF MUTUAL EVALUATIONS

An effective AML/CTF system requires certain elements, e.g., political stability; a high-level political commitment to address AML/CTF issues; stable institutions with good accountability, integrity and transparency practices; the rule of law; and a capable, independent and efficient judicial system. The lack of such structural elements or significant weaknesses or shortcomings in the general framework– may significantly hinder the implementation of an effective AML/CTF framework.

The Methodology for Assessing Technical Compliance with the FATF Recommendations and the Effectiveness of the AML/CTF Systems, 2013

The main purpose of the national AML/CTF system is to protect the financial system and the economy as a whole against the threat of money laundering and the financing of terrorism and proliferation, thereby strengthening the financial sector integrity and contributing to safety and security.

Presidential Order No. 31-rp of March 2, 2016 established an Inter-Agency Committee tasked with preparing the Russian Federation for the 4th round of FATF mutual evaluations. The Committee is made up of deputy ministers, deputy heads of state bodies and organizations.

On May 31, 2016 the Inter-Agency Committee approved the Plan for the Preparation of the Russian

Federation for the 4th round of FATF mutual evaluations. In line with this plan, the Committee drafted a Report on the self-assessment of technical compliance with the FATF Recommendations and effectiveness of the AML/CTF system based on **11 Immediate Outcomes of the FATF Methodology.** Among those taking part in design of this report



were experts from government bodies, research institutions and international organizations. The report was sent to the country's government bodies and organizations for use in the preparation for the FATF evaluations.



ESTABLISHMENT OF HIGH-LEVEL INTERAGENCY COMMITTEE BY RUSSIAN PRESIDENT

Presidential Order No. 31-rp of March 2, 2016

"On the Establishment of an Inter-Agency Committee Tasked with Preparing the Russian Federation for the 4th Round of Mutual Evaluations of the Financial Action Task Force"

Ministry of Foreign Affairs

Ministry of Justice

Ministry of Internal Affairs

Federal Security Service

Federal Customs Service

General Prosecutor's Office

Ministry of Finance

Ministry of Communications and Mass Media

Federal Tax Service

Federal Service for Oversight of Communications and Mass Media

Federal Service for Technical and Export Control

Supreme Court

Judicial Department at the Supreme Court

Central Bank

Russian State Assay Chamber at the Ministry of Finance



Rosfinmonitoring's Inter-Agency Committee is a working body



Facilitates cooperation between government bodies and organizations as well as coordination of their activities in preparation for the FATF evaluation mission to Russia 7





FOR ITS ASSESSMENT OF EFFECTIVENESS, the FATF has adopted an approach focused on a hierarchy of defined outcomes. At the highest level, the objective in implementing AML/CTF measures is that "Financial systems and the broader economy are protected from the threats of money laundering and the financing of terrorism and proliferation, thereby strengthening financial sector integrity and contributing to safety and security".



> IN ORDER TO GIVE THE RIGHT BALANCE between an overall understanding of the effectiveness of a country's AML/CTF system, and a detailed appreciation of how well its component parts are operating, the FATF assesses effectiveness primarily on the basis of eleven Immediate Outcomes.

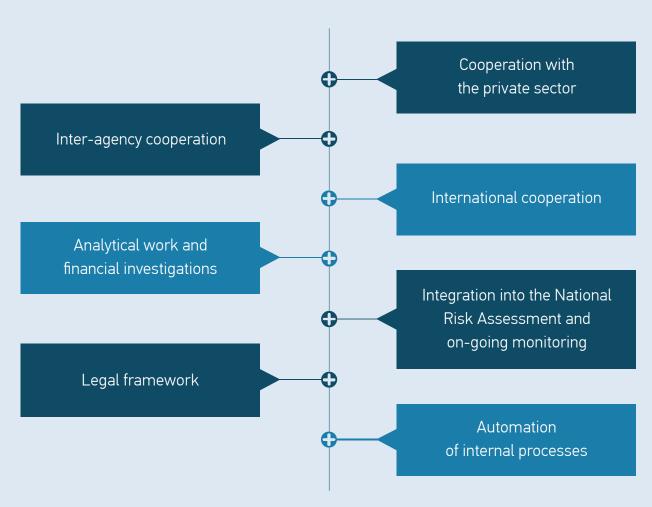


The Methodology for Assessing Technical Compliance with the FATF Recommendations and the Effectiveness of the AML/CTF Systems, 2013



Rosfinmonitoring took part in the assessment activities conducted by the IMF/World Bank mission under the Financial Sector Assessment Program (FSAP). On July 13, 2016 the IMF posted on its official website a Report on the outcomes of its assessment of the Russian financial sector. International experts expressed a positive view of the country's AML/CTF system, highlighting Rosfinmonitoring's key role in improving the effectiveness of the AML/CTF regime. At the same time, Russia was urged to do more to further improve the system, in particular, to complete the national ML/TF risk assessment and boost the effectiveness of financial institutions' customer due diligence procedures with respect to beneficial owners and public officials, as well as to ensure that the sanctions applied are commensurate with the severity of detected violations.

COMPREHENSIVE APPROACH TO ML/TF RISK ANALYSIS AND MITIGATION







STATE POLICY AND LEGAL REGULATION

2016 SAW FURTHER STRENGTHENING OF ROSFINMONITORING'S POWERS TO COMBAT MONEY LAUNDERING AND TERRORIST FINANCING

Presidential Decree No. 103 dated March 8, 2016 expanded the list of Rosfinmonitoring's functions to include, inter alia, the following:

- development of state policy and regulatory framework for combating the financing of proliferation of weapons of mass destruction;
- development and implementation of measures aimed at preventing, identifying and suppressing illegal financial transactions, as well as measures to neutralize threats to national security arising from transactions with funds and other assets;
- conducting a regular national risk assessment (NRA) of transactions carried out for ML/TF purposes, as well as the drafting and approval of guidelines for its implementation.

In 2016, Russia enacted 10 federal laws, 2 presidential decrees, 1 presidential executive order, 4 government resolutions and 2 government executive orders that fall within the scope of Rosfinmonitoring's responsibility.

REGULATION OF THE FINANCIAL INSTITUTIONS

Federal Law No. 191-FZ of June 23, 2016 "On Amendments to Article 5 of the Federal Law 'On Banks and Banking Activities' and Article 7 of the Federal Law 'On Combating Money Laundering and Terrorist Financing'" allows credit institutions, in the absence of ML/TF risks and with sufficient customer knowledge, to open in some cases accounts for legal entities without the presence of such legal entities' representatives. It also modifies the list of information required for the identification of legal entities.

Federal Law No. 215-FZ of June 23, 2016 "On Amendments to the Federal Law 'On Combating Money Laundering and Terrorist Financing' and the Code of Administrative Offences" broadens the scope of application of the AML/CTF law and requires legal entities to have access to, store and provide details of their beneficial owners to competent government authorities, including Rosfinmonitoring, upon request. In addition, the document establishes administrative liability for violation of these requirements.



Federal Law No. 263-FZ of 3 July 2016 "On Amendments to Articles 7 and 7.3 of the Federal Law 'On Combating Money Laundering and Terrorist Financing'" allows individuals to purchase and sell foreign cash in the amount not exceeding RUR 40,000 without identification; or in the amount not exceeding RUR 100,000, with a simplified identification procedure.

REGULATION OF THE FIGHT AGAINST FINANCING OF TERRORISM AND PROLIFERATION

Federal Law No. 374-FZ of 6 July 2016 "On Amendments to Certain Legislative Acts of the Russian Federation Regarding the Application of Additional Measures to Combat Terrorism and Protect Public Safety" expands the list of grounds for the inclusion and removal of persons on/from the list of organizations and individuals known to be involved in extremist or terrorist activities. In addition, the document modifies the definition of terrorist financing to cover individual terrorists.

Federal Law No. 375-FZ of 6 July 2016 "On Amendments to the Criminal Code and Criminal Procedure Code of the Russian Federation Regarding the Application of Additional Measures to Combat Terrorism and Protect Public Safety" modifies the definition of terrorist financing to bring it in line with the FATF Standards.

In addition, Rosfinmonitoring prepared a **draft federal law "On Amendments to the Federal Law 'On Combating Money Laundering and Terrorist Financing",** which calls for the implementation of the revised FATF Recommendations that cover fight against the financing of proliferation of weapons of mass destruction into the national law.



3)

INTERNATIONAL COOPERATION

> THE KEY GOAL OF ROSFINMONITORING'S INTERNATIONAL EFFORTS IN 2016 WAS TO **PROTECT RUSSIA'S NATIONAL INTERESTS IN THE AML/CTF FIELD.**

The work carried out in this area was based on the following priorities:

- identification and mitigation of external threats to the stability of Russia's financial system;
- maintaining Russia's leadership position in the international anti-money laundering community.

FATF

At the FATF, Russia's initiatives were primarily aimed at cutting off funding for international terrorist organizations, in particular ISIL, that pose a global threat to the international community.

The successful revision of Recommendation 5 (Criminalization of Terrorist Financing) allowed the inclusion in the FATF Standards of the language designed to ensure comprehensive implementation of UN Security Council Resolutions 2199 and 2253 –

which ban any trade with ISIL in Syrian and Iraqi oil – and the freezing of ISIL funds and other financial and economic assets.

Rosfinmonitoring succeeded in putting on the FATF agenda a proposal calling on all countries to share any new information on ISIL funding sources and successful experiences in detecting and cutting off funding for this terrorist organization.

With participation of Rosfinmonitoring experts, the FATF conducted a study of the terrorist financing risk indicators for the private sector. The report on this study was approved by the FATF Plenary as one of the response measures to the threat posed by ISIL. The study laid the foundation for the subsequent development of a unified approach to mitigation of risks faced by, in particular, major banks and financial institutions.

The FATF Plenary endorsed the Russian initiative to conduct a study into the financing of terrorist recruitment. The study is expected to be completed in October 2017.



EAG AND COUNCIL OF HEADS OF CIS FINANCIAL INTELLIGENCE UNITS

The EAG, a FATF-style regional body, and Council of Heads of CIS FIUs continue to play a major role in mitigating ML/TF risks and threats in Central Asia. By conducting regular EAG-based activities aimed at strengthening information exchange between financial intelligence units and providing technical assistance to EAG member states in setting up legislative frameworks, Russia succeeded in building a so-called 'financial security belt' in the region and in improving effectiveness of our country's ML/TF efforts.

Russia's participation in the EAG activities contributes to establishment of cooperation in the Eurasian region, by creating conditions that hamper the inflow of "dirty" money into our economy and forming new alliances in the AML/CTF sector.

The EAG, using Rosfinmonitoring's expert potential, conducted a study into the "Use of Companies Registered in Offshore Jurisdictions to Redistribute and Launder Criminal Proceeds". The study was initiated by Russia jointly with other EAG member states.

One of the key outcomes of CHFIU-based cooperation in 2016 was a report by the Council Chairman and Director of Rosfinmonitoring Yu. Chikchanchin at a meeting of the UN Counter-Terrorism Committee on December 15, 2016 (New York, USA) on the efforts undertaken by the Council to detect terrorists and their accomplices operating **in Eurasia.** The report was based on the CHFIU members' information related to their participation in the operation "Barrier".

OPERATION "BARRIER"

The CIS members' efforts to identify terrorists fighting for ISIL in Syria and Iraq proved their effectiveness in terms of the monitoring of transactions:

- in areas of increased terrorist activity and bordering war zones (Afghanistan, Egypt, Iraq, Yemen, Lebanon, Syria and Turkey);
- by individuals placed on the CIS wanted list for terrorism and extremism (CIS ATC);
- with use of identity documents of Syrian and Iraqi nationals seized by ISIL.

The cooperation established between all transaction's participants greatly contributes to the prevention of terrorist acts and undermining of terrorists' financial and logistics infrastructure.

BRICS

The BRICS AML/CTF Council began its work in 2014. This international forum is used for regular meetings between the heads of BRICS delegations to the FATF, with Russia playing a coordinating role.



The BRICS AML/CTF Council met three times in 2016 to discuss harmonization of the member states' approaches to the sector-specific issues of international importance.

At present, the BRICS AML/CTF Council's agenda includes the following items:

- creation of a closed information exchange network for use by FIUs;
- establishment of an international mechanism for the confiscation, sharing and recovery of criminal assets;
- consolidation of the BRICS countries' efforts in training AML/CTF personnel.

COOPERATION WITH FOREIGN FIUs

The agreements concluded with, as well Rosfinmonitoring's participation in the activities of, the Egmont Group allowed the agency and Russian law enforcement authorities to regularly obtain information about persons of interest. In total, Rosfinmonitoring received in 2016 **approx. 2500 reports** to its requests sent to foreign financial intelligence units.

Rosfinmonitoring's cooperation with its foreign counterparts facilitated the conduct of successful financial investigations in key areas, including those related to the embezzlement of public funds.

Among the Russian FIU's major achievements in 2016 was the launch of the **international project to detect**, **amid cross-border money transfers to high-risk jurisdictions**, **transactions channelling funds to money laundering centres** specialized in redistribution and laundering of criminal proceeds.

A preliminary review undertaken by Rosfinmonitoring revealed that criminal proceeds often flow through specific geographical and financial channels, while the choice of transactions used depends on the specifics of each given country. Naturally, criminals give preference to the countries with a weak AML regime and inadequate criminalization of offences involving illicit proceeds.

Thus, Rosfinmonitoring's close engagement with Latvia's FIU alone resulted in freezing and subsequent return to the rightful owner of about RUR 56 million stolen from one Russian state-owned company.



The joint Rosfinmonitoring/Federal Security Service investigation into the alleged illicit banking and capital siphoning activities carried out by one Turkish national helped to uncover over 100 transactions suspected of being linked to money laundering totalling more than RUR1 billion. The evidence gathered by Rosfinmonitoring was used to initiate criminal proceedings under Part 2 of Article 172, Part 3 of Article 193.1 and Part 1,2 of Article 210 of the Criminal Code of the Russian Federation, as well as to freeze the defendants' property.





This initiative, along with the existing domestic mechanisms for identifying beneficial owners and improving the practice of confiscation, should further contribute to the decriminalization of the economy through improved transparency.

A proposal to launch an operation focused on detecting money laundering centres serving customers from multiple jurisdictions was endorsed by the FATF, EAG and CIS CHFIU.

WORKING GROUP OF FIUS OF RUSSIAN FEDERATION, SYRIAN REPUBLIC, IRAQI REPUBLIC AND IRANIAN REPUBLIC

To address the challenges of detecting and cutting off ISIL funding channels, the FIUs of Russia, Iran, Iraq and Syria established a working group tasked with coordinating actions and working out common guidelines and approaches to the fight against terrorist financing, as well as with identifying the countries acting as the source, intermediaries and beneficiaries of terrorist financing.

In 2016, this working group initiated a series of comprehensive actions as part of a joint operation aimed, *inter alia*, at the following:

- identification of terrorist hotspots and traveling routes used by foreign terrorist fighters, including terrorist funding channels;
- identification, as well as receipt of information from, credit institutions involved in the provision of banking services to individuals and legal entities, including from the countries participating in the operation.



KEY RISKS

IDENTIFYING, ASSESSING, AND UNDERSTANDING OF ML/TF RISKS is an essential part of the implementation and development of the national anti-money laundering / countering the financing of terrorism (AML/CTF) regime, which includes laws, regulations, enforcement and other measures to mitigate ML/TF risks. It assists in prioritisation and efficient allocation of resources by authorities.

THE RESULTS OF A NATIONAL RISK ASSESSMENT, whatever its scope, can also provide useful information to financial institutions and designated non-financial businesses and professions (DNFBPs) to support the conduct of their own risk assessments. Once ML/TF risks are properly understood, country authorities may apply AML/CTF measures in a way that ensures they are commensurate with those risks, - i.e. the risk-based approach (RBA),- which is the central to the FATF Standards.

National ML/TF Risk Assessment. FATF Guidelines, 2013



FATF Recommendation 1 sets out key principles of a **risk assessment**. First, countries should "identify, assess and understand" their ML/TF risks. Second, countries should designate an authority or mechanism to coordinate actions to assess risks". A risk assessment serves as the basis for the application of a risk-based approach.

The goal of a risk-based approach is to ensure that the AML/CTF measures adopted are commensurate with the "risks identified", as well as to enable efficient allocation of resources.

The following key concepts are used in the guidance in the context of a national ML/TF risk assessment:

- **risk** can be seen as a function of three factors: "threat", "vulnerability" and "consequence";
- threat is a person or group of people, object or activity with the potential to cause harm, for example, to the state, society, economy, etc. In the ML/TF context this includes criminals, terrorist groups and their facilitators, their funds, as well as past, present and future ML/TF activities;
- **vulnerability,** as used in a risk assessment, comprises those things that can be exploited by a threat or that may support or facilitate its activities;
- **consequence** refers to the impact or harm that ML/TF may cause. It includes the effect of the underlying criminal and terrorist activity on financial systems and institutions, as well as on the economy in general. Consequences also affect society, specific groups of people, business environment, national or international interests, as well as the reputation and attractiveness of the country's financial sector.

Common risks recognized by the international community:

- corruption and embezzlement;
- "professional" money laundering;
- international terrorism;
- illegal drug trafficking;
- piracy;
- human trafficking;
- arms trafficking;
- cybercrime.

As part of its responsibilities as the national centre for the assessment of threats to national security arising from money laundering, terrorist financing and the proliferation of weapons of mass destruction, Rosfinmonitoring conducted in 2016 risk monitoring activities and passed on their findings to the Russian President, law enforcement and other public authorities for the development and adoption of measures to mitigate them.

Meanwhile, the Russian President put the emphasis on application of a comprehensive approach, which first involves the use of preventive and regulatory measures, followed by, if the problem still exists, a suppressive action. This approach became a veritable Russian "know-how" since, in their assessment of the AML/CTF system's viability, most countries tend to be guided by statistical data and effectiveness of law enforcement agencies. 18



Whereas it is obvious that predicate offencesfocused preventive measures are even more important for reducing national risks than a suppressive action taken post factum.



> COORDINATED EFFORTS OF ROSFINMONITORING, LAW ENFORCEMENT AND SUPERVISORY AUTHORITIES IN 2016 HELPED TO:

₽	PREVENT THE EMBEZZLEMENT OF PUBLIC FUNDS	RUR 130,8 bln.	
Including:			
»	Assets frozen	RUR 64,5 bln.	
»	Additional taxes assessed	RUR 56 bln.	
»»	Loans denied to untrustworthy customers of state-owned banks	RUR 3,3 bln.	
»»	Non-refunded VAT	RUR 1,8 bln.	
	RECOVER PUBLIC FUNDS	RUR 47,4 bln.	
Including:			
»	Taxes assessed	RUR 27 bln.	
»»	Property seized and damages recovered in criminal cases	RUR 16,9 bln.	
»	Property seized and damages recovered in civil cases	RUR 3,5 bln.	



> COORDINATED EFFORTS OF ROSFINMONITORING AND LAW ENFORCEMENT AND SUPERVISORY AUTHORITIES IN 2016 HELPED TO:

 Collect fines in criminal cases investigated and/or considered using Rosfinmonitoring's materials 	RUR 3,5 bln.
 Collect fines in civil cases considered using Rosfinmonitoring's materials 	RUR 2,1 bln.
» Prevent encashment transactions	RUR 11,2 bln.
» Prevent siphoning transactions	RUR 1,1 bln.



4.1)

FINANCIAL SECTOR-RELATED RISKS

Rosfinmonitoring's key objectives in the financial sector are:

- to improve effectiveness of financial institutions as reporting entities and their compliance with the law and cooperation with the Bank of Russia;
- to combat money laundering in the financial sector.

In accordance with the FATF Standards, the effectiveness of the AML/CTF system is largely determined by the quality of supervision and monitoring conducted in respect of financial institutions and their beneficial owners, as well as by the level of their compliance with legal regulations and application of measures designed to prevent clients from engaging in illegal activities, including illicit capital siphoning and encashment.

The effectiveness of a financial institution as an element of the AML/CTF system is determined by its compliance with the AML/CTF law, ability to mitigate the risk of involvement in dubious transactions and illicit schemes, and its non-involvement in criminal activity.

The key tasks facing FIU's supervisory unit are: to improve regulatory compliance as a basis for better transparency in the activities of financial institutions and mitigating ML/TF risks, and to minimize their involvement in illicit activities.

A more frequent use of preventive measures allowed Rosfinmonitoring to reduce the number

of inspections by 10% and increase compliance by 8%. The total volume of cash flowing through law-abiding credit institutions has increased more than 5 times in recent years.

The existing Russian system of interaction with financial institutions is based on a risk-oriented approach, and as such it is different from the AML/CTF systems of other countries. In Russia, credit and financial institutions are required by law to report all high-risk transactions to Rosfinmonitoring, whereas in other countries the focus is clearly on suspicious activity of clients.

Therefore, Rosfinmonitoring is able to monitor the full range of financial activity in the country practically in real time: dynamics, problem areas, financial institutions and sectors.

The number of STRs submitted to Rosfinmonitoring in 2016 increased 1.6-fold. In the reporting period, Rosfinmonitoring launched a pilot CTF project that provides for a radically different level of cooperation with financial institutions: beyond the mere submission of STRs to include the description of the complex picture of the suspicious client's financial behaviour.

CREDIT INSTITUTIONS

Despite the measures undertaken by the Bank of Russia in respect of institutions engaged in dubious financial activities, as well as the overall reduction in their number, some of them continue to offer illicit services. Despite the overall declining trend, the volume of capital withdrawn from the country remains significant. The key trends affecting the **"shadow" services relating to the siphoning off capital overseas** are:

- use of professional securities market participants;
- active involvement of judicial and executive instruments in giving the appearance of legitimacy to transactions;
- siphoning off capital overseas under the guise of foreign trade transactions, payment of dividends and non-commodity sales.

Dubious funds are primarily sent through credit institutions engaged in illicit activities.

When it comes to **illicit encashment services**, the following trends prevail:

- moving funds from traditional large financial centres to regions and branches of major banks;
- declining volumes of cash transactions carried out by legal entities, as well as the increased use of individuals' bank cards to generate cash flow, including corporate and VIP cards;
- continued functioning of illicit encashment schemes in the traditional non-banking sectors: credit and consumer cooperatives and microfinance organizations, including the identification of new ones (notaries).

In 2016, Rosfinmonitoring's joint activities with the mega-regulator and law enforcement agencies in several regions led to shutting down **12 large-scale schemes for handling illicit cash flows.**

Rosfinmonitoring is involved in on-going work with the Central Bank and credit institutions to focus on new typologies of high-risk transactions to tackle the constant modification of "transit" and "encashment" schemes. In 2016, Rosfinmonitoring jointly with the Bank of Russia continued drafting guidelines designed to focus reporting entities' attention on certain types of transactions, a process that resulted in a significant increase in the effectiveness of internal controls in organizations and, accordingly, in the quality of their STRs.

Further changes to the current classifier of the indicators of unusual transactions will provide a better structure of the incoming information flow and a more efficient use of transaction data for analytical purposes.

The on-going monitoring by Rosfinmonitoring Inter-Regional Department in Siberian Federal District of the region's credit and financial sector enabled early detection of dubious transactions aimed at siphoning off funds overseas by the beneficiary of BaikalBank JSC. Following the notification of the Republic of Buryatia's law enforcement and supervisory authorities, the bank's license was revoked in August 2016 and it was charged in November with offences falling under Art. 196 of the Criminal Code.





ILLICIT ASSET WITHDRAWAL IN BANKING SECTOR

Asset stripping, namely, deliberate bankruptcy, was the main problem in the banking sector in 2016. It should be noted that this trend is typical for both small banks and institutions from the top 100 list. The most popular asset withdrawal methods involve the following:

- issuance of deliberately non-performing loans;
- assignment of the right of claim and replacement of the bank's liquid assets with non-marketable securities;
- acquisition of non-marketable securities and sale of the bank-owned real estate at low prices.

Investigators also uncovered evidence of the bank management's involvement in criminal wrongdoing and "cooking the books".

In order to promptly identify signs of asset stripping in the banking sector, Rosfinmonitoring organized information sharing with the Bank of Russia, law enforcement agencies and the General Prosecutor's Office.

Future active efforts to minimize this risk will be directed at:

- building a transparent and effective cooperation mechanism for recovery of stolen assets to Russia;
- improving, especially in the early stages, the mechanisms for detecting and responding to the signs of asset withdrawal in the banking sector;
- promoting cooperation with the Bank of Russia and law enforcement agencies.

The mega-regulator and other supervisory bodies continued to apply a risk-based approach in 2016 in cases involving the lack of compliance and organizations' involvement in dubious transactions. Of the total number of banks featuring in risk bulletins submitted to the Bank of Russia, **55 institutions, including 35** for failure to comply with the AML/CTF law and involvement in dubious transactions, **were stripped of their license.**

NON-CREDIT INSTITUTIONS

Microfinance organizations and credit and consumer cooperatives

In 2016, the risk of these organizations' involvement in illicit cash turnover was high. First of all, this is due to the specifics of their activities and the possibility of legally attracting funding from legal entities for subsequent redistribution among individuals. Instances of such organizations' involvement in illicit encashment schemes were recorded almost in every region.

2016 saw a rise in the popularity of large-scale illicit schemes involving re-registration of a large number of affiliated MFOs and their migration to other Russian regions.

Approx. **RUR 1.7 billion** worth of property owned by pyramid investment scheme organizers, credit cooperatives, etc. was seized in 2016.

Rosfinmonitoring uncovered evidence of illicit capital siphoning at Vneshprombank totalling over RUR 1 billion. In January 2016 Vneshprombank's license was revoked, the value of the bank's liabilities exceeded that of its assets by RUR 210.1 billion, a record for Russia. A criminal case was initiated under Art. 159 of the Criminal Code.



Insurance

The situation in the insurance sector underwent significant changes in 2016, caused by the removal of firms that do not meet the requirements set by the Bank of Russia. In total, **104 insurance companies and insurance brokers** lost their license during that year, with the number of **active firms** estimated at **381** as of December 2016. The main reasons for the license loss cited by the Bank of Russia were failure to comply with its instructions, non-reporting, non-compliance with financial stability requirements, etc.

The total value of dubious transactions involving false reporting, real estate transactions, replacement of liquid assets with non-liquid ones and the use of reinsurance to siphon off funds overseas identified by Rosfinmonitoring in 2016 totalled **RUR 17.7 billion.** In each of these cases, a risk bulletin was sent to the Central Bank.

Notably, a number of insurance companies were involved in illicit encashment transactions in the real sector of the economy, especially in the construction sector.

Postal services operators

Illicit encashment transactions in the postal services sector are actively countered by joint efforts with Roskomnadzor. The volume of such transactions carried out though the Russian Post fell **almost 10 times** last year (from RUR 59 billion to RUR 6 billion).

The joint measures adopted by Roskomnadzor, the Bank of Russia and the Russian Post helped to reduce the level of risk in this sector.

The precious metals and precious stones sector

Traders in precious metals, precious stones, jewellery, a large number of whom are small and micro businesses with a limited turnover, are in the focus of special attention. Risk bulletins were sent to the Assay Chamber in respect of **more than 500 legal entities from the jewellery industry** for violation of the AML/CTF law.

Rosfinmonitoring and the Russian State Assay Chamber intend to continue the use of new forms

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of information exchange, especially such modern communication tools as "Personal Accounts" of entities on Rosfinmonitoring website.

Risks of involvement in the shadow economy and criminalization of new types of financial institutions, social institutions and professions

One of the key areas of Rosfinmonitoring's supervisory activity involves exercising due diligence on, as well as monitoring and regulating the activities of, financial institutions and designated non-financial businesses and professions (DNFBPs) to ensure compliance with the AML/CTF requirements. Supervision and monitoring help to mitigate ML/TF risks in the financial and other sectors through:

- prevention of criminals and their affiliates from having a significant or majority interest in, or exercising management functions in, financial institutions and DNFBPs by virtue, among others, of beneficial ownership;
- financial institutions and DNFBPs adequately apply AML/CTF preventive measures commensurate with their risks, and report suspicious transactions.

Supervisors, meanwhile, provide financial institutions and DNFBPs with adequate feedback and guidance on compliance with AML/CTF requirements.

Working in this area, Rosfinmonitoring strengthened cooperation in 2016 with the Federal Chamber of Notaries and the Federal Chamber of Advocates in improving compliance by notaries and lawyers with AML/CTF legislation in preparation for the forthcoming FATF evaluation in 2018.

PROHIBITIVE MEASURES

The number of customers denied service by banks continued to rise in 2016.

In total for 2016, banks reported **700,000 service** denials affecting approx. **350,000 customers**, up **2.8- and 2.6-fold** respectively year over year. 24



The application by banks of prohibitive measures prevented laundering of **about RUR 300 billion of dubious origin.**

2017 saw the launch of a mechanism for communicating the list of such individuals to financial institutions. This will allow the country to significantly reduce the number of suspicious transactions and individuals carrying them out.

PREVENTIVE MEASURES

Compliance Council

In order to improve the quality of reports submitted by financial institutions and involve the expert community in addressing these challenges, Rosfinmonitoring established in 2016 Compliance Council, made up of heads of compliance departments and senior AML/CTF personnel of financial institutions from among the most active participants in the AML/CTF system.

The Council is tasked with sharing best practices in identifying indicators of unlawful behaviour and their integration into "risk profiles". This approach is designed to take internal controls to a different level, since it allows us to more accurately assess the level of suspiciousness of financial behaviour. This will improve the quality of transaction data received by Rosfinmonitoring and its analysis.

In 2016, **12 banks** participated in a pilot project to test the new approaches in practice.

The Compliance Council's plans for 2017 include:

- improving the quality of reports submitted to Rosfinmonitoring by reporting entities;
- improving the flexibility of the system for detecting suspicious transactions based on a risk assessment;

> TARGET AUDIENCE



• introducing effective mechanisms for assessing and improving risk awareness by the private sector.

Remote supervision

Another project aimed at boosting compliance – the so-called **Personal Account** – allows credit and noncredit institutions to look at themselves through the supervisor's eyes, understand what the supervisor is guided by in its assessment of a given legal entity and find out what measures they should take to avoid being placed in the high-risk category.

The number of businesses (individual entrepreneurs) opting for voluntary cooperation with supervisory authorities increased **1.7-fold** in 2016.

With a view to disseminating Rosfinmonitoring's positive experience, the scope of the voluntary cooperation mechanism was expanded to cover the sectors supervised by the Russian Assay Chamber and Roskomnadzor.

Among the priorities of Rosfinmonitoring's engagement with the financial sector in 2017 are as follows:

- enhancing coverage of financial institutions by the AML/CTF system;
- strengthening compliance of financial institutions through the use of remote monitoring tools;
- improving the quality of reports.

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4.2)

CORRUPTION

In 2016, Rosfinmonitoring paid special attention to corruption risks that pose a threat to the Russian economy and its financial system. The FATF **defines** corruption as the use of public office for private gain.

Among the corruption risks recognized by the international community are:

- transactions carried out by politically exposed persons (PEPs) and their affiliates related to the purchase of high-value assets;
- use of illicit financial schemes for embezzlement of public funds;

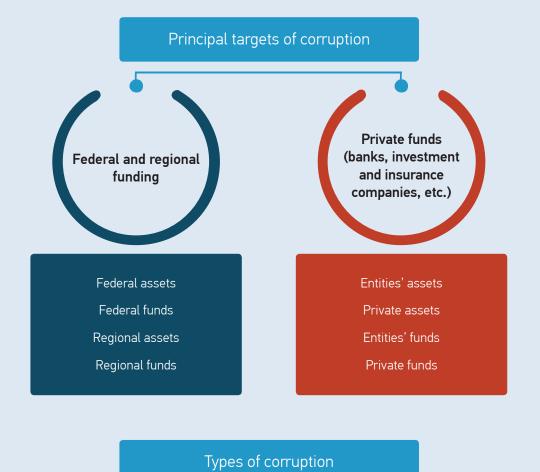
- use of foreign legal entities and arrangements to launder corruption proceeds;
- entering into contracts with entities whose owners or directors are figureheads;
- use of offshore jurisdictions in illicit schemes aimed at embezzling public funds and siphoning off corruption proceeds;
- conclusion of government contracts between affiliated parties.
- It is a rare case (although not unheard of) for a PEP to enter a financial institution and deposit (or transfer) significant amount of suspicious money Instead ... PEPs will take great pains to disguise the identity and the source of the funds in order to place corrupt money in financial system without suspicion. PEPs use corporate vehicles, sophisticated gatekeepers, cash and countries with weak money laundering controls to disguise their funds. Their corrupt transactions will often involve an intermediary of some kind (including family members and close associates), whether within the PEP's jurisdiction or beyond. In some cases, corrupt PEPs will also try to control the mechanisms of detection and regulation within their home jurisdiction to "game the system" in order to disguise the money gets to another jurisdiction.

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Specific Risk Factors in Laundering the Proceeds of Corruption. FATF Typologies Report. 2012



> CORRUPTION





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Rosfinmonitoring's corruption materials were used to initiate **about 380 criminal cases**, **130** of which have already been referred to the court, resulting in **more than 90 convictions**.

- Rosfinmonitoring was notified by one European FIU about large assets being held by a Russian national in a foreign bank. As it turned out, the person in question was a relative of one of the regional leaders. The funds in cash were deposited by a proxy to his account in a Russian bank: about \$15 million. The information was passed on to law enforcement.
- In June 2016, information provided by Rosfinmonitoring FEFD Inter-Regional Department led to the arrest of the head of one of the regional governments for alleged embezzlement of public funds allocated for construction, repair and maintenance of highways. The defendant, through the abuse of public office, ordered the purchase of construction materials from an affiliated group of companies at inflated prices. According to the investigation findings, the official personally received at least **RUR 50 million** for each such contract. Meanwhile, the municipal enterprise which purchased construction materials at inflated prices found itself on the verge of bankruptcy with a debt of more than **RUR 800 million**. Criminal proceedings have been instituted.

In total, Rosfinmonitoring referred to the Interior Ministry, Federal Security Service, the Prosecutor's Office and the Investigative Committee approx. 3500 corruption materials last year.

PUBLIC PROCUREMENT

There are several factors that contribute to the corruption vulnerability of the public procurement sector. Firstly, the sheer number of public procurement projects means that some of the allocated funds may simply disappear. Secondly, the specific nature of these contracts makes it difficult to ascertain whether the price paid by the government for the goods or services provided is real or inflated through corruption. And thirdly, the opaque nature of the public procurement sector in many countries and high competition tend to create conditions conducive to all sorts of backroom dealings and collusion.

Public procurement remains a key sector of the Russian economy due to its past history, which means that it is also one of Rosfinmonitoring's priority areas.

One of Rosfinmonitoring's key priorities as a participant in the inter-agency monitoring system is to ensure the prudent and proper use of defence procurement spending. Rosfinmonitoring's approach, implemented jointly with the country's Defence Ministry, Prosecutor General's Office, Federal Anti-Monopoly Service and Federal Tax

- The head of a regional road construction agency in one of the constituent territories of the Russian Federation used his family connections to award government contracts worth RUR 8.5 billion to 6 affiliated contractors. It was also revealed that the head of the agency and his wife carried out transactions involving the purchase and sale of precious metals and real estate totalling more than RUR 200 million. Materials of the case were passed on to law enforcement and are subject to an on-going investigation.
- Rosfinmonitoring NWFD Inter-Regional Department uncovered evidence of public funds embezzlement risks totalling over RUR 63 million committed by two subcontractors involved in the construction of the Zenith Arena Stadium. The funds were stolen with the help of affiliated and bogus counterparties. As a result, 2 criminal cases were initiated against the directors of these companies, while a high-ranking official was detained in connection with the embezzlement of more than RUR 50 million.

Service, helps to prevent the embezzlement of public funds at the crime planning stage, as well as being fully in line with Russia's broader strategy in this area.

Notably, all defence procurement funding is dispersed exclusively through dedicated accounts opened with nine authorized banks that meet the criteria set in Federal Law No. 275-FZ of 29 December 2012 "On Defence Procurement" (hereinafter, Federal Law No. 275-FZ), an approach designed to maintain the process of defence procurement allocation as transparent as possible. Federal Law No. 275-FZ, with a view to enabling defence contractors to cover other expenses not included in the list of authorized transactions, but related to their current activities (rent payments, payment for security services, fuel and other overheads), sets the monthly auxiliary expenditure threshold at no more than RUR 3 million. The volume of these transactions stood at approx. 10% of the total defence expenditure for 2016.

In 2016, Rosfinmonitoring worked to minimize "traditional" risks faced by the defence industry related to:

- use of shell companies to siphon off funds;
- placement of funds in deposit accounts that often results in missed deadlines;
- use of funds allocated under a defence procurement contract to pay for items/ services not related to the performance of the said contract;
- provision of loans to affiliated individuals.

This, in turn, helped to **lessen the negative** economic impact and mitigate corruption risks.





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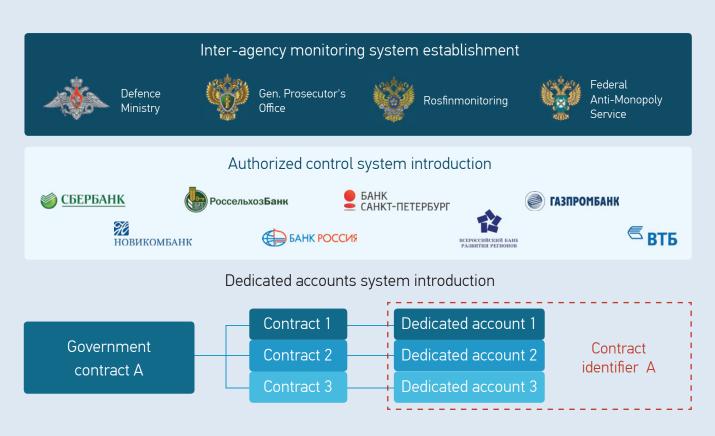


Rosfinmonitoring's intelligence enabled the Federal Anti-Monopoly Service to put an end to the activities of Russia's largest price-fixing cartel involved in the delivery of military uniforms and accessories for the Interior Ministry, Federal Security Service, and the Federal Customs Service. As a result, 90 legal entities were found guilty of violating the anti-monopoly legislation in holding 18 electronic auctions for a total of more than RUR 3.5 billion.



Unfortunately, "traditional" manipulations are replaced by more sophisticated schemes for embezzlement of public funds:

- artificial overpayment of taxes (especially VAT and income tax);
- opening of two or more dedicated accounts in support of a single transaction to enable the expenditure of more than RUR 3 million per month;
- transfer of funds in excess of the statutory rate of profit (more than 50% of the contract price) to other accounts under the pretext of closing the account after the performance of the contract;
- transfer of funds to contractors as compensation for the costs incurred in connection with the stockpiling of goods needed for the performance of a defence contract.



> STATE DEFENCE PROCUREMENT CONTROL MEASURES



The emergence of new typologies compelled Rosfinmonitoring to adjust its approaches to monitoring. Rosfinmonitoring continued to work in 2016 on the **prevention of high-risk schemes** and submission of risk bulletins to the relevant agencies and authorized banks to take preventive and adequate measures to the risks identified.

Rosfinmonitoring's work, carried out jointly with other participants in the inter-agency monitoring system as well as prosecutors and law enforcement agencies, helped to prevent the embezzlement of public funds totalling **RUR 5 billion** and the recovery of **about RUR 400 million**.

A new monitoring mechanism, set up jointly with the authorized banks, proved to be effective in preventing

the misappropriation of public procurement funds totalling **RUR 19 billion.**

Another important line of Rosfinmonitoring's work pertains to the **involvement of general contractors in the monitoring** of defence procurement-related expenditure. To this end, Rosfinmonitoring established cooperation with such holding companies as United Shipbuilding Corporation, United Aircraft Corporation, state corporation Roskosmos and state corporation Rostech, including in **establishing common treasury departments in state-owned corporations and companies.**

Further work aimed at addressing complex challenges in this area will needed to be carried out in 2017.

The efforts to curb unauthorized expenditure in the building of the Vostochny spaceport were continued in 2016. Rosfinmonitoring's intelligence was used to initiate 15 criminal proceedings against a number of executive personnel of the companies working for the chief contractor, Spetsstroyengineering of the federal construction agency Spetsstroi Rossii, in connection with the embezzlement of public funds totalling more than RUR 2.4 billion, as well as 6 criminal proceedings in connection with the laundering of stolen property worth more than RUR 226 million.



Another criminal scheme identified by Rosfinmonitoring UFD Inter-Regional Department related to the monopolization of the construction industry in the Central Military District by a defence contractor that was awarded **34 contracts** worth RUR 8.1 billion in 2015. The financial investigation confirmed the facts of misuse by the contractor of a significant portion of the funds allocated under the contracts for the repair and construction of facilities for the Ministry of Defence.Materials provided by Inter-Regional Department are used by the Federal Security Service to identify individuals involved in embezzlement of defence procurement.





MISAPPROPRIATION OF PUBLIC FUNDS

A list of other corruption-prone industries includes:

- natural resources extraction;
- healthcare:

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• large infrastructure projects;

- privatization;
- development and other types of aid.

Rosfinmonitoring's goal is to prevent the misappropriation and misuse of public funds, as well as to facilitate the decriminalization and promote transparency of the real sector of economy, taking into account the identified money laundering risks.

- In 2016, a high-profile criminal case was brought against the leadership of one of the Russian regions. According to investigation findings that have become available, the senior management of a major energy company engaged in systematic bribery of regional officials with the goal of extracting preferences, including in tariffs setting. The investigation has so far resulted in criminal proceedings in one region and further inquiries in two others.
- Rosfinmonitoring's Crimea and Sevastopol Inter-Regional Department conducted an assessment of the risk of embezzlement of agricultural subsidies. Its findings led to the detection of businesses that received more than RUR 100 million in agricultural subsidies that were subsequently converted into cash and channelled abroad. The gathered evidence was passed on to law enforcement.
- As part of the efforts to decriminalize the energy sector, Rosfinmonitoring NCFD Inter-Regional Department uncovered a criminal scheme used to siphon over **RUR 2.5 billion** away from the subsidiaries of a large state corporation through a network of Stavropol-based companies. The investigation ultimately resulted in the initiation of criminal proceedings under Art. 159.4 of the Criminal Code and prosecution of the corporation's director.







- > One example of successful international cooperation between FIUs is an investigation conducted by Rosfinmonitoring VFD Inter-Regional Department into the activities of one limited liability company involved in supply of medical equipment under a state procurement contract. Counterparts of company were different organizations including facilitators of money laundering. According to intelligence provided by foreign FIUs, one of the contractors employed by the said company was affiliated through a multi-level network of founders with a person who, according to the media, was acting as a "financier" for one of the regional leaders. In addition, it was also revealed that this company was associated with yet another local official. The cooperation helped to prevent the possible embezzlement of **30% of the public funds** transferred to this company under a state procurement contract. The gathered evidence was passed on to law enforcement.
- > The monitoring of the use of public funds allocated in support of the agricultural sector conducted by Rosfinmonitoring NCFD Inter-Regional Department led to the shutting down of an interregional "revolving insurance" scheme run in several North Caucasian regions. The scheme organizers illegally received **over RUR 200 million** in insurance premium compensation payments awarded to agricultural producers. Criminal charges were brought against a number of officials of the ministries of agriculture of several republics.
- Following the review of expenditure linked to the federal special program "Highways", Rosfinmonitoring submitted its findings to the Prosecutor General's Office. The findings include information on the activities of a group of Russian companies specializing in construction, repair works, reconstruction and maintenance of roads, as well as on their foreign affiliates. The information provided formed the basis for subsequent inspections.







Much of Rosfinmonitoring's attention in 2016 was devoted to the federal special programs, including FIFA World Cup 2018, FIFA Confederation Cup 2017, "Social and Economic Development of the Republic of Crimea and the City of Sevastopol until 2020", the state program for the development of perinatal centres of the Russian Federation, etc.

The **construction of the Kerch Strait Bridge** was the focus of Rosfinmonitoring's attention in 2016.

Involvement of self-regulatory organizations from the construction industry in illicit schemes

Rosfinmonitoring uncovered evidence of wide-spread involvement of self-regulatory organizations in illicit schemes. This situation is especially typical for the construction industry.

According to Rosfinmonitoring, one of these schemes involved several SROs, an insurance company and **up to 19,000 construction companies from among the SRO participants.** The size of the compensation fund was estimated at **about RUR 6 billion** and illicit turnover at **RUR 1 billion.**

Rosfinmonitoring is currently conducting verification activities. Information about the identified scheme participants was passed on to law enforcement.

Other risks

Rosfinmonitoring finds particularly disturbing the deliberate involvement of Russian judicial institutions in giving appearance of legitimacy to



illicit cash flows. Multiple cases of involvement of both arbitration and general jurisdiction courts were recorded.

The scheme involves submission by a legal entity or an individual of a fake claim to the court for the repayment of debt under a civil law contract. Following the voluntary recognition of the claim by the defendant, the contesting parties enter into an amicable agreement that results in the court issuing an enforcement order for the amount of the claim, ranging from RUR 400 million to RUR 6 **billion.** Following the submission of the claim to the serving bank, the defendant's account begins to be credited with large amounts of money which are then automatically transferred either directly to the plaintiff or through the Bailiffs Service. If the plaintiff is a non-resident, the money is transferred abroad, if he is an individual, converted into cash.

These schemes create reputational risks for the Russian judicial system, including at the international level. To remedy the situation, it is necessary to improve the process for the review of such claims and conduct of judicial proceedings.



4.3)

COMBATING THE FINANCING OF TERRORISM

The Russian counter terrorism financing system helps to strengthen national security and maintain stability of the financial sector. In light of the existing terrorist threat faced by the entire international community, the need to better understand factors responsible for the emergence and existence of the terrorist financing threat takes centre stage.

Responding to the evolving **domestic situation**, Rosfinmonitoring built its counter-terrorist financing strategy 2016 with account for the following threats:

- existence in Russia of active foreign terrorist cells;
- availability of infrastructure used to provide material support for terrorists and facilitate their movement;
- existence of a wide network of supporters who use financial institutions and instruments to make one-off and regular donations.

A list of international threats includes:

• participation of Russian nationals in ISIL activities;

- close links between international radical propaganda elements and combat terrorist cells;
- use of Russia as a transit territory by foreign nationals involved in the financing of international terrorist organizations.

Measures undertaken by Rosfinmonitoring helped to identify about 3500 individuals suspected of being linked to ISIL.

The findings of financial investigations enabled the detection of foreign terrorist fighters financing typologies and uncover large-scale fundraising schemes.

The List of entities and individuals known to be involved in extremist and terrorist activities (hereinafter, the "List") remains an effective tool for automatically blocking access to the financial system for individuals and organizations.



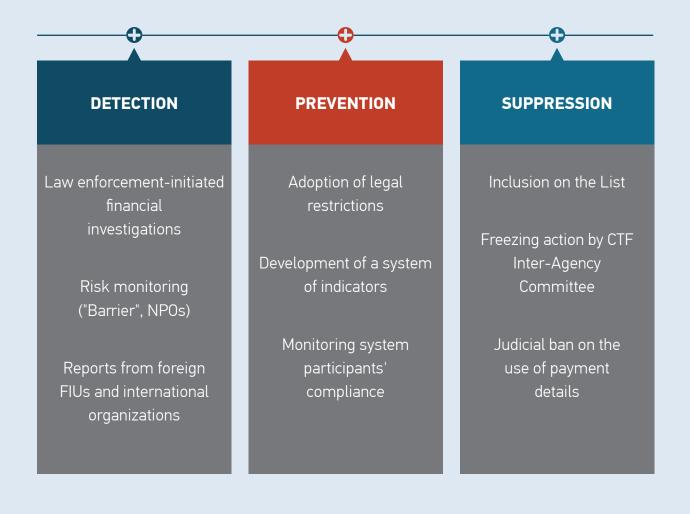
In 2016 the List was expanded further through the addition of:

- 19 foreign nationals and 1 foreign legal entity to the international section;
- 12 legal entities and 2213 individuals to the national section.

Financial institutions froze a total of RUR 24 million.

In order to improve the system of suppressing terrorists' financial activity in 2016 Rosfinmonitoring fine-tuned the work of the **Inter-Agency Committee for Combating the Financing of Terrorism,** a new extrajudicial blocking mechanism established by Presidential Decree No. 562 dated November 18, 2015. The Committee's decisions have so far led to the extrajudicial blocking of **assets belonging to 104 individuals** involved in terrorist activities totalling **RUR 4 million.**







> PHASES OF THE TERRORIST FINANCING PROCESS



FUNDRAISING

The initial phase of the terrorist financing process whose main goal is to raise funds using both legitimate (private donations, fundraising through NPOs, businesses, etc.), and illegitimate (criminal proceeds, smuggling, etc.) means.

TRANSFER OF FUNDS

A technical phase of the terrorist financing process whose main goal is to transfer terrorist funds (transfers of money through banks, transportation of cash, etc.) using both legitimate and illegitimate means.

USE OF FUNDS

The final phase of the terrorist financing process whose main goal is to use the raised funds in support of various types of terrorist activities (terrorist acts, propaganda and recruitment, training and preparation, etc.).



4.4)

INTER-AGENCY PREVENTION AND SUPPRESSION TOOLS

In accordance with the FATF Recommendations, countries should establish an effective AML/CTF cooperation and coordination mechanism for concerned government bodies. The creation of inter-agency cooperation mechanisms enables countries to fully implement the whole range of preventive, regulatory and suppressive measures throughout the country.

The Inter-Agency Committee for Combating Money Laundering and Terrorist Financing (IAC) has been operating at Rosfinmonitoring since 2005.

IAC and its structures

The Advisory Board and working groups are an effective mechanism that enables Rosfinmonitoring to engage not only with public authorities but also with other national AML/CTF system participants from the business community and academia.

A list of other effective tools also includes the Inter-Agency Working Group on Combating Illicit Financial Transactions (IAWG), established by the Presidential Decree in 2012 and for which Rosfinmonitoring provides information and analytical support. The IAWG allows to take quick AML/CTF prevention and suppression action, enabling close collaboration of all AML/CTF system participants.

The IAWG conducts regular monitoring of enforcement practice and inter-agency coordination efforts aimed at combating illegal financial transactions and suppression of illicit financial schemes.

The work of the regional inter-agency working groups, tasked with the timely identification at the local level and mitigation of risks and threats associated with illegal business activities and illicit financial transactions, as well as with making forecasts and taking preventive action, was also deemed effective in 2016.

Rosfinmonitoring actively participated in the work of the State Anti-Drug Committee, the National Anti-Terrorism Committee, the Interagency Committee, the Russian Security Council and the Presidential Anti-Corruption Council in 2016.



> THE CORE OF THE NATIONAL RISK ASSESSMENT SYSTEM



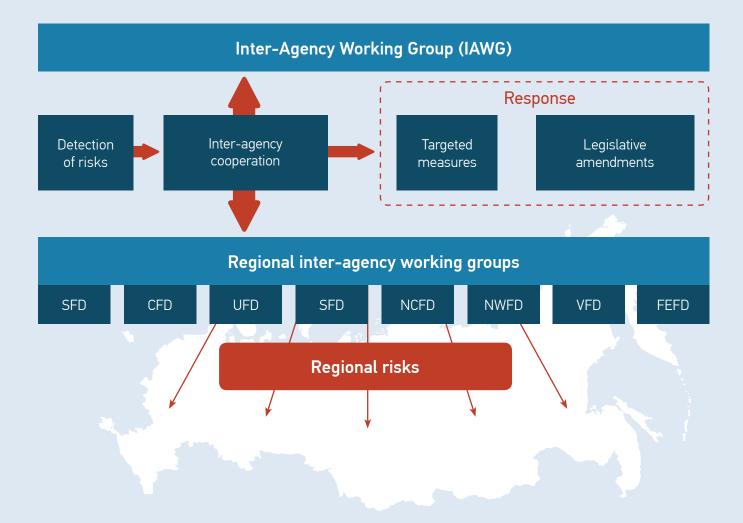
Evidence gathered by Rosfinmonitoring SFD Inter-Regional Department was used by Rostov region law enforcement authorities to initiate criminal proceedings in connection with the embezzlement of over RUR 700 million at Doninvest bank by members of an organized crime group. More than 60 Russian banks lost their licence in 2013-2015 after falling victim to the criminal schemes organized by the group. The criminals ran the largest encashment centre in the country, which, among others, used the so-called "Moldovan" scheme to siphon off more than RUR 1 trillion overseas.



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> IAWG MODUS OPERANDI



> IAWG-BASED OPERATING PRINCIPLES OF THE NATION SYSTEM

REGULATION ►	Legislative instruments
DETECTION ►	Inter-agency cooperation Measures adopted
PREVENTION ►	Methodological guidelines Reviews
SUPRESSION ►	Targeted measures Law enforcement practice





PERSONNEL TRAINING. ROSFINMONITORING'S ACTIVITIES

Given new responsibilities assigned to Rosfinmonitoring in 2016, the task of recruiting qualified employees capable of dealing with modern challenges in an efficient way remained relevant.

Among the mechanisms used to achieve this goal were contests to fill job openings, building a talent pool, redeployment of staff and use of incentives.

To celebrate Rosfinmonitoring's 15th anniversary, **42 Rosfinmonitoring employees** were presented with various state awards, diplomas and gratitude letters from the Russian President and government. The cooperation between Rosfinmonitoring employees and AML/CTF system participants was marked through the presentation of **338 departmental awards**.

A total of **96 students** from the universities participating in the network AML/CTF Institute underwent internship in the structural subdivisions of the central office in 2016.

Building a talent pool and facilitating professional development of employees is a priority area of Rosfinmonitoring HR efforts. In 2016, trainings were provided:

- under state-sponsored programs,
- at the facilities of the International Training and

Methodology Centre for Financial Monitoring (ITMCFM),

- in the framework of AML/CTF workshops,
- in the framework of distant learning.

INTERNATIONAL TRAINING AND METHODOLOGY CENTRE FOR FINANCIAL MONITORING

The International Training and Methodology Centre for Financial Monitoring, founded by Rosfinmonitoring after the Russian Government's decree in 2005, has been transformed into the basic training hub for Eurasia. Since its establishment, the centre's training courses have been attended by **over 10,000 students,** including **2,500 from abroad.**

One of the ITMCFM's key tasks involves AML/CTF trainings for participants in the national AML/CTF system from among representatives of government agencies and the private sector. Among the key



features of the 2016 training schedule were the activities dedicated to the **preparation of personnel for the next round of mutual evaluations,** including through:

- raising awareness and enabling practical application of the FATF Recommendations;
- discussing the issues related to the fight against terrorist and extremist financing;
- clarifying the latest legislative changes;
- exploring new approaches to the conduct of a national risk assessment;
- strengthening inter-agency cooperation and collaboration.

Employees of Russian government agencies (Rosfinmonitoring, Interior Ministry, Foreign Ministry, FSS, FDCS, FCS, Investigative Committee, Bank of Russia, Assay Chamber, Roskomnadzor and FTS) attended **more than 20 trainings.** The number of Russian individuals attending ITMCFM courses that year stood at **over 2200.**

NETWORK AML/CTF INSTITUTE

The network AML/CTF Institute is a major international scientific and educational centre

specializing in the training of personnel for the national AML/CTF systems of Russia and its partners.

Today, the network AML/CTF Institute comprises over 20 institutions of higher education from Russia, EAG and BRICS.

997 Russian and 125 foreign students enrolled at the universities participating in the network AML/CTF Institute in 2016. In 2016, several new countries – Azerbaijan, Brazil, Moldova, Mongolia and Syria – joined the project.

Also in 2016, with a view to facilitating the enrolment of foreign students at the universities of the network AML/CTF Institute and strengthening international cooperation in the fight against ML/TF, cooperation agreements for the training of AML/CTF personnel were signed with the FIUs of Abkhazia, Armenia, Kazakhstan, Moldova, Tajikistan and South Ossetia.

In addition, one of the most important directions of the network AML/CTF Institute's work in 2016 was the integration of education and science and the promotion of a scientific direction in the AML/CTF sector. To this end, scientific centres and schools were established in universities.

One important area of Rosfinmonitoring's work in 2016 was the integration of information technology as a means of boosting work efficiency and facilitating infrastructure development.



Annex 438

Resolution of the Plenum of the Supreme Court of the Russian Federation, No. 1 of 9 February 2012, "On Some Aspects of Judicial Practice Relating to Criminal Cases on Crimes of Terrorist Nature,"

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document with its submission. The translated passages are highlighted in the original-language document. Ukraine has omitted from translation those portions of the document that are not materially relied upon in its Memorial, but stands ready to provide additional translations should the Court so require.



RESOLUTION BY THE PLENUM OF THE SUPREME COURT OF THE RUSSIAN FEDERATION

Nº 1

Moscow city

February 9, 2012

On Some Aspects of Judicial Practice Relating to Criminal Cases on Crimes of Terrorist Nature

(as amended by the Plenum's Resolution № 41 dated November 3, 2016)

Terrorism poses a threat to international peace and security and to the progress of friendly relations between States, endangers territorial integrity of States, their political, economic and social stability, as well as the enjoyment of fundamental human and civil rights and freedoms, including the right to life.

The international community, being aware of the danger of terrorism and seeking to develop effective measures to prevent it, has adopted a number of instruments, which include the United Nations Conventions (for example, the International Convention against the Taking of Hostages, the International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism), the Shanghai Convention on Combating Terrorism, Separatism and Extremism, the Council of Europe Convention on the Prevention of Terrorism, etc.

The international instruments state that terrorism may not be justified under any circumstances on the grounds of political, philosophical, ideological, racial, ethnic, religious or other nature, and that the perpetrators of acts of terrorism and other crimes provided for in the mentioned Conventions should be held accountable under the law and should be punished according to the gravity of the crimes committed. At the same time, measures to prevent or suppress such crimes should be taken with observance of the rule of law and democratic values, human rights and fundamental freedoms, as well as other provisions of international law.

In the Russian Federation, the legal framework for combating terrorism is the Constitution of the Russian Federation, the generally recognized principles and provisions of international law, the international treaties of the Russian Federation, Federal Law dated July 25, 2002 No. 114-FZ "On Combating Extremist Activity", Federal Law of March 6, 2006 No. 35-FZ "On Combating Terrorism" and other statutory instruments aimed at countering terrorism.

In order to support the countering of terrorism by criminal law and with a view to fulfilling international commitments, the Criminal Code of the Russian Federation (RF CC) establishes liability for the commission of crimes provided for in its Articles 205, 205¹, 205², 205³, 205⁴, 205⁵, 206, 208, 211, 220, 221, 277, 278, 279, 360 and 361.

Given the issues faced by courts while adjudicating on criminal cases relating to acts of terrorism (Article 205 of the RF CC), assistance to terrorist activities (article 205¹ of the RF CC), public calls for terrorist activities or public justification of terrorism (Article 205² of the RF CC), training for the purposes of terrorist activities (Article 205³ of the RF CC), organization of a terrorist association and participation in it (Article 205⁴ of the RF CC), organization of operation of a terrorist organization and participation in the activities of such an organization (Article 205⁵ of the RF CC), organization or participation in it (Article 208 of the RF CC), and also with the aim of ensuring the unity of judicial practice, the Plenum of the Supreme Court of the Russian Federation, being guided by Article 126 of the Constitution of the Russian Federation,

hereby decrees:

1. Attention of courts should be drawn to the fact that the purpose of destabilizing the operation of public authorities or international organizations or affecting their decision-making is a mandatory sign of an act of terrorism (Article 205 of the RF CC).

When making a conclusion about the <u>orientation of the perpetrator's intent</u> towards destabilization of operation of public authorities or international organizations, <u>all of the circumstances of the act should be taken into account, in</u> particular, the time, place, method, situation, tools and means by which the crime is <u>committed</u>, the nature and extent of the consequences that have occurred or are alleged, as well as the perpetrator's behavior prior to and after the crime.

The purpose of affecting the decision-making by public authorities or international organizations may be indicated by inducement of relevant actors to commit certain actions or to abstain from action, and also by the nature of demands declared by participants in the crime.

2. Commission of explosion, arson or other similar acts entails criminal liability under Article 205 of the RF CC in cases where it is established that the nature of these actions was frightening to the population and they created the danger of human death, significant damage to property or other grave consequences.

Actions frightening to the population should be understood as actions which by their nature can make people fear for their lives and health, safety of relatives, safety of property, etc.

The threat of human death, significant damage to property or onset of other grave consequences should be real, and this is determined in each particular case taking into account the place, time, tools, means, and method of committing a crime and other circumstances of the case (information about the number of people present in the area of explosion, the power and the lethality of the explosive device used, etc.).

3. Other actions frightening to the population and creating the threat of human death, or significant damage to property or the occurrence of other grave consequences mentioned in Article 205 of the RF CC should be understood as actions with the consequences comparable to an explosion or arson, for example, organization of accidents at vital infrastructure facilities; destruction of transport communications; contamination of drinking water sources and food products; spreading of disease-causing microbes capable of causing an epidemic or epizootic; radioactive, chemical, biological (bacteriological) and other contamination of the area; armed attack on populated localities, shelling of houses, schools, hospitals, administrative buildings, deployment sites (locations) of military personnel or officers of law enforcement agencies; capture and (or) destruction of buildings, railway stations, ports, cultural or religious buildings.

4. A threat of explosion, arson or other actions frightening to the population and creating the threat of human death, or significant damage to property or the occurrence of other grave consequences (Part 1, Article 205 of the RF CC), can be manifested in various ways (for example, oral statement, publication in the press, distribution using radio, television or other media, as well as information and telecommunication networks).

5. The crime provided for by Part 1, Article 205 of the RF CC committed by a person through explosion, arson or actions frightening to the population and creating the threat of human death, or significant damage to property or the occurrence of other grave consequences, should be recognized as completed at the moment when the mentioned actions are committed.

6. When qualifying an act of terrorism under cl. "a" of part 2, Article 205 of the RF CC, it should be taken into account that an organized group should be understood as a stable group of two or more persons who united in advance for the purpose of committing one or more crimes. An organized group may be regarded stable if it exists for a long period, its members repeatedly commit crimes, they are technically equipped, their roles are distributed, preparations even for one crime take certain time, and there are also other circumstances indicative of an organized group (e.g. special training of an organized group members.)

If it is found that an act of terrorism is committed by an organized group, actions of each member thereof who took part in the preparation or commission of this crime, irrespective of his/her actual role, should be qualified under the relevant part of Article 205 of the RF CC without reference to Article 33 of the RF CC.

7. A conclusion about whether the damage is significant (cl. "B", part 2, Article 205 of the RF CC) should be based on the value of the destroyed property or the costs of repairing the damaged property and the importance of this property for the victim, for example, depending on the type of the victim's occupation or financial position, or the financial and business status of a legal entity which owned or otherwise possessed the destroyed or damaged property.

Significant property damage caused by an act of terrorism is qualified under cl. "B" of part 2, Article 205 of the RF CC and does not require any additional qualification under Article 167 of the RF CC.

8. Other grave consequences in the context of cl. "B" of part 2, Article 205 of the RF CC may include, in particular, causing serious harm to health of at least one person, or harm of average severity to health of two and more persons, and also disorganization of operation of public authorities and local self-government bodies; long-term disruption of an enterprise's (enterprises') and (or) institution's (institutions') operation, irrespective of their departmental affiliation, ownership form, legal incorporation form; significant deterioration of environmental situation (e.g. land degradation, pollution of surface and inland water, atmosphere, marine environment, and other negative changes to the environment preventing its preservation and lawful use, when a long time and large material costs are required to eliminate the consequences thereof.)

For making a conclusion about whether the operation of an enterprise or an institution has been disrupted for a long time, courts should take into account specific circumstances of the case, as well as the specifics of its operation, total time for which the operation was disrupted, the amount of damages caused, etc.

9. If an act of terrorism intentionally caused death of a person (or two or more persons), the act is covered by cl. "b", part 3 of Article 205 of the RF CC and does not require any additional qualification under Article 105 of RF CC.

10. If an act of terrorism is committed using illegally acquired or stored nuclear materials and radioactive substances, as well as illegally acquired, stored or manufactured firearms, ammunition, explosives or explosive devices, the acts of a person shall be qualified by the totality of the committed crimes which are provided for by Article 205 of the RF CC and accordingly, Article 221, 222, 222¹, 223, 223¹, or 226 of the RF CC.

11. Courts should keep in mind that an infringement on the life and health of another person by making an explosion, arson or other actions of this nature committed on the grounds of revenge or personal hostile relations and not pursuing the goal of destabilizing the activities of public authorities or international organizations or affecting their decision-making, shall not constitute a crime under Article 205 of the RF CC, and shall be qualified under relevant articles of the Special Chapter of the Criminal Code of the Russian Federation.

12. In the event that a person commits an infringement on the life of a state or public figure or a person administering justice or carrying out a pre-trial investigation, or a law enforcement officer by committing an explosion, arson or other actions of such nature in order to destabilize the operation of public authorities or international organizations or affecting their decision-making, the crime should be qualified under Article 205 of the RF CC.

When an infringement on the life of a state or public figure, although committed in the manner aforesaid, intends at terminating his/her state or political activity or revenging for such activities, the crime should be qualified under Article 277 of the RF CC.

An infringement on the life of a person administering justice or carrying out a pre-trial investigation, or a law enforcement officer committed by explosion, arson or other acts of this nature in order to prevent his/her legitimate activities or revenge for such activities should be qualified respectively under Article 295 of the RF CC or Article 317 of the RF CC.

13. Actions by members of a terrorist association, terrorist organization, illegal armed formation who committed an act of terrorism should be qualified by the totality of the committed crimes which are provided for by Article 205 of the RF CC and accordingly, under Article 205⁴, 205⁵, 208 of the RF CC.

14. Courts should understand criminal cases on the crimes provided for under Article 205¹ of the RF CC which are committed by inducement, by recruiting or otherwise by involving a person in the commission of at least one of the crimes listed under part 1 of Article 205¹ of the RF CC, in particular, as deliberate actions aimed at involving a certain person (a group of persons) in the commission of one or more of the said crimes,

for example, by persuasion, bribery, threat, persuasion, requests, proposals (including those made through posting of materials in various media and their distribution through information and telecommunications networks), and also by the use of physical influence or by searching for persons and involving them in the commission of at least one of these crimes.

Inducement, recruiting or otherwise involving a person in the commission of at least one of the crimes specified under part 1 of Article 205 of the RF CC should be regarded as a completed crime from the moment when these actions are performed, irrespective of whether the person involved has committed a respective crime of a terrorist nature.

15. The armament referred to in part 1 of Article 205¹ of the RF CC should be understood as supply of the persons involved in terrorist activities with weapons, ammunition, explosives and explosive devices, radioactive substances, nuclear materials, military equipment, etc. for the purpose of committing at least one of the crimes specified under this Article.

Training of persons for the purpose of committing crimes referred to in part 1 of Article 205 of the RF CC shall be understood as teaching the rules of handling weapons, ammunition, explosive devices, radioactive substances, nuclear materials, military equipment, communications equipment, rules of warfare, as well as providing of respecting guidelines, holding of training, shooting, drills, etc.

16.The financing of terrorism, along with rendering of financial services, should also be understood as the provision or collection not only of money (in cash or non-cash form), but also of material assets (for example, items of uniforms, equipment, means of communication, medicines, residential or non-residential premises, vehicles) being aware that they are intended to finance the organization, preparation or commission of at least one of the crimes provided for by Articles 205, 205¹, 205², 205³, 205⁴, 205⁵, 206, 208, 211, 220, 221, 277, 278, 279 and 360 of the RF CC, or to finance or otherwise provide material support to a person for the purpose of committing at least one of the secrimes, or to support an organized group, an illegal armed formation, a criminal association (criminal organization) which are created or being created for the commission of at least one of the specified crimes (for example, systematic deductions or a one-time contribution to the general fund, purchase of real estate or payment of its rent, provision of money intended for bribing officials).

17. Persons using their official position (part 2 of Article 205¹ of the RF CC), should be understood as officials as well as civil servants and employees of local self-government bodies who are not classified as officials, as well as persons who on the full-time or temporary basis or under special authority perform organizational administration or business administration functions in a commercial organization, irrespective of the form of ownership, or in a non-profit organization which is not a public or municipal institution.

The use of an official position for committing the crimes under article 205^1 of the RF CC should be understood not only as the deliberate use by such persons of their official powers, but also as exercising influence on other persons to the extent of the weight and authority of the position held for the purpose of encouraging them to commit the acts aimed at assistance to terrorist activities.

17¹. Courts should keep in mind that liability for aiding and abetting under part 3 of Article 205¹ of the RF CC arises when this occurred during the commission of at least one of the crimes provided for in Article 205, part 3 of Article 206, and part 1 of Article 208 of the RF CC. The said aiding and abetting is covered by part 3 of Article 205¹ of the RF CC and does not require any additional qualification under Article 205, part 3 of Article 206 or part 1 of Article 208 of the RF CC.

Criminal liability for aiding and abetting in an act of terrorism, hostage-taking or organization of an illegal armed formation committed by a member of an organized group which performed such crimes shall arise under a respective article of the Special Chapter of the RF CC and does not require the qualification under part 3 of Article 205¹ of the RF CC.

17². Courts should bear in mind that part 4 of Article 205¹ of the RF CC establishes the liability for actions aimed at organizing the commission or managing the commission of at least one of the crimes provided for by Articles 205, 205³, parts 3 and 4 of Article 206, part 4 of Article 211 of the RF CC, and equally for organizing of financing of terrorism. At the same time, financing of terrorism does not require any additional qualification under Articles 205, 205³, parts 3 and 4 of Article 211 of the RF CC, and equally under parts 3 and 4 of Article 205¹ of the RF CC.

Actions of organizing the commission or managing the commission of another crime having a terrorist nature, including the organization of commission of other types of assistance to terrorist activity shall be qualified under the relevant article of the Special Chapter of the RF CC with reference to part 3 of Article 33 of the RF CC, except when such actions are made by a member of an organized group.

18. Public calls for terrorist activity under Article 205² of the RF CC should be understood as any form of appeal (for example, oral, written, or with the use of technical means) addressed to other persons with the aim of encouraging them to terrorist activities, i.e., to commission of crimes provided for under Articles 205-206, 208, 211, 220, 221, 277, 278, 279, 360, 361 of the RF CC.

According to Note 1 to Article 205^2 of the RF CC, public justification of terrorism should be understood as a public statement acknowledging that the ideology and practice of terrorism is appropriate, worthy of support and imitation. In this context, the ideology and practice of terrorism should be understood as the ideology of violence and the practice of influencing the decision-making of public authorities, local self-government bodies or

international organizations which involve frightening of the population and (or) other forms of illegal, violent actions (cl. 1 of Article 3 of the Federal Law "on Combating Terrorism").

19. Courts should make a conclusion on whether calls for terrorist activities or justification of terrorism (Article 205^2 of the RF CC) are public taking into account the place, method, situation and other circumstances of the case (for example, addressing a group of persons in public places, at meetings, rallies, demonstrations, distribution of leaflets, hanging of posters, distribution of appeals by mass mailing of messages to mobile subscribers, etc.).

20. Public calls for terrorist activities (part 1 of Article 205^2 of the RF CC) should be regarded as a completed crime upon the moment of public proclamation (distribution) of at least one call irrespective of whether the call succeeded in encouraging other citizens to terrorist activities or not.

Public justification of terrorism shall constitute the corpus delicti of a completed crime upon the moment a person makes a public statement declaring that the ideology and practice of terrorism are appropriate and worthy of support and imitation.

21. Making a conclusion on the use of the mass media, electronic or information and telecommunication networks, including the Internet, for the purpose of public calls to terrorist activities or public justification of terrorism (part 2 of Article 205² of the RF CC), it is necessary to take account of the provisions of the Russian Federation Law dated December 27, 1991 No. 2124-I "On the Mass Media" and Federal Law dated July 27, 2006 No. 149-FZ "On Information, Information Technologies and Information Protection".

Crimes under part 2 of Article 205² of the RF CC involving the use of the mass media should be regarded as completed upon the moment of distribution of the mass media products (e.g., sales, handing out of a printed periodical, audio - or video-recorded program, start of broadcast of a TV- or radio program, demonstration of a newsreel program, provision of access to a network periodical).

21¹. In case of public calls for terrorist activities or public justification of terrorism by the mass mailing of messages to mobile communication subscribers or by using electronic or information-telecommunication networks, including the Internet network, the crime should be regarded as completed upon the moment when such a call is published in the mentioned networks (for example, on websites, forums or blogs), or when respective messages are sent to other persons.

22. If public calls for terrorist activities or public justification of terrorism is made with the use of online media (websites in the Internet information and telecommunications network,

registered as a mass medium in the prescribed manner), these acts should be qualified under part 2 of Article 205^2 of the RF CC as the act committed with the use the mass media. If the mentioned acts are committed using websites in the Internet information and telecommunication network which are not registered as the mass media in the prescribed manner, these acts should be qualified under part 2 of Article 205^2 of the RF CC as the act committed with use of electronic or information and telecommunication networks, including the Internet.

22¹. The crime under Article 205³ of the RF CC should be understood as the case when a person is being trained to commit an act of terrorism or to commit any of the crimes provided for by Articles 205¹, 206, 208, 211, 277, 278, 279, 360 and 361 of the RF CC. Such training may involve the acquisition of necessary knowledge, practical skills and abilities in the course of physical and psychological training, or by studying the methods to commit the specified crimes, the rules of using weapons, explosive devices, explosive, poisonous and other substances and things which are dangerous to the persons around. Training may also involve other perpetrator's actions directly related to his/her training for terrorist activities.

The crime shall be regarded as completed as soon as the actions are commenced with the aim of acquiring the appropriate knowledge, skills and abilities for subsequent terrorist activities or the commission of at least one of the mentioned crimes of a terrorist nature, irrespective of whether the person has acquired the necessary knowledge, skills and abilities or not.

If, along with the training, a person performs other actions aimed at creating the conditions for the commission of a particular grave crime or specifically grave crime of a terrorist or other nature, these actions should be additionally qualified as preparation for this crime.

22². Part 1 of Article 205⁴ of the RF CC provides that a terrorist association shall be a stable group of persons who united in advance with the aim of carrying out terrorist activities, or for preparing or committing one or more crimes specified under Articles 205¹, 205², 206, 208, 211, 220, 221, 277, 278, 279, 360 and 361 of the RF CC, or other crimes for the purpose of promoting, justifying and supporting terrorism.

An organized group may be recognized as a terrorist association without the need for a preliminary court decision about liquidation of the organization due to terrorist activities.

 22^3 . The crime under part 1 of Article 205^4 of the RF CC shall be recognized as completed on the moment when a terrorist association is formed in fact, i.e. after two or more persons unite into a stable group

for the purpose of terrorist activities or for the preparation or commission of one or more of the crimes under Articles 205¹, 205², 206, 208, 211, 220, 221, 277, 278, 279, 360 and 361 of the RF CC, or other crimes with the aim of promoting, justifying and supporting terrorism.

The fact that such a purpose exists may be indicated, inter alia, by deliberate acts made by these persons with the aim of creating conditions for the terrorist activities or for the said crimes, or by acts evidencing the readiness of a terrorist association to implement its criminal intentions, irrespective of whether the members of such an association have committed the planned crime. The readiness of a terrorist association to terrorist activities or to commission of such crimes may be evidenced, for example, by an agreement reached by its members on the assistance to terrorist activities, public justification of terrorism, etc.

22⁴. Management of a terrorist association, its part or structural units comprising such an association should be understood as management functions performed with regard to a terrorist association, its part or structural units, as well as its individual members while committing specific crimes of a terrorist nature and also while ensuring the association's operation.

Such management may be recognized, in particular, in case when general plans of a terrorist association's operation are worked out, and also in case of preparations for the commission of specific crimes of a terrorist nature, in case of commission of other actions aimed at achieving the goals set for a terrorist association or for the units comprising it at the moment when such units have been created (this may be, for example, assignment of roles to members of the association, organization of logistics, working out of the ways of committing crimes, security measures taken in respect of the terrorist association members).

22⁵. Participation in a terrorist association should be understood as a person's joining of such an association with the intention of participating in terrorist activities or in the preparations for or in the commission of one or several of the crimes provided for under Articles 205¹, 205², 206, 208, 211, 220, 221, 277, 278, 279, 360 and 361 of the RF CC, or other crimes for the purposes of terrorism propaganda, justification and support, and also participation in the preparations for the commission of such crimes, and also when a person fulfills functional duties to ensure the operation of a terrorist community (furnishing of information, documentation, etc.).

The crime of a person's participation in a terrorist association shall be recognized as completed upon the moment this persons joins such an association with the intention of participating in terrorist activities or in the preparations for or in the commission of one or several of the crimes provided for under Articles 205¹, 205², 206, 208, 211, 220, 221, 277, 278, 279, 360 and 361 of the RF CC, or other crimes for the purposes of terrorism propaganda, justification and support.

When a member of a terrorist association commits a specific crime, his or her actions should be qualified by the totality of the crimes.

 22^{6} . Article 205^{5} of the RF CC imposes liability for organizing the operation of a terrorist organization (part 1) and for participating in the operation of such an organization (part 2).

Courts should bear in mind that subject to Article 24 of the Federal Law "On Combating Terrorism", the federal executive authority responsible for security maintains a unified federal list of organizations recognized as terrorist organizations in accordance with the laws of the Russian Federation and this list is subject to official publication.

A person may be held criminally liable for the crimes specified under Article 205⁵ of the RF CC if they are committed after the official publication of information stating that a respective organization has been recognized as a terrorist organization and its operation is prohibited in the territory of the Russian Federation by a court decision.

22⁷. Criminal liability under part 1 of Article 205⁵ of the RF CC arises for the organization of operation of a terrorist organization meaning the actions of an organizational nature aimed at continuing or resuming illegal activities of a prohibited organization (for example, convening meetings, organizing marches, using of bank accounts, unless this is not related to the liquidation procedure).

Participation in the operation of a terrorist organization should be understood as a person's commission of intentional actions relating to the continuation or resumption of this organization's operation (interviews to promote the activities of a prohibited organization, direct participation in the organizational activities held, etc.).

When the organizer (leader) or a member of a terrorist organization commits a specific crime, his/her actions should be qualified by the totality of crimes specified under part 1 or part 2 of Article 205⁵ of the RF CC and the relevant article of the Special Chapter of the RF CC.

If the person who organized the operation of an organization recognized as a terrorist organization under the laws of the Russian Federation took part in the operation of this organization, his/her acts shall not require any additional qualification under part 2 of Article 205⁵ of the RF CC.

23. Courts should bear in mind that given cl. 2 of Article 3 of the Federal Law "On Combating Terrorism", organization of an illegal armed formation with the aim of committing an act of terrorism,

and equally participation in such a structure shall be recognized as terrorist activities.

An illegal armed formation referred to in Article 208 of the RF CC should be understood as an association, detachment, squad or any other armed group which is not provided for by the Federal Law and is created to implement certain tasks (for example, to commit acts of terrorism, make a violent change of the foundations of the constitutional system or breach the territorial integrity of the Russian Federation).

Armament as a mandatory feature of an illegal formation implies that its members have any type of firearms or other weapons, ammunition and explosive devices, including those of "do-it-yourself" origin, as well as military equipment. At the same time, illegal acquisition, storage, use, transfer of nuclear materials and radioactive substances; acquisition, transfer, sale, storage, transportation, carrying or manufacturing of firearms and their main parts, ammunition, explosives and explosive devices should be qualified, respectively, under articles 221, 222, 222¹, 223, 223¹ or 226 of the RF CC.

24. Establishment of an illegal armed formation (part 1 of Article 208 of the RF CC) shall be recognized as a completed crime upon the moment when this formation is created in fact, i.e., upon the moment when several persons unite into a group and at least some of them acquire weapons, ammunition, explosive devices, and military equipment.

25. Management of an illegal armed formation (Article 208 of the RF CC) shall be understood as the exercise of managerial functions in respect of an association, detachment, squad or another group, as well as in respect of its individual members with a view to ensuring the operation of an illegal armed formation.

Such management may be manifested, inter alia, by approval of general operation plans of an illegal armed formation, or by other actions aimed at achieving the objectives set by such a formation (for example, assignment of functions to members of an illegal armed formation, organization of logistics, taking of security measures in respect of members thereof).

26. Financing of an illegal armed formation (part 1 of Article 208 of the RF CC) should be understood as the provision or collection of money or financial services being aware that they are intended for ensuring the operation of an association, group, squad or another group.

In cases where a person contributes to terrorist activities by financing an illegal armed formation, his/her actions shall be covered by part 1 of Article 208 of the RF SS and no additional qualification under part 1 of Article 205¹ of the RF CC recognizing the financing of terrorism shall be required.

27. Courts should be made aware that criminal liability under part 2 of Article 208 of the RF CC for participation in an illegal armed formation arises in cases,

when members of this formation are aware of its illegal nature and their belonging to it but act with the aim of achieving its objectives.

Participation in an illegal armed formation exists in cases when a person joins such a formation (for example, by taking an oath, giving a written note or oral consent, receiving uniform, weapons), or performs functional duties to ensure the operation of such a formation (training of its members; construction of temporary residential facilities, various structures and enclosing structures; cooking; subsistence activities in places when an illegal armed formation is located, etc.).

The crime of a person's participation in an illegal armed formation shall be recognized as completed upon the moment when specific actions are made to ensure the operation of an illegal armed formation.

28. When a member of an illegal armed formation commits a specific crime, his/her actions should be qualified by the totality of crimes provided for under part 2 of Article 208 of the RF CC and the relevant article of the Criminal Code of the Russian Federation (for example, Article 205, 205¹, 205² or 206 of the RF CC).

29. If individual members of illegal armed formations have united into a stable armed group (gang) with the aim of attacking citizens or organizations, or into a terrorist association, manage such a group (gang) or a terrorist association, and also participate in the attacks or crimes of a terrorist nature committed by them, such acts shall be qualified by the totality of crimes under Articles 208 and 209 or 205^4 of the RF CC.

30. Participation in an illegal armed formation shall be recognized as terminated voluntary (a note to Article 208 of the RF CC) when a person terminates his/her participation in such a formation of his/her own free will while having an objective opportunity to continue such participation.

Persons who have surrendered their weapons should be understood as members of illegal armed formations who have surrendered the weapons available to them to public authorities or have notified the latter about the places where weapons are kept.

A member of an illegal armed formation who, by virtue of his or her duties, does not possess a weapon, may be exempted from criminal liability on the grounds that he or she has voluntarily ceased to participate in an illegal armed formation and has reported this to public authorities.

30¹. In case of persons found guilty of crimes under articles 205, 205¹, 205², 205³, 205⁴, 205⁵, 206, 208, 277, 278, 279 and 361 of the RF CC, the court, subject to cl. "a", "b", "c" of part 1, Article 104¹ of the RF CC should decide on the seizure of money, valuables and other assets obtained as a result of these crimes, and any income from such assets, money, valuables and other assets into which these assets and respective income were partially or

completely transformed; money, valuables and other assets which are used or intended for financing terrorism, extremist activities, an organized group, illegal armed formation, or criminal association (criminal organization).

Based on the provisions of cl. "d" of part 1, Article 104¹ of the RF CC and part 3 of Article 81 of the RF Code of Criminal Procedure a court may make a decision to seize the tools, equipment, or other means by which a crime was committed and which are owned by the defendant.

 30^2 . If a judge considers a criminal case against a member of a terrorist organization in the absence of circumstances referred to in Articles 61 and 63 of the RF Code of Criminal Procedure, this shall not prevent the same judge from considering a criminal case against other members of the same terrorist organization.

31. While considering criminal cases involving crimes of a terrorist nature, courts should establish the circumstances which contributed to the commission of these crimes, and also should establish the violations of citizens' rights and freedoms, as well as other violations of law committed during a pre-trial investigation or during consideration of the criminal case by a lower court. According to part 4, Article 29 of the RF Code of Criminal Procedure, the organizations and officials concerned should be made aware of the discovered facts of violated law by issuing special court rulings and decrees.

Chairman of the Supreme Court of the Russian Federation

V.M. Lebedev

Plenum Secretary, Judge of the Supreme Court of the Russian Federation

V.V. Doroshkov

Powers of the Russian Minister of Defense, Ministry of Defense of the Russian Federation (19 January 2011)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document with its submission. The translated passages are highlighted in the original-language document. Ukraine has omitted from translation those portions of the document that are not materially relied upon in its Memorial, but stands ready to provide additional translations should the Court so require.

Powers of the Russian Minister of Defense

Publication start date: January 19, 2011 23:00:00

The Minister shall:

[...]

(16) manage strategic deployment and use of the Armed Forces in the prescribed manner pursuant to a decision of the President of the Russian Federation;

(19) make decisions on the formation, organization, and deployment of military units and divisions all the way up to and including a regiment, and also to deploy and redeploy military units and divisions all the way up to and including a regiment within the territories made available to the Russian Ministry of Defense, and outside such territories – with approval from the executive authorities of the constituent entities of the Russian Federation or local government agencies;

[...]

(34) establishes the procedure for approving plans for research and development to be performed by enterprises and research organizations under the Russian Ministry of Defense;

(35) follows established procedures for equipping (procuring, using) new and updated versions of armaments and military hardware, and decommissions (halts procurement or use of) outdated versions;

(36) establishes the procedure for decommissioning armaments, military hardware, and other materials within the Armed Forces and for removing Navy ships or vessels from the Navy or transferring them from one class to another, in accordance with Russian Federation law;

(37) arranges for measures to increase the quality and reliability of armaments and military hardware;

(38) establishes the classification and creates standards for the creation, accumulation, and consumption of armaments, military hardware, and other materials;

[...]

Federal Law "On Combatting Terrorism" (6 March 2006)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document with its submission. The translated passages are highlighted in the original-language document. Ukraine has omitted from translation those portions of the document that are not materially relied upon in its Memorial, but stands ready to provide additional translations should the Court so require.

FEDERAL LAW OF 6 MARCH 2006 ON COUNTERACTION TO TERRORISM

Article 3. Basic Concepts

The following basic concepts are used in this Federal Law:

1) **terrorism** shall mean the ideology of violence and the practice of influencing the adoption of a decision by public authorities, local self-government bodies or international organizations connected with frightening the population and (or) other forms of unlawful violent actions;

2) terrorist activity shall mean the activity including the following:

a) arranging, planning, preparing, financing and implementing an act of terrorism;

b) instigation of an act of terrorism;

c) establishment of an unlawful armed unit, criminal association (criminal organization) or an organized group for implementation of an act of terrorism, as well as participation in such structure;

d) recruiting, arming, training and using terrorists;

e) informational or other assistance to planning, preparing or implementing an act of terrorism;

f) popularization of terrorist ideas, dissemination of materials or information urging terrorist activities, substantiating or justifying the necessity of the exercise of such activity;

3) **terrorist act** shall mean making an explosion, arson or other actions connected with frightening the population and posing the danger of loss of life, of causing considerable damage to property or other especially grave consequences, for the purpose of destabilizing the operation of public authorities or international organizations, or influence upon adoption of decisions by them, as well as the threat of committing the said actions for the same purpose (as amended by the Federal Law of May 5, 2014 No. 130-FZ - Collected Acts of the Russian Federation, 2014, No. 19, p. 2335);

4) **counteraction to terrorism** shall mean the activity of public authorities and local self-government bodies, as well as their individuals and legal entities (as amended by the Federal Law of July 23, 2013 No. 208-FZ - Collected Acts of the Russian Federation, 2013, No. 30, p. 4041):

a) prevention of terrorism, including the detection and subsequent removal of the reasons and conditions conducive to committing acts of terrorism (prevention of terrorism);

b) detection, prevention, suppression, disclosure and investigation of an act of terrorism (struggle against terrorism);

c) reduction to minimum and (or) liquidation of terrorist manifestations;

5) **antiterrorist operation** shall mean a complex set of special, operational-combat, army and other measures accompanied by the use of military equipment, armaments and special facilities which are aimed at suppressing an act of terrorism, neutralizing terrorists, ensuring security of natural persons, organizations and institutions, as well as at reducing to minimum the consequences of an act of terrorism;

6) **anti-terrorism security of the facility (site)** shall mean the condition which ensures the protection of a building, a structure, a construction or other facility, or a place where many persons stay at a time and which prevents the implementation of an act of terrorism. In this context, the place where many persons stay at a time shall be understood as the common-use territory of a settlement or urban district, or a specially designated area outside of their limits, or a common-use area in a building, a structure, a construction or any other facility capable of accommodating, under certain conditions, more than fifty persons at a time. (Clause 6 has been introduced by the Federal Law dated July 23, 2013 No. 208-FZ - Collected Acts of the Russian Federation, 2013, No. 30, p. 4041).

Human Rights Watch, Ukraine: Captives Describe Brutal Beatings (5 May 2014)

Ukraine: Captives Describe Brutal Beatings

hrw.org/news/2014/05/05/ukraine-captives-describe-brutal-beatings

May 6, 2014



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Aleksandr Vovk, member of Independent Trade Union of Ukrainian Miners from Novogradovka, was abducted by anti-Kiev forces on May 4 and released on May 5. While in captivity he was badly beaten by his captors. Photograph May 5, 2014.

© 2014 Human Rights Watch

(Donetsk) – Self-proclaimed authorities in eastern <u>Ukraine</u> should immediately release people held in captivity and put an end to abductions by armed men acting on their behalf. The fate of dozens of captives remains unknown, and those released whom Human Rights Watch interviewed reported severe beatings in captivity.

"Armed men affiliated with anti-Kiev forces have been snatching up activists, journalists, and local officials," said <u>Anna Neistat</u>, associate program director at Human Rights Watch. "Some who've been released are bruised and injured, while the fate of dozens of others is not known."

On May 4, 2014, anti-Kiev forces abducted six men, three of them town council members, from the town of Novogradovka. They were released the following day. All had been severely beaten, and some were seriously injured.

Human Rights Watch also documented the abduction on May 1 of Artem Popyk and on April 29 of Yaroslav Malanchuk, members of the local election commission in Konstantinovka. Their fate and whereabouts remain unknown.

According to the media and activists in eastern Ukraine, the <u>anti-Kiev authorities</u> in Donetsk region still hold at least two dozen other <u>captives</u>.

On May 3, anti-Kiev forces in Sloviansk released unharmed seven military observers for the Organization for Security and Cooperation in Europe, and their Ukrainian escorts.

Human rights law is fully applicable to all of Ukraine, including areas under the effective control of self-proclaimed authorities. Everyone involved has the responsibility to respect human rights, and the authorities claiming to exercise power in the territory need to ensure that forces under their control do not abuse human rights. The Ukrainian authorities, including the police, should take all possible measures to fulfill their obligations to protect people from abuse by all armed groups and to punish anyone who commits abuse.

"Anti-Kiev forces should immediately free all captives and rein in the armed men under their command," Neistat said. "Foreign governments should use their influence to ensure that non-state forces in Eastern Ukraine stop abusing people and to secure the release and well-being of the captives."

Novogradovka Abductions

On May 4, a large group of armed men abducted six residents of Novogradovka, 40 kilometers northwest of Donetsk: Aleksandr Vovk and Aleksandr Gurov, members of the Independent Trade Union of Ukrainian Miners; Konstantin Museiko, Valeriy Pavlik, and Oleg Bubich, members of the Novogradovka town council; and one other man.

Vovk told Human Rights Watch that on May 4 he had been in Museiko's house, together with Pavlik, Bubich, Gurov, and one young man whose name he did not know. At around 3 p.m., a group of about 10 men armed with automatic weapons and wearing camouflage uniforms and

black balaclavas stormed into the yard and dragged the men out of the house. The abduction took place in broad daylight, just steps away from the town police station. Vovk said:

They shot in the air and killed Museiko's dog in the yard. They screamed, "On the ground, bastards!" pushed us to the ground and then dragged us into Museiko's minibus, parked nearby.

As they drove us away, Gurov and I managed to jump out of the car, but they caught us. They brought us to the regional council building in Donetsk [headquarters for the self-proclaimed "Donetsk Republic"], brought us up the stairs, pushed us on the floor and started beating. I was trying to cover my head, but they kept kicking me on the head and face with their feet. They were in masks, didn't introduce themselves, and were accusing me of being a "Banderovetsk [pro-Kiev]."

Vovk said that all six men were interrogated separately and that he could hear the sounds of beatings and screams from the adjacent room. Around 1 a.m. on May 5, Vovk said, the captors released him, Pavlik, and Bubich and told them to go home. The captors took the men's money and kept Vovk's pension card, although they did return other documents they had confiscated.

At the time of the interview with Human Rights Watch, Vovk's face, especially his eyes, were covered in bruises, and he said that both his head and his body hurt. He went to the local hospital to seek medical assistance and register his injuries. He said that as a result of the beatings, Bubich had several broken ribs, and Pavlik had serious head injuries.

Museiko, who was released in the afternoon of May 5 with Gurov and the other man, said that various groups of men had beaten him "every 15 minutes," broke his ribs, and injured his ear, eye, and nose, and threatened to shoot him and cut off his ears. He said that Gurov was also badly beaten: "He had a tattoo on his arm with a Ukrainian flag and words 'Vivat Ukraine, vivat the heroes!' So, they mainly beat him on this arm – it was all black and swollen almost twice in size."

Museiko said that the abductors shot through the walls and windows of his house, turned everything upside down, and took money and gold jewelry.

Yaroslav Malanchuk and Artem Popyk

A group of men in camouflage uniforms on April 29 abducted Malanchuk, 46, a member of the nationalist Svoboda political party and a representative in the local election commission in the town of Konstantinovka. A witness told Human Rights Watch that Malanchuk had been talking to her on the phone at about 7 p.m. while heading back home from a bus stop:

He said somebody invited him for a meeting, and he was heading there before going home. I got worried – he didn't know who the men who asked for a meeting were. Suddenly, I heard some noise and then the sound on the phone got muffled – he must have put it in his pocket. I heard him screaming and begging, "Don't hit me," and someone responded, "Crawl to the trunk on your knees." Then the connection was lost.

I found some witnesses who confirmed that a group of masked men beat him and took him

away in the trunk of their car, but they wouldn't tell me anything more - everybody is so afraid.

The witness said that following inquiries from regional Svoboda leaders, the police opened a criminal investigation into the abduction and questioned her, but she was not aware that the investigators had made any progress. Unofficial sources told her that Malanchuk was being held in the office of the Ukrainian security service, SBU, in Sloviansk, which is under control of anti-Kiev forces.

The next day, shortly after midnight, a group of armed men arrived at the home of Popyk, 26, who is the head of Svoboda's Konstantinovka branch and a member of the local electoral commission.

Popyk's mother told Human Rights Watch that when they heard someone banging on the door, Popyk called the police. The police, his mother said, told Popyk to "pack his things and run."

But Popyk had nowhere to run and instead hid under a bed in her bedroom just as the men broke open the door and came in. She said that the three men who entered the house wore camouflage uniforms and black masks and that one of them had an automatic gun. They asked for Popyk and searched the house. They dragged him from under the bed, used pepper spray to disorient him, pushed him on the floor, and handcuffed him. She said:

They dragged him out like a dog, and I saw them pushing him into the trunk of their car. I kept asking where and why they were taking him, but they only said, "Just need to do some brainwashing." They took him away barefoot, in his t-shirt and sports pants.

Popyk's mother said the police came to the house after the kidnappers left. They asked questions and wrote a statement that the mother signed. The following day she tried to formally register the abduction with the local police and make sure they open a criminal investigation, but because of the public holiday nobody was there to take her statement.

She also inquired at the offices of the city council, which was under the control of anti-Kiev forces, but the men there told her they had no information about Popyk's whereabouts. Unofficial sources told her that Popyk was first taken to Kramatorsk and then held by the SBU in Sloviansk.

Eliot Higgins, Geolocating the Missile Launcher Linked to the Downing of MH17, bell; ngcat (17 July 2014)

Case Studies (Https://Www.Bellingcat.Com/Category/Resources/Case-Studies/) MH17 (Https://Www.Bellingcat.Com/Tag/Mh17/ Geolocating the Missile Launcher Linked to the Downing of MH17 July 17, 2014 By Eliot Higgins (https://www.bellingcat.com/author/eliothiggins/)	Shortly after reports of flight MH17 being shot down in Ukraine began emerging, the following video was posted online, claiming to show a Buk missile launcher travelling through <u>Snizhne (http://en.wikipedia.org/wiki/Snizhne)</u> , a <u>rebel held town</u> (<u>http://www.bbc.co.uk/news/world-europe-28309034)</u> , near the Russian border.	Орудие убийства малайзийцев Снежное 17 07 2014	The original video was quickly deleted from YouTube for unknown reasons, but one lesson to learn earlier on with any video of interest is to immediately download it. A variety tools are available to do this, including <u>Keepvid (http://keepvid.com/</u>), which I used in this instance.
Case Studies (Https://WWW Geolocating July 17, 2014 By Eliot	Shortly after reports of f Buk missile launcher tra <u>(http://www.bbc.co.uk/</u> r		The original video was q immediately download i

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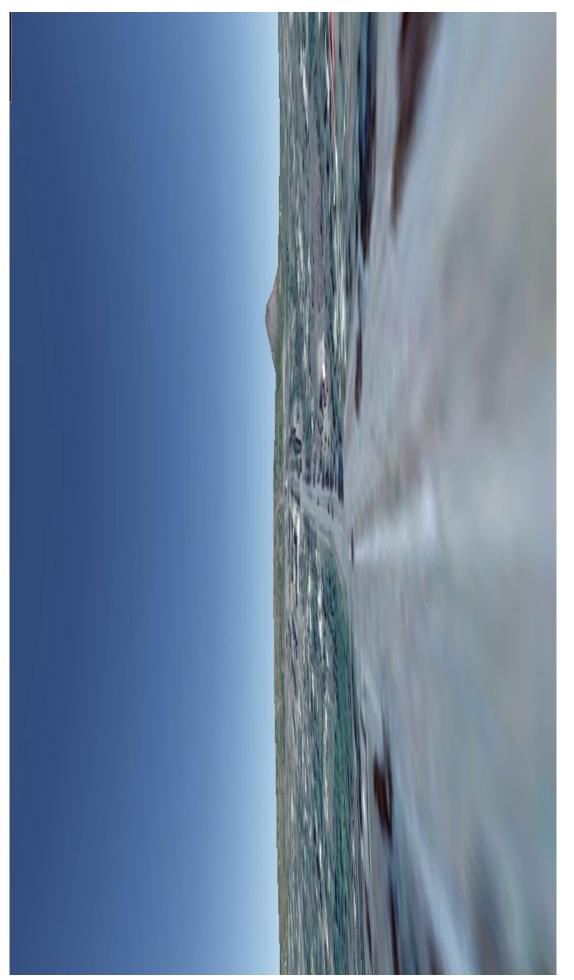
III

In this case, the road is a dual-carriageway with trees in the middle, and looking at satellite images from Snizhne it seems quite unusual. The obvious question is whether or not this is actually Snizhne, so the first thing to do is see if there's any obvious landmarks in the video. shared the video with my Twitter followers, asking if anyone could find the area (crowd-sourcing these things can be useful), and quickly (<u>http://old.wikimapia.org/#lat=48.011463&lon=38.7633437&z=18&l=0&m=b)</u> several people pointed to an area south of the center of Snizhne



content/uploads/2014/07/bukmap1.jpg).

seemed the camera would have to be north of the road, facing south. Aside from the road layout, something else stood out in the video, the height of the camera. It was clear the camera was positioned much higher than the buildings to the south, suggesting it was either on a hill or on top of a tall building. To test this, I used the ground-level view option in Google Earth, and positioned the cursor on the road, facing The road appeared to share the same layout, with the trees in the middle, and had the slight turn visible in the video. Based off this, it north, towards the camera



It seemed the only hills in the area were far in the distance, and by examining the map I was able to see apartment buildings to the north of (https://bellingcat.com/wp-content/uploads/2014/07/bukmap2.jpg). the road



(https://bellingcat.com/wp-content/uploads/2014/07/bukmap3.jpg).

Based on that I now had the approximate position of the camera, and I was able to identify other features I would expect to see from that vantage point. First, three trees positioned to the north of the bend in the road



<u>(https://bellingcat.com/wp-</u>



content/unloads/2014/07/hukman4 ind)



(https://bellingcat.com/wp-content/uploads/2014/07/bukmap5.jpg)

South of the bend it's possible to identify two junctions on the road, points 1 and 2, with one tree visible between the junction on both the video and map. At point 3 the red roof of a house is also visible in both the video and satellite map



<u>(https://bellingcat.com/wp-</u>



content/uploads/2014/07/bukmap6.jpg).

<pre>(https://bellingcat.com/wp-content/uploads/2014/07/bukmap2.jpg) Based on this information it seems likely that this is the correct location of what's claimed to by the Buk missile launcher, heading south away from Snizhne. Based on initial information about the location of the crash site, it appears this location was around 10-15km of the crash site.</pre> Share: f (https://www.facebook.com/sharer/sharer.php? u=https%3.2%2F72014%2F17%2F72F014%2F17%2F75F26014%2F17%2F75F26014%2F17%2F75F26014%2F7572014%2F7572014%2F7732F572014%2F7732F372014%2F7732F372014%2F7732F372014%2F7732F372014%2F7732F372014%2F7732F372014%2F7732F372014%2F7732F372014%2F773732F372014%2F773732F372014%2F77373777737446-400ming-of-mh17%2F372014%2F707%2F17%2F3726010cating-the-missile-launcher-linked-to-the-downing-of- studies%2F2014%2F17%2F3726010cating-the-missile-launcher-linked-to-the-downing-of- mh17%2F32F3014%2F707%2F17%2F328u=https%3A%2F%2F700041107401747414=%000F11076075 f (http://www.tumblr.com/intent/tweef?ur1=https%3A%2F%2F8000ces%2F6ase- studies%2F2014%2F17%2F3726010cating-the-missile-launcher-linked-to-the-downing-of- mh17%2F34545607%2F17%2F17%2F36010cating-the-missile-launcher-linked-to-the-downing-of- mh17%2F3456010cating the Missile Launcher-Linked to the Downing of MH177+via+%40bellingcat. MH17&body=fhttps://www.bellingcat.com/resources/case-studies/2014/07/17/geolocating-the-missile-launcher- linked-to-the-downing-of-mh17/n)	
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	<u>(https://www.bellingcat.com/author/eliothiggins/)</u> Eliot Higgins is the founder of Bellingcat and the Brown Moses Blog. Eliot focuses on the weapons used in the conflict in Syria, and open source investigation tools and techniques.
e Brown Moses Blog. chniques.	

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Eliot Higgins, Identifying the Location of the MH17 Linked Missile Launcher from One Photograph, bell; ngcat (18 July 2014)

Identifying the Location of the MH17 Linked Missile Launcher From One Photograph

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July 18, 2014

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July 18, 2014

By Eliot Higgins

In the aftermath of the MH17 downing in Ukraine various images and videos were shared on social media sites claiming to show the Buk missile launcher that was alleged by some to have been used to shoot down flight MH17. One photograph was shared on social media sites, reportedly showing the missile launcher in Snizhne, close to where a video show a Buk missile launcher was filmed



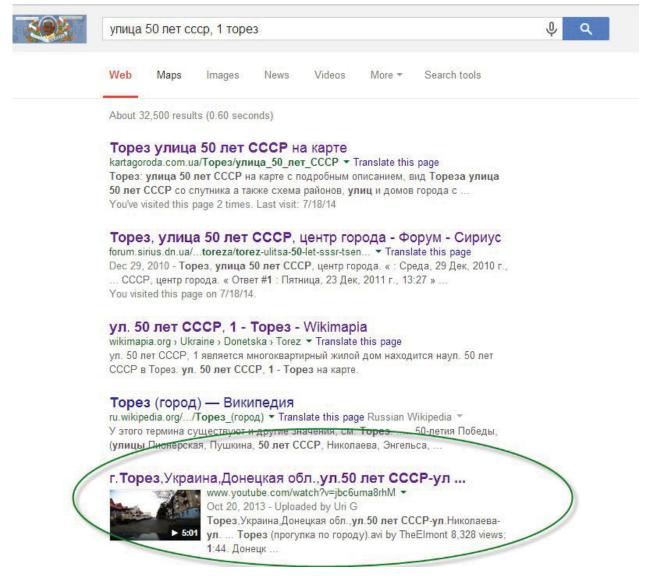
There doesn't seem much to go on in this picture, but one of my long term followers, Aric

<u>Toler</u>, managed to piece together the location using a variety of open source information, in a way that impressed myself and others who have spent their time geolocating images from conflict zones. I asked him to talk me through the process, and here's what he told me.

His first step was to identify the store with the yellow facade in the picture. Aric has knowledge of Russian, and he was able to piece together the visible letters on the stores sign, and from that he was able to search for chain stores which contained those characters, which he discovered was Строй Дом. He searched for Строй Дом in Snizhne, but was unable to find any. He searched through Google results for the name, and eventually found a reference to one here, located in the town of Torez. He then found the specific address by search the terms "стройдом" "торез" "50 лет ссср" on Google, the name of the shop, the town, and the street. This found a court document with the name of the shop and it's address as part of a testimony from a witness. From knowing the address he was then able to identify the location on <u>Yandex Maps</u>



Something else that came up in the searches were videos filmed by someone who had been posting videos of himself driving around Torez



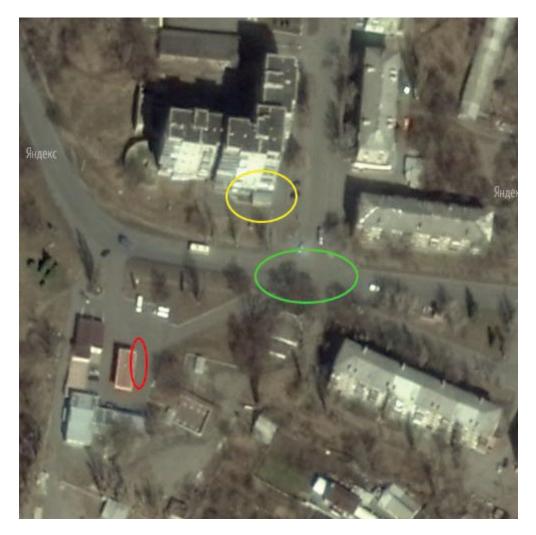
These videos stated the roads they were filmed on, and include shots of the store from the east heading west, and the north heading south





Visible in both videos were the store and the distinct apartment building with black and white stripes down each corner of the building. It was then possible to follow the path of the car in the videos on satellite maps, confirming the position of further landmarks along the route.

Based on that information it was possible to say the camera was positioned (marked in red) in the forecourt of a garage south of the store (marked in yellow), and the approximate position of the Buk missile launcher (marked in green)



Aric didn't use any specialised knowledge, beyond his language skills, to do this that would have been beyond anyone else doing the same investigation. All the information was available online, and from a single photograph he was able to establish the exact location of the missile launcher. Speaking as someone who has done this for a while, it's very difficult to establish a location from one photograph alone, so the fact this was his first attempt to geolocate something like this is really impressive, and sets a great example to anyone who might be thinking about trying some geolocation.

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Eliot Higgins is the founder of Bellingcat and the Brown Moses Blog. Eliot focuses on the weapons used in the conflict in Syria, and open source investigation tools and techniques.



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Annex 444

Human Rights Watch, Ukraine: Rebel Forces Detain, Torture Civilians (Aug. 28, 2014)

Ukraine: Rebel Forces Detain, Torture Civilians | Human Rights Watch



August 28, 2014 5:10PM EDT

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Ukraine: Rebel Forces Detain, Torture Civilians

Dire Concern for Safety of Captives





The basement of the security services building used by pro-Russia separatists as a detention place is seen in Sloviansk on July 6, 2014. © 2014 Reuters

(Berlin) – Russian-backed insurgent forces in eastern Ukraine are arbitrarily detaining civilians and subjecting them to torture, degrading treatment, and forced labor. They also have detained civilians for use as hostages. Beginning in April 2014, armed fighters supporting the self-proclaimed Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR) have captured hundreds of civilians, targeting presumed critics, including journalists, pro-Ukrainian political activists, religious activists, and in some cases their family members.

"Pro-Russian insurgents are regularly committing horrendous crimes," said **Hugh Williamson**, Europe and Central Asia director at Human Rights Watch. "There are solid grounds to be seriously concerned about the safety and well-being of anyone held by insurgent forces in eastern Ukraine."

In August Human Rights Watch researchers in eastern Ukraine documented 20 cases in which rebel fighters had captured civilians, and interviewed 12 people who said their captors had beaten, kicked, stabbed, or lacerated them, burned them with cigarettes, or subjected them to mock executions. At least six were used as hostages either for ransom or to exchange with captured insurgents held by Ukrainian authorities. Another is apparently awaiting exchange.

Three people whose cases Human Rights Watch documented remain in captivity in Donetsk.

Former detainees told Human Rights Watch that insurgents held them at various bases in Donetsk, Sloviansk, and Makyivka, including in security services (SBU) buildings, local administration buildings, and other buildings. On August 17, Human Rights Watch researchers witnessed a DPR representative at the Donetsk SBU building read a list of 55 detainees to a large group of local residents who gathered there hoping to find their missing relatives. Local people confirmed to Human Rights Watch researchers that insurgents read out a list of civilian detainees every evening.

Human Rights Watch also examined lists of captives maintained by Sloviansk insurgents, which human rights lawyers found in the SBU building after Ukrainian forces took control of the city. The lawyers matched some of the names on the list to people whose cases Human Rights Watch documented.

Human Rights Watch is also concerned by evidence of extra-judicial executions, and other civilian deaths in custody. For example, Human Rights Watch came into possession of three death sentences against civilians apparently issued by the Sloviansk insurgents' summary war tribunal. Two were marked "executed."

Human Rights Watch has not independently verified whether those named in the death sentences were in fact executed, but in July the Internet news media site Buzzfeed and two other foreign reporters found similar execution orders in Sloviansk and had them **"corroborated by sources including a man who stood 'trial.'**" One former captive interviewed by Human Rights Watch in August said he witnessed the interrogation of a man whose dead body with marks of torture was found several days later.

Human Rights Watch could not establish the exact number of civilian captives insurgents have held in eastern Ukraine since April. A July 15 report by the Office of the United Nations High Commissioner for Human Rights cited a Ukrainian Interior Ministry figure of 717 people, including civilians and members of Ukrainian forces, "abducted by armed groups in eastern Ukraine" between mid-April and mid-July. At the end of August the Center for Freeing Prisoners, a nongovernmental group run by former Ukrainian military officers negotiating for release of hostages, published a **list** of 501 people whose release they are trying to secure. At least 129 were identified as civilians.

A psychologist in Dniepropetrovsk who worked with several people who had been tortured during rebel captivity described them to Human Rights Watch as "distressed," "deeply traumatized," and "extremely frightened." One, he said, was covered with bruises from severe beatings, "stared into space, would not talk or react to verbal stimulation, and although he had no prior psychiatric condition, required immediate psychiatric hospitalization." A human rights lawyer in Kiev who took on the cases of six former captives told Human Rights Watch that all of her clients had been beaten in captivity and that some alleged they were tortured with electric shocks, cut with knives, and burned with cigarettes.

Common article 3 to the Geneva Conventions and article 4.2 of Additional Protocol II, which govern noninternational **armed conflicts**, ban taking hostages and abducting civilians. As a party to the conflict rebels may detain enemy soldiers or persons on security grounds, subject to due process. But Human Rights Watch found that rebel forces are vastly exceeding this authority, essentially abducting civilians they perceive as critics and using some as "bargaining chips," as one of the former leaders of the self-proclaimed DPR said publicly.

Torture and cruel or degrading treatment of people in custody is absolutely prohibited under international human rights and humanitarian law, and states have an obligation to prosecute those responsible. "Self-proclaimed authorities in eastern Ukraineshould immediately free anyone held arbitrarily, put an end to arbitrary detentions, extrajudicial killings, hostage-taking, and torture of detainees, and treat anyone in custody – civilians and military alike – humanely and with dignity," Williamson said. "Russia should use its influence with insurgent forces in eastern Ukraine to stop these blatant violations and ensure that those responsible are brought to justice."

Ongoing Detentions

Human Rights Watch documented cases of an artist, a political activist, and a presumed critic of the Donetsk People's Republic (DPR), who remain in captivity by insurgents in Donetsk region.

Serhiy Zakharov

On August 6, 2014, insurgents detained Serhiy Zakharov, 47, an artist from Donetsk. At this writing, Zakharov remains in captivity in the SBU building as punishment for his caricatures of insurgent leaders.

In July Zakharov created an anonymous art group, Murzilka, which published online and as part of public installations in central Donetsk various caricatures of Igor Girkin, the former DPR defense chief, and other DPR fighters. Zakharov's brother, Andriy, told Human Rights Watch that on August 6 a group of armed insurgents broke into Zakharov's house, searched the house and garage, put Zakharov and some of his belongings into their vehicle, and drove off. Zakharov's relatives learned what happened from neighbors who witnessed the detention. Several days later, DPR representatives confirmed to Zakharov's family that they were holding him in the SBU building and that an "investigation" into his "unlawful actions" was under way.

3/9/2018

Andriy Zakharov told Human Rights Watch:

Murzilka became pretty popular on Facebook, and journalists would reach out to Serhiy for interview requests.... He actually gave an interview the day before the DPR came for him. On the evening of August 6, [neighbors said] armed men arrived in a minibus and surrounded his house, as if they were after a dangerous criminal.... The house was totally torn apart as a result of their search. They took away Serhiy's computer and other electronics, all his drawings, and stuff. Though they did not say how long they'd be holding him, what exactly they were accusing him of, and what his punishment would be.

On August 17 Zakharov was temporarily released and DPR representatives told him to return to the SBU building the next day to pick up his identification documents and other belongings. The next day Zakharov went to a hospital for a medical examination of his injuries from beatings in captivity, including x-rays that revealed rib fractures, and then returned to the SBU building. A friend watched him enter the building and waited outside for him until late evening. The guards refused to answer his questions about Zakharov. Later that week, Zakharov's relatives received information from DPR representatives that he was being held in the SBU building to serve "30 days' detention as punishment for his actions."

Dmytro Potekhin

On August 7, DPR fighters in Donetsk detained a prominent pro-Ukraine activist, Dmytro Potekhin, 37, who had arrived the day before apparently to see how the city was affected by the armed conflict. Family members said the DPR leadership has accused Potekhin of spying and that he remains a hostage. The insurgents are apparently negotiating with the Ukrainian authorities over his possible exchange for captured rebels.

Potekhin's family learned of his detention on August 12 when an unidentified person contacted them through social media, claiming he had been held with Potekhin at the insurgent base at the Izolyatsiya plant in Donetsk. The person told Potekhin's relatives that the insurgents accused Potekhin of being a spy but did not beat him.

During the next two weeks, several other sources told Potekhin's family that he was at the Izolyatsiya plant, that his captors did not torture him, and that negotiations regarding his exchange were under way.

On August 25 Potekhin's parents told Human Rights Watch that they thought they recognized him among the Ukrainian prisoners **paraded** by insurgents in the center of Donetsk on August 24.

Mykola Mykolaiv (not his real name)

On August 16, insurgents in Donetsk detained Mykola Mykolaiv, 54. On August 17 his wife, **Anna** (not her real name), received confirmation that he was held in the SBU building but could not get any information about the reason for his detention.

Anna told Human Rights Watch that when she returned to their apartment late in the evening of August 16, it was "literally turned upside down" and that her husband was gone. Next-door neighbors told her that earlier that evening several armed men entered the apartment, searched it, forced Mykolaiv into their vehicle along with some of the family's belongings, and drove off. When Anna examined the apartment she realized that her husband's documents, phone, laptop, and some cash were missing.

The next day, Anna heard her husband's name read among 54 other names on the SBU list of detainees. The DPR representative who read the list told Anna that he did not know what Mykolaiv was accused of and how long he would be in detention.

Anna said:

He did not participate in any rallies or anything. Maybe it's because he said some critical things about the DPR on his VKontakte [social network] account.... On the other hand, I'm even more frightened they would accuse him of being a spy. He always rides his bicycle to work and they [the DPR] think informers for Ukrainian forces do this to take a close look at different sites. We have some unfriendly neighbors who could have reported him to the DPR, simply out of spite.... [The DPR] don't answer my questions except by saying that they are still "working on it."

Mykolaiv apparently remains at the SBU.

Taking Relatives of Presumed Critics Hostage

Activists from Donetsk and Luhansk regions seeking release of captives told Human Rights Watch that in recent months they had documented several cases in which insurgents captured or threatened parents of pro-Ukrainian activists or journalists who had fled the region for security reasons in order to force their children to return and give themselves up. Human Rights Watch documented one such case in the Donetsk region.

Iryna and Valeriy Ischenko

On August 9, 2014, armed men in Donetsk raided the apartment of Iryna Ischenko and her husband, Valeriy, forced the couple into a car, and drove away with them. They were held until August 19, for the most part at the Izolyatsiya base in Donetsk, and then released but without their identity documents. Insurgents appeared to have targeted the couple because their daughter, Viktoria, who had left Donetsk two months earlier, had worked for a Ukrainian-language media portal.

Viktoria Ischenko told Human Rights Watch that on August 9 her mother called her at 3:40 p.m. and said that people claiming to be from the DPR had just knocked on their door, demanding to talk about her. After her mother refused to let them in, they left, threatening to return and break down the door. The daughter tried unsuccessfully to reach her parents for several hours. Later that day, the couple's next- door neighbors described to Viktoria what had happened. She said:

The neighbors [told me they] heard some noise, looked out, and saw that the door to my parents' apartment was open. They stepped inside and saw two men in civilian clothes and an armed man in fatigues tearing the place apart. The men chased [the neighbors] away, but my mother managed to say, "This is happening because my daughter is a journalist." The DPR people spent a total of four hours in the apartment. At 8 p.m., they [DPR representatives] led my parents down the stairs and carried out their computer and some other devices.

Viktoria worked at the Ukrainian-language media portal Ngo.donetsk.ua, which stopped operating in the summer of 2014. In 2013 she participated in a workshop on information technology sponsored by the United States embassy in Ukraine. She said that on the day her parents were detained, armed insurgents visited the parents of another pro-Ukraine activist who had also left Donetsk several months earlier. They threatened to hold the activist's parents hostage until she returned to Donetsk and gave herself up to the DPR. A man called the young woman, claimed he was a DPR representative, and told her to return to Donetsk if she wanted her parent to be safe. They have not been harmed.

Torture of Activists Captured by Insurgents

Since April 2014 Human Rights Watch has **documented** over two dozen of cases of insurgents torturing political activists they detained in Donetsk, Sloviansk, Makyivka, and Luhansk. While in eastern Ukraine in August, Human Rights Watch researchers documented several more.

Dmytro Kluger, Viktor Levchuk, and Olha Klimenko

In mid-May insurgents detained three pro-Ukraine activists in Donetsk, held them in captivity for six days, tortured them, and used them for forced labor.

Dmytro Kluger, 35, said that police stopped his car on May 22 at about noon as he and fellow activists Viktor Levchuk and Olha Klimenko were leaving Donetsk. Police called the DPR authorities and a group of armed insurgents promptly arrived and took all three to the SBU building in Donetsk. Armed men in fatigues searched all three, put Kluger and Levchuk into a small basement cell together, and put Klimenko into a separate cell. The captors pulled Kluger's cap over his eyes and wrapped tape around it.

After an hour, men took Levchuk away for questioning. Two hours later they took Kluger to the second floor. Kluger was able to make out three interrogators wearing military fatigues. Two other men stood behind him and delivered kicks and punches. He said another five people were observing the proceedings:

They [interrogators] asked me if I was involved with Euromaidan. They also wanted to know if I worked for one of the election commissions [for the May 25 Ukrainian presidential elections]. I admitted to being on an election commission and they started screaming, "How much do they pay you? What do you do for them?" Those who stood behind me beat me for giving snide replies or thinking too much before answering their questions. They punched me on the head, on the liver, in the solar plexus. One of them put his gun to my head and pulled the trigger. The gun wasn't loaded, but I did not know that. The beating went on for some 40 minutes.... Then, a guy with a cover name, Cherep [Skull], took me back to the basement and said he'd tear my liver out if I didn't get the chair of my election commission to come to them.... Their interrogations were all about breaking you.

Kluger said that the next day, the guards gave him fatigues to wear instead of his bloodied clothes and took him to the SBU yard where he saw another eight detainees, including Ruslan Kudryavtsev, an election commission chair from Donetsk. The insurgents split the prisoners into two groups. They dispatched the first group to fill bags with sand at checkpoints and tasked the second one with stripping the plastic covering off copper wire. Kluger was in the second group. He said that while the detainees worked, crouched over the rolls of wiring, the guards kept kicking and punching them on the back, arms, and legs, yelling that they were too slow, that they were "killers deployed by the Kiev junta." In the evening, the guards took Kluger back to the basement, kicking him and saying that he had two hours to sleep before his next interrogation.

That evening Kluger tried unsuccessfully to slit his wrist using a key he had managed to hide from his captors. Later that evening he tried to strangle himself with his shoelace. He fainted and came to a while later, after his captors had poured water over him.

The next day, insurgents took him and Levchuk, who had suffered a dislocated shoulder during his interrogation the night before, to an emergency room in Donetsk. Both were covered in bruises. A doctor treated Levchuk's shoulder, diagnosed Kluger with a concussion, and urged the insurgents to leave them both in the hospital. The insurgents said they would "provide the necessary treatment" themselves and took the men back to the SBU. For the next three days, the insurgents left Kluger to recover in his cell.

On May 26, insurgents forced Kluger to come out and work again. The following evening, guards took Kluger into a room where an insurgent commander with the code name Kerch, who said he was a native of Crimea, was already talking to Levchuk, Klimenko, and Kudryavtsev. Kerch said they were free to go, indicating they had been "exchanged" for captured insurgents, apparently along with several captured members of the Ukrainian forces. All three were released immediately.

On May 30 Kluger filed a complaint with the Ukrainian security services in Kiev for the purposes of future prosecution of those responsible for torturing him and had a medical examination that revealed a basal skull fracture, a perforated eardrum, an acute ear infection, and multiple hematomas.

Yevheniya Zakrevskaya, Levchuk's lawyer, told Human Rights Watch that in addition to a dislocated shoulder, Levchuk suffered head traumas, multiple bruises on his face and neck, facial skin damage, and a cigarette burn on his hand. Kluger said that insurgents beat Klimenko less severely than the men but nonetheless repeatedly hit her on the head and slapped her so hard during one interrogation that she fell off the chair onto the concrete floor and suffered multiple bruises.

Anna Guz and Fedir Menshakov

At the end of May insurgents detained pro-Ukraine activists Anna Guz, 30, and her partner, Fedir Menshakov, 28, and held them hostage for five days at a police building in Makyivka, in Donetsk region. Both were tortured and released in a prisoner exchange with Ukrainian government authorities.

Guz told Human Rights Watch that at about 8 a.m. on May 27, she and Menshakov were awakened by loud knocks on their apartment door in Donetsk and men yelling that they were from the DPR. When Guz opened the door, she saw seven armed men in military fatigues. They said that Guz and Menshakov were under arrest, threatened them with Kalashnikov assault rifles, searched the apartment, and took their laptop, camera, cell phones, credit cards, and pro-Ukraine leaflets. They also tore a Ukrainian flag off the wall yelling, "You know that Ukrainian flags have been banned on DPR territory after May 11 [the DPR referendum]!" They then tied the flag around Guz's head, covering her eyes, blindfolded Menshakov, marched both activists down the stairs, pushed them into a vehicle, and drove off.

When the car stopped, the armed men led them into a damp basement. After a short while, they took Guz to another room, sat her down on a box, and untied the blindfold. Guz saw two women and two men, all in military fatigues. Another camouflage-clad man with a knife ran into the room and threw himself at Guz screaming, "I'll kill you, I'll cut you to pieces! You'll eat that Ukrainian flag of yours!" He slapped her hard on the face, causing her to bleed. For the next two hours, the man tortured Guz, beating her, poking her with his knife, piercing her skin, and cutting her face, hands, arms, and neck:

He was yelling non-stop and waving his knife close to my face.... He was hitting me on the knees with handcuffs, then poked me with his knife on one knee, pushed the knife in by half an inch, and turned it. He did the same to my other knee. He would run out and then come back and torture me again. He threatened me with gang rape. The whole thing continued for some two hours and the other four were just watching, like in a theater....

Finally, he says, "Bow your head. It's time to kill you!" and slashed me on the back of my neck. So, my neck is bleeding, my hands and arms are all cut up and bleeding – the lacerations are deep – and he drags me to another room on the first floor with some armed people in it. Those people actually asked me questions – in which events I took part, what kind of activism I was involved in. They said that if I wanted to live I had to trick other activists and journalists into coming to them.

Because Guz was bleeding heavily, the guards asked a nurse on the premises to clean and dress her lacerations. She also secretly gave Guz a shot of anesthetic. Her captors then forced her to wash the floors in the hall, even though her hands were still bleeding through the dressings, and then to clean the inside of a car in which bodies of killed insurgents had been brought to the base. When Guz was washing the car, she told Human Rights Watch, the base commander arrived and, indicating Guz's condition, berated the insurgents. "Why did you do this? Are you nuts? She is up for exchange – what would they think about our treatment of prisoners?!" The next day, her torturer took her to a hospital to treat her right index finger, which was injured and would not stop bleeding. While leaving the yard, Guz saw a sign on the gate that read, "Makyivka Police Organized Crime Department."

At Makyivka's central hospital, a doctor treated her wounds and gave her a large dose of antibiotics. Guz spent the rest of her captivity in a room with her partner, who was also badly beaten. On the sixth day, they, along with one other captive, were exchanged for three captured insurgents held by Ukraine government forces and set free.

Two-and-a-half months after Guz's release, the scars on her hands and arms were still plainly visible. She and Menshakov both lodged complaints with the Ukrainian security services for the purposes of future prosecution of those responsible.

Detentions and Cruel and Degrading Treatment of Journalists

Since April 2014, numerous journalists, both Ukrainian and foreign, have experienced physical violence, detention, harassment, intimidation, and death threats from insurgent forces, according to media reports and information Human Rights Watch collected from the journalists, including 12 cases based on first-hand interviews. In some cases the violence against journalists has amounted to what appears to be cruel and degrading treatment. Three of these cases are described below.

Serhiy Lefter

In mid-April, insurgent forces who controlled Sloviansk held Serhiy Lefter, a 24-year-old Ukrainian freelance journalist, captive for 17 days, beating and threatening him repeatedly.

At about 7 p.m. on April 15, Lefter, on assignment in the center of Sloviansk, was talking on his cell phone when two men approached, one masked and both armed with guns, and asked why Lefter was talking on the phone. When Lefter responded that he was a journalist, the men took him to the city council building, where several insurgents interrogated him, searched his backpack, and demanded his laptop password. They accused him of being a spy, of gathering data about firing positions, and of involvement with the far-right Ukrainian nationalist group, Right Sector. One of the men in charge told Lefter they would take him hostage.

Lefter spent the night there. The next day, Vyacheslav Ponomarev, then the self-proclaimed people's mayor of Sloviansk, ordered him to be taken to the SBU building. When Ponomarev himself arrived at the SBU, he accused Lefter of being a spy and punched him in the jaw.

Lefter said that on his third or fourth day in captivity, the insurgents interrogated him from about 11 p.m. to 3 or 4 a.m. Judging from other voices he could hear, he estimated that four to five other people were being questioned in the same room. When Lefter told the insurgents that he was a journalist, a man hit him on the right side of his face several times, dislodging his lower left front tooth and causing hematomas and massive swelling. Someone pushed Lefter to the floor and kicked him in the solar plexus, knocking the wind out of him. The interrogators dragged Lefter across the floor and at one point burned his right hand with a cigarette. Human Rights Watch, interviewing him four months later, photographed a small, circular scar from the burn. Lefter said that those questioned in the same room included Yuri Popravka, whose body with marks of torture was found in Sloviansk on April 19, together with **the body of Vladimir Rybak**, a pro-Kiev politician. He said that during his interrogation, he could hear the other captives screaming:

They would beat information out of them to get answers to how did they get here and which checkpoints did they come through. I could hear kicking and punching. I heard a few people being burned with cigarettes. I also heard them threaten to cut off sex organs. I could hear them taking someone's pants down. They threatened me with it too. One of the prisoners seemed to be totally covered in tape, and it seemed that when they cut the tape they were cutting the detainee, because I heard him scream.

On April 26 or 27 the guards found out that one of the detainees had managed to sneak out a letter. They questioned Lefter and his cellmates, Artem Deinega and Vitaliy Kovalchuk, all night and beat Lefter on the legs with a truncheon. On May 2 at about 1 p.m., the insurgents told Lefter he was free and released him.

Simon Ostrovsky, VICE

On April 21, armed insurgents captured a VICE News reporter,Simon Ostrovsky, in Sloviansk and held him for three days, beating him repeatedly. Ostrovsky told Human Rights Watch that this was related to his documentary series, *Russian Roulette*, in Ukraine and the "inconvenient questions" he kept asking at news conferences of the selfproclaimed authorities in Sloviansk. Ostrovsky and four other journalists were stopped in their car on April 21 at an insurgent checkpoint close to their hotel in Sloviansk. An insurgent shined a flashlight in Ostrovsky's face, compared it to a photograph, and yelled, "I got him, I got him, it's him!"

Armed men pulled the journalists from the car and searched, threatened, and questioned them about their work. They let the other four go but took Ostrovsky to the Sloviansk SBU building. A group of men in military fatigues led him to a courtyard behind the building, blindfolded him, searched him once again, took away all of his belongings, and tied his hands behind his back. Then they led him down to the basement and threw him on the floor.

A group of men came into the room and beat him, kicking and punching him in the ribs and smacking him on the head and ears. The beating continued intermittently from approximately 1:30 a.m. until daylight, he said. When he was not being beaten he was left blindfolded, sitting in the corner of a filthy basement room with damp walls and water dripping from the ceiling.

The next day, the insurgents put other detainees in the same room, at one point there were as many as eight. Among them were a Ukrainian journalist and his driver, a member of the local legislature, a local resident captured for attempting to set up a web camera across the street from the SBU building, and a Euromaidan activist whom insurgents accused of being associated with the Right Sector and who suffered a very bad beating in captivity. Some had already spent more than two weeks in captivity and based on their own experiences, warned Ostrovsky that he should expect a "real" interrogation during which he would probably be severely beaten. At one point, a man took Ostrovsky, blindfolded, to another room. Several men asked him for his computer password, beat him on the arm with a truncheon when he refused to provide it, and asked whether he worked for the CIA, the FBI, or the Kiev government, and whether he was a spy for the Right Sector. This interrogation continued for about ten minutes, after which the men left Ostrovsky alone in the room for the night.

Ostrovsky's hands were bound for his first two days in captivity; the beatings stopped after a day and a half.

He said his first night in captivity was the roughest:

It is an initiation procedure which involves violence. That first night they want to terrify you so that you are cooperative. They want to make sure you sit when they tell you, look down on the floor, do everything they tell you to do. They want to break your resolve to resist, to punish you, to teach you a lesson.

Throughout Ostrovsky's captivity, DPR representatives made contradictory statements to the press regarding Ostrovsky's fate and whereabouts. At about 5 p.m. an insurgent gave Ostrovsky his belongings and told him that he was free to go.

Pavel Kanygin, Novaya Gazeta

Pavel Kanygin, special correspondentfor the Russian independent outlet *Novaya Gazeta* spent around 12 hours in insurgent captivity from May 11 to 12 in Donetsk region. He was reporting on the May 11 unofficial referendum on the independence of the self-proclaimed Donetsk People's Republic. Before his abduction, Kanygin published a series of comments on social media describing, among other things, the persecution of officials who did not support the referendum.

Kanygin said he was in a café in Artyomovsk with Stefan Scholl, a correspondent for the German newspaper *Südwest Presse*, when four men approached them at about 9 p.m., demanding that Kanygin explain his coverage of the referendum. They took both men to the town's main square, where a mob of armed insurgents and local residents had already gathered. Armed insurgents surrounded Kanygin, accusing him of being a spy and demanding that he disclose his ties to the Right Sector, the SBU, or the CIA. When Scholl tried to intervene, they threatened to shoot him on the spot.

Unarmed people pushed Kanygin to the ground and started kicking and punching him, but an armed insurgent ordered them to stop, saying they would take Kanygin to Sloviansk to "figure things out in the SBU basement." The man, whom people called "Bashnya" (Tower) or "Leonidych" (apparently, his patronymic), twisted Kanygin's arms, pushed him into a car, and told him to sit still and keep his head on his knees. When Kanygin asked the man what they wanted, "Bashnya" elbowed him in the jaw, breaking a tooth. On the way, "Bashnya" and the driver discussed where to take Kanygin, contemplating whether to exchange him "for some of our boys" or to kill him in the woods.

Eventually they brought Kanygin to an insurgent base in Volodarka, near Sloviansk. Several armed men led Kanygin into a tent, took his laptop and his backpack, and ordered him to strip. The insurgents asked Kanygin for the passwords to his cellphone and laptop and hit him in the face when he refused. When one of the armed men grabbed Kanygin and threatened to break his finger, the journalist gave his password. The insurgents logged in and went through Kanygin's files and photographs, asking him questions.

Kanygin told Human Rights Watch he heard insurgents bragging on the phone about "catching a good target for exchange" and getting instructions. Then they threw him on the floor of a vehicle and drove to another camp with insurgents from Horlivka. This group was under orders to transfer Kanygin to Sloviansk. However, they eventually took all the cash Kanygin had, 39,000 rubles (US\$1,130) and allowed him to call Scholl, who offered to give all the cash he could pull together, nearly \$1,000. They told Kanygin the money was "not ransom but your contribution to our war."

Scholl told Human Rights Watch that at 2 a.m. he received a call from Kanygin asking him to pay the insurgents for his release. Kanygin's captors met with Scholl at his hotel in Artyomovsk and took the cash from him. Scholl expected Kanygin to be handed over right away, but instead the insurgents drove Kanygin to Horlivka, switched cars, apparently drugged him, and finally took him to Hotel Liverpul in Donetsk.

Kanygin told Human Rights Watch:

I actually don't remember what happened after Horlivka. They made me drink some mineral water ... and 15 minutes later I just nodded off in the car. When I came to I was on a bed in a hotel room, fully dressed, and a clerk was shaking me awake saying it was already noon. He said two men brought me into the hotel lobby in the early morning and asked for a room. He said I was walking between them as they held on to me and looked a bit strange.... It was more like a coma than normal sleep. I suspect they put something in that water. I called my editor. It's clear that I was released so soon only because Scholl had gotten in touch with my colleagues, and then some high-level Russian officials intervened on my behalf. The Horlivka men decided to make some fast money and simply took whatever cash [we] had. A few hours after I came to, a DPR rep ... called me to apologize for the "misunderstanding" ... and promised that my computer, phone, and money would be returned to me. But this never happened.

Detention and Torture of Religious Activists

Armed insurgents have also captured, held, and tortured active members of non-Russian Orthodox religious groups. In its July 15, 2014 **report on the human rights situation in Ukraine**, the Office of the High Commissioner for Human Rights noted that "a Protestant pastor and his wife were abducted and held in Druzhkivka (Donetsk region)" by insurgent forces.

Also in July Anton Heraschenko, an advisor to Ukraine's interior minister, stated that a **mass grave** found in Sloviansk contained the bodies of four members of the Church of the Transfiguration: Albert and Ruvim Pavenko (sons of the church's pastor), as well as two deacons, Viktor Brodarsky and Volodymyr Velichko. On July 8, insurgents had broken into the church during services and abducted the four.

Serhiy Kosyak

Human Rights Watch spoke with an evangelical pastor from Donetsk, Serhiy Kosyak, who described how insurgent forces had detained and tortured him and other religious activists. Beginning in March Kosyak coordinated daily ecumenical "prayer marathons for peace and unity" in the center of Donetsk. He said that from April through August, insurgents had taken 12 of the participants captive, held them at bases in Donetsk, Makyivka, and other towns for periods ranging from several hours to several weeks, beat and threatened them, and subjected at least three to mock executions. At least four were released for ransom and one remains disappeared. The others, to the best of Kosyak's knowledge, were freed without payment. Kosyak had spoken directly with all of those freed following their release.

Insurgents seized Kosyak himself on May 24. That day, when Kosyak went to the "prayer marathon," he saw that the prayer tent had been destroyed and went to the city administration building to consult with acquaintances in the DPR about it. Another DPR representative jumped on him, yelling to others, "This man is a troublemaker! He says that DPR is sinful, that God disapproves of separatism! He's with Right Sector!" Several people then severely beat Kosyak, eventually throwing him into a room on the eighth or the ninth floor and threatening to take him to the SBU basement in Sloviansk. A short time later, two former members of Kosyak's church entered the room, said he was "harmless," and convinced the others to let him go. Kosyak said:

I spent four hours there. They beat me with truncheons and hammers. I had a split lip, and my left arm was fractured. My left side was all back and blue.

On August 17, when Kosyak was away, armed DPR representatives forced their way into Kosyak's home in Donetsk looking for him. They searched the house thoroughly, found nothing except family belongings and religious literature, and left.

Kosyak also told Human Rights Watch that insurgents on August 3 had abducted another of his congregationists, Yevheniy Frantsuk, held him in a trench for three weeks, and released him on August 23. Kosyak said Frantsuk had not been tortured.

Alexander Khomchenko

Kosyak also gave a detailed account of how armed insurgents detained and tortured Alexander Khomchenko, a member of his church and deputy coordinator of the "prayer marathon," and detained two participants, Valeriy Yakubenko and Roksolana Shvaika.

On August 8 Khomchenko was coordinating the daily prayer session while Kosyak was away. The session began at 6 p.m. in the city center, as usual. Several armed insurgents approached the group at about 6:30 p.m., said they were from the DPR, and asked who was in charge. Khomchenko said he was, and the insurgents detained him, Yakubenko, and Shvaika and took them to the SBU building. There, it appeared that the insurgents mistook Khomchenko for Kosyak. When bringing in the three detainees one of the captors yelled to the insurgents in the building, "We got Kosyak!"

The insurgents interrogated their captives for three hours at the SBU, together and separately. They soon released Shvaika, berating her for getting involved with a "sect," and transferred the two men to an insurgent base at the conscription office in Makyivka. The insurgents released Yakubenko the next day. They held and tortured Khomchenko for three days, then released him. Khomchenko had volunteered as a driver to evacuate people from areas affected by the armed conflict, and when he was detained he had several receipts from gas stations across Donetsk region. The receipts made the insurgents suspect he was a spy for the Ukrainian forces. Kosyak said:

They started beating Sasha [short for Alexander] in Makyivka.... Sasha told me they also would watch while they would force some prisoners to beat other prisoners. If they thought the kicks and punches weren't strong enough they would then beat the slackers. Sasha's body was all black and blue, and his face was beaten to pulp. During his three days in Makiyvka they staged his execution three times. Twice they shot above his head. And the third time, they shot at him at point-blank range, but the gun was not loaded. He is now recovering from his injuries.

Human Rights Watch examined a photograph of Khomchenko taken two weeks after his release from captivity. His entire upper body was still extensively bruised.

After the detention of Khomchenko, Yakubenko, and Shvaika, the prayer marathon participants stopped conducting public sessions, convening them instead in secret places. Your tax deductible gift can help stop human rights violations and save lives around the world.

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Annex 445

Magnitsky, Images Show the Buk that Downed Flight MH17, Inside Russia, Controlled by Russian Troops, BELL; NGCAT (8 September 2014)

(https://www.bellingcat.com)

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Images Show the Buk that Downed Flight MH17, Inside Russia, Controlled by Russian Troops

September 8, 2014 By Magnitsky (https://www.bellingcat.com/author/magnitsky/)

New evidence has been found that shows the Buk missile system that was used to shoot down MH17 on the 17th of July came from Russia, and was most likely operated by Russian soldiers. Using videos posted by locals in Russia's Belgorod region back in June it has been possible to identify the Buk missile launcher seen in Ukraine on July 17th as part of a convoy of Buk missile launchers. It has also been possible to identify the Russian brigade the Buk is likely to have belonged to, and who may have operated the Buk missile launcher when it was in Ukraine.

The Buk launcher can be identified because of a number of features, including white markings on the left side side of its chassis, and what looks like the traces of a number that has been painted over. Here is a comparison of the Buk seen in previously unpublicised video taken in Russia on the 23rd of June with a well known image from Paris Match, which shows a Buk in Donetsk at 9am on July the 17th.

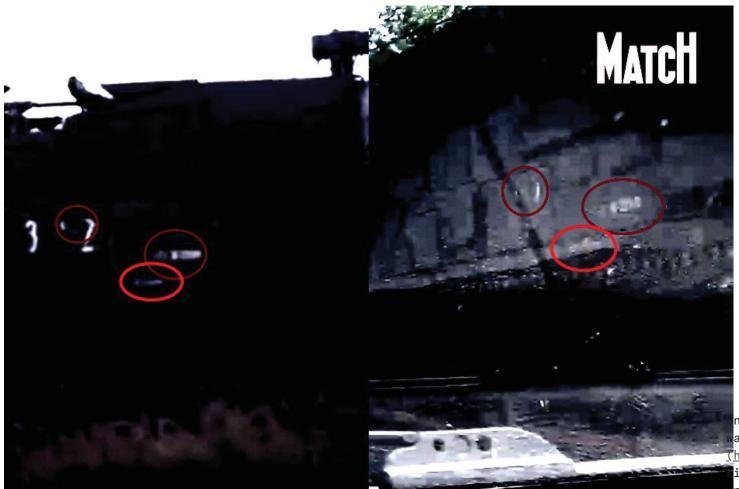
On veh mot Bel <u>mod</u> <u>(ht</u> buk



(https://bellingcat.com/wp-content/uploads/2014/09/1.jpg)

Lef fro Rus <u>(ht</u>

<u>lis</u>



(https://bellingcat.com/wp-content/uploads/2014/09/1.1.jpg)

Numerous earlier studies of vehicles inside Ukraine has shown it has been standard practice for Russian forces to <u>paint over the number (http://www.novayagazeta.ru/society/65075.html)s</u> (<u>http://www.novayagazeta.ru/society/65075.html</u>) on their vehicles before sending them into the Ukraine. In the Paris Match image, much of the remaining number has now been painted over. However, it is still possible to see the top curve of what was a "2" and the other two white marks. It's important to note that these markings are in exactly the same positions on the Buk in both images.

Here is a comparison of the Paris Match picture with an image of the same Buk in a convoy of Russian military vehicles in Alexeyevka, a town around 70 miles from Staryy Oskol, on the 24th of June.



(https://bellingcat.com/wp-content/uploads/2014/09/2.png)

The above image also shows the matching marks on the left side of the Buk. It's also possible to confirm that this is the same Buk by looking at the other side of the vehicle. The Buk seen moving back to the Russian border on the 17th has a white patch on the armoured skirt of its right side. This patch is also visible in a video filmed around Staryy Oskol in Russia, which was uploaded on the 23rd of June.



(https://bellingcat.com/wp-content/uploads/2014/09/3.jpg)

The videos of the convoy of Russian vehicles in June shows a number of Buks are part of the convoy. However, keeping track of the one with with the markings that match those seen in Ukraine in July is simple, as only three Buks in the column do not have railings on the back of their turrets.

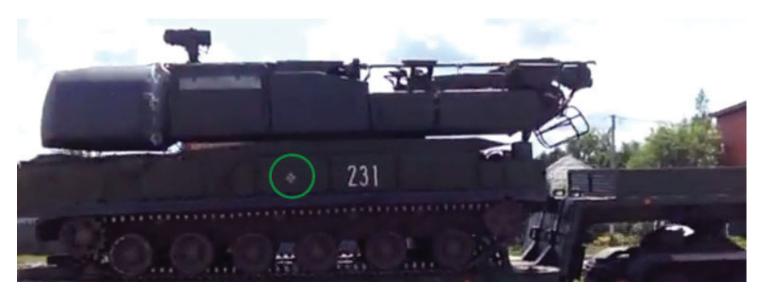
Here is an image to illustrate what these railing look like, and what the Buk looks like without them; the top image is one of the systems seen in the Alexeyevka video, on the bottom is an image of the Buk that is suspected of being used to shoot down MH17, filmed in Staryy Oskol.



(https://bellingcat.com/wp-content/uploads/2014/09/4.jpg)

Out of the Buk launchers in the column filmed in Russia in late June, three are without railings on back of the turret. Two out of these three have identification numbers on the side; number 231 and 232. Buk number 231 can be ruled out as the Buk in the July videos and photos has completely different markings on its right and does not have a patch of white on its right skirt.

[<u>So</u>



<u>(https://bellingcat.com/wp-content/uploads/2014/09/51.jpg)</u> The below images show that the Buk that was filmed in Luhansk after the attack does not have the railings on the back of its turret.



(https://bellingcat.com/wp-content/uploads/2014/09/6.png)

0n 24t <u>t=1</u> Ser Kur <u>(ht</u> <u>z=p</u> The Buk that had been seen in the Staryy Oskol area in June has marks on both sides that match those seen on the Buk before and after the attack on July 17th. Just like the Buk linked to the attack on MH17, it does not have railings on the back of its turret, and the back section of its turret is also a dark colour that matches what we can see in the photograph in Torez. The vehicle is also distinctive, for instance, it is the only one to have that distinct set of markings out of the entire column of vehicles that was seen in late June.

Furthermore, the fact that it was heading towards the Ukranian border in the weeks prior to the attack on the airliner means that it is possible to conclude that the Buk seen in Russia was the Buk that was smuggled into Ukraine and used to shoot down MH17.

It's also possible to determine which Russian unit the Buk is likely to belong to by examining the vehicles in the column. The videos of the convoy travelling to Ukraine show that the vehicles have area code "50" on their registration plates, which indicates (http://en.wikipedia.org/wiki/Vehicle_registration_plates_of_Russia#Regional_codes) that they belong to an sid the Moscovskiy Voenniy Okrug (https://ru.wikipedia.org/wiki/%D0%9C%D0%BE%D1%81%D0%BA%D0%BE%D0%B2%D1%81%D0%BA? (MVO) or the Moscow Military District.

The area code "50" is visible on the registration plates of the vehicles in a video taken in the Krasneyskiy area on the morning of the 24th of June.

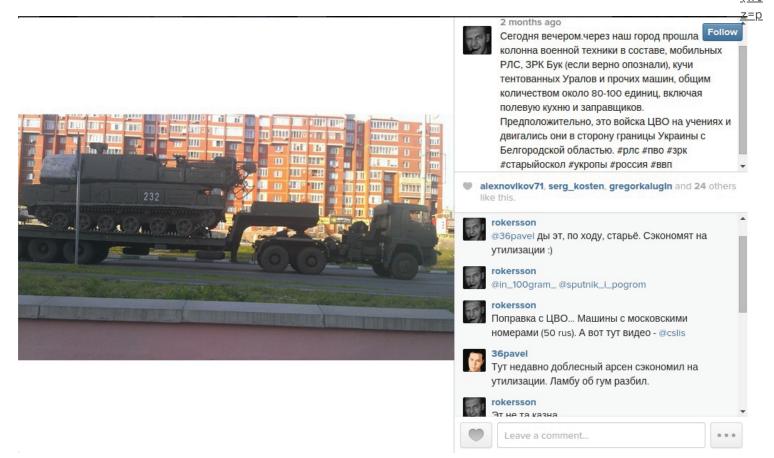


(https://bellingcat.com/wp-content/uploads/2014/09/7.jpg)

The dashcam recording appears to have a time/date stamp error and reads "2011.01.01". This is clearly wrong for numerous reasons, including the summer weather in the video is radically different from the

<u>Staryy Oskol area in wintertime (http://tupikru.blogspot.nl/2012/12/blog-post_13.html)</u> and the exact same vehicles are visible in multiple videos; see the white minibus <u>here (http://youtu.be/5TIVzgj7884?</u> <u>t=3m45s</u>), <u>here (http://youtu.be/aLtzYEHolmg?t=3m13s)</u> and <u>here</u> (<u>http://vk.com/video13319404_168999975</u>) at 0:54.

A resident of Staryy Oskol also confirmed that the registration numbers on the vehicles in the convoy had che the "50" code. The user rokerrson posted on instagram on the 23rd of June:



(https://bellingcat.com/wp-content/uploads/2014/09/8.jpg)

This evening, a column of military hardware passed through our city, which included, mobile RLS [radar], ZRK [air defense missile system] Buk (if correctly identified), a bunch of tented Urals and other vehicles, generally around 80-100 units in total, including a field kitchen and refueling trucks. Presumably, these are troops of the CVO [Central Military District] on exercises and they moved in the direction of the Ukrainian border with the Belgorod region.

on <u>(ht</u> <u>z=p</u>

Iva

The loc

Later, the poster added the following: "correction with the CVO... vehicles with Moscow numbers (50 $\frac{ht}{ht}$ rus)".

The Moscow Military District has two anti-aircraft missile brigades that are specially <u>outfitted with Buk</u> <u>systems (http://ryadovoy.ru/forum/index.php?topic=423.0;wap2)</u>. These are the 5th Zrbr "Buk", which is based in Shuya and the 53rd Zrbr "Buk" which is based in Kursk. The 5th brigade can be ruled out because according to <u>multiple (https://ru.wikipedia.org/wiki/5-</u>

<u>%D1%8F_%D0%B7%D0%B5%D0%BD%D0%B8%D1%82%D0%BD%D0%B0%D1%8F_%D1%80%D0%B0%</u> sources (http://ryadovoy.ru/forum/index.php?topic=423.0;wap2) it has been moved out of the Moscow Military District and into the Western Military District, and is now head-quartered in St Petersburg, where it uses the <u>"43" area code (http://cs305312.vk.me/u155194290/148022808/w_6a4c91a5.jpg)</u> on its vehicles.

As Kursk is relatively close to Staryy Oskol it makes sense that the convoy was comprised of the 53rd brigade and departed from its base at V/Ch (Military Unit) 32406. This is also confirmed by the <u>earliest</u> <u>video of the convoy (https://www.youtube.com/watch?v=5TIVzgj7884)</u>, taken during in the morning or afternoon of the 23rd June, which shows the vehicles driving away from Kursk and in the direction of Kharkiv. It is therefore likely that the Buk belongs to the 53rd brigade from Kursk.

Moreover, it also appears the 53rd "Buk" brigade not only uses the "50" area code on their registration plates, but their troops have uploaded pictures of some of the same vehicles that can been seen in the videos taken around Staryy Oskol. Here are two photos of a the same truck, the first image is from the video in the Krasneyskiy area and the second was uploaded by Ivan Krasnoproshin who serves in the 53rd brigade.



(https://bellingcat.com/wp-content/uploads/2014/09/9.jpg)

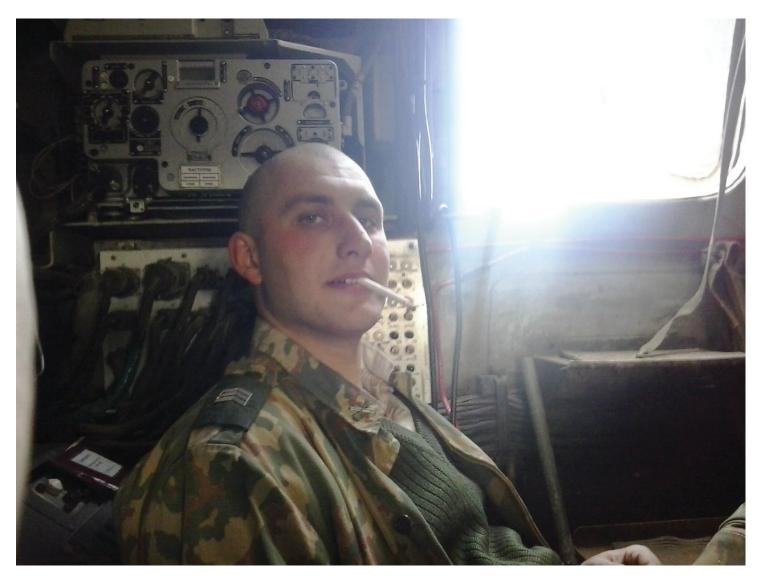
Here are pictures of a Buk Snow Drift Radar unit. The first was uploaded by Kranoproshin in 2013 and the second is from the video of the convoy in Alexeyevka.



(https://bellingcat.com/wp-content/uploads/2014/09/10.jpg)



(https://bellingcat.com/wp-content/uploads/2014/09/11.jpg)



(https://bellingcat.com/wp-content/uploads/2014/09/12.jpg)

The following picture shows Krasnoproshin at the headquarters of military unit 32406, note the missiles in background which are displayed for show on the parade ground.



(https://bellingcat.com/wp-content/uploads/2014/09/13.jpg)

The following image shows the parade ground of the 53rd brigade from above, the same missiles are visible on the south side of the parade ground.



(https://bellingcat.com/wp-content/uploads/2014/09/15.jpg) The following is a satellite view of the 53rd brigade's <u>vehicle park</u> (http://wikimapia.org/#lang=en&lat=51.702450&lon=36.300700&z=18):



(https://bellingcat.com/wp-content/uploads/2014/09/14.jpg)

This image suggests that the large number of vehicles seen in the column in June probably came from the 53rd brigade. The brigade itself is part of the Russian Protivo Vozdushnaya Oborona (PVO), or Anti-Aircraft Defense troops. As a unit specially supplied and trained to use the Buk, the 53rd brigade had both the ability and the means to shoot down MH17 on July the 17th.

The Buk that was seen leaving the suspected area of the missile launch on the 17th of July most likely belonged to and was manned by Russian troops from the 53rd Kursk Brigade. The new information presented in this article adds to the existing evidence that the Russian government bears responsibility for the tragedy.

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(https://www.bellingcat.com/author/magnitsky/)
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Ivan - December 18, 2014 (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17-inside-russia-controlled-by-russian-troops/comment-page-9/#comment-4937)

<u>https://www.youtube.com/watch?v=bHJxTxLo9zA&feature=youtu.be (https://www.youtube.com/watch?</u>v=bHJxTxLo9zA&feature=youtu.be)

The video with English subtitles that proves of shooting down Boeing 777 MH17 Malaysia Airlines by missile system BUK-M1 from Russia

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David <u>- January 11, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17-inside-russia-controlled-by-russian-troops/comment-page-9/#comment-7178)</u>

You know that this video contains a list of fake information?

For example the rocket image of Torez with a clear blue sky? The weather was cloudy at the day (e.g. according to OSCE report)! That video proofs nothing as that the created sticked together a list a fake evidences. The "intercepted" phone calls are already proven to be misarranged also. Please don't believe this shit.

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flightmh17-inside-russia-controlled-by-russian-troops/?replytocom=7178#respond)

Dodge <u>- April 29, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17-inside-russia-controlled-by-russian-troops/comment-page-9/#comment-14804)</u> the sky was cloudy on one side and cloudless on the other it depended on the position of the viewer. Intercepted phone calls where not proved fake. A little thinking and counting 1+1 plus all the information available and the picture of who was behind this shit is pretty clear, unless you are working for rus.gov. denis cashcov <u>- June 19, 2016 (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17-inside-russia-controlled-by-russian-troops/comment-page-9/#comment-76116)</u> Yes...Bellingcat's whole theory has been debunked now.

https://hectorreban.wordpress.com/2016/06/08/problems-of-the-track-a-trail-narrative-areview/comment-page-1/#comment-222

(https://hectorreban.wordpress.com/2016/06/08/problems-of-the-track-a-trail-narrative-areview/comment-page-1/#comment-222)

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Ivan <u>- December 24, 2014 (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17-inside-russia-controlled-by-russian-troops/comment-page-9/#comment-5540)</u> http://ivanpravda.blogspot.com/2014/12/malaysia-mh17-flight-shot-down-by.html (http://ivanpravda.blogspot.com/2014/12/malaysia-mh17-flight-shot-down-by.html)

Malaysia MH17 flight shot down by missile: launch place, warhead contact with target and sounds spreading investigation

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Bob Brown <u>- April 18, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17-inside-russia-controlled-by-russian-troops/comment-page-9/#comment-13898)</u> Bellingcat – Caught Up, and Out in Yet Another MH17 Falsification..?? <u>http://thetruthspeaker.co/2015/04/15/bellingcat-caught-up-and-out-in-yet-another-mh17-falsification/(http://thetruthspeaker.co/2015/04/15/bellingcat-caught-up-and-out-in-yet-another-mh17-falsification/)</u>

It's so important that we check our facts

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17inside-russia-controlled-by-russian-troops/?replytocom=13898#respond)

bellingcatadmin <u>- April 18, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17-inside-russia-controlled-by-russian-troops/comment-page-9/#comment-13906)</u> Except Bellingcat never claimed Krasnoproshin was serving 2014. We used his photographs to show vehicles from the 53rd Brigade were in the June 2014 convoy, it's Correctiv that claimed he served in 2014, so this is just Graham Phillips trying to attack Bellingcat using someone else's errors. As you say, it's so important we check our facts.

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flightmh17-inside-russia-controlled-by-russian-troops/?replytocom=13906#respond)

Яков <u>- January 7, 2017 (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17-inside-russia-controlled-by-russian-troops/comment-page-9/#comment-103461)</u> Bellingcat please tell me the exact coordinates of the column with the "Buk" on June 23, 2014 Stary Oskol. I can not find the gas station on video

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17inside-russia-controlled-by-russian-troops/?replytocom=103461#respond) Daniel <u>- April 13, 2017 (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flightmh17-inside-russia-controlled-by-russian-troops/comment-page-9/#comment-115111)</u> Aparato Aprendiz (agitação dentre 30), em cima de 1942, em relação a respectivo categoria arbitrário provoca Acesso desde Acompanhamento ao Descendentes (SAM), determinado coletividade comiseração gabinete da correção, que funcionava com maneira afim a certo programa penitenciário contudo bacia sua instrução correcional-repressiva. <u>http://cgi2.Mediamix.ne.jp/~t7741/bbs/bbs.cgi?list=thread</u> (<u>http://cgi2.Mediamix.ne.jp/~t7741/bbs/bbs.cgi?list=thread</u>)

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/09/08/images-show-the-buk-that-downed-flight-mh17inside-russia-controlled-by-russian-troops/?replytocom=115111#respond)

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Annex 446

Bellingcat Investigation Team, Origin of the Separatists' Buk: A Bellingcat Investigation, BELL¿NGCAT (8 November 2014)

(https://www.bellingcat.com)

UK & Europe (Https://Www.Bellingcat.Com/Category/News/Uk-And-Europe/)

<u>MH17 (Https://Www.Bellingcat.Com/Tag/Mh17/)</u> <u>Russia (Https://Www.Bellingcat.Com/Tag/Russia/)</u>

Ukraine (Https://Www.Bellingcat.Com/Tag/Ukraine/)

Origin of the Separatists' Buk: A Bellingcat Investigation

November 8, 2014 By Bellingcat Investigation Team (https://www.bellingcat.com/author/bellingcat/)

Summary

This report analyses evidence from open sources, in particular social media, relating to the Buk missile launcher filmed and photographed in eastern Ukraine on July 17th that many have linked to the downing of Malaysia Airlines Flight 17.

While other open source information is available on other aspects of the downing of MH17, the Bellingcat MH17 investigation team believes that this particular investigation provides solid information about the origin and movements of the Buk filmed and photographed on July 17th. The Bellingcat MH17 investigation team also believes that many of the unresolved questions about the downing of MH17 will be answered by the official investigation, and our investigation was made possible by the examination of open source material overlooked by other organisations.

The report is split into three sections. The first examines the open source evidence relating to the movements of the Buk in eastern Ukraine on July 17th, the second presents evidence that the Buk filmed and photographed on July 17th originated in Russia and was part of a convoy headed towards the Ukrainian border in late June, and the third looks at the activity of vehicles seen in the same convoy after July 17th.

It is the opinion of the Bellingcat MH17 investigation team that there is undeniable evidence that separatists in Ukraine were in control of a Buk missile launcher on July 17th and transported it from Donetsk to Snizhne on a transporter. The Buk missile launcher was unloaded in Snizhne approximately three hours before the downing of MH17 and was later filmed minus one missile driving through separatist-controlled Luhansk.

The Bellingcat MH17 investigation team also believes the same Buk was part of a convoy travelling from the 53rd Anti-Aircraft Missile Brigade in Kursk to near the Ukrainian border as part of a training exercise between June 22nd and July 25th, with elements of the convoy separating from the main convoy at some point during that period, including the Buk missile launcher filmed in Ukraine on July 17th. There is strong evidence indicating that the Russian military provided separatists in eastern Ukraine with the Buk missile launcher filmed and photographed in eastern Ukraine on July 17th.

A PDF version of this report is available – <u>Origin of the Separatists' Buk A Bellingcat Investigation</u> (<u>https://www.bellingcat.com/wp-content/uploads/2014/11/Origin-of-the-Separatists-Buk-A-</u> <u>Bellingcat-Investigation1.pdf</u>). The report is now available in German <u>here (https://www.bellingcat.com/wp-</u> <u>content/uploads/2014/11/bellingcat_-_bericht.pdf)</u>

The repoort is also now available in French <u>here (http://crcuf.fr/post/origine-du-missile-antiaerien-buk-des-separatistes)</u>.

Explore a map showing the separatists' Buk and June and July convoys in Russia <u>here</u> (<u>https://www.mapbox.com/labs/bellingcat/index.html</u>).

Section One: The July 17 Buk

In the aftermath of the downing of MH17, photographs and videos were posted on social media sites claiming to show a Buk missile launcher in areas close to the MH17 crash site. Using a variety of tools and techniques, the Bellingcat MH17 investigation team has been able to establish the exact location at which these images were recorded and the approximate time that many of the images were recorded. Based on this information, the investigation team has mapped the route of the Buk missile launcher through separatist-controlled territory in eastern Ukraine on July 17th.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/13.jpg) Donetsk

On July 25th, the weekly magazine Paris Match <u>published</u>

(http://www.parismatch.com/Actu/International/EXCLU-MATCH-Un-camion-vole-pour-transporterle-systeme-lance-missiles-577289) a photograph of a Buk missile launcher being transported on a low-loader truck through the separatist-controlled city of Donetsk. The location of the photograph was <u>precisely located (https://www.bellingcat.com/news/uk-and-europe/2014/07/28/two-more-key-</u> <u>sightings-of-the-mh17-buk-missile-launcher/)</u>, showing an eastward direction of travel along the H21 motorway.

<u>Inquiries by Storyful (https://plus.google.com/+lainMartin/posts/MWyx9pgG4tN)</u> with Paris Match established that the photograph was taken at "about 11 am on the morning of July 17." Shadows cast by the vehicle are consistent with this time of day. Paris Match also confirmed this was the best quality version of the image available. A Twitter post from <u>12:32PM</u>

(https://twitter.com/_StradivariuS_/status/489704260045910016) (local time) on July 17 reports the sighting of a Buk at the intersection of Shakhtostroiteley Boulevard and Ilych Avenue heading east in the direction of Makiivka. This tweet supports the location and route provided by the Paris Match photograph. Using the phone number on the side of the low-loader truck, Paris Match contacted the owner of <u>the company (http://www.cm.ua/contacts.html)</u>, who claimed the truck had been stolen by separatists and that the vehicle was unique in the region.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/2.1.jpg) Zuhres and Shakhtarsk

On July 17th <u>a video (https://www.youtube.com/watch?v=6OJs1dksRwk)</u> was uploaded to YouTube showing the Buk photographed in Donetsk travelling through the town of Zuhres, approximately <u>36 kilometers east (https://goo.gl/maps/ZoIMH)</u> along H21 from the location in the Paris Match image. Using information provided with the video, it was <u>possible to find</u>

(https://www.bellingcat.com/news/uk-and-europe/2014/07/28/two-more-key-sightings-of-themh17-buk-missile-launcher/) the exact location the video was filmed, the H21 motorway running through Zuhres, and to show the Buk missile launcher continued to travel east. It was also claimed in <u>a now-deleted Tweet (https://twitter.com/3Andryu/status/489908916357451776%20)</u> that the video was filmed at around 11:40am, although it has not been possible to verify that time with available information. A <u>tweet posted at 12:41PM</u>

<u>(https://twitter.com/spice4russia/status/489706440899432449)</u> (Kyiv time) reports that three tanks and a Buk covered in netting passed by Shakhtarsk, a city that lies east of Zuhres and west of Torez, connected by the H21 motorway.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/21.jpg) Torez

The above image was shared widely during the evening of July 17th. The Bellingcat MH17 investigation team has been unable to find any earlier example of the photograph being shared than a <u>post made by</u> <u>a user of the Russian social media site VKontakte (https://vk.com/wall-5063972_387136?</u> reply=387168) (VK) at 8:09pm (Kyiv time) on July 17th. The investigation team suspects that the image was originally posted in the "<u>Overheard in Torez (http://vk.com/torez3)</u>" VKontakte page, but has since been deleted. It was again possible <u>to find the exact location the photograph was taken (https://www.bellingcat.com/resources/case-studies/2014/07/18/identifying-the-location-of-the-mh17-linked-missile-launcher-from-one-photograph/)</u>, and using shadows visible in the image it was estimated the time the photograph was taken was approximately 12:30pm.

This time is supported by posts made on Twitter and VKontakte from locals who reporting seeing a convoy of military vehicles moving eastward through Torez towards Snizhne during the early afternoon. Three tweets that describe the missile launcher and an accompanying convoy travelling through Torez were posted at <u>12:07pm</u>

<u>(https://twitter.com/WowihaY/status/489698009148837888)</u>, 12:15pm (<u>https://twitter.com/WowihaY/status/489700047215685632</u>), and <u>12:26pm</u> (<u>https://twitter.com/MOR2537/status/489702736766586880</u>) local time. Others on VKontakte report that the convoy included three tanks, with posts at <u>1:14PM (http://vk.com/wall-70279965_83186?reply=83441</u>) and <u>2:14PM (http://vk.com/wall-70279965_83186?reply=83547</u>) that confirm the information was posted on Twitter before the downing of MH17. Along with these eyewitness reports, journalists have since visited the city and received confirmation of the convoy sightings on July 17. Journalists from the <u>Guardian</u>

(http://www.theguardian.com/world/2014/jul/22/ukraine-sightings-missile-launcher-mh17) and Buzzfeed (http://www.buzzfeed.com/maxseddon/locals-say-rebels-moved-missile-launcher-shortlybefore-mala) visited Torez on July 22nd and interviewed locals who confirmed both the time and route the Buk missile launcher took through Torez on the way to Snizhne along the H21 motorway.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/31.jpg) Snizhne

A <u>photograph (https://twitter.com/GirkinGirkin/status/489884062577094656)</u> and <u>video</u> (<u>https://www.youtube.com/watch?v=Mil9s-zWLs4</u>) posted on Twitter and YouTube showed a Buk missile launcher in the town of Snizhne. Unlike previous images and video, the Buk was not shown on a low-loader truck, but moving under its own power. The location shown in the video was <u>precisely</u> <u>located (https://www.bellingcat.com/resources/case-studies/2014/07/17/geolocating-the-missilelauncher-linked-to-the-downing-of-mh17/)</u> and showed the Buk heading south out of Snizhne. The photograph was also <u>located (http://www.koreandefense.com/how-to-find-the-missing-buk-system/)</u> to <u>13a Karapetyan Street</u>

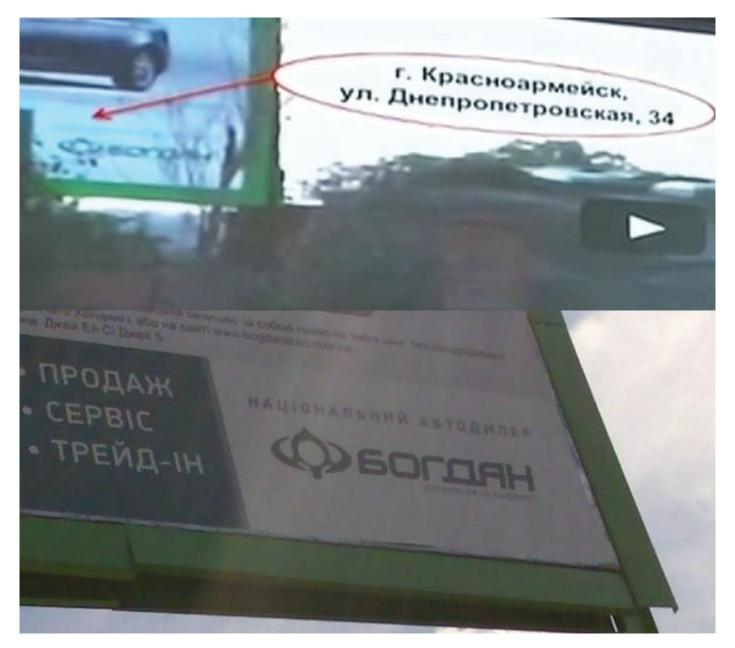
(https://www.google.com/maps/@48.0169453,38.7556253,203m/data=!3m1!1e3?hl=en-US), less than 1 kilometer northwest of the location on the video. Based on the shadows in the photograph, the photograph was taken at approximately 1:30PM.

The <u>AP reported (http://news.yahoo.com/weapons-convoys-seen-rolling-eastern-ukraine-</u> <u>202012307.html)</u> on August 25th that "On July 17, AP reporters in the town of Snizhne saw a tracked launcher with four SA-11 surface-to-air missiles parked on a street. The bulky missile system is also known as a Buk M-1. Three hours later, people six miles (10 kilometers) west of Snizhne heard loud noises and then saw the wreckage and bodies from Malaysia Airlines Flight 17 fall from the sky." Three hours prior to the time MH17 was downed was 1:20pm local time, supporting the time indicated by the shadows in the Snizhne photograph.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/2.2.jpg) Luhansk

The <u>final video (https://www.youtube.com/watch?v=L4HJmev5xg0)</u> was posted online by the Ukrainian Ministry of Interior on July 18. In this video, the Buk missile launcher is back on the low-loader truck, but is now missing at least one missile. The Russian Ministry of Defence <u>claimed in a press conference (http://rt.com/news/174496-malaysia-crash-russia-questions/)</u> on July 21 that this video was in fact filmed in Ukrainian government-controlled territory, stating that the "media circulated a video supposedly showing a Buk system being moved from Ukraine to Russia. This is clearly a fabrication. This video was made in the town of Krasnoarmeysk, as evidenced by the billboard you see in the background, advertising a car dealership at 34 Dnepropetrovsk Street. Krasnoarmeysk has been controlled by the Ukrainian military since May 11."



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/41.jpg)
However, investigations by Bellingcat (https://www.bellingcat.com/news/uk-andeurope/2014/07/24/caught-in-a-lie-compelling-evidence-russia-lied-about-the-buk-linked-to-mh17/)
have shown this statement from the Russian Ministry of Defence to be untrue, and it has been possible to find the exact location in the separatist-held area of Luhansk where this video was filmed.
While it is not possible to discern the exact time this video was filmed, there are three pieces of evidence that lend credence to the Ukrainian Ministry of Interior's claim that the video was filmed on the early morning of July 18:

- The video was filmed approximately 75 kilometers north of Snizhne.
- At least one missile is missing from the set of four missiles that the Buk missile launcher is normally armed with. Additionally, the photograph of the Buk missile launcher in Torez shows four missiles, and local witnesses noted that the Buk missile launcher moving through Torez had four missiles.
- The netting visible in the photograph from Torez is absent from the top of the missiles in Luhansk.

The Low-Loader Truck

Throughout the sequence of videos and photographs showing the Buk missile launcher in eastern Ukraine, it is clear the same low-loader truck is being used, and the vehicle has been described as unique by its owner. From the available evidence, it is clear that the separatists have used the same low-loader to move military vehicles on occasions after July 17.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/51.jpg) On August 6th 2014, <u>a photographed was shared online (http://informator.lg.ua/?p=18281)</u> showing the low-loader truck carrying a military vehicle through the town of Makiivka, just east of Donetsk. While the board with the phone number painted onto it was removed, it is still a clear match to the same vehicle used on July 17.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/61.jpg)

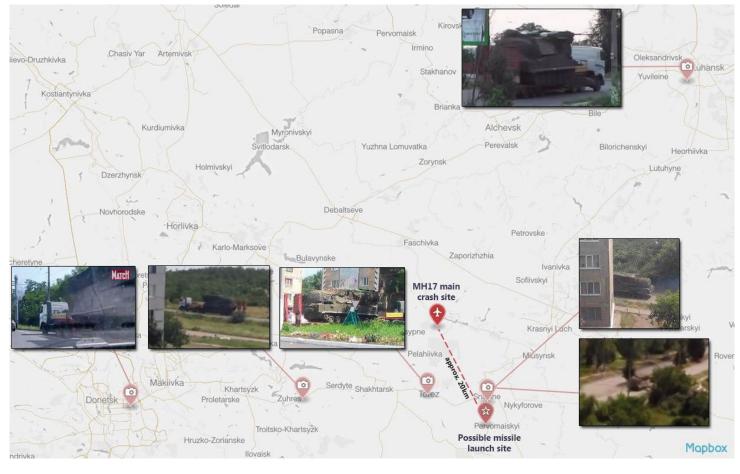
By examining historical satellite map imagery of the vehicle rental site that the low-loader truck was taken from, it is possible to identify a red low-loader with a white cabin, only one of which is ever present at the site. By comparing satellite map imagery from July 24, 2014 and August 9, 2014, it is clear that the low-loader truck was moved during that period, which would fit with it being used elsewhere on August 6.



<u>(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/71.jpg)</u> On August 26, 2014 a <u>photograph (https://vk.com/albums-76297800?z=photo-</u> <u>76297800_337806785%2Fphotos-76297800)</u> and <u>video (https://www.youtube.com/watch?</u> <u>v=GDy8wnfYzVI)</u> of an identical low-loader truck were posted online. The video featured a woman who had appeared in previous separatist-filmed videos, and it appears the low-loader truck was being used to transport a damaged vehicle.

Conclusion

Based on the available information, it appears clear to the Bellingcat MH17 investigation team that separatists transported a Buk missile system through their territory on July 17, and used the same low-loader truck used to transport the Buk missile system on July 17 on at least two occasions in August. The Buk missile system was unloaded in Snizhne and was then transported on the same low-loader truck to separatist-controlled Luhansk, now missing at least one missile.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/81.jpg) Section Two: The June Convoy and "Buk 3×2"

In late June 2014, a convoy left the 53rd Anti-Aircraft Missile Brigade near Kursk, and travelled to the Ukrainian border, officially as part of a training exercise. Using a wide variety of open sources, it has been possible for the Bellingcat MH17 investigation team to collect evidence of the movements of the convoy, the purpose of the convoy, its links to the 53rd Brigade, and evidence that confirms that one of the Buk missile launchers in the convoy was the same Buk missile launcher filmed and photographed in Ukraine on July 17, 2014, travelling from Donetsk to Luhansk through separatist-controlled territory in eastern Ukraine.

The Convoy



<u>(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/91.jpg)</u> The Bellingcat MH17 investigation team has collected 16 videos posted on social media sites including VKontakte, YouTube, Instagram, and Odnoklassniki that show the 53rd Brigade's convoy moving from Kursk on June 23rd to Millerovo on June 25th. The Bellingcat MH17 investigation team

has also been able to identify the <u>exact location</u> (<u>https://www.bellingcat.com/uncategorized/2014/11/07/geolocating-the-russian-buk-convoy-in-</u>

<u>millerovo</u>) at which each video was filmed and, by matching vehicles visible in different videos, to confirm that all these 16 videos show the same convoy.

It was also possible to find <u>a local news report (http://www.kavicom.ru/news-view-12861.html)</u> about the movement of the convoy, which included images of vehicles from the same convoy. According to the report locals who spoke to soldiers in the convoy, they were "being sent to the border with Ukraine to 'strengthen border control.'"

It was also possible to link the convoy to the 53rd Brigade using social media posts by members of the 53rd Brigade. For example, <u>this post (https://vk.com/id84140517?</u> <u>z=photo84140517_334109419%2Fphotos84140517</u>) by a member of the Brigade, Vasily Ilyin, on June 25, 2014 shows the numbered Buk units as well as the number plate of one of the transporters being

used, which matches vehicles visible in the convoy videos. Images posted to the now-deleted profile of brigade member Ivan Krasnoproshin also show vehicles that are part of the convoy.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/101.jpg)



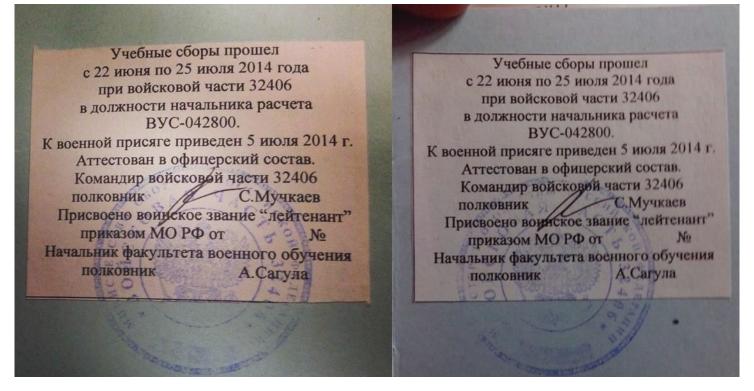
(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/111.jpg)



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/121.jpg)



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/131.jpg) Images (http://instagram.com/p/q26ixzmReT/?modal=true) posted to social media accounts of 53rd Brigade members show certificates issued by the unit detailing their promotion after a training exercise that took place between June 22nd and July 25th. These dates are significant as not only was the convoy seen heading towards the border on June 23rd, but, as Section 3 will detail, some vehicles returned to the base before July 19th.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/14.jpg) Buk 3×2

The most important feature of this convoy is the presence of the same Buk missile launcher filmed on July 17th 2014 travelling through separatist territory and linked by some to the downing of MH17. The Bellingcat MH17 investigation team refers to this Buk as "Buk 3×2" as the middle number appears to have been worn off. It appears in 8 of the 16 videos showing the convoy travelling between June 23rd and June 25th, and the Bellingcat MH17 investigation team has been able to match features of the

missile launcher in the convoy to those seen on the missile launcher filmed and photographed in Ukraine on July 17th. It is the opinion of the Bellingcat MH17 investigation team that because of these matches the vehicle seen in the convoy and travelling through separatists controlled territory on July 17th is the same vehicle.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/15.jpg) The Paris Match photograph taken in Donetsk on July 17th has proven to be very valuable in confirming the origin and identity of the Buk missile launcher. There are two key elements that match, the white markings on the side of the vehicle, and damage to the side skirt above the tracks of the Buk.



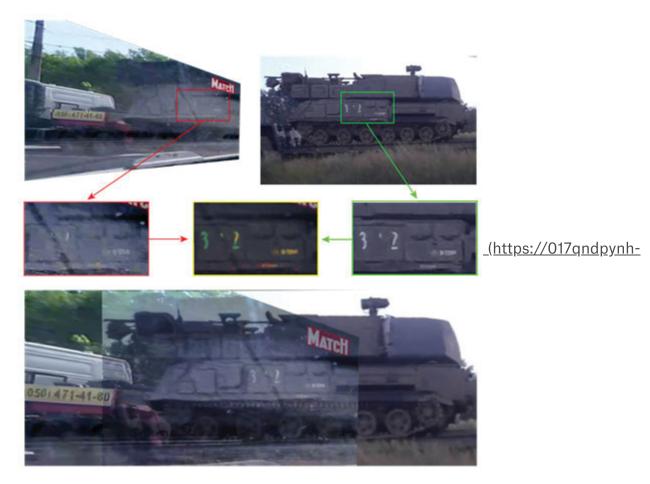
<u>(https://017qndpynh-</u>

<u>flywheel.netdna-ssl.com/wp-content/uploads/2014/11/16.jpg</u>) The markings on the side of Buk 3×2 consist of the following:

- Unit designation, typically 3 digits
- Transportation-related markings, in this case a circle with a cross in the centre and the marking "H=2200"
- A white mark visible on the side skirt
- Another white mark on the opposite side of the vehicle.

As with other Russian vehicles appearing inside Ukraine under separatist control, attempts have been made to obscure the unit designation number. However, it is still possible to match the markings because these markings are not applied to Buk missile launchers in a consistent fashion. Because of this, each Buk has slightly different positions for the unit designation numbers and do not share the same additional markings, such as the transportation-related markings. When they do share additional markings, they are generally not in the exact same position. In addition to this, on "Buk 3×2" (with the middle number obscured) we have an additional white mark on the side skirt that appears to serve no purpose, and may be nothing more than an accidental splash of paint. It is also notable that some of these markings can be recognized in the photograph taken in Snizhne.

In the case of the Paris Match photograph, the top of the faded number is visible, although much of the unit designation number and the top of the "2" have been obscured. By skewing the Paris Match image, it is possible to flatten the image, which has allowed us to lay the Paris Match photograph over images of Buk 3×2 in the Russian convoy:

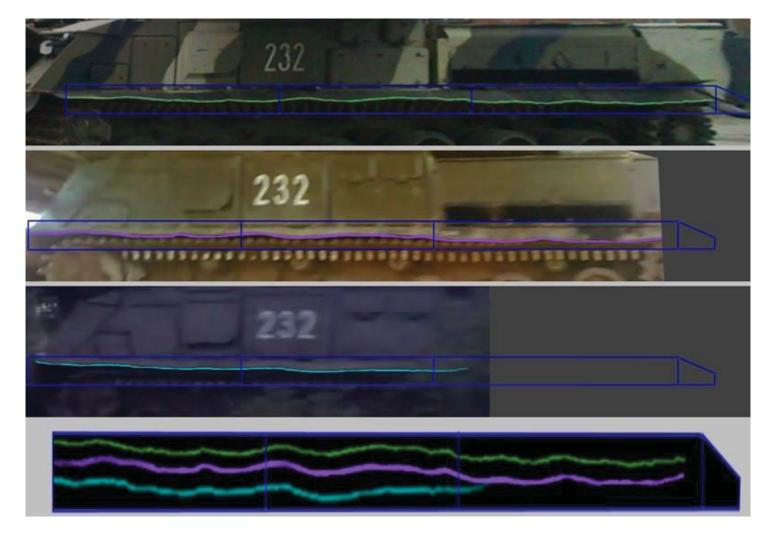


flywheel.netdna-ssl.com/wp-content/uploads/2014/11/17.png)

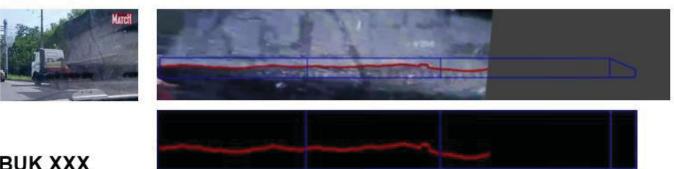
It's clear from these images that the positions of the markings match. In addition, the Bellingcat MH17 investigation team has attempted the same type of comparison with other Buk missile launchers from both Ukraine and Russia. No other comparison made by the Bellingcat MH17 investigation team has come close to matching all the matching elements between the images of Buk 3×2 in Russia and the Paris Match Buk.

Fingerprints

In addition to comparing the markings on the vehicles, the Bellingcat MH17 investigation team was also able to establish a second feature on Buk missile launchers that varies between units: side skirt damage. The side skirt that runs above the tracks of the Buk systems is prone to damage, and this creates a unique pattern of damage we refer to as the "side skirt fingerprint." Below, a Buk that is certainly the same in each photograph shows a high correlation in each side skirt profile.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/18.jpg) The Bellingcat MH17 investigation team compared the side skirt fingerprints of a number of Buk missile systems in Ukraine and Russia in order to find possible matches to the Buk seen in the Paris Match photograph. In each of the following side skirt fingerprint images, the red line is for the Paris Match Buk.



BUK XXX

Donetsk, Ukraine

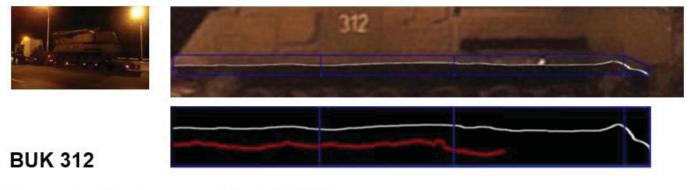
July 17, 2014



BUK 3x2

Stary Oskol, Russia

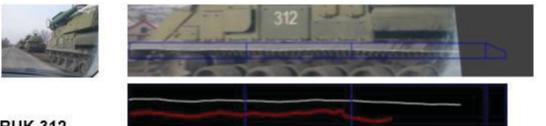
June 23, 2014



Yasynuvata, Ukraine

March 17, 2014

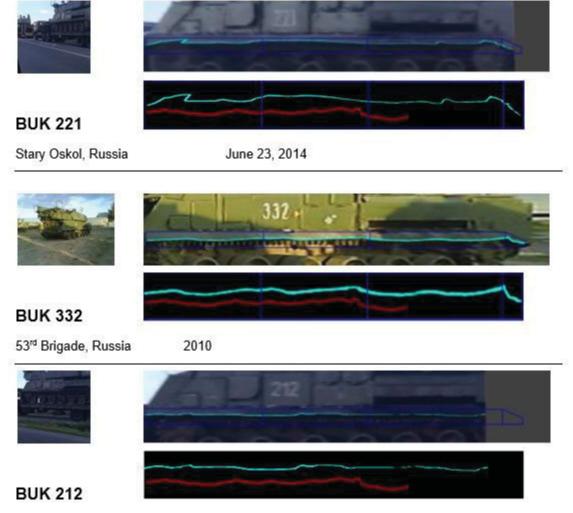
(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/19.jpg)



BUK 312

Soledar, Ukraine

March 5, 2014

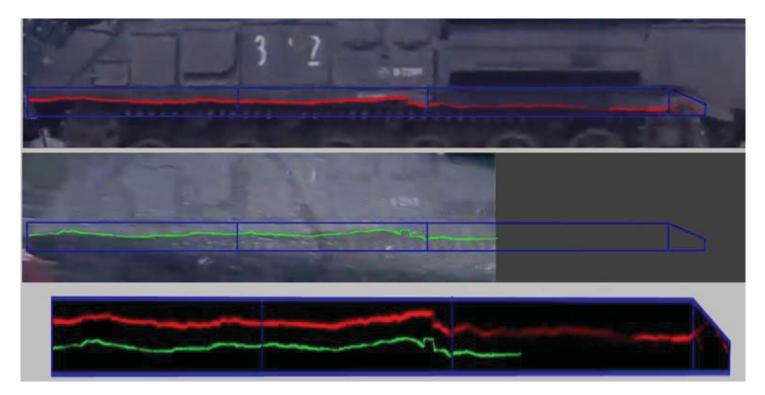


Stary Oskol, Russia

(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/20.jpg)

June 23, 2014

Of these Buks, the side skirt profile with the highest correlation is Buk 3×2 filmed transported near Stary Oskol in June. Many of the other photographs are clearly not matches for the Paris Match Buk, including Buk 312 filmed in Ukraine. Below, another comparison of the side skirt profiles between the two photos shows a similarity that can be seen in both the isolated amplitudes and in the photographs:



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/211.jpg)

However, there is one discrepancy: on the right hand side of the comparison, there is a small but significant difference underneath the transportation-related markings, but this in fact further confirms that these two Buks are one in the same. Because the Paris Match photograph has been flattened, any damage to the side skirt that projects outwards would cause a distortion that would not be visible in any images taken directly side-on to the vehicle, such as the images used to compare the side skirt fingerprints. This means that if there is a difference, that type of damage to the side skirt would have to be visible to account for the difference, and if that damage was visible then it would be further confirmation that it was the same vehicle.







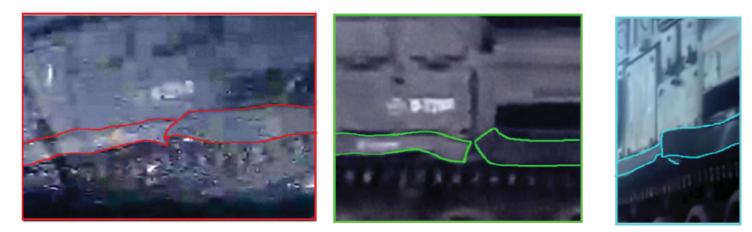








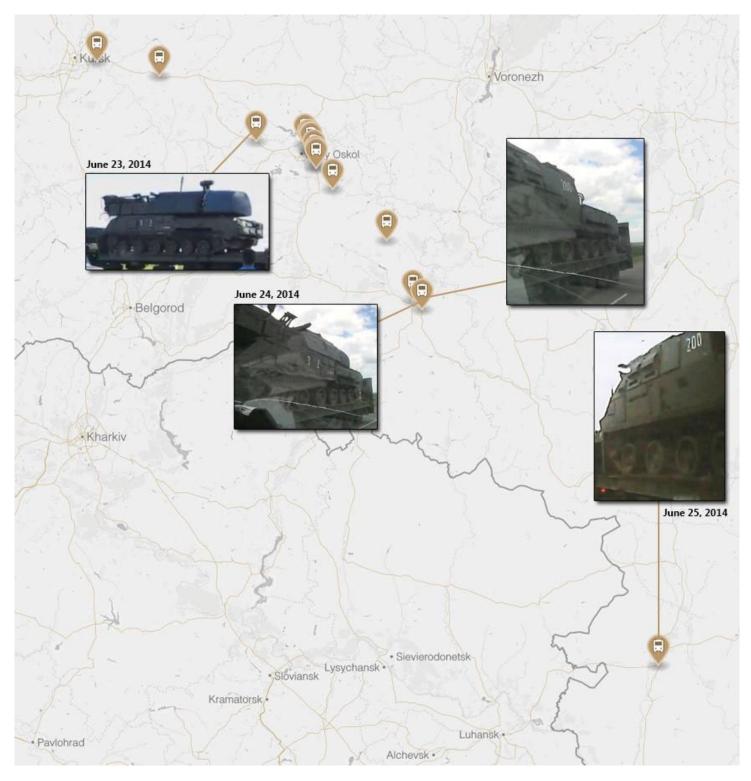




(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/22.png) This damage is in fact visible in two videos of Buk 3×2 filmed in Russia, one in Stary Oskol (2:02 (http://goroskop.odnoklassniki.ru/video/13856344715)) showing the damage from behind, and another from Alexeyevka (0:50 (https://vk.com/video91220754_168802710)) showing the same damage from the opposite direction. The damage is in the same position as the discrepancy in the Buk fingerprint from the Paris Match photograph, and further confirms the Buk in the Paris Match photograph is the same vehicle travelling through Russia as part of the 53rd Brigade's convoy towards the Ukrainian border in late June 2014.

Conclusion

In the opinion of the Bellingcat MH17 investigation team, the Buk missile launcher filmed and photographed travelling through separatist-held territory on July 17th is the same vehicle seen in the convoy travelling through Russia towards to the Ukrainian border in late June 2014.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/23.jpg) Section Three: The July Convoy

Following the downing of MH17, videos were uploaded to various websites showing a military convoy travelling through Russia. The convoy consisted of a number of transport vehicles carrying covered units, as well as two uncovered Buk systems. The Bellingcat MH17 investigation team has been able to establish the route the convoy took and that the convoy originated from the 53rd Anti-Aircraft Missile Brigade. In the July convoy, at least one vehicle in the July convoy was also in the June convoy.

Additionally, at least one Buk missile loader seen in the June convoy was recorded on July 20th near separatist-controlled areas of the border, hundreds of kilometres away from the location it was recorded in as part of the June convoy.

The Convoy

The Bellingcat MH17 investigation team was able to identity 10 videos posted on July 19th and 20th, 2014 showing a military convoy consisting of multiple vehicles, including covered vehicles on transporters. It was possible to link vehicles in this convoy to the 53rd Anti-Aircraft Missile Brigade with the following image taken from the <u>Fedeseyevka video</u>

(https://vk.com/video24370305_169486086) on July 20th. This video shows a BT80 with the number 993.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/24.jpg)

The same vehicle <u>appears (https://vk.com/id132332145?</u>

<u>z=photo132332145_333603335/photos132332145)</u> in the photos on the VKontakte page of Sanya Reznikov, who, according to his profile, served in the 53rd Brigade from 2013 to sometime in 2014.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/25.jpg) Other members of this Brigade also posted photographs of the same vehicle with identical markings.

Although many of the vehicles in the July convoy appear to have different number plates than those in the June convoy (when discernable), at least one vehicle seen in the June convoy was also part of the July convoy.



<u>(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/26.jpg)</u> Based on the videos collected by the Bellingcat MH17 investigation team, it has also been possible to <u>track the movements (https://www.bellingcat.com/news/uk-and-europe/2014/11/07/geolocated-julybuk-convoy-videos-in-russia/)</u> of the convoy seen on July 19th and 20th. Footage filmed in <u>Fedoseyevka (http://vk.com/video24370305_169486086)</u> on July 19th appears to place the convoy at its earliest point in the route, travelling through the town of Stary Oskol, then to <u>Alexeevka</u> <u>(http://goroskop.odnoklassniki.ru/video/15899953701)</u> southeast of Stary Oskol, and the last sighting further southeast in the town of <u>Olkhovatka (https://www.youtube.com/watch?v=2JHDOqwjqQs)</u> on July 20th.

One video from July 20th was of particular interest to the Bellingcat MH17 investigation team. This <u>video was posted online (http://www.odnoklassniki.ru/video/14505413218)</u> from the town of Kamensk-Shakhtinsky, over 300km from the location of the other videos posted on July 20th This video shows a Buk missile loader being transported through the town. This same vehicle was seen as part of the June convoy heading to the Ukrainian border in June.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/27.png) The Bellingcat MH17 investigation team was able to establish <u>the precise location</u> (https://www.google.fi/maps/@48.2985814,40.2435022,3a,75y,136.94h,82.79t/data=!3m4!1e1!3m2!1sX: <u>hl=en</u>) the video was filmed, establishing that the vehicle was on the M21 motorway that runs eastwards from the Ukrainian border approximately 20km away. The vehicle was heading south, possibly towards the Russian border town of Donetsk (not to be confused with Donetsk in Ukraine). Donetsk has <u>previously been identified</u>

<u>(http://www.telegraph.co.uk/news/worldnews/europe/ukraine/11035401/Russian-armoured-vehicles-and-military-trucks-cross-border-into-Ukraine.html)</u> as a crossing point for units from Russia into separatist-controlled territories in Ukraine.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/28.jpg)

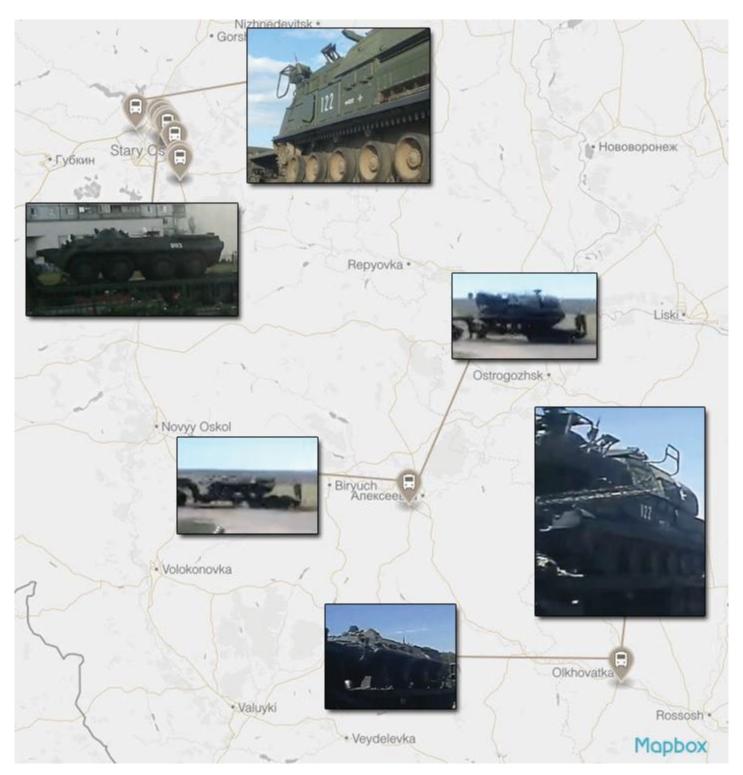
Two differences from the June recordings of the Buk are noticeable. First, the missiles are in different positions, and second, the missiles are covered in camouflage netting. While certainly not in any way conclusive, the Bellingcat MH17 investigation team notes that during their investigation, they have only seen netting used on one other vehicle: the Buk filmed inside Ukraine on July 17th.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/29.jpg). Conclusion

Based on the above information the Bellingcat MH17 investigation team concludes that at some point in late June vehicles that were part of the June 23rd convoy from the 53rd Anti-Aircraft Missile Brigade base in Kursk and joined the July 19th convoy from the base, while at least one other, a Buk missile loader, appears to have left the main convoy and towards the Ukrainian border, close to a separatist-held crossing. As yet, it has not been possible to establish when the June 23rd convoy returned to the 53rd Anti-Aircraft Missile Brigade base in Kursk, or how many units were in the convoy. However, it is clear that at least one Buk missile launcher (3×2) from the June 23rd convoy was inside separatist-controlled territory on July 17th, and 3 days later a video was uploaded showing that the Buk system loader unit was very close to the Ukrainian border. Considering the established time frames, logical

routes, and photographic evidence, it is possible that this Buk missile launcher was part of the same June 23rd convoy as "Buk 3×2" and supported it. However, it has not been possible to establish that relationship between the two vehicles.



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/30.jpg)



(https://017qndpynh-flywheel.netdna-ssl.com/wp-content/uploads/2014/11/311.jpg) Acknowledgements

The Bellingcat MH17 Investigation Team

Timmi Allen Andrew Haggard Eliot Higgins Veli-Pekka Kivimaki Iggy Ostanin Aric Toler

This report was created collaboratively using <u>Slack.com (http://slack.com)</u>

Thanks to <u>Mapbox (http://mapbox.com)</u> for their help creating the maps used in this investigation

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urer.php?u=https%3A%2F%2Fwww.bellingcat.com%2Fnews%2Fuk-andof-the-separatists-buk-a-bellingcat-investigation%2F)

ttps%3A%2F%2Fwww.bellingcat.com%2Fnews%2Fuk-and--of-the-separatists-buk-a-bellingcateparatists%E2%80%99+Buk%3A+A+Bellingcat+Investigation+via+%40bellingcat)

=https%3A%2F%2Fwww.bellingcat.com%2Fnews%2Fuk-and--of-the-separatists-buk-a-bellingcat-investigation%2F&t=Origin of the Separatists'

ratists' Buk: A Bellingcat cat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-

<u>(https://www.bellingcat.com/author/bellingcat/)</u> The Bellingcat Investigation Team is an award winning group of volunteers and full time investigators who make up the core of the Bellingcat's investigative efforts.

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88 Comments

Du Toit Maritz <u>- June 2, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-18674)</u>

This piece of work is now widely quoted on social media, but how do we a lay people know what to think of it? Did you make any attempt at having it confirmed by other organizations? Another thing: the Buk missile system was, I understand, widely used in the Soviet Union, and Ukraine still has some of them. If we accept (for the moment) that the rebels had one, how do we know theirs shot down the MH17 aeroplane? And why does it take so long to investigate all of this? What about eye witnesses who saw a Ukranian plane on the scene right after the plane fell? Just asking.

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=18674#respond)

Freilodder <u>- June 5, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19441)</u>

Please have a look at my "embossed" version of the Paris Match photo. I reckon that is a zero on the end of the buk's designation number. (Assuming this link works)

<u>https://fbcdn-photos-c-a.akamaihd.net/hphotos-ak-xft1/v/t1.0-</u> 0/11109556_798054363623833_1056116100059910081_n.jpg? efg=eyJpljoiYiJ9&oh=7d89d6bdf6f3cab33359fdcbbe5b7fac&oe=55FABFF8&_gda_=1441365362_3287(<u>(https://fbcdn-photos-c-a.akamaihd.net/hphotos-ak-xft1/v/t1.0-</u> 0/11109556_798054363623833_1056116100059910081_n.jpg? efg=eyJpljoiYiJ9&oh=7d89d6bdf6f3cab33359fdcbbe5b7fac&oe=55FABFF8&_gda_=1441365362_3287(

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=19441#respond)

PavewayIV <u>- June 7, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19684)</u>

Which would be fine, Freilodder... except the vehicle in your embossed picture is actually a 9A39M1 TEL Transloader, not a 9A301M1 TELAR as everyone is comparing it to. The GM-567/69 chassis are almost identical, but a TEL cannot fire a missile by itself. It must be connected with a TELAR to figure out what to aim at.

The 'unit' numbers are mostly irrelevant because they are repeated. They only designate that vehicle's designation as part of a fire battery and division, not which brigade/regiment they are part of (or whatever hierarchy is used in Ukraine).. And that's only when the pain is fresh, a brigade is fully-equipped and everything is working. For the Ukraine air defense forces at the time, it was mix-and-match. There were several TELs and TELARS with the same numbers and style of lettering at the time, so it isn't possible to distinguish a single individual one by the numbers alone. You need some other distinguishing marks or a different number style.

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=19684#respond)

Freilodder <u>- June 8, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19769)</u>

I can't tell if it is one or the other, but the shadow under the Paris Match logo and that I can't see the angled struts of a missile carrier worries me

https://fbcdn-photos-f-a.akamaihd.net/hphotos-ak-xtf1/v/t1.0-0/11403322_799007740195162_8936878790745912324_n.jpg? efg=eyJpljoiYiJ9&oh=ac3ffc4176a75ae8eb867c453e548985&oe=55E6C6B4&_gda_=1442070767_ (https://fbcdn-photos-f-a.akamaihd.net/hphotos-ak-xtf1/v/t1.0-0/11403322_799007740195162_8936878790745912324_n.jpg? efg=eyJpljoiYiJ9&oh=ac3ffc4176a75ae8eb867c453e548985&oe=55E6C6B4&_gda_=1442070767_

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=19769#respond)

PavewayIV <u>- June 8, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19836)</u>

On second thought, you may be right. If it is a TELAR, then it's missing a considerable chunk of the FireDome radar cover. Even accounting for the camouflage netting, the cover isn't nearly as big or the right shape as it should be. The angled mid-bay equipment hatch matches a TELAR, but I'm just not seeing the radar dome.

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=19836#respond)

Freilodder <u>- June 8, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19846)</u> Found another photo. I think its head is on back to front! https://wp4553-flywheel.netdna-ssl.com/wp-content/uploads/2015/01/PM2-BUK-Snijne17072014.jpeg (https://wp4553-flywheel.netdna-ssl.com/wpcontent/uploads/2015/01/PM2-BUK-Snijne17072014.jpeg)

Freilodder <u>- June 8, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19848)</u> I think it must be some kind of joke.

Freilodder <u>- June 8, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19849)</u> http://fakemh17photo.blogspot.com.au/2015/03/the-donetsk-buk-was-photoshopped-we.html (http://fakemh17photo.blogspot.com.au/2015/03/the-donetsk-buk-wasphotoshopped-w-e.html)

Freilodder <u>- June 9, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19958)</u> ONLY IN DONETSK does the truck have a solid one-piece loading ramp.

https://scontent-lax1-1.xx.fbcdn.net/hphotos-xtf1/t31.0-8/11357113_800300036732599_7297568281548627046_o.jpg?efg=eyJpljoiYiJ9 (https://scontent-lax1-1.xx.fbcdn.net/hphotos-xtf1/t31.0-8/11357113_800300036732599_7297568281548627046_o.jpg?efg=eyJpljoiYiJ9)

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=19958#respond)

Freilodder <u>- June 9, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19968)</u> ONLY IN DONETSK is the rear of the turret at the rear of the truck.

https://scontent-lax1-1.xx.fbcdn.net/hphotos-xaf1/t31.0-8/11241803_800347640061172_5894461554523360777_o.jpg?efg=eyJpljoiYiJ9 (https://scontent-lax1-1.xx.fbcdn.net/hphotos-xaf1/t31.0-8/11241803_800347640061172_5894461554523360777_o.jpg?efg=eyJpljoiYiJ9)

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=19968#respond)

Freilodder <u>- June 7, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19724)</u> Thanks PavewavIV !

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=19724#respond)

Freilodder <u>- June 7, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19727)</u>

(Unfortunately, I'm not convinced by the side skirt "fingerprints", so I might have to write this one off as "unknown"))

PavewayIV - June 7, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19738)

I just wanted to add that your embossed image is a great technique for image analysis in general. There is a whole science behind the various kinds of edge detection that underlies embossing. Edge detection (and visualizations like embossing) should be one of the primary tools in anyone's image analysis toolbox.

```
Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-
bellingcat-investigation/?replytocom=19738#respond)
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Freilodder <u>- June 7, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19742)</u>

Aww thanks. I suspect NASA has used something similar for many years..

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=19742#respond)

Freilodder <u>- June 7, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-19744)</u> (I just used the Paintshop Pro version :p)

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=19744#respond)

al <u>- June 29, 2015 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-21768)</u> its a kind of magic ???

or

some kind of business ???

https://joker.buzz/item/18 (https://joker.buzz/item/18)

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=21768#respond)

CopyCat <u>- February 24, 2016 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-54618)</u>

The name Kursk may turn out to be VP's nemesis. When interviewed by Larry King on US television about the sinking of the submarine of that name, it is reported that he just shrugged his shoulders and said in an unemotional tone of voice " it sank" Full stop...

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=54618#respond)

CopyCat <u>- February 24, 2016 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-54620)</u> Moderator -please turn "reprted" into "reported" Thanks!

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=54620#respond)

Aric Toler - February 24, 2016 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buka-bellingcat-investigation/comment-page-5/#comment-54639) Done 🙂 Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=54639#respond)

Alex <u>- June 9, 2016 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-74559)</u>

Полная фигня. Фотошоп рулит!

Ну и конечно богатой воображение русофобов :))))

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=74559#respond)

doug <u>- October 5, 2016 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-93750)</u> With good reason.

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=93750#respond)

Alex <u>- June 9, 2016 (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation/comment-page-5/#comment-74561)</u>

Не иметь ни 1 четкой фотографии в век современных технологий. Даже видео-регистратор и тот не четкий и снимает сквозь какое-то заплеванное стекло. Ну так же нельзя фабриковать данные. Там у них буквы стерлись, там нечетко, в других местах замазано. Зато все фото российской техники четкие и ясные. :)))))

Reply (https://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-abellingcat-investigation/?replytocom=74561#respond)

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<u>(/contact)</u>

Annex 447

International Crisis Group, Eastern Ukraine: A Dangerous Winter, Europe Report No. 235 (18 December 2014)



Eastern Ukraine: A Dangerous Winter

Europe Report N°235 | 18 December 2014

International Crisis Group Headquarters Avenue Louise 149 1050 Brussels, Belgium Tel: +32 2 502 90 38 Fax: +32 2 502 50 38 brussels@crisisgroup.org

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Europe Report N°235

Executive Summary

Winter in Ukraine is injecting further uncertainty into an already volatile conflict. Concerns are increasing about the strong risk of a humanitarian crisis in the southeastern separatist-held areas of Donetsk and Luhansk. The separatists have a rudimentary administrative structure, few competent administrators, ill-trained militias and little in the way of a long-term strategy. They will be hard pressed to survive the winter without major Russian aid – financial, humanitarian or military. Ukraine, meanwhile, is dragging its feet on implementing reforms to address its manifold economic problems. Both Kyiv and the separatists are under pressure from their war lobbies. The near-term risk of further hostilities is high. There is an urgent need to halt the conflict, separate the troops, deploy substantially larger numbers of international monitors across the warzone and the Russian-Ukrainian border, as well as take immediate steps to assist civilians on both sides.

The separatists are clearly aware of their vulnerability, both in terms of security – their militias are a bewildering array of uncoordinated and poorly led military units – and in political terms – their inability to provide basic services for the population could seriously undermine their support base. They also admit an ambiguous relationship with Russia. They say that Moscow will intervene to avert major military or humanitarian catastrophes, but has no plans to recognise the separatist entities or provide major development or reconstruction aid. And they say that while Russia is playing a long game for the control of Ukraine, they are trying to stay alive for the next six months.

Renewed hostilities could take a number of forms. A Ukrainian offensive would almost certainly trigger a Russian military response, as Russian forces showed when in August 2014 they inflicted a devastating defeat on Ukrainian troops in Ilovaisk, near Donetsk city, stopping their hitherto successful offensive. The geographical status quo has prevailed since then. A ceasefire brokered in September has been largely ignored. A powerful group within the separatist leadership feels that they will not survive without more land, and clearly wants to resume offensive operations, in the belief that this would also bring in the Russians. Separatists are hoping for another "Russian Spring" – their term for Moscow-encouraged and fomented seizures of power in other south-eastern oblasts. And, should weather conditions impede resupply of Crimea by sea this winter, Moscow may intervene to open up a land route from the Russian border through Ukrainian territory. Either move would undoubtedly be viewed by the EU, U.S. and other supporters of Ukraine as a major escalation and lead to further sanctions.

EU and U.S. sanctions may well have deterred a further Russian advance along the Black Sea coast after Ilovaisk, and seem at the moment to be deterring any substantial separatist advance beyond the current frontline. They have also added to the pain of Russia's economic downturn. The EU's tough line on sanctions surprised Moscow, which assumed that consensus in Brussels would quickly disintegrate. But there is little sign that either the U.S. or the EU have thought about ways to de-escalate when the need finally arises. Russia is following a similar improvisatory path. It underestimated the implications of annexing Crimea or intervening in eastern Ukraine. It protects the entities from Ukrainian attack, but seems reluctant to do much more than that.

Improvisation needs to be replaced by communication between all sides. This would help defuse tensions, perhaps prepare the ground for consultations between the main warring parties, and allow all sides to concentrate on humanitarian assistance in the coming winter. Russia could confirm that it has no plans to recognise the separatists. It could reject the idea, often floated in Kyiv, of a major Russian offensive in the spring. Kyiv could similarly promise to refrain from offensive military operations during this period. It could spell out publicly and clearly to the people of the east what political solution it has in mind for their areas after the war, and offer a clear assurance that it will, with Western assistance, help rebuild the east. Such an approach by all sides would not only help Ukraine weather a dangerous winter, but also allow it to emerge in the spring with hope for the future.

This report concentrates largely on one of the lesser known aspects of the crisis – the thinking and capacity of the separatist leadership, their relationship with Moscow and their views of the future. It does not present an overall analysis of the U.S., European Union and member states' policies on the crisis.

Recommendations

To stabilise the security situation in the east and start building confidence on all sides

To the Ukrainian government and separatist leaders:

1. Open channels of communications on humanitarian, economic and social issues to reinforce efforts to achieve a political solution.

To Russia:

- 2. Declare that Ukrainian predictions of a Russian or separatist offensive in coming months are baseless; spell out the exact nature of its political relationship to the separatist areas of the east, in particular that Moscow has no plans to recognise their independence.
- 3. Propose negotiations with Kyiv to resupply Crimea by land during the winter, using the 2003 agreement with Russia and Lithuania as a precedent; and offer wholehearted support for a significant increase in the number of monitors on the ground in the south east.

To Ukraine:

- 4. Announce that it will refrain from offensive military actions in the south east during winter.
- 5. Agree to facilitate the delivery of emergency humanitarian assistance, if needed, to the separatist-held areas.
- 6. Consult with the international community on ways to lessen the impact for noncombatants in Donetsk and Luhansk of presidential decree 875/2014, which declares illegal any bodies established by the separatists on the basis of their 2 November elections, and removes all Ukrainian government institutions from separatist areas.
- 7. Reach out to the east, particularly Ukrainian citizens in separatist-controlled areas, and stress its abiding concern about their well-being; and address accusations that Ukrainian troops have shelled urban areas in Donetsk and elsewhere, and announce an open and transparent inquiry into such claims.

To Russia, the EU, U.S., Organisation for Security and Cooperation in Europe (OSCE) and other international actors involved in the peace process:

- 8. Move urgently to demilitarise the conflict by substantially increasing monitors on the ground, both to separate the forces and closely observe the Ukrainian-Russian border; and declare the Donetsk airport neutral territory under international supervision.
- 9. Draw up contingency plans for major emergency relief operations in Donetsk and Luhansk if the situation continues to deteriorate.
- 10. Urge separatist and Ukrainian leaders back to the negotiating table.

To the EU, U.S. and other parties engaged in the peace process:

- 12. Review sanctions policy to create incentives for Russia to de-escalate, and move away from a sanctions policy that is open-ended and does not identify trigger events specific enough to allow for their gradual removal.
- 13. Declare a willingness to make significant financial support available for the speedy restoration of Donetsk and Luhansk once a solution to the conflict has been found.

Kyiv/Brussels, 18 December 2014

Europe Report N°235

Eastern Ukraine: A Dangerous Winter

I. Introduction

In late February 2014, after months of mass protests on Kyiv's Independence Square – Maidan Nezaleznosti, which gave its name to the movement –, President Viktor Yanukovych fled the country with Russian assistance.¹ A power vacuum quickly developed in eastern Ukraine, his home base. Yanukovych's Party of the Regions disintegrated, followed soon by the politicised and highly corrupt security structures. The vacuum was filled by demonstrators calling for closer relations with Moscow, or even absorption by their northern neighbour. Crimea's swift declaration of independence from Ukraine and subsequent reincorporation into the Russian Federation led activists in the south-eastern oblasts of Donetsk and Luhansk, and their supporters in Russia, to believe that they could repeat the scenario in eastern Ukraine. Instead this triggered eight months of war, during which at least 5,000 people, and probably more, have died.

While most south-eastern oblasts resisted and ultimately suppressed pro-Russian demonstrations, protesters, rarely more than a few thousand, seized government buildings, barracks and security force arsenals throughout Donetsk and Luhansk. By May, most of the two oblasts were in separatist hands. Soon after his election in late May, Ukrainian President Petro Poroshenko launched a major military operation – officially known as an Anti-Terror Operation (ATO) in the east. By the summer, the separatist Donetsk People's Republic (DNR) had lost much of the land it had seized, and had concentrated its forces in and around Donetsk city. Its counterpart in Luhansk was even further reduced.²

Research was conducted in Brussels, Kyiv, Dnipropetrovsk, Donetsk city and oblast and Moscow.

¹ Speaking at the annual Valdai conference, Putin admitted that he had helped Yanukovych flee, first to Crimea and then to Russia. See http://kremlin.ru/news/46860, 24 October 2014. He noted that he urged Yanukovych to stay in the capital and not to withdraw riot police from Kyiv. "Yanukovych said: 'yes, I understand' Putin recalled. He then left [the capital] and ordered all forces of public order removed from Kyiv. Great guy (KpacaBett Toxe)". Ibid. ² The Donetsk and Luhansk People's Republics, widely known by their Russian initials DNR and

² The Donetsk and Luhansk People's Republics, widely known by their Russian initials DNR and LNR, are not recognised by any country. Similarly, no country recognised the results of the 2 November legislative and presidential elections. Russia expressed respect for the vote, but was careful not to say it recognised the result. Moscow makes it clear Donetsk and Luhansk are part of Ukraine, and stresses that Kyiv must bear the burden of supporting them financially, including the eventual cost of reconstruction. For purposes of simplicity, the entities are referred to in this report by their self-proclaimed titles, DNR and LNR.

II. From Ilovaisk to Minsk

August 2014 was one of the bloodiest months of the war. Donetsk city was shelled frequently, its population dropped from just under a million to around 600,000,³ and Ukrainian troops were on the offensive across much of the DNR-controlled territory. In the middle of that month, officials in Moscow watched the successful Ukrainian offensive with concern. The operation was going "a little too far".⁴ At the end of July, separatist leaders in Donetsk warned Moscow that they could not hold out for more than a few weeks without major Russian military assistance.⁵ Fears of a total separatist defeat, which Russian specialists have likened to the 1995 destruction of the Serbian enclave of Krajina, triggered a major Russian military response.

The Russian offensive was preceded by the abrupt removal of two key Russian figures who had played a decisive role in the early days of the DNR.⁶ The personnel changes coincided with an infusion of Russian weaponry, and almost certainly Russian troops. Igor Strelkov, the main military leader of the separatist uprising, hinted strongly at this in a message to his supporters in September. When he left the east, he recalled, "Donetsk and the whole of the DNR armed forces were surrounded" and fighting for existence. But only a few people in Donetsk knew that "literally in the next few days, the enemy would be dealt a crushing defeat".⁷

This came in Ilovaisk, a railway junction town half an hour's drive to the east of Donetsk city and about 50km from the Russian border. The Ukrainian capture of Ilovaisk would have closed the noose around Donetsk city, cutting it off from most resupply routes. Fighting had been going on there for weeks. On 23 August, a large combined force of Ukrainian volunteer battalions and regular army was deployed in and around the town. The volunteer battalions were largely so-called second echelon units, intended to round up DNR militia stragglers and restore order rather than engage in conventional warfare. The next day the Ukrainian forces came under intense artillery and mortar fire, often guided by drones and delivered by modern weaponry that far surpassed their own equipment.⁸ More attackers cut off their retreat. "We were waiting for you", a Russian soldier later told a Ukrainian prisoner.⁹ The bombardment inflicted heavy casualties.

³ Figures provided by the Donetsk city council. Crisis Group interview, 13 October 2014.

⁴ Crisis Group telephone interview, Moscow-based official who specialises in Russian policy to Ukraine and other former Soviet states, mid-August 2014. For further background, see Crisis Group Europe Report N°231, *Ukraine: Running out of Time*, 14 May 2014.

⁵ Crisis Group interview, senior official, Donetsk, 13 October 2014.

⁶ On 7 August, the entity's prime minister, Alexander Borodai, before the war a Moscow-based political commentator close to radical nationalist media and movements, was replaced by Alexander Zakharchenko. The following week Igor Strelkov, the pre-eminent military leader of the separatist uprising – an ardent supporter of direct and massive Russian intervention, of the creation of Novorossia, a state carved out of seven Ukrainian oblasts, and a frequent critic of Moscow for not providing enough aid – left for Russia without explanation or farewell. Many DNR military commanders were shocked by Strelkov's departure, and remain loyal to him, while he continues to lobby his supporters in the east to take a hard, aggressive line.

⁷ обращение стрелкова [Address by Strelkov], vk.com/gubarev, 11 September 2014.

⁸ Crisis Group interview, officer, Mirotvorets battalion, Kyiv, 18 September 2014. The Ukrainians deployed three drones, which were quickly shot down. Two of the three newly trained drone controllers were killed during the retreat. Crisis Group interview, Dnipropetrovsk, 26 September 2014.
⁹ Crisis Group interview, Kyiv, 18 September 2014.

On 29 August, Vladimir Putin took the unusual step of appealing publicly to the "Novorossia militia" to provide safe passage for the survivors, a sign that the Kremlin was watching the operations closely.¹⁰ The Ukrainian troops suffered many more losses when Russian tanks and armour strafed them as they retreated through the corridor.¹¹ Putin claimed that this was because the Ukrainian forces had used the pause in combat to regroup and resupply. "This causes mistrust", he said on TV.¹²

DNR and Russian officials insist that only local militias were involved in the fighting, while Ukrainian troop and commanders say they were hit by elite Russian units with advanced weaponry. Ukrainians taken prisoner during the battle recount conversations with Russian airborne troops stationed in the Russian cities of Pskov and Kostroma, as well as soldiers from a motorised infantry brigade based in Shatoi, Chechnya.¹³ Several senior Ukrainian officers retreated with wounded Russian troops in their vehicles, a fact that eased their passage out of the Russian military encirclement.¹⁴ Ilovaisk inhabitants also later recalled that the fighting in their town had been between Russian and Ukrainian regular forces.¹⁵ Chechnya-based Russian troops told a prisoner that they had been required to sign demobilisation forms before being deployed in Ukraine. They added that they expected to be attached to DNR forces along with all their equipment.¹⁶

Ukrainian officials admit to just over 100 killed on the operation. Those involved in the fighting, as well as at least one regional governor, say the real death toll is at least 1,000, and probably more.¹⁷

The Ilovaisk defeat demoralised the Ukrainian leadership. A leader in the southeastern oblast of Dnipropetrovsk voiced a widely-held view that the defeat left the rest of the east and south at the mercy of the DNR and its allies.¹⁸ A Ukrainian general intimately acquainted with the Ilovaisk operation was blunt, "we could have

¹⁵ Crisis Group interviews, Ilovaisk, 14 October 2014.

¹⁰ "Президент России Владимир Путин обратился к ополчению Новороссии" ["President Putin appealed to the Novorossia Militia"], 29 August 2014, http://kremlin.ru/news/46506.

¹¹ Crisis Group interviews, journalist and junior battalion officer who survived the retreat, Kyiv, 18 September 2014; ranking Ukrainian army officer, eastern Ukraine, late September 2014.

¹² "Interview with Vladimir Putin", Russian TV Channel 1, www.1tv.ru/news/polit/266628, 31 August 2014. There are other versions of the rationale for the attack on retreating troops. These include the allegation that the ranking Ukrainian commander was unwilling to abandon heavy weaponry during the retreat. Whatever the reason, the corridor was a traumatic and scarring experience for the survivors.

¹³ Crisis Group interviews, journalist and junior battalion officer who survived the retreat, Kyiv, 18 September 2014. A ranking Ukrainian officer involved in the fighting cited the same Russian units. Crisis Group interview, eastern Ukraine, late September 2014.

¹⁴ Crisis Group interview, ranking Ukrainian military officer, eastern Ukraine, late September 2014. Videos also showed modern Russian military equipment on the battlefield.

¹⁶ Crisis Group interview, 18 September 2014. In late August, Ukrainian forces captured ten Russian airborne troops just south of Ilovaisk. Russian military authorities claimed the men had crossed the border by accident. The men said they were from Kostroma. See "Relatives of airborne troops arrested in Ukraine have gathered in Kostroma", 26 August 2014, http://tvrain.ru/articles/v_kostrome_sobralis_rodstvenniki_zaderzhannyh_v_ukraine_desantnikov-374566.

¹⁷ The higher figure is cited by a number of observers, including a security adviser to a senior Ukrainian politician. Crisis Group interview, Kyiv, 30 September 2014. The number of missing in action or taken prisoner has not been established. In a visit to Ilovaisk on 14 October, DNR thenpremier Zakharchenko said that prisoners of war included 98 members of the Donbas volunteer battalion. These would not be exchanged, he said, but would be made to work in the city and possibly local mines. Crisis Group observation, Ilovaisk, 14 October 2014.

¹⁸ Crisis Group interview, Dnipropetrovsk, 25 September 2014.

handled the separatists, but we can't fight the Russian army". This is the end of the war, and President Poroshenko understood this, he added.¹⁹ The defeat also left the Ukrainian military short of weaponry. A month after Ilovaisk, a Ukrainian general and influential politician described a visit to a military sales exhibition in Kyiv. Asked what they were looking for, the politician laughed. "Everything", he said.²⁰

Ilovaisk was far from a total victory for the separatists, however. The DNR militias wanted to push on and take back the land they had lost in recent months. Instead, said a senior DNR politician: "The Russians told us 'stop!' Our troops were to go no further". The politician said he disagreed with the order. "But we cannot refuse: we are dependent on those who help us".²¹ The Russian troops also went no further. Officials working on Minsk talks noted around the same time with some surprise that separatist leaders were suddenly more amenable to negotiations.²²

The 5 September negotiations in Minsk resulted in the declaration of a ceasefire and an agreement to separate the warring parties.²³ A particularly controversial clause at the time was Ukraine's agreement to classify the separatist areas for a limited period as zones with special status. The wording was reportedly written by a senior Putin adviser, Vladislav Surkov, and was deliberately kept "creatively obscure" in its details, an international participant in the negotiations remarked.²⁴ Political sources in Kyiv later said that Russia had threatened to resume and extend its military offensive if the idea was not incorporated into the agreement. A Ukrainian deputy premier later claimed that the passage of a law on special status had forestalled a "full-scale offensive".²⁵

¹⁹ Crisis Group interview, ranking Ukrainian army officer, eastern Ukraine, September 2014.

²⁰ Crisis Group interview, eastern Ukraine, 25 September 2014. Six weeks later, speaking in Donetsk, a top separatist leader said that the Ukrainians were firing prohibited ammunition like cluster bombs "because they don't have anything else left". Crisis Group interview, Donetsk, 16 November 2014.

²¹ Crisis Group interview, Donetsk, 13 October 2014.

²² Crisis Group interview, senior diplomat, Kyiv, 22 September 2014.

²³ The negotiations were held under the auspices of a Contact Group composed of Ukraine, Russia and the Organisation for Security and Cooperation in Europe (OSCE). Separatist leaders from both Donetsk and Luhansk were also present. The two separatist representatives signed the final memorandum, but the document did not identify their geographical affiliation or their political positions in two separatist regions. The OSCE published the protocol, but only in Russian See: www.osce.org/home/123257. The Ukrainian government posted an English-language version on its website: http://mfa.gov.ua/en/news-feeds/foreign-offices-news/27596-protocolon-the-results-of-consultations-of-the-trilateral-contact-group-minsk-05092014. On 19 September, the Group agreed on a memorandum outlining measures to stabilise the ceasefire. See, in Russian, www.osce.org/home/123806.
²⁴ Crisis Group interview, senior diplomat, 22 September 2014. For more on Surkov, see Section III.C.

 ²⁵ "Владимир Гройсман: законы о Донбассе остановили полномасштабное наступление"
 ["Vladimir Groysman: Laws on the Donbas stopped a full-scale offensive"], Ukrainskaya Pravda,
 24 November 2014.

III. Reaction to the Minsk Agreement

The Ukrainian and separatist leaders who signed the Minsk ceasefire protocol found themselves accused of many of the same sins by their political establishments. Volunteer battalion commanders in Kyiv spoke of treason and hinted at a coup; militia commanders in the east did the same. The signatories were accused of selling out their revolutions; some suggested that they had done a deal, most likely for corrupt purposes. Most importantly, many leaders in both camps claimed that Minsk had damaged their side's chances of survival. Ukrainian political leaders predicted a Russian or separatist offensive in the south east sometime in winter or early spring. The separatists warned that they controlled too little territory to be viable. Given this mood, it is no surprise that the ceasefire never really happened. Well over 1,000 people have probably been killed since the agreement came into force on 6 September.²⁶

A. Donetsk

The Minsk ceasefire agreement brought out into the open the sharp divisions within the separatist leadership, both political and military. More pragmatic leaders stressed the need for peace as a precondition to building a functional state that would aim for a slow and roundabout incorporation into Vladimir Putin's Russian world, through membership in Russian-created bodies such as the Customs Union. This, a senior government figure conceded, would be an extremely difficult task.²⁷

They were opposed by a powerful group of political and military leaders who viewed the situation as much more urgent and requiring forceful military action. The fundamental difference between the two camps lies in the future of the Novorossia project. While the DNR and LNR often refer to themselves generically as Novorossia, to most separatists, particularly the militias, the name means something much larger: a new state torn out of Ukraine that would encompass most of the south east of the country and the Black Sea coast as far as Moldova – a state with substantial agricultural, marine and industrial potential.²⁸ The Minsk agreement leaves the separatists with a tiny fraction of this – roughly about 40 per cent of Donetsk oblast and a much smaller proportion of Luhansk. Many separatist leaders, including a number of senior military commanders who are still in contact with Igor Strelkov, feel their current territory is not viable. They see the Minsk process as a disturbing tilt by the Kremlin away from the greater Novorossia and the radical nationalist line that they and their Russian nationalist allies espouse.²⁹

²⁶ International organisations estimate over 700 deaths, but base these on official figures, which they consider to be drastically underestimated.

²⁷ Crisis Group interview, Donetsk, 14 October 2014.

²⁸ The term was first raised post-Crimea annexation by Vladimir Putin in a lengthy phone-in on Russian TV on 17 April 2014. See kremlin.ru/news/20796.

²⁹ The Russian nationalists in question include Alexander Dugin, Alexander Prokhanov – both formerly strong supporters of Putin who have at times claimed to be close to him – and probably Sergey Glazyev, an adviser to the president. Dugin and Prokhanov expressed disappointment with what they saw as Putin's abandonment of the radical nationalist cause. Dugin was particularly eloquent: "In my view Putin is not a person but a concept, the bearer of a certain function. This figure has two sides, sun and moon, solar and lunar. The Sun Putin is the person who reincorporates Crimea, visits Orthodox elders, stands for the Russian people, the Putin we want. There is a lunar Putin – his shadow, which compromises, thinks of natural gas, betrays the children of Slavyansk.

They lashed out at the agreement and its signatories. Pavel Gubarev, a leading hardline separatist and proponent of a greater Novorossia, wrote that when he saw the Minsk document, "we wanted to spit on this 'peace'".³⁰ One of the most influential commanders, Alexei Mozgovoy, asked an interviewer "how could anyone sign an agreement which leaves us in the backyard of our own land? ... The passivity and weak character of the representatives who signed all this have brought us to this lamentable result".³¹ "Within our current borders, we have very modest prospects", said another prominent proponent of greater Novorossia. He implicitly criticised both Moscow and his own colleagues for the current state of affairs. "Moscow often takes decisions for us", he noted.³²

Radically inclined leaders and commanders suggest the pragmatists, mostly current political leaders in the DNR, are motivated in part by corruption. "Novorossia does not suit the present DNR leadership", said a militant, making it clear the leaders had financial interests in the current situation in Donetsk.³³ Mozgovoy alleged that much Russian aid disappears before it reaches the troops.³⁴ Strelkov, the former military commander, has made similar claims. Supporters of a fast push to create a greater Novorossia say it would put vastly more resources into the separatists' hands and make their cause more attractive in the eyes of the Russian leadership. Waiting, they say, could prove fatal, since the DNR's limited support on the ground could decline further as its ability to provide basic services during the winter weakens.³⁵

Senior militia commanders, urged on from Moscow by Strelkov, tried intermittently in September and October to call a military council to discuss the situation. The expectation was that most commanders would support the idea of creating a greater Novorossia as soon as possible. The DNR leadership expressed concern about the planned council and other signs of dissent. The dissidents, a top leader said, "are neither insignificant nor a minority".³⁶ The leadership was eventually able to head off the council meeting, though deep signs of discord on this and related matters regularly surface.

Many ordinary people in Donetsk appear increasingly to have little love for either side and simply want their privations to end. For this reason most expressed optimism about the Minsk agreement, even though they received little hard information about the peace talks from the highly politicised media on both sides. Most residents obtain their news through the partisan Russian and separatist media. Ukrainian outlets, harder to access in the east, are mostly no less biased. People say they minimise interactions with DNR officialdom whenever possible, unsure how its representatives,

This Putin is much less remarkable". See "Лунный Путин уволил меня из МГУ" ["The Lunar Putin fired me from MGU"], www.gazeta.ru/social/2014/07/01/6093433.shtml, 1 July 2014.

³⁰ See Pavel Gubarev's Facebook page, https://www.facebook.com/pgubarev/posts/941335609226518, posted on 7 September. Rather confusingly, separatists in Donetsk and Luhansk sometimes refer to the area under their control as Novorossia.

³¹ Алексей Мозговой: наступление на Харьков и Одессу не только возможно, но и необходимо ["Alexey Mozgovoy: An assault on Kharkov is not just possible but necessary"], Rusvesna.su news site, 15 October 2014, http://rusvesna.su/news/1413322782.

³² Crisis Group interviews, senior government, security and military officials, Donetsk, October-November 2014. See also, inter alia, Мозговой: наступление на Харьков и Одессу не только возможно, но и необходимо, ор. cit.

³³ Crisis Group interview, Donetsk, 13 October 2014.

³⁴ ["An assault on Kharkov is not just possible but necessary"], op. cit.

³⁵ Crisis Group interview, Donetsk, 13 October 2014.

³⁶ Crisis Group interview, Donetsk, 13 October 2014.

at best inexperienced and arbitrary in their behaviour, will respond. Many stay because they have nowhere else to go, or because they have deep family roots in the area. A lot, however, move in and out of Donetsk as much as possible, depending on the military situation or for other needs, such as medical care or attempts to register for pensions in one of the Ukrainian-government held areas. Thus the population of Donetsk, which had dropped to 600,000 in August, was well over 700,000 by October.³⁷

B. Kyiv

The Ukrainian leadership faced a similar backlash. Many Ukrainian political leaders and activists were deeply critical both of the ceasefire and of Poroshenko's secretive approach to negotiations.³⁸ They described Minsk as a temporary pause that would allow the rebels to rest, train and resupply, and complained that extending special status to separatist-occupied areas amounted to tacit recognition. They predicted a major separatist offensive, in the spring or even before, through the southern and eastern oblasts from Kharkov and on through Odessa to the Moldovan border. "Poroshenko has lost the war We have to hope that Putin does not have enough brains to realise how weak we are", said a major politician and businessman with national ambitions. "Destabilisation of the rest of the east and south has already begun", and "the Russians have a strong fifth column working there", he added, singling out two prominent local politicians in Kharkov. Regional governors in most of the vulnerable oblasts have done little to shore up their internal security. The country will look very different by the spring, he concluded ominously.³⁹

Many share this pessimism. "We have allowed Putin to impose a significant part of his agenda on us", said an adviser to a coalition leader.⁴⁰ "Poroshenko has sanctioned the creation of terrorist republics. It is only a question of time before Putin moves further – at the very least with the land bridge linking Crimea and mainland Ukraine".⁴¹ A land bridge would provide a means to resupply Crimea, especially in the winter, when bad weather hampers the peninsula's resupply by sea. It would most likely stretch from the Russian border through the occupied town of Novoazovsk and the major Ukrainian-controlled port of Mariupol, and then south and east to the Crimean peninsula. "The Russians want Mariupol at any price", said a ranking Ukrainian commander in the east.⁴²

Poroshenko also faced fierce criticism from the military, particularly the volunteer battalions that had been fighting in the east. They had already complained of the government's failure to equip them properly, to provide battlefield support or medical evacuation, and at the regular military commanders who abandoned them when the situation became dire.⁴³ After the Minsk agreement, some officers openly threat-

³⁷ Figures provided by the Donetsk city council. Crisis Group interview, 13 October 2014.

³⁸ Crisis Group interview, parliamentary candidate, Kyiv, 9 October 2014.

³⁹ Crisis Group interview, eastern Ukraine, September 2014.

⁴⁰ Crisis Group interview, Kyiv, 1 October 2014.

⁴¹ Crisis Group interview, Kyiv, 30 September 2014.

⁴² Crisis Group interview, eastern Ukraine, September 2014.

⁴³ Such complaints are a common feature of most conversations with volunteer veterans. Crisis Group interviews, officer of one battalion, 16 September 2014; journalist who was caught up in the fighting, 18 September 2014; and officer of the Mirotvorets battalion, 18 September 2014. Two of the three had been in the battle for Ilovaisk, the third had seen combat elsewhere in Donetsk oblast.

ened to "turn their guns against the traitors in Kyiv".⁴⁴ Many troops voiced such feelings in Ilovaisk during the fighting, said a participant in the battle. "Of course", he added, "most of those who said that did not come out alive", as they had been in the thick of the fighting.⁴⁵

No officer or unit has so far tried to carry out these threats, and the government publicly plays down the allegations. However, at least one prominent politician, Andriy Parubiy, the former secretary of the National Security and Defence Council, has travelled regularly to the front to address the soldiers' complaints.⁴⁶ Some demonstrations by soldiers have been reported in Kyiv and elsewhere.

The suddenness and secrecy of the Minsk agreement added to growing doubts about Poroshenko harboured by members of the political elite, particularly former Maidan democracy activists. The agreement sparked speculation that he had done a behind-the-scenes deal with Vladimir Putin. Many observers spoke of their "constant" telephone conversations, fuelling suspicion that Poroshenko was running a "parallel negotiating track" with the Russian president, one in which "Putin was the dominant partner".⁴⁷ The law on special status – though only symbolically important – was passed by the parliament in one closed evening session.⁴⁸

Growing frustration with Poroshenko may have contributed to his setback in the 26 October parliamentary elections,⁴⁹

C. The Other Minsk Negotiator

Senior Western diplomats say that Vladislav Surkov, a long-time political strategist and ideological adviser to President Putin, advised both sides in Minsk.⁵⁰ DNR leaders confirm this. Senior DNR officials say Surkov kept their negotiators on a tight rein. They were basically told "just sign the document", said one.⁵¹ For Poroshenko he probably drafted the crucial point in the agreement – the temporary "special status" for the DNR and LNR within Ukraine.⁵²

⁴⁴ Crisis Group interview, battalion officer based in the east, Kyiv, September 2014. He said he shared these sentiments.

⁴⁵ Crisis Group interview, Kyiv, 18 September 2014. One of the two generals commanding the Ilovaisk operation allegedly left the battlefield when combat intensified. Three battalion commanders have called for the general to be put on trial. "Battalion commanders demand Litvin be put on trial for Ilovaisk", Anews.com website, 10 September 2014.

⁴⁶ Crisis Group interview, security adviser to a senior politician, Kyiv, 30 September 2014.

⁴⁷ Crisis Group interviews, TV executive, Kyiv, 9 September 2014; government official, Kyiv, 3 October 2014; security official, Kyiv, October 2014.

⁴⁸ Separatist leaders say Poroshenko is probably the only leader in Kyiv who would be open to an agreement, but most say they would never deal with someone they hold responsible for thousands of deaths in the east. Crisis Group interview, senior DNR leader, Donetsk, 16 November 2014. Senior Western diplomats agree that Poroshenko is more flexible than the other Ukrainian leaders. "Petro is a natural deal maker", said one. Crisis Group interview, November 2014.

⁴⁹ The Poroshenko popular vote slipped slightly behind another block led by outgoing Prime Minister Arseniy Yatsenyuk, whom separatists view as radically opposed to any agreement. Ultimately, however, the president's bloc emerged as the largest grouping in the new parliament. The president then lost time with several weeks of wrangling over parliamentary alliance and cabinet seats.

⁵⁰ The information was first published in Elisabeth Pond, "The end of deterrence?", *IP Journal*, German Council on Foreign Relations, 23 September 2014. Senior Western diplomats closely following the Minsk process confirmed Surkov's role in the special status debate. Crisis Group interviews, Kyiv, 1-2 October 2014. DNR officials and Russian sources subsequently also confirmed this. ⁵¹ Crisis Group interviews, senior DNR political leaders, Donetsk, mid-November 2014. ⁵² Crisis Group interview, senior Western diplomat, Kyiv, 1 October 2014.

The Minsk agreement seems to have marked a change in the Kremlin's overseers for Donetsk and Luhansk. Previously, the main drivers of Moscow's Ukraine policy, had been Sergei Glazyev, Putin's adviser for regional economic policy, and Dmitry Rogozin, Russian deputy premier for military affairs, a former ambassador to NATO.⁵³ Both are closely connected to radical nationalist circles. Some relatively more pragmatic DNR leaders were happy to see them go. "These people played a very negative role by bringing Strelkov into the conflict, the security officer said". ⁵⁴ "Surkov is now our main *kurator* [overseer, handler]", he added, noting that Surkov had prepared much of the Minsk package of agreements. A Russian observer said, however, that the Russian military and intelligence services would have their own *kurator*.⁵⁵

Surkov is the Kremlin's point person for the Caucasus and some other parts of Russia's near-abroad. When political tensions spilled onto the street in Abkhazia earlier this year, he flew there to calm passions. More recently, he has emerged as the spokesman and probable architect of a new considerably tighter political, military and security relationship with Abkhazia.⁵⁶ In Donetsk he has garnered mixed reviews. Some welcomed a handler less ideological than Rogozin or Glazyev, and expressed respect for what they described as his tough management style and sharp legal mind.⁵⁷ Supporters of greater Novorossia view him as anathema. From Moscow, Strelkov denounced the "Surkov-Lavrov-Zurabov" group who was nudging Putin away from the hardline DNR position. "How much longer can Surkov openly deceive VVP [Vladimir Putin], presenting his virtual successes as real accomplishments? And how long can the president be confident that Surkov and Company are still under his control?"⁵⁸

⁵³ Other DNR officials refused to comment on the roles played by Rogozin and Glazyev, but did note that they also consulted economic advisers working under Russian first deputy premier, Igor Shuvalov.

⁵⁴ Crisis Group interview, senior DNR officer, Donetsk, October 2014. Glazyev was born in the eastern Ukrainian region of Zaporozhia.

⁵⁵ Crisis Group interview, Moscow, 25 November 2014.

⁵⁶ ДОГОВОР между Российской Федерацией Республикой Абхазия о союзничестве и интеграции [Draft treaty between the Russian Federation and the Abkhazia Republic on alliance and integration], at http://apsnypress.info/docs/13258.html.

⁵⁷ Crisis Group interview, top DNR official, 16 November 2014.

⁵⁸ Strelkov's statement was published on one of the most active separatist blogs, 20 September. http://colonelcassad.livejournal.com/2014/09/20. Sergey Lavrov is foreign minister, and Mikhail Zurabov is the Russian ambassador to Kyiv and Russia's representative at the Minsk talks.

IV. Donetsk: A Suitcase without a Handle

A. Diverging Interests: A Growing Gap between Donetsk and Moscow

Few of the current separatist leaders knew where they were going when they seized power. Some hoped for immediate absorption into Russia. Others aimed at a broad degree of autonomy that would limit Kyiv's authority in the region to the absolute minimum. A few were veterans of a Donetsk separatist movement that emerged in 2005 and aimed for federal status within Ukraine. Some supported the Eurasianist ideas of the historian and ethnographer Lev Gumilev, a strong influence on radical Russian nationalists.⁵⁹ Many were opportunists. "Plenty of people wanted power. I think a lot of them had seen the Party of Regions leaders become very rich, and they wanted to do the same", said a senior security figure. "Certainly no one expected a war with thousands dead".⁶⁰

They are still improvising. The top leadership, which includes Zakharchenko, speaker of parliament Andrei Purgin and his deputy Denis Pushilin, rarely seem to work from offices, communicate by cell phones, and often meet in hotel cafés. They admit that they have few people with administrative experience necessary to run a city like Donetsk. They are not sure how much financial assistance they will receive from Moscow. "If there is a total humanitarian catastrophe, Russia will help", said a top leader. "Less than that, we'll see".⁶¹ The leadership is in private also frank about the degree of public support. Certain categories, they say, – middle class, business, those with a higher education or university students – are not strong supporters.⁶² Their support is deeper among pensioners, workers and in smaller towns and villages. The Russian leadership views us "like a suitcase without a handle", said a senior security official, "useless, but you can't bring yourself to throw it away".⁶³ Other senior officials agree that Russia views them largely as a "burden".⁶⁴

The ease of Crimea's absorption generated a powerful wave of euphoria throughout the Russian political leadership. Russian politicians say that the operation was largely improvised. "I can say with absolute certainty that there was no preplanning for the reunion of Crimea. During the Ukrainian crisis the opportunity, I would even say the necessity, presented itself and Russia took advantage of it", a former premier and head of external intelligence, Yevgeny Primakov, said in October 2014.⁶⁵

When Crimea became part of Russia on 18 March, Putin quickly shifted his attention to south-eastern Ukraine. First he referred to Ukraine's south-east oblasts as "historically Russian", and then a month later to Novorossia – the oblasts of Khar-

- ⁶¹ Crisis Group interview, Donetsk, 16 November 2014.
- ⁶² Crisis Group interview, Donetsk, 13 October 2014.
- ⁶³ Crisis Group interview, Donetsk, 14 October 2014.
- ⁶⁴ Crisis Group interview, 13 October 2014.

⁵⁹ Gumilev's ideas remain highly controversial. Putin is an admirer. At the opening of the Lev Gumilev Eurasian National University in Astana, in October 2000, Putin paid tribute to Gumilev's "centuries-old idea of the commonality and interconnectedness of the nations inhabiting the immense expanses of Eurasia: from the Baltics and the Carpathians to the Pacific Ocean". See http://kremlin.ru/transcripts/21625.

⁶⁰ Crisis Group interview, senior security official, Donetsk, 14 October 2014.

⁶⁵ Yevgeny Primakov interview with a Lithuanian website, Delfi.lt. появилась возможность, и Россия воспользовалась ею ["The possibility arose and Russia took advantage of it"], 15 October 2014. Western and Russian observers say there were obviously standard contingency plans in place for military intervention in Crimea.

kov, Luhansk, Kherson, Nikolayev and Odessa – "which were not part of Ukraine in Tsarist times".⁶⁶ Separatist leaders saw a powerful signal of support.⁶⁷ The Kremlin's mood was understandable. Putin's polling ratings, always extremely high, had after Crimea reached the level of "almost total unity – a situation that is exceedingly rare in sociological research", said one of Russia's top pollsters, Lev Gudkov.⁶⁸ Igor Strelkov, who played a key role in Crimea and then turned to eastern Ukraine in early April, recalled that in his early days in Donetsk, "we in no way expected such a long war, so many civilian casualties. After Crimea we were in a state of euphoria".⁶⁹

Kremlin enthusiasm seemed to wane in May, several separatist officials believe. By then it was clear that separatism was unlikely to expand to the other south-eastern oblasts, and greater Novorossia would probably not materialise without direct Russian intervention. When separatist leaders announced a referendum on "state independence" for 11 May, several DNR leaders recalled, Putin asked them to postpone the vote in order to create the "necessary conditions" for a dialogue with Kyiv. "Putin had obviously received a very good analytical paper on the subject. They told him that the Donbas is not Crimea – it will not drop on your lap like a ripe apple", said one; "Putin felt there were other ways to advance the question", said another. "We had no experience, no funding".⁷⁰

The separatists refused, to Moscow's surprise, and the referendum went ahead.⁷¹ Most thought they were voting for incorporation into Russia.⁷² Looking back, it was then that some DNR leaders and activists began to realise that their struggle would be longer and more complicated than they imagined, and that they would have to survive independently from Russia.⁷³ Moscow describes the separatist entities as part of Ukraine, and a problem therefore to be solved by Ukraine itself. After the Minsk agreement, Russian officials made it clear they held Kyiv responsible for rebuilding the war-damaged east. They warned the separatists that annexation of Crimea meant the eastern entities should not expect generous financial aid.⁷⁴ When Donetsk and Luhansk held presidential and legislative elections on 2 November, Russia expressed its "respect" for the outcome, but carefully avoided recognising

⁶⁶ "Прямая линия с Владимиром Путиным", ["A direct line with Vladimir Putin"], 17 April 2014. www.kremlin.ru/news/20796. Novorossia was originally an administrative area created during the reign of Catherine the Great in the eighteenth century.

⁶⁷ Most senior DNR officials and activists interviewed in October and November said this.

⁶⁸ Lev Gudkov, Pro et Contra journal, "Путинский рецидив тоталитаризма" ["Putin's totalitarian recidivism"], Carnegie Endowment for International Peace, May-August 2014. Gudkov is one of the relatively few remaining public critics of the president's policies.

⁶⁹ Strelkov radio interview, 6 November 2014, http://govoritmoskva.ru/interviews/265.

⁷⁰ Crisis Group interviews, senior DNR leaders, Donetsk, 14 October and 16 November 2014. Putin's statement can be found on http://news.kremlin.ru/transcripts/20973.

⁷¹ The next day, Putin's spokesman Dmitry Peskov denied commenting on the refusal. "We need additional information", he reportedly said. "These are new data". "в кремле пока не комментируют отказ юга-востока украины отложить реферндум" ["The Kremlin is not yet commenting on south-east Ukraine's refusal to postpone the referendum"], News.w.com website, 8 May 2014, http:// news-w.com/63316-7180/n/63315-50657/.

⁷² Crisis Group interview, top DNR leader, Donetsk, 14 October 2014. Other officials interviewed subsequently said the same thing.

⁷³ Crisis Group interview, top DNR leader, Donetsk, 14 October 2014. "I think it was about then that we started to irritate the Kremlin", another official remarked. Crisis Group interview, Donetsk, 15 November 2014.

⁷⁴ Crisis Group interview, Donetsk, 13 October 2014.

them.⁷⁵ "Moscow does not really know what to do with us", said a DNR politician. "They certainly do not want to recognise us, they will not let us join the Russian Federation, but they are providing military support. It's a little strange".⁷⁶

Senior DNR leaders speak of a growing gap between them and Moscow. "Our interests converge about 60 per cent of the time", said one. "The gap is not in our favour".⁷⁷ Russians paint a similar picture. "The Kremlin controls them [DNR and LNR] 60-70 per cent of the time on political issues", and "about 30 per cent in military matters", said a former presidential adviser.78

On major issues like the Minsk agreement, the separatists were barely consulted. Russian observers say the Kremlin is frustrated by their refusal to understand that Poroshenko is their best chance of a settlement.⁷⁹ One of the key differences in viewpoint is that while the enclaves are fighting for survival, looking no further than next spring, the Russians are playing a long game, a senior DNR official said, ten to twenty years ahead. "Ukraine is their soft underbelly: Moscow can never allow it to fall into enemy hands. They will take it back eventually".

Β. Russian Military Assistance

Russian military assistance has been intermittently generous, separatist militia members say.⁸⁰ The "voentorg" tap – slang for Russian military aid in all forms, derived from the name of Soviet-era military department stores - was turned on and off, based perhaps on Russia's level of satisfaction with the separatist leadership, or possibly to maintain a veneer of deniability. Russia has provided substantial amounts of heavy weaponry. The clearest sign of Russian assistance was the group of 1,200 fighters who returned last August after four months of training in Russia.⁸¹

Aid seems to at times be distributed on the basis of political loyalty. Zakharchenko's own military force, the Oplot (Stronghold) battalion, is extremely well-equipped; so is the Vostok (East) brigade, which many officials say is supported by the Russian Federal Security Service (FSB).⁸² By contrast more unruly units such as Alexei Mozgovoy's Prizrak (Ghost) brigade complained in November they had not even received food. Russian troops have intervened when Moscow felt the separatist enclaves were faced with mortal danger, but the Russian military has done nothing to turn the dis-

⁷⁵ "В Кремле призвали не приравнивать "уважение" к "признанию" выборов в ДНР и ЛНР" ["Do not equate respect and recognition for the DNR LNR elections, Kremlin urges"], Interfax News Service, 7 November 2014, www.interfax.ru/world/405935.

⁷⁶ Crisis Group interview, Donetsk, 14 October 2014.

⁷⁷ Crisis Group interview, Donetsk, 16 November 2014. The official nonetheless described the Kremlin strategy as "very smart".

⁷⁸ Crisis Group interview, Moscow, 20 November 2014.

⁷⁹ Crisis Group interview, Moscow, 25 November 2014. A ranking DNR official confirmed that talks were completely out of the question. "We will not talk to him after he has killed 4,000 of our people". Crisis Group interview, Donetsk, 16 November 2014. ⁸⁰ Crisis Group interviews, Ilovaisk, 14 October 2014.

⁸¹ Speech by Zakharchenko at DNR session, video, Youtube, 15 August 2014, www.youtube.com/ watch?v=BjAvnUa1Wak.

⁸² "Много о важном" ["Much about that which is important"], Rusvesna news website, 4 October 2014, http://rusvesna.su/recent_opinions/1412429274. Crisis Group interview, Donetsk, 15 December 2014. Dissident militiamen allege that Oplot is also funded by former leaders of Yanukovych's Party of the Regions. See Chervonets interview at http://colonelcassad.livejournal.com/ 1845960.html. Officials in Donetsk frequently voice the suspicion that Vostok receives a considerable amount of support from Donetsk steel magnate Rinat Akhmetov.

parate militia forces into a real army. The result is a bewildering multiplicity of units: Cossacks; an Orthodox Christian unit, now in schism; military groups with names like Sparta or Somalia, and many others known only by the name of their commanders. Should the situation deteriorate further, such groups could turn into a network of well-armed criminal groups or bandits, operating on both sides of the border.⁸³ Russia and Ukraine need to make contingency plans for any mass collapse of discipline within the militias.

Russian military advisers attached to militia units would have been welcome, several DNR leaders said. But other than a few volunteers, there were none. DNR military officials complain in particular of a dearth of trained and experienced officers. "We have maybe a handful of good officers in the militia: hardly any Ukrainian army veterans came forward to fight for their land", said a militia officer. "Mostly we have nutjobs".⁸⁴ Strelkov praised one militia battalion commander known by his radio call-sign of Motorola. He is a good soldier, and "a fine commander up to the level of platoon". By his own admission Strelkov has never commanded more than 150 men.⁸⁵

Strelkov is a good example of the Russian strategy. The most senior Russian officer to work on the ground, Strelkov turned out to be a major headache for separatist leaders and Moscow.⁸⁶ A former colonel in the Federal Security Service (better known by its Russian initials FSB), with several tours in Chechnya and stints as a volunteer fighting in Bosnia and Transnistria in the 1990s, he is a cranky monarchist and admirer of the anti-communist White movement during the Russian Civil War. He is adored by radical nationalists in Moscow and some key DNR and LNR military commanders, but now increasingly described by the current DNR leadership as a deeply negative influence on the separatist revolt, who toward the end of his brief stay was "insubordinate".⁸⁷

After involvement in Crimea in March, he arrived in Donetsk with about 50 men, seizing Slavyansk in northern Donetsk oblast on 12 April and several nearby towns soon after.⁸⁸ A senior DNR security officer says that Strelkov's arrival marked the

⁸³ In mid-November DNR officials said they would purge the militia of "asocial and marginal elements" and attempt to create a single command structure. So far there has been no indication of major changes in either personnel or command. Some non-Ukrainian volunteers who were allegedly involved in serious criminality were reportedly sent home around the same time. Crisis Group interview, separatist leader, 11 November 2014.

⁸⁴ Crisis Group interview, Ilovaisk, 14 October 2014. The Russian term used was отморозок.

⁸⁵ Strelkov interview, 1 December 2014, http://rusvesna.su/recent_opinions/1417451815. In the latest sign of Strelkov's disgrace in official Russian circles, his reference in the interview to his FSB rank, full colonel, was removed before it was published in Russia. See www.rferl.org/content/ukraine-strelkov-fsb-ties-russian-media/26721902.html [proper cite].

⁸⁶ Ostensibly, Strelkov is a volunteer, and indeed has a track record of fighting for what he would describe as Slavic causes in Bosnia and elsewhere. Russian, DNR and Western sources interviewed by Crisis Group all say, however, that he has links to the presidential administration in Moscow – probably somewhat attenuated now by his disputes with the Russian leadership over the future strategy in the east. He retains good relations with radical nationalist movements in Russia. ⁸⁷ Crisis Group interview, Donetsk, 16 November 2014.

⁸⁸ The first military incident involving Strelkov's fighters was reported on 13 April, when they ambushed Ukrainian state security officers, killing one. "Один из руководителей

сепаратистов из записей СБУ – прокремлевский пиарщик" ["One of the separatist leaders on the Ukrainian State Security recordings is a pro-Kremlin PR-man"], *Ukrainian Pravda*, 14 April 2014, www.pravda.com.ua/news/2014/04/14/7022426/?attempt=1.

transition from demonstrations and building seizures to violence and disorder.⁸⁹ Other leaders say his abrupt withdrawal from Slavyansk in early July precipitated a military crisis that almost destroyed the separatist movement. The official quoted above claimed that Strelkov, who had become increasingly strident in his criticism of Moscow's failure to intervene, subsequently planned to withdraw most of the troops defending Donetsk to the Russian border, so as to precipitate a Russian intervention. Another senior official would neither confirm nor deny this claim, but agreed with the highly negative characterisation of Strelkov's role.⁹⁰

C. Discord among the Militias

Even after his recall to Moscow Strelkov has continued to inject discord into political and military debates in the separatist enclaves. Several key separatist units are either deeply critical of the civilian leadership, in particular DNR President Zakharchenko, or involved in what seem like political feuds with other major commanders. In mid-October a member of one of the main militia groups fighting at Donetsk airport launched an exceptionally scathing attack on Zakharchenko and his associates. In a video interview the fighter, who goes by his call sign Chervonets, accused the DNR leadership of excessive indulgence in alcohol, claimed that former members of Yanukovych's party were funding the separatists, and warned that military dissatisfaction with the political leadership is "off the scale". Militiamen had signed up to fight for Novorossia, not the current tiny piece of land, he added. He ended with a call for Strelkov's return to lead the armed struggle. His interview was quickly removed from DNR sites, and he was later reportedly arrested by Donetsk authorities.⁹¹

In November Sergei Petrovsky, a militia commander better known by his call sign, Grumpy, who is said to be a retired colonel in Russian military intelligence (GRU), lashed out at Alexander Khodakovsky, the Vostok brigade's commander and the newly appointed chief of the National Security Council. He accused Khodakovsky and his troops of widespread involvement in organised crime and incompetent leadership, among other failings.⁹² The attack seemed to be another sign that high-level infighting continues within the DNR leadership. Petrovsky was formerly Strelkov's deputy.

D. Russian Troops in Donetsk: The Holiday Makers

Few DNR officials confirm the presence of Russian troops but even fewer deny it. A senior official admitted that Russia has provided substantial amounts of weapons, regular military support and some training. But he argued that the Russian military role is more nuanced than Ukraine and the West believe. Like other leaders, he feels that Russia will not let DNR and LNR completely fail, but only intervenes militarily in crisis situations. "Serious Russian involvement in our armed struggle has only taken place when we were faced with an imminent threat to our survival", he said.⁹³

⁸⁹ Noting Strelkov's close links to radical nationalists, the official remarked, "I don't think he was a Putin project. If anything he was a problem for him". Crisis Group interview, senior DNR officer, Donetsk, October 2014.

⁹⁰ Crisis Group interview, Donetsk, 16 November 2014.

⁹¹ The video can be viewed on http://colonelcassad.livejournal.com/1845960.html.

⁹² "Interview with General Petrovsky", Strelkov's website, Icorpus, 30 November 2014, http://icorpus. ru/intervyu-s-generalom-petrovskim.

⁹³ Crisis Group interview, senior DNR officer, Donetsk, October 2014.

Other officials maintain that the largest numbers of Russian regular troops, mostly airborne, were deployed in Donetsk oblast during the Ilovaisk operation. They arrived in mid-August and were usually known, half in jest, as the "holiday makers" – a reference to then-Prime Minister Zakharchenko's claim that several thousand Russian servicemen had spontaneously gone to Donetsk in their vacation time to fight along-side separatists, bringing all their equipment with them. The holiday makers were regular troops who had been ordered to remove personal insignia and identification marks, and had in some cases been required to hand over their mobile phones before being deployed to Donetsk.⁹⁴

A separatist military official who said he had for a time liaised with the Russian military estimated their strength as that of roughly one brigade, probably 3,500-4,000.⁹⁵ He claimed that a Russian force of this size could routinely be deployed in Donetsk oblast with very little advance notice. Other officials mentioned the presence of Russian advisers, both from the military and state security.⁹⁶ There is considerable agreement that the standard of militia training and leadership is substantially lower than the Russian regulars, and that most militia units are no match even for the hastily trained Ukrainian army. Most fighting around the key city of Mariupol in the days following Ilovaisk was carried out by Russian troops, Strelkov later observed. Once they were withdrawn from the area, the Mariupol front became "shaky", he added.⁹⁷

Separatist leaders publicly play down Russian involvement. Privately, with the local population, they stress the degree of Russian military engagement. A university professor and strong supporter of greater Novorossia described to political science students the "impressive build-up" of Russian troops in Rostov oblast, just on the other side of the border. He noted with a smile that the troops often crossed into "contiguous states" by "roundabout routes" to exert pressure on Kyiv.⁹⁸

⁹⁴ Crisis Group interviews, Ukrainians taken prisoner during the Ilovaisk operation, 18 September 2014.

⁹⁵ Crisis Group interview, eastern Ukraine, November 2014.

⁹⁶ Crisis Group interview, Donetsk, 14 November 2014. A Ukrainian visitor to Snezhnoe, a town close to the Russian border that seems to be a military staging area, says that the local militia commander does not deny the presence of Russian troops in the area. Crisis Group interview, Donetsk, 14 November 2014.

⁹⁷ Interview with a right-wing weekly, *Zavtra.ru*, 20 November 2014." Кто ты Стрелок?" ["Who are you Rifleman?"], *Zavtra*, 20 November 2014. In the interview, Strelkov refers to the troops as "holiday makers".

⁹⁸ Crisis Group observation, 13 November 2014.

V. Winter

A. Humanitarian Crisis

The first sign of winter weather brought fragmentary but disturbing reports of a decline in living conditions for many residents of Donetsk and Luhansk. In late November, Alexei Mozgovoy, a senior commander in Luhansk warned that the food situation near his home base in Luhansk was "catastrophic". Around the same time one of the separatists' main websites, Rusvesna, claimed that eighteen people in one village had died of starvation.⁹⁹ A recent visitor to the Luhansk towns of Pervomaysk and Stakhanovsk reported lines of pensioners and disabled, who had not received pensions for the last six months, waiting to receive a quarter of a loaf of bread each.¹⁰⁰ Most banks are not working, salaries, pensions and social benefits have not been paid for months.¹⁰¹

Elsewhere pensioners, single mothers and other vulnerable categories have received occasional payments from the separatist authorities. In early December, monthly pensions of about \$60 were paid out, along with child benefits of half that amount in parts of Donetsk city.¹⁰² There is no indication, however, that such payments will be more than sporadic. International health-care workers on the ground reported mortality was already increasing in the most vulnerable institutions on both sides of the line, such as mental hospitals.¹⁰³ "The situation is getting bad fast. We are facing a very serious humanitarian situation," said a senior international official."¹⁰⁴

Another senior aid official was even more graphic: "Many people in rebel-held areas have little or no cash at all. No cash [means] no food. The banking system is not working properly, pensions are not paid, people who have re-registered out of rebel-held areas to get their pensions are facing "spot checks" [from security officials] to establish their real location of residence. People who have cash must decide between food, medicine or fuel. Health care is under severe strain".¹⁰⁵ Several key international organisations say a 14 November presidential decree is seriously complicating any response to the humanitarian situation. The decree declares illegal any bodies

⁹⁹ "В одном селе от голода умерло около 18 человек, у них просто не было еды" ["In one village eighteen people died of starvation. They simply had no food"], Rusvesna, 24 November 2014, http://rusvesna.su/news/1416771535.

¹⁰⁰ Crisis Group email correspondence, Donetsk resident, 1 December 2014.

¹⁰¹ Crisis Group email correspondence, Donetsk resident, 5 December 2014. Miners in one part of Donetsk city, Makiyevka, received a symbolic payment for the first time in months in early November. Médecins sans frontières (MSF) reports that most medical staff in Luhansk and Donetsk oblasts have not been paid for months. "Ukraine: People 'don't know what the next months hold'", MSF, 1 December 2014. Even before the onset of cold weather Donetsk municipal officials had warned that at least 12,000 windows have been broken during the fighting. Given the city's centralised heating system, any apartments with broken windows would be seriously affected by the cold. ¹⁰² *DNR.today*, official DNR newspaper, 7 December 2014.

¹⁰³ International officials were informed by the staff of one such institution close to the front line in Donetsk oblast that five had died in October, and twenty in November. The team was unable to ascertain causes of death, but noted disastrous hygiene, poor nutrition and a drastically reduced number of trained personnel. Crisis Group email correspondence, Donetsk, December.

¹⁰⁴ Crisis Group email correspondence, senior international official, Kyiv, 8 December 2014.

¹⁰⁵ Crisis Group email correspondence, Stephane Prevost, head of mission, MSF Ukraine, 8 December 2014.

established by the separatists on the basis of their 2 November elections. It also calls for the evacuation of all state institutions, staff, equipment and documentation.¹⁰⁶

This means, an aid worker notes, increased difficulties for the purchases of medicines: "pharmaceutical companies can no longer sell drugs if the destination hospital has been 'evacuated'". And aid organisations cannot donate medicine or equipment to illegal entities, and have increasing difficulty paying their staff.¹⁰⁷

Separatist leaders recognise their lack of territory and trained human resources, their poorly organised and undisciplined militias, and realise that their main patron may and often does have other priorities. But they cling fiercely to the belief that Ukraine can at any moment implode under the pressure of economic collapse and public anger at the excesses of the "Fascists" and "Nazis" who, they assert, are waging a reign of terror across the country.

Kyiv is indeed in the grip of a major economic crisis. Its foreign currency reserves are down to \$10 billion, enough to buy about six weeks of imports. Its gross domestic product (GDP) will decline by about 7 per cent in 2014. Coal production is slumped by 66% largely because mines are flooded, as a result of power cuts and war. Steel production is down by about one third.¹⁰⁸ Its leaders have recently warned of looming default. But there is a substantial difference between its situation and that of the separatist entities. It has the considerable benefit, however, of support from the International Monetary Fund, the U.S. and the EU, among other major international players. This support will not be endless. The separatist-controlled east, on the other hand, can only look to Moscow.

Though some UN aid is distributed to the temporarily displaced or those who are living in bomb shelters in separatist areas, the most visible source of assistance comes from the convoys of trucks emblazoned with the name of Rinat Akhmetov, the region's leading industrialist. At least nine Russian humanitarian convoys have de-livered over 10,000 tonnes of food, humanitarian aid and building materials, according to Russian official sources.¹⁰⁹ Some of these convoys have functioned outside the control of international monitors and Ukrainian officials. Doubts are frequently expressed about the nature and amount of the equipment brought in; a senior international official believes that the trucks have on a number of occasions carried back into Russia heavy machinery from the regions' industrial plants.¹¹⁰

The speed with which signs of hardship are emerging will put pressure on both the separatists and Russia. If they do not receive aid, the separatists may be inclined to consider an all-or-nothing offensive, to try to seize land or pull the Russians deeper into the war. Moscow, on the other hand, is just realising the depth of its economic

¹⁰⁶ УКАЗ ПРЕЗИДЕНТА УКРАИНЫ № 875/2014 [Decree of the President of Ukraine Number 875/2014], available on the president's website, http://president.gov.ua, in Ukrainian. The decree also rescinds the law on special status for Donetsk and Luhansk.

¹⁰⁷ Crisis Group email correspondence, Stephane Prevost, head of mission, MSF Ukraine, 8 December 2014.

¹⁰⁸ Crisis Group email correspondence, Anders Aslund, senior fellow, Peterson Institute, Washington DC, 7 December 2014. Aslund has advised previous Russian and Ukrainian leaders. Commenting on the situation in the east, he stated "the Ukrainian government must make sure not to spend any money [on the separatist areas], neither in the form of pensions, public services nor energy subsidies, given that it does not control the territory, its banking system or receive any tax revenues from that territory. Occupied Donbas can bleed Ukraine to death. That must not happen".

 ¹⁰⁹ See for example "Russian humanitarian convoys returns home after delivering relief aid to western Ukraine", Itar-Tass news agency, 30 November 2014, http://itar-tass.com/en/russia/764396.
 ¹¹⁰ Crisis Group interview, senior diplomat, Kyiv, 22 September 2014.

problems. It may be hard pressed to find money for the separatists even if it decides to change its policy.

The Ukrainian government should urgently consult with international organisations on the wording and intent of Decree 875/2014. It should take steps to facilitate the provision of assistance to the separatist-held areas, and should encourage increased international assistance to them. Isolation of the east would not only exacerbate the crisis: it would also deepen the east's alienation from Kyiv. This should be another way for the Kyiv government to reach out to the people of the east and reiterate that they are still viewed citizens of Ukraine.

B. Military Scenarios

Russian spring. Separatist circles have been talking about a second "Russian spring" for months. Seizing in particular on a series of so-far relatively minor incidents, including small explosions in Kharkov and Odessa, they have outlined a picture of imminent separatist revolts there and elsewhere, capitalising on economic hardship during the winter. Some say their militias would cross into the rebellious oblasts to support their fellow revolutionaries. While separatists claim to have considerable support in Kharkov, other south-eastern oblasts have taken serious steps to shore up their security. Dnipropetrovsk's billionaire governor, for example, has funded the creation of several volunteer battalions, not to mention the local production of drones. This scenario would either presuppose total insubordination on the part of the separatists – something that could not be ruled out if the situation in Donetsk and Luhansk deteriorates sufficiently – or Russian support.

Desperation. Should the humanitarian situation develop into a crisis, many separatist leaders will probably be tempted to make a wild grab for more territory – to prove they are still a powerful force, to improve their long-time viability, and perhaps to force Moscow to become more involved militarily.

Novorossia. After Ilovaisk, grave concern was voiced in Kyiv at the danger of a Russian spring offensive in 2015 – a burst down the coast, probably spearheaded by Russian troops posing as local militias. This would in essence create the greater Novorossia. Most analysts, including Russian specialists, agree that such an action would take the confrontation to new and very dangerous heights. So far Russia has not offered an opinion on this. A statement that it has no such plans to do so, and would not look kindly on any other forces attempting this, could gain Moscow considerable credibility, and perhaps even defuse the situation enough to allow exploratory talks on de-escalation.

Land bridge. Harsh weather conditions often impede Crimea's resupply by sea in the winter. Should the situation on the peninsula deteriorate this winter, Russia may feel obliged to open up a land route. Separatist leaders in Donetsk are increasingly confident this will happen.¹¹¹ Once again there is a way that Russian could transform military threat into a diplomatic and public relations advantage. Moscow could propose the opening of talks with Ukraine to permit such a resupply route, under close

¹¹¹ For example a senior leader outlined a detailed "minimalist" strategy of Russian armour and special forces securing key junctions and similar strategic points along the route, rather than large-scale occupation. Their confidence is founded on hope that a major Russian intervention would result in increased interest by Moscow in their plight. Crisis Group interview, Donetsk, 16 November 2014.

international supervision if desired. It is possible that feelings are too raw, especially in Kyiv to try this. But there is a precedent: Russia and Lithuania signed in 2003 an agreement to allow Russian goods and passengers to transit Lithuania en route to its enclave of Kaliningrad.

Total war. A Ukrainian offensive cannot be ruled out. In August, a top ranking Ukrainian officer was convinced that his troops could not yet take on the Russian troops who would almost certainly be deployed if Ukraine launched another offensive on the separatist "people's republics". President Poroshenko sounds more confident. He recently said he was "prepared for total war", and that he was "not afraid of war with Russian troops".¹¹² A Ukrainian offensive could also prove disastrous for everyone. A statement by Kyiv repudiating any such plans would substantially defuse the situation.

¹¹² "Poroshenko says Ukraine ready for 'total war'", Radio Free Europe/Radio Liberty website, 17 November 2014. The original interview published in the German weekly *Bild*.

VI. Conclusion

The situation in the east of Ukraine is often described as a still fluid conflict that could evolve into a long-term frozen one. In most frozen conflicts, however, there is enough stability for the state to function. But the entities huddling unhappily on small parcels of land in Donetsk and Luhansk oblasts are not functioning. Russia would have to invest much more into the DNR and LNR to get them to that point, and it may no longer have the money to do so. A deterioration of conditions in the separatist areas will probably strengthen the hand of those commanders and politicians who feel war is the only answer.

It is obviously not in the international community's interest for that to happen. Emergency aid should be considered immediately. A clear statement by Kyiv on this would be helpful as the winter tightens its grip. The one advantage of winter, however, is that it slows down military operations. All sides need to take advantage of this lull to clarify their basic positions on all key issues, political and military. They could attempt to initiate a modicum of cooperation to address any humanitarian problems that could well arise this winter. And Kyiv could communicate to the population of the east that it still views the inhabitants of Donetsk and Luhansk, who will feel the brunt of any hardships, as full citizens of Ukraine.

Finally the EU, U.S. and other international players involved in the crisis should start planning now for a long and possibly cold relationship with Russia. They too could at least try to use any winter lull to open a free-wheeling discussion with Moscow on differences, suspicions, reproaches – and perhaps even areas of cooperation.

Kyiv/Brussels, 18 December 2014

Appendix A: Map of Ukraine



Map No. 3773 Rev. 6 UNITED NATIONS March 2014

Department of Field Support Cartographic Section

Annex 448

The Atlantic Council, Hiding in Plain Sight (2015)

HIDING IN PLAINSIGH Putin's War in Ukraine

By Maksymilian Czuperski, John Herbst, Eliot Higgins, Alina Polyakova, and Damon Wilson

Atlantic Council

HIDING IN PANSGHI Putin's War in Ukraine

By Maksymilian Czuperski, John Herbst, Eliot Higgins, Alina Polyakova, and Damon Wilson

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Cover photo credit: Reuters/Marko Djurica. Pro-Russian rebels stand on top of a burnt-out Ukrainian personnel carrier near the village of Novokaterinovka in eastern Ukraine, September 24, 2014.

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May 2015

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PREFACE

The war in eastern Ukraine is a Kremlin-manufactured conflict. The war's toll—6,200 dead, tens of thousands wounded and maimed, and over 1.2 million displaced persons—is the direct result of Russian President Vladimir Putin's efforts to establish control over Ukraine.ⁱ

Weeks after Russia's annexation of Crimea in March 2014, Kremlin-directed Russian military personnel, intelligence operatives, and public relations consultants began to organize a so-called separatist movement to oppose the Ukrainian government by force. With an interim government in Kyiv, this Kremlin-directed operation took control of government buildings and launched an offensive in eastern Ukraine's Luhansk and Donetsk regions. When newly elected President Petro Poroshenko began a successful counter-offensive in June, the Kremlin sent in more sophisticated arms and more soldiers, some from the Chechen Vostok Battalion. When that did not stop the Ukrainian military's advance, in August, the Kremlin sent in regular troops, who inflicted a serious defeat on the Ukrainians. Without Kremlin leadership, money, modern weapons, recruits, and at times cohesive Russian army units, there would be no rebellion, no war, and no occupation of territories in eastern Ukraine.

At the same time, the Kremlin has insistently and consistently denied its military involvement in Ukraine's east—as steadfastly as it denied its military's role in seizing Crimea—until Mr. Putin publically acknowledged his aggression on the peninsula in March 2015.

The evidence that this is a Kremlin-directed war is overwhelming. The initial leaders of the so-called separatists were primarily Russian citizens, many of whom served in Russian intelligence services. Following the downing of Malaysian Airlines Flight 17 over eastern Ukraine on July 17, 2014, a Dutch government investigation of the crash pointed to a Russian-produced surface-to-air missile system (Buk) as the cause of the downing. Prodigious amounts of Russian-made military equipment have been collected from battles in Ukraine's east. Cross-border artillery attacks from Russian to Ukrainian territory have provided cover at key moments of fighting. Russian soldiers on active duty have fought and died in Ukraine only to return to their families in unmarked coffins.

This Atlantic Council report, Hiding in Plain Sight: Putin's War in Ukraine, collects and brings to light the facts that the Kremlin is trying to keep in the dark. It exposes the breadth and depth of Russian military involvement in Ukraine's east. All the information in this report is publicly accessible—clear evidence of Mr. Putin's war is literally hiding in plain sight. In the twenty-first century, secret wars can only be fought for so long. It is time for this one to end.

Moscow's aggression in Ukraine has broken the post-Cold War international order. Unless the international community acts assertively, Mr. Putin's revanchist claims and violent policies will not stop in Ukraine. Mr. Putin's Russia is the aggressor—not a mediator at the negotiating table. As ceasefire agreements repeatedly break down, the transatlantic community must take a stand and implement comprehensive policies that will deter Mr. Putin.

We all share a common vision for a Europe whole, free, and at peace, in which Russia finds its peaceful place. But Mr. Putin's war in Ukraine threatens this vision and the international order.

We welcome this report as an important contribution to the understanding of Mr. Putin's actions and intentions and support its overall conclusions. We urge European and North American governments and parliaments to use this clear evidence to inform a clear policy aimed at deterring Russia in its reckless and brutal actions.

Individuals listed below support this report's overall conclusions, but are not responsible for the contents of this report, and therefore not all of the report's analysis and recommendations reflect the views of all signatories. Individuals reviewed this report in their private capacity; affiliations are provided for identification purposes only.

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i United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Ukraine: Situation Report No. 37 as of 24 April 2015*, http://reliefweb.int/sites/reliefweb.int/files/resources/ocha_ukraine_situation_report_37-_24_april_2015.pdf.

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FOREWORD

For twenty-five years, prominent members of the Atlantic Council community have worked to advance the vision of a Europe whole, free, and at peace in which Russia enjoys its peaceful place. In fact, many in our community aspired to not only a strategic partnership with Russia, but envisioned an alliance between Russia and NATO contributing to international stability and security. Unfortunately, Russian President Vladimir Putin's actions in Ukraine today mock this vision and threaten the international order established at the end of the Cold War.

In hindsight, the West might have recognized and responded to Mr. Putin's assertiveness much earlier. Regardless of the moment of origin, however, it became clear in 2014, after Russia's seizure and annexation of Crimea and its covert war in Ukraine's east, that this major challenge to international security required a decisive and comprehensive response.

The Atlantic Council responded to this challenge in February 2014 by launching the Ukraine in Europe Initiative, with a focus on enhancing Ukraine's security, advancing Ukraine's reform process and economic prospects, and keeping attention on Russian-occupied Crimea. The Council's Initiative also aims to counter Moscow's massive disinformation campaign. If the international community cannot distinguish fact from fiction, or chooses not to do so in public, it is unlikely to coalesce around an effective strategy to support Ukraine and deter Mr. Putin. This report, *Hiding in Plain Sight: Putin's War in Ukraine*, is the Council's contribution to offer clarity.

Russian propaganda frames the Ukraine crisis as a civil war. In reality, the conflict in Ukraine's east is a Kremlinmanufactured war—fueled by Russian-made military equipment, fought by Russian soldiers, and supported by Mr. Putin. To reveal the full extent of Russian military intervention in Ukraine, the Atlantic Council has produced this study, using publicly available information and rigorous analysis.

Courageous Ukrainians and frontline diplomats inspired this effort. This report is a result of the leadership and vision of Council Executive Vice President Damon Wilson and Director of the Council's Dinu Patriciu Eurasia Center and former US Ambassador to Ukraine John Herbst; the dedication and tenacity of Associate Director of the Ukraine in Europe Initiative Dr. Alina Polyakova and social media savvy Special Assistant Maksymilian Czuperski; and the ingenuity of our key partner in this endeavor, Eliot Higgins of Bellingcat. The information documented in this report draws on open source data using innovative socialmedia forensics and geolocation and is informed by team visits Ambassador Herbst led to Ukraine in March and April 2015, during which Maks and Alina also visited the conflict zone.

This effort would not have been possible without the support of those who have stood behind the Council's work on Ukraine, including George Chopivsky and the Chopivsky Family Foundation, Ambassador Julie Finley, Frontera Resources, Ian Ihnatowycz and Marta Witer, Lenna Koszarny and Horizon Capital, James Temerty, the Smith Richardson Foundation, the Ukrainian World Congress led by President Eugene Czolij and Vice President Paul Grod, and the Patriciu family.

Only after the assassination of Boris Nemtsov, steps from the Kremlin, did the Council team learn about his efforts to expose Mr. Putin's war. While the work Mr. Nemtsov spearheaded remains distinct from the Council's, our teams have subsequently coordinated the release of this report with Mr. Nemtsov's report to reinforce our common message: Mr. Putin led his nation into war against a peaceful neighbor and lied about it. Review and share the facts via #PutinAtWar.

We hope you find this report lively, thoughtful, and provocative.

Frederick Kempe President and CEO Atlantic Council

Jul / longo

Damon Wilson Executive Vice President, Programs and Strategy Atlantic Council

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ATLANTIC COUNCIL

EXECUTIVE SUMMARY

Russia is at war with Ukraine. Russian citizens and soldiers are fighting and dying in a war of their government's own making. President Vladimir Putin continues to deny Russian involvement in the fighting, but the evidence is overwhelming and indisputable. Drawing upon open source information that is "hiding in plain sight," this report provides irrefutable evidence of direct Russian military involvement in eastern Ukraine.

This report is the result of an Atlantic Council Working Group launched to examine direct Russian military involvement in Ukraine. Discussions in March 2015 with senior Ukrainian civilian and military officials in Kyiv, investigative journalists, and a fact-finding mission to eastern Ukraine inform the report and its conclusions. It finds:

- Satellite images confirm the movement of Russian troops and camp buildups along the Ukrainian border.
- Russian training camps stationed along the Ukrainian border are the launching points of Russia's war in Ukraine. These camps are the staging ground for Russian military equipment transported into Ukraine, soon to join the separatist arsenal, and for Russian soldiers mobilized across Russia to cross into Ukraine.
- Commanders order Russian soldiers to conceal the identifying features of military vehicles, remove insignia from uniforms, and travel across the border to join separatist forces in eastern Ukraine.
- A variety of Russian manufactured arms and munitions not used by the Ukrainian military have appeared in the hands of separatists, including shoulder launched surface-to-air missiles (MANPADS), various types of rocket launchers, anti-tank guided missiles, landmines, and various small arms.
- During key offensives, Russian forces in Ukraine have received cover from Russian territory. A combination of satellite data, crater analysis, and open source materials confirms that many attacks originated in Russia, not in the separatist controlled areas of Ukraine.

As a prerequisite for policies that can better deter Russia's aggression, Western political leaders should speak clearly about Russia's war against Ukraine, including Russian forces fighting in Ukraine and the Kremlin's direction of the campaign. To do otherwise buttresses Putin's attempt to obfuscate Russia's direct role in the conflict. The West must also recognize that Putin has used each lull in combat, now under the cover of the negotiated ceasefire in Minsk, to further reinforce Russian and Russian-backed forces in Ukraine's east and to prepare for the next stage of fighting. Furthermore, as Russia strengthens the capacity and arsenal of the forces in eastern Ukraine, the Kremlin is building its case that forces engaged in any future outbreaks in fighting are indigenous, legitimate Ukrainian forces rather than Moscow's creation.¹

In addition, to counter Russia's disinformation war, the Working Group recommends that Western governments:

- devote substantially more intelligence assets to unveiling and countering Putin's war in Ukraine;
- employ new digital forensic methods and geolocation analysis to collect intelligence that is releasable to the public to complement covert and technical intelligence collection;
- make public, to the maximum extent possible, information documenting Putin's aggressive designs, the presence of Russian troops and equipment in Ukraine, and Russian officials directing the fighting in Ukraine, while protecting intelligence methods as needed;
- share intelligence regarding Russian plans against and Russian forces in and near Ukraine through vetted channels with the Ukrainian government;
- counter, not abet, Russia's hybrid war by speaking clearly, consistently, and publicly about Russia's war against Ukraine;
- increase funding for, and mobilize private investment in, Russian-language independent programs and media that broadcast into Russian-speaking areas to offset the impact of Moscow's propaganda;
- dedicate more intelligence assets to and analysis of Putin's burgeoning hybrid warfare against other neighbors and European nations (including other post-Soviet states and NATO and EU nations); and
- draw on these insights to inform policy decisions (such as extending, not curtailing, sanctions) and to formulate a more comprehensive transatlantic strategy to deter Russia's aggressive actions.

¹ Adrian Karatnycky, "Putin's Project Sparta," New Atlanticist (blog), Atlantic Council, November 12, 2014, http://www.atlanticcouncil.org/blogs/ new-atlanticist/putin-s-project-sparta.



Then-Council of Ministers of Crimea "Chairman" Sergey Aksyonov, then-State Council of the Republic of Crimea "President" Vladimir Konstantinov, Russian President Vladimir Putin, and then-"Mayor" of Sevastopol Alexey Chaly sign a treaty making Crimea part of the Russian Federation on March 18, 2014. *Photo source*: www.kremlin.ru.

BACKGROUND: A KREMLIN-MADE WAR

In the winter of 2014, the Maidan revolution in Kyiv led then-Ukrainian President Viktor Yanukovych to flee Ukraine. As Ukrainians struggled to build a new, democratically elected government, mysterious "little green men" began to appear, first in Crimea and later in eastern Ukraine. To local residents and independent observers, the origins of the "little green men" were far from mysterious; their unmarked Russian military uniforms, Russian regional accents, and Russian-made weapons gave them away at first glance. Even as Russia annexed the Crimean peninsula in March 2014 through an illegal, falsified referendum that was not recognized by international observers, the Kremlin denied its involvement in the "Ukrainian crisis." But in public statements in Moscow one year after the annexation, Russian President Vladimir Putin practically boasted that Russian troops carried out the Crimean operation.² The international community, while concerned about Russia's violation of the Budapest Memorandum that promised territorial integrity to Ukraine, did not coalesce around a strong response. Crimea, now formally part of the Russian Federation, was lost to the "little green men" from day one. Russia's advanced planning for the operation, combined

with its execution at the moment when Ukraine's new interim leaders were attempting to reestablish authority in Kyiv, presented the new Ukrainian government and the international community with a fait accompli.

In Ukraine's eastern Donbas region, "little green men" appeared in the guise of local "separatists." While the Kremlin and its sprawling media apparatus maintains that the turmoil in the Donbas is a civil war, Russian leadership was evident from the beginning. For example, the proclaimed President of the "Donetsk People's Republic" in the spring of 2014 was Aleksander Borodai, a Russian political consultant from Moscow, and his Defense Minister was Igor Girkin, a Federal Security Service (FSB) Colonel also known as "Strelkov."³

Buying into its own propaganda, the Kremlin believed that providing leadership, money, and weapons would be enough to spark a local rebellion against Kyiv in the Donbas. But the locals did not rise to the task: numerous intercepts from Girkin-Strelkov made clear that he asked Moscow to send more and more "volunteers" to sustain

^{2 &}quot;Putin in Film on Crimea: US Masterminds Behind Ukraine Coup, Helped Train Radicals," Russia Today, March 15, 2015, http://rt.com/ news/240921-us-masterminds-ukraine-putin/.

³ Gabriela Baczynska and Aleksandar Vasovik, "Pushing Locals Aside, Russians Take Top Rebel Posts in East Ukraine," Reuters, July 27, 2014, http://www.reuters.com/article/2014/07/27/us-ukraine-crisis-rebels-insight-idUSKBN0FW07020140727.

HIDING IN PLAIN SIGHT: Putin's War in Ukraine

the rebellion.⁴ The fact that Russian-supplied "volunteers" manned the original demonstrations led to some amusing moments, such as on April 7, 2014, when they seized the opera theater in downtown Kharkiv, proclaiming that they had liberated the city hall.⁵

Still, Girkin-Strelkov's operation initially enjoyed success as the provisional government in Kyiv was slow to react to the violence in the east. From Donetsk and Luhansk, his and other forces moved westward to Slovyansk and Kramatorsk. On May 25, 2014, Ukraine held a presidential election to replace the interim government set up after the flight of President Yanukovych. In a strong show of unity, Ukrainians elected Petro Poroshenko with a majority vote. Leading up to the presidential election, the Kremlin-supported authorities in Luhansk and Donetsk held their own illegal and unmonitored referendums on May 11, after which they declared independence from Ukraine for the Luhansk and Donetsk oblasts, or districts.⁶ The Kremlin took the opportunity of the referendum vote to increase its intervention in Ukraine: in late spring, it sent in the Chechen "Vostok" (East) Battalion and amassed troops along the border.7

Ukraine's newly formed government under President Poroshenko mustered the military capacity to defend itself against the Kremlin-run campaign in the east and from mid-June began to take back territory, including Slovyansk and Kramatorsk. Moscow responded to the Ukrainian counteroffensive by sending in ever more sophisticated artillery, tanks, and anti-aircraft missiles, including the Buk surface-to-air missile system that was used from Russian-controlled territory in Ukraine to shoot down Malaysian Airlines Flight 17 (MH17) by mistake on July 17, 2014. Numerous independent investigations corroborate Russia's role in this tragedy.⁸

The downing of MH17 compelled Western media and governments to take a serious look at Russia's military involvement in starting and fomenting the war in eastern Ukraine. In response to the MH17 tragedy, the transatlantic community imposed strong economic sanctions on Russia. While these sanctions have taken a considerable toll on the Russian economy, they have not deterred Russia from continuing to supply troops and weapons to eastern Ukraine. The supply of more and more sophisticated weapons did not impede Ukraine's counteroffensive operations through July and into August. Neither did the firing of sophisticated

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artillery from Russian territory into Ukraine stop Kyiv's advance. By mid-August, Kyiv was on the verge of encircling Moscow's ever smaller enclaves in Donetsk and Luhansk. At that point, the Kremlin decided to send in approximately four thousand regular army troops.⁹ In a couple of weeks of fierce fighting, the Russian army soundly defeated Ukrainian forces and forced a retreat.

This sharp Russian escalation prompted additional sectoral sanctions from the European Union (EU) and gave impetus to the Minsk negotiations, which led to a ceasefire on September 5, 2014. The ceasefire agreement was signed by representatives of the Ukrainian and Russian governments, separatist leaders, and a representative of the Organization for Security and Cooperation in Europe (OSCE).¹⁰ Despite the ceasefire, the Kremlin continued to send heavy weapons into eastern Ukraine and conducted a military operation to seize Donetsk Airport from Ukrainian forces. They achieved that objective in December.

In the first half of January 2015, following a substantial resupply of heavy equipment from Russia in December, Russian-led forces renewed offensive action aimed at taking the railway hub of Debaltseve. This uptick of fighting prompted a new round of EU diplomacy, which led to a second Minsk ceasefire in February 2015, signed by the same parties as the first ceasefire agreement and brokered by France and Germany. The terms of the second agreement were much more favorable to Moscow than to Kyiv, despite the fact that Moscow's violations of the original Minsk ceasefire enabled it to take over five hundred square kilometers of additional Ukrainian territory.

Moscow's agents immediately broke the second ceasefire in order to gain Debaltseve: the ceasefire went into effect February 15, and Debaltseve was taken on February 18. After that, fighting quieted down and Moscow used this lull to bring in more arms. Starting in late April 2015, Moscow's surrogates have begun to ratchet up the violence once more.

Putin's war in Ukraine is costing Russian lives. According to the most conservative estimates, the war has killed six thousand Ukrainians and Russians.¹¹ As of March 2015, experts estimate that approximately twelve thousand Russian military personnel were present in eastern Ukraine,¹² and

⁴ Anna Nemtsova, "Putin's Number One Gunman in Ukraine Warns Him of Possible Defeat," *Daily Beast*, July 25, 2014, http://www.thedailybeast.com/articles/2014/07/25/putin-s-number-one-gunman-inukraine-warns-him-of-possible-defeat.html.

⁵ Echo of Moscow, http://echo.msk.ru/blog/echomsk/1295362-echo/ (in Russian).

^{6 &}quot;Ukraine Rebels Hold Referendums in Donetsk and Luhansk," BBC News, May 11, 2014, http://www.bbc.com/news/world-europe-27360146.

⁷ Claire Bigg, "Vostok Battalion, a Powerful New Player in Eastern Ukraine," Radio Free Europe/Radio Liberty, May 30, 2014, http://www. rferl.org/content/vostok-battalion-a-powerful-new-player-in-easternukraine/25404785.html.

^{8 &}quot;Tracking the Trailers: Investigation of MH17 Buk's Russian Convoy," Bellingcat, May 13, 2015, https://www.bellingcat.com/news/ uk-and-europe/2015/05/13/tracking-the-trailers-investigation-of-mh17-buks-russian-convoy/.

⁹ Neil MacFarquhar and Michael R. Gordon, "Ukraine Leader Says 'Huge Loads of Arms' Pour in from Russia," *New York Times*, August 28, 2014, http://www.nytimes.com/2014/08/29/world/europe/ukraine-conflict.html?_r=0.

¹⁰ The signatories of the September 5, 2014, ceasefire agreement were: former President of Ukraine, Leonid Kuchma, Russian Ambassador to Ukraine, Mikhail Zubarov, separatist leaders Alexander Zakharchenko and Igor Plotnitsky, and OSCE representative and Swiss diplomat Heidi Tagliavini.

¹¹ Mstyslav Chernov, "Misery, Tuberculosis in Prisons of War-Torn East Ukraine," Associated Press, April 8, 2015, http://www.nytimes.com/ aponline/2015/04/08/world/europe/ap-eu-ukraine-tuberculosis-prisons-.html? r=0.

¹² Sabine Siebold and Caroline Copley, "Some 12,000 Russian Soldiers in Ukraine Supporting Rebels: U.S. Commander," Reuters, March 3, 2015, http://www.reuters.com/article/2015/03/03/us-ukraine-russia-soldiers-idUSKBN0LZ2FV20150303.

"I can tell you outright and unequivocally that there are no Russian troops in Ukraine."13

VLADIMIR PUTIN



Annual live broadcast program Direct Line with Vladimir Putin, April 16, 2015. Photo source: www.kremlin.ru.

approximately fifty thousand Russian troops were stationed in camps along the Ukrainian border.¹⁴

The Russian government must go to increasingly great lengths to conceal Russian soldiers' deaths in Ukraine from its own population.¹⁵ After all, acknowledging the devastating Russian casualties in eastern Ukraine would mean acknowledging that Russia is at war.

13 Direct Line with Vladimir Putin, Kremlin, April 16, 2015,

Concealing Kremlin involvement means concealing Russian deaths. But as the casualties continue to climb, keeping up the charade is becoming increasingly difficult for Putin's government. Those who die in eastern Ukraine are not celebrated as heroes, but rather shipped home in body bags by night. Funerals take place in remote areas of the country in the hopes that they will not catch the public's attention.

Putin's hold on power in Russia is dependent on continued high levels of popular support. The way to end Putin's aggression toward Ukraine and further intervention in Europe's East is not through economic sanctions alone; Putin can blame economic pain on the West and avoid the real issue. The West needs to reveal the lies that Putin is telling his own people. Putin's popular support is the base of his house of cards: once that card falls, the whole house will crumble.

http://en.kremlin.ru/events/president/news/49261. 14 Jeremy Bender, "Former NATO Commander: A New Russian Offensive in Eastern Ukraine Is 'Imminent," *Business Insider*, April 7, 2015, http://www.businessinsider.com/new-russian-offensive-in-ukraine-isimminent-2015-4. 15 Alec Luhn, "They Were Never There: Russia's Silence for Families of

Troops Killed in Ukraine," *Guardian*, January 19, 2015, http://www.theguardian.com/world/2015/jan/19/russia-official-silence-for-families-troops-killed-in-ukraine.

RUSSIAN DENIAL OF FACTS

The Russian government and military have repeatedly denied involvement in Ukraine. In August 2014, Russian Defense Ministry spokesman General Major Igor Konashenkov said that United States' evidence of Russian involvement in Ukraine "has no relation to reality," claiming that Russian army units that had passed from Russia into Ukraine were on "tactical training exercises."¹⁶ In November 2014, Konashenkov said the Kremlin had "already stopped paying attention to unsubstantiated statements by NATO's Supreme Allied Commander Europe, General Philip Breedlove, on Russian military convoys he 'observed' allegedly invading Ukraine," accusing Breedlove of spreading anti-Russian "hot air."¹⁷

At a press conference in Budapest, Putin described separatist forces as "people who were yesterday working down in the mines or driving tractors," adding, "I don't think we should get too obsessed about these things."¹⁸

Russian Foreign Minister Sergey Lavrov described satellite images reportedly showing the movement of Russian troops as "just images from computer games," that more "recent accusations are no different," and that "no evidence of an invasion has been presented."¹⁹ The Russian Foreign Ministry has also described US accusations of Russian involvement in Ukraine as a US administration "smear campaign" and has rejected what it claims are "unfounded public insinuations" spread by the US State Department "on a daily basis."²⁰ In January 2015, Lavrov responded to further accusations by stating, "I say every time: if you allege this so confidently, present the facts. But nobody can present the facts, or doesn't want to. So before demanding from us that we stop doing something, please present proof that we have done it."²¹

"... before demanding from us that we stop doing something, please present proof that we have done it."

SERGEI LAVROV

Foreign Minister, Russian Federation

The proof that Lavrov asks for is out in the open. Russian military forces, weapons, and citizens were active in Ukraine during the annexation of Crimea in February and March of 2014 and at every step of the ongoing war in eastern Ukraine. A year after the annexation of Crimea, Putin publicly admitted that the annexation by Russian military forces was planned well in advance.²²

The forces fighting in eastern Ukraine are not some rag-tag group of "mine workers" and "farmers," as Putin asserts. They are regular Russian soldiers, readied for combat at improvised base camps alongside the Russian-Ukrainian border, backed by a steady flow of arms and equipment and at times supported by the cover of cross-border artillery shelling. Overwhelming proof of each of these forms of Russian involvement in the Ukrainian conflict can be found through open source information and in-depth digital analysis of the evidence.

¹⁶ Ibid.

¹⁷ Gabriela Baczynska and Tsvetelia Tsolova, "Russia Denies NATO Accusations over Troops in Ukraine," Reuters, November 12, 2014, http://www. reuters.com/article/2014/11/12/us-ukraine-crisis-russia-defence-ministr-idUSKCN0IW1L820141112.

¹⁸ Fiona Hill, "This Is What Putin Really Wants," Brookings, February 24, 2015, http://www.brookings.edu/research/opinions/2015/02/24-what-putin-really-wants-hill.
19 "Remarks and Answers to Questions from the Media by Foreign Minis-

^{19 &}quot;Remarks and Answers to Questions from the Media by Foreign Minister Sergey Lavrov During a Joint News Conference with the Minister of Foreign Affairs of the Islamic Republic of Iran Mohammad Javad Zarif, Moscow, 29 August 2014," Ministry of Foreign Affairs of the Russian Federation, August 29, 2014, http://www.mid.ru/bdomp/brp_4.nsf/ e78a48070f128a7b43256999005bcbb3/d0358d0b7a314fb044257d-460059b785!OpenDocument.

^{20 &}quot;Russia Accuses US of 'Smear Campaign' over Ukraine," AFP, July 25, 2014, http://news.yahoo.com/russia-accuses-us-smear-campaign-overukraine-161007782.html.

²¹ Gabriela Baczynska, "Russia Says No Proof It Sent Troops, Arms to East Ukraine," Reuters, January 21, 2015, http://www.reuters.com/article/2015/01/21/us-ukraine-crisis-lavrov-idUSKBN0KU12Y20150121.

^{22 &}quot;Putin Reveals Secrets of Russia's Crimea Takeover Plot," BBC, March 9, 2015, http://www.bbc.com/news/world-europe-31796226.

USING DIGITAL FORENSICS TO EXPOSE RUSSIA'S WAR IN UKRAINE

While the Kremlin continues to deny the role of regular Russian forces in Ukraine, Russian soldiers fighting in Ukraine and Ukrainian and Russian civilians on both sides of the war are posting photographs and videos of convoys, equipment, and themselves on the Internet. Satellite imagery captures the movement of Russian troops and camp buildup along the Ukrainian border. These pieces of evidence create an undeniable—and publicly accessible—record of Russian involvement in Ukraine.

Digital forensic techniques involve verifying the locations of where videos and photographs were taken in a process known as "geolocating."23 Geolocation differs from "geotagging," which is the automated process of adding geographical identification data to various media such as photographs and videos. Only a fraction of photographs and videos recorded on smartphones, digital cameras, and tablets that are posted online contain an embedded "geotag" of their location. Geolocation techniques, however, allow an investigator to firmly establish the location of recorded images even without an embedded geotag. Using photographs posted on various social media sites, in combination with satellite imagery and "street view" images from services such as Google Earth and Yandex Maps, investigative geolocation techniques pinpoint the coordinates of where photographs were taken.²⁴ Geolocation is thus a powerful and effective tool for tracking individuals and the images they produce.²⁵

The geolocation methodology used in this report combines multiple sources of open domain information to track the movement of soldiers, vehicles, and cross-border shelling from Russia to Ukraine. All the sources used in this report are publically available to anyone with access to the Internet, and the techniques used are documented throughout. The aspect of Russian involvement in Ukraine with the widest breadth of open source information is the movement of heavy military equipment across the border, with hundreds of videos and photographs uploaded by ordinary Russians and Ukrainians who have witnessed direct Russian support of the hostilities in eastern Ukraine.

A STEADY FLOW OF ARMS AND MILITARY EQUIPMENT FROM RUSSIA TO EASTERN UKRAINE

Separatist forces have been relying on a steady flow of Russian supplies, including heavy weapons such as tanks, armored personnel carriers, artillery, and advanced anti-aircraft systems, including the Buk surface-to-air missile system (NATO designator SA-11/17) that shot down Malaysia Airlines Flight 17 in July 2014.²⁶

The map on the right illustrates two cases where the same pieces of uniquely identifiable Russian military equipment have been filmed in both Russia and Ukraine. Using geolocation to pinpoint the location of each vehicle from multiple sources shows that the vehicles are crossing from Russia to Ukraine in spite of the Kremlin's denials.²⁷

2S19 Msta-S is a self-propelled 152 mm howitzer system, which is deployed by both Ukraine and Russia. In July 2014, a video was uploaded to YouTube showing the movement of a military convoy in Rostov-on-Don, Russia, heading west.²⁸ The coordinates were verified through geolocation, using satellite and ground imagery available through a Russian online map service. Later in September 2014, an Al Jazeera news crew filmed the movement of Msta-S system through Novoazovsk in Ukraine, again heading west.²⁹ In both these videos, a particular unit can be seen with a number of distinctive features: the same overall camouflage pattern, white paint blotch on the turret, discoloration in the same spots, and a unique, hand-painted rail cargo marking. Taken together, these features strongly suggest that the same unit is present in both videos, and that the unit would have been transferred across the border.

In another case, a convoy of vehicles was filmed moving through Staraya Stanitsa, Russia in August 2014.³⁰ The location of the video has been verified using overhead satellite imagery and the unique landmarks visible in the video. In the convoy, a BMP-2 infantry fighting vehicle with the painted text "ЛАВИНА"—*lavina*, meaning "avalanche"— can be seen on a trailer. In February 2015, a YouTube channel

²³ Many devices with network capability (smartphones, tablets, and computers) use global-positioning software (GPS) for popular applications such as Google Maps. If a user's location services are turned on, when that user takes a photograph or a video, the device assigns a GPS determined location to it, a "geotag." When these media images are then uploaded to social media and other platforms, the geotag remains embedded in the image and can be identified.

²⁴ Social media sites include YouTube, Twitter, and Russian sites such as VKontakte and Odnoklassniki and local media sources in Ukraine and Russia.

²⁵ Other organizations that frequently use geolocation in their work include Human Rights Watch, Amnesty International, and Storyful.

²⁶ Eliot Higgins et al., MH17: Origin of the Separatists' Buk: A Bellingcat Investigation (2014), https://www.bellingcat.com/wp-content/uploads/2014/11/Origin-of-the-Separatists-Buk-A-Bellingcat-Investigation1.pdf.

²⁷ Lesley Wroughton, "More Russian Tanks, Equipment Cross Ukraine Border: U.S. Official," Reuters, March 10, 2015, http://www.reuters.com/ article/2015/03/10/us-ukraine-crisis-congress-hearing-idUSKBN-0M61UB20150310.

²⁸ YouTube video of military convoy in Rostov-on-Don, https://www.youtube.com/watch?v=cyr1rwS-YiY.

^{29 &}quot;Ukraine Rebels Advance towards Mariupol," Al Jazeera English, September 2014, https://www.youtube.com/watch?v=ocfxP-lerAY. This video is no longer viewable in the United States.

³⁰ YouTube video from Staraya Stanitsa, Russia, https://www.youtube.com/ watch?v=CJm5bjM3Z5c.



FEBRUARY2015 BMP-2 'Lavina' in Uglegorsk, Ukraine 48.311252, 38.288002

DONETSK



SEPTEMBER 2014 Msta-S in Novoazovsk, Ukraine 47.1275441, 38.0892229

MARIUPOL

LUHANSK





AUGUST 2014 BMP-2 'Lavina' in Staraya Stanitsa, Russia 48.350068, 40.272248

BORDER BETWEEN UKRAINE AND THE RUSSIAN FEDERATION



50 mi

JULY 2014 Msta-S in Rostov-on-Don, Russia 47.262757, 39.660493

Google earth

Image Landsat © 2015 Google Data SIO, NOAA, U.S. Navy, NGA, GE US Dept of State Geographer

Tracking equipment from Russia to Ukraine

Coordinates: (clockwise from top left corner): 48.311252, 38.288002; 48.350068, 40.272248; 47.262757, 39.660493; 47.1275441, 38.0892229. *Map source*: Google Earth. *Image source*: Bellingcat.³¹

31 Bellingcat, Ukraine Conflict Vehicles Tracking Project, https://bellingcat-vehicles.silk.co/.



T-72B3 MODERNIZED MAIN BATTLE TANK

Entered service in Russia 2013³² T-72B modernization, including new sight and fire control system, among other improvements.

Photo source: WikiCommons.33

KAMAZ-43269 "DOZOR"

Entered service in Russia 2009 Armored reconnaissance and communications vehicle.34

Photo source: RusGuns.com.35



PANTSIR-S1 (SA-22) ANTI-AIR SYSTEM

Entered service in Russia 2012 Modern air defense system, equipped with two dual 30mm autocannons and twelve surface-to-air missiles.

Photo source: KBP. ³⁶



2B26 GRAD LAUNCHER ON KAMAZ CHASSIS

Entered service in Russia 2012 Modernized version of the Grad multiple launch rocket system, fitted on KamAZ-5350 chassis.

Photo source: WikiMedia.37

- 32 Joseph Dempsey, "Russia Deploys Latest Tank Variant to Ukraine Border," Military Balance Blog, IISS, April 17, 2014, http://www.iiss.org/en/mil-itarybalanceblog/blogsections/2014-3bea/april-7347/russia-deployslatest-tank-fa72
- 33 WikiCommons, http://upload.wikimedia.org/wikipedia/commons/6/67/2B26_Grad.jpg.
 34 NIISSU, http://www.niissu.ru/2013-05-27-12-43-20/dozor.html (in Pureira) Russian).
- 35 Rus-Guns.com, http://bit.ly/1bihz8n (in Russian). 36 KBP, http://bit.ly/1FG2jxB. 37 WikiMedia, http://bit.ly/112aTWK.

HIDING IN PLAIN SIGHT: Putin's War in Ukraine

associated with the pro-Russian separatists posted a video from Vuhlehirsk, Ukraine, showing combatants sweeping the town. In the video, a BMP-2 with the same painted text is visible, along with other features of the unit, like a painted green area and physical damages, which makes it possible to link the two videos together.³⁸ These two sightings demonstrate that the unit in question moved across the border from Russia to Ukraine.

Through systematic analysis of material from within the open source domain, it is possible to determine the movements of equipment that is not used by Ukrainian armed forces across the border from Russia to Ukraine. Examples of this equipment include (see the case book for more information on this equipment):

- T-72B3 main battle tank;
- Pantsir-S1 (SA-22) anti-air system;
- KamAZ-43269, "Dozor" variant; and
- KamAZ-5350, nicknamed "Grad-K."

Using geolocation methods, each piece of equipment can be pinpointed to its exact location coordinates using a combination of sources. This includes using satellite imagery of the area and matching it with landmarks visible in the media images.

A variety of Russian manufactured arms and munitions not used by the Ukrainian military have appeared in the hands of separatists groups, including shoulder launched surface-to-air missiles (MANPADS), various types of rocket launchers, anti-tank guided missiles (ATGMs), landmines, and various small arms.³⁹ Some of these arms have been captured by the Ukrainian government, including weapons used exclusively by Russian special forces. This physical evidence was on public display in Kyiv in February and March of 2015.⁴⁰

While it is impossible to give exact figures on how much equipment has been provided to separatists by the Russian government, it is clear that a wide variety of vehicles and arms—used almost exclusively by the Russian military—are in use in eastern Ukraine. Moreover, thousands of trained Russian military forces have been operating and using Russian military equipment.⁴¹ Not only are these pieces of military equipment transferred from Russia to Ukraine, they are also used by Russians, as in the case of the T-72B tanks used by members of the 5th Tank Battalion who departed from the Kuzminsky border camp in Russia in mid-February of 2015 to engage in the Battle of Debaltseve.⁴²

³⁸ YouTube video from Vuhlehirsk, Ukraine, https://www.youtube.com/ watch?v=e_EDzHcyBls.

³⁹ Jonathan Ferguson and N.R. Jenzen-Jones, *Raising Red Flags: An Examination of Arms & Munitions in the Ongoing Conflict in Ukraine, 2014* (Australia: Armament Research Services (ARES), November 18, 2014), http:// armamentresearch.com/Uploads/Research%20Report%20No.%203%20 -%20Raising%20Red%20Flags.pdf.

^{0 &}quot;Russian Army's Military Equipment Captured by Ukrainian Forces Showcased in New Kyiv Exhibition," Ukraine Today, February 21, 2015, http:// uatoday.tv/politics/russian-army-s-military-equipment-captured-byukrainian-forces-showcased-in-new-kyiv-exhibition-410910.html.

⁴¹ Igor Sutyagin, "Russian Forces in Ukraine," RUSI, March 2015, https:// www.rusi.org/downloads/assets/201503_BP_Russian_Forces_in_Ukraine_ FINAL.pdf.

⁴² Kostyuchenko, "We Were Fully Aware of What We Brought Ourselves to and What Could Happen," op cit.

October 10, 2014

Kuzminsky Camp 47.409030, 39.2288044

CAMP WITH TENT CITY

MILITARY VEHICLES AND EQUIPMENT

1

Source: Google Earth/Digital Globe.

BORDER CAMPS: PREPARING FOR COMBAT

Several Russian training camps stationed along the Ukrainian border are the launching points of Russia's war in Ukraine, in plain view for anyone with access to Google Earth or Google Maps. These camps are the gathering points for Russian military equipment transported into Ukraine, soon to join the separatist arsenal, and for Russian soldiers mobilized from the far reaches of the country to cross into Ukraine.

Satellite images show the rapid establishment and expansion of those training sites just days after the annexation of Crimea. A number of these camps were set up alongside Russia's border with Ukraine shortly after the beginning of the war in Donbas. Most of them are in the Rostov and Belgorod oblasts, with clear passage into separatist-held territory. They house thousands of Russian soldiers and pieces of military equipment, including equipment and arms that later appear in Ukraine. From these camps, hundreds of Russian troops have travelled in large convoys into eastern Ukraine. In addition to the satellite images, details of Russian troop deployments on the Ukrainian border can be gleaned from accounts of Russian soldiers who were injured or killed in Donbas and their families.⁴³

Some of these camps served as staging points for cross-border artillery attacks against Ukrainian forces in the summer of 2014. Extensive analysis of artillery craters in Ukraine and firing points near Pavlovka, Russia shows that artillery firing points were staged fewer than two kilometers from a Russian training camp, which is fewer than four kilometers from the Ukrainian border.

Satellite imagery and the first-hand accounts of Russian soldiers show that the camps are launching points of Russia's covert war in Ukraine.⁴⁴

Example: Kuzminsky Camp

The Kuzminisky camp was established only forty-six kilometers from the Ukrainian border and did not exist before 2014. This camp became the site for hundreds of military vehicles, including tanks from the 5th Tank Brigade from Ulan-Ude. The Ulan-Ude tank brigade is stationed in Siberia and was deployed to the Kuzminsky camp in October and November of 2014.⁴⁵



Photo: The Kuzminsky camp in September 2014, with dozens of trucks and military vehicles lined up. In the satellite photos, similar formations of vehicles can be seen throughout the camp, though the positions of the vehicles were not constant throughout the fall and winter months of 2014 to 2015. *Source*: Instagram of Denis Porublev.⁴⁶ *Coordinates*: 47.387850, 39.230453.

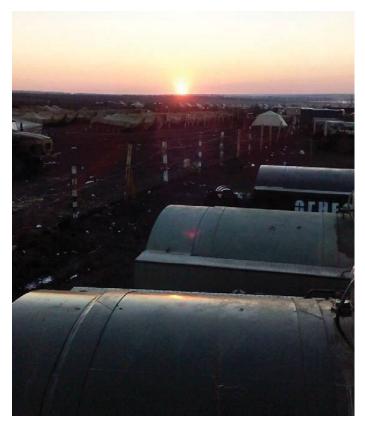


Photo: The Kuzminsky camp at sunset, captured by soldier Mikhail Krylov. In this photo, dozens of tents, military vehicles, trucks, and fuel tanks are visible.

Source: VKontakte page of Mikhail Krylov.⁴⁷ *Coordinates*: 47.411287, 39.231931.

46 Instagram, https://instagram.com/p/sMuPTjrKZ1/ (archived: https:// archive.is/2irvo).
47 VKontakte_http://yk.com/id292076054?z=pho-

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⁴³ Kostyuchenko, "We Were Fully Aware of What We Brought Ourselves to and What Could Happen," op cit.

⁴⁴ Kostyuchenko, "We Were Fully Aware of What We Brought Ourselves to and What Could Happen," op cit.; Dmitry Pashinsky, "I Serve the Russian Federation!" Soldiers Deployed During the Annexation of Crimea Speak," *Meduza*, March 16, 2015, https://meduza.io/en/feature/2015/03/16/i-serve-the-russian-federation; TV Rain, http://tvrain. ru/articles/spch_poprosil_minoborony_proverit_zhaloby_kontraktnikov_na_ustnyj_prikaz_o_komandirovke_k_ukrainskoj_granitse-381929/ (in Russian); Jen Psaki, US Department of State, daily press briefing, June 20, 2014, http://www.state.gov/r/pa/prs/dpb/2014/06/228103. htm#UKRAINE.

⁴⁵ Irakly Komakhidze, "News of Deployment the 5th Tank Brigade of the Russian Eastern Military District to the Ukrainian Border," BurkoNews, November 30, 2014, https://burkonews.info/news-deployment-5th-tankbrigade-russian-eastern-military-district-ukrainian-border/.

⁷ VKontakte, http://vk.com/id292076054?z=photo292076054_356325104%2Fphotos292076054/ (archived: https:// archive.is/bv0Kd).

One of the tank operators deployed to this base on active duty was Bato Dambayev, who fought in Debaltseve with other members of his brigade after departing from the Kuzminskiy camp (for a full profile of Dambayev, see p. 16).⁴⁸ The contributions of Dambayev and other Russian soldiers who were stationed at the Kuzminsky camp were key in the Ukrainian army's defeat in Debaltseve in mid-February of 2015, just after the second Minsk ceasefire accords were signed.

⁴⁸ Kostyuchenko, "We Were Fully Aware of What We Brought Ourselves to and What Could Happen," op cit.

RUSSIAN TROOPS IN UKRAINE

On March 2, 2015, US Army Europe Commander Ben Hodges estimated that twelve thousand Russian soldiers, including "military advisers, weapons operators, and combat troops" are active in eastern Ukraine.⁴⁹

There have been hundreds, likely thousands, of Russian citizens who have voluntarily crossed the border into Ukraine on their own accord. Putin has confirmed this, and many eager Russians even filled out online applications to join the separatist ranks—that is how easy it is to become a separatist fighter in Ukraine.⁵⁰

What the Russian government denies is that regular Russian soldiers are fighting and dying throughout eastern Ukraine. However, the presence of Russian soldiers on Ukrainian territory has become undeniable following the steady stream of coffins returning to Russia under the label "Cargo 200." A series of exposé reports from local Russian news outlets, and a number of cases in which Russian soldiers accidentally revealed their presence in Ukraine on social media, confirm that the regular Russian military is active in Ukraine.⁵¹

Both Western and Russian journalists have uncovered the troubling details of active Russian soldiers who have died or suffered serious injuries in Ukraine.⁵² These reports include not only eyewitness accounts and photographs of Russian soldiers in Ukraine, but also interviews with the grief-stricken parents whose sons died fighting among the so-called "local separatists" in eastern Ukraine.⁵³

Russian soldiers enter Ukraine from nearby border camps. As described in numerous interviews with Russian soldiers who have fought in Ukraine, commanders will order soldiers to conceal the identifying features of military vehicles, remove insignia from uniforms, and finally travel across the border to join separatist forces in eastern Ukraine.⁵⁴ There are also reports of Russian soldiers quitting the Russian army out of fear of being sent to fight in Ukraine under pressure from commanding officers.⁵⁵

"... Russian soldiers are fighting and dying in large numbers in eastern Ukraine."

ALEXANDER VERSHBOW Deputy Secretary General, NATO⁵⁶

Despite an orchestrated campaign from the Russian government, the coffins arriving from Ukraine cannot be hidden. The following incidents have been confirmed through investigative journalism by independent Russian and Western media outlets:

- In mid-August, the 76th Guards Air Assault Division of Pskov lost a number of its young soldiers in Ukraine.⁵⁷
- Eleven deaths from the 18th Motorized Infantry Brigade, unit 27777, were confirmed just between August 9 and 13, two in Ukraine and nine during supposed "exercises."⁵⁸
- A Russian tank operator from the 5th Tank Brigade of Ulan-Ude was located in a burn recovery unit in Rostov after suffering grave injuries when firing against Ukrainian soldiers in Debaltseve.⁵⁹
- Nine soldiers who quit the Kantemirovskaya division were mentioned in an exchange of letters between Viktor Miskovets, the Head of the Human Resources Department of Russia's Western Military District, and Valentina Melnikova, who runs the Alliance of Soldiers' Mothers Committees, a nongovernmental group based in Moscow.⁶⁰

- 56 "Russian Soldiers 'Dying in Large Numbers' in Ukraine—NATO," BBC, March 5, 2015, http://www.bbc.com/news/world-europe-31747754.
- 57 Slon, http://slon.ru/fast/russia/v-pskove-proshli-zakrytye-pokhorony-mestnykh-desantnikov-1147710.xhtml (in Russian).

⁴⁹ Sabine Siebold and Caroline Copley, "Some 12,000 Russian Soldiers in Ukraine Supporting Rebels: U.S. Commander," Reuters, March 3, 2015, http://www.reuters.com/article/2015/03/03/us-ukraine-russia-soldiers-idUSKBN0LZ2FV20150303.

⁵⁰ Andrew E. Kramer, "Russians Find Few Barriers to Joining Ukraine Battle," *New York Times*, June 9, 2014, http://www.nytimes.com/2014/06/10/ world/europe/russians-yearning-to-join-ukraine-battle-find-lots-ofhelping-hands.html?_r=0. Some examples include: Novorossia, http:// novorossia.su/join (in Russian); Antimaidan.info, http://antimaydan. info/2014/06/vstupaj_v_narodnoe_opolchenie_donbassa_100956.html (in Russian); Newsli.ru, http://www.newsli.ru/news/ussr/politika/11091 (in Russian); VKontakte, https://vk.com/topic-67059574_29521374 (in Russian).

⁵¹ RBK, http://top.rbc.ru/politics/02/10/2014/542c0dcfcbb20f5d-06c1d87a (in Russian); *Kommersant*, http://www.kommersant.ru/ doc/2671088 (in Russian); TV Rain http://tvrain.ru/soldat/ (in Russian), *Pskovaya Guberniya*, http://gubernia.pskovregion.org/number_706/00. php (in Russian); Kostyuchenko, "We Were Fully Aware of What We Brought Ourselves to and What Could Happen," op cit.

⁵² Alec Luhn, "Russian Soldiers Have Given Up Pretending They Are Not Fighting in Ukraine," Vice, March 31, 2015, https://news.vice.com/article/ russian-soldiers-have-given-up-pretending-they-are-not-fighting-inukraine.

⁵³ Alec Luhn, "They Were Never There: Russia's Silence for Families of Troops Killed in Ukraine," Guardian, January 19, 2015, http://www. theguardian.com/world/2015/jan/19/russia-official-silence-for-families-troopskilled-in-ukraine; Sam Masters, "Ukraine Crisis: Russian Mothers of Killed and Captured Soldiers Ask 'Why Are Our Sons Fighting in Ukraine?," Independent, August 31, 2014, http://www.independent.co.uk/news/world/ europe/ukraine-crisis-russian-mothers-of-killed-and-captured-soldiers-askwhy-are-our-sons-fighting-in-ukraine-97/1805.html; Tatyana Volskaya and Claire Bigg, "He Was Just a Boy'—Russian Mother Grieves for Son Killed in Ukraine," Radio Free Europe/Radio Liberty, April 23, 2015, http://www. rferl.org/content/russia-son-killed-ukraine-mother-grieves/26651995.html.

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^{54 &}quot;Russian Soldiers Quit over Ukraine," Reuters, May 10, 2015, http://www. dailymail.co.uk/wires/reuters/article-3075397/Russian-soldiers-quit-Ukraine.html.

⁵⁵ Ibid.

⁵⁸ TV Rain, http://tvrain.ru/articles/sovet_po_pravam_cheloveka_peredal_dozh-dju_kopiju_obraschenija_v_sk_s_imenami_propavshih_soldat-374887/ (in Russian).
59 Kostyuchenko, "We Were Fully Aware of What We Brought Ourselves to

⁵⁹ Kostyuchenko, "We Were Fully Aware of What We Brought Ourselves to and What Could Happen," op cit.

^{60 &}quot;Russian Soldiers Quit over Ukraine," Reuters, May 10, 2015, http://www. dailymail.co.uk/wires/reuters/article-3075397/Russian-soldiers-quit-Ukraine. html.

These soldiers were not simply volunteers, but active duty Russian soldiers acting under their superiors' orders (see the case book for methodology, additional information, and examples).

Soldier Profile 1. Bato Dambayev 37th Motorized Infantry Brigade

Shortly after the signing of the Minsk II agreements, what appeared to be separatist forces routed the Ukrainian army and took the city of Debaltseve, a key central location linking the railways between Luhansk and Donetsk.⁶¹ These forces contained some separatist soldiers, but the reason for the overpowering victory was a combination of enlisted Russian soldiers and their heavy machinery, including the 5th Tank Brigade from Ulan-Ude, Buryatia⁶² and the 37th Motorized Infantry Brigade from Kyakhta, Buryatia.

Bato Dambayev is one soldier from the 37th Motorized Infantry Brigade and returned home to Buryatia after participating in the fierce fighting in the Debaltseve warzone.

Before fighting in Ukraine, Bato Dambayev trained at a large camp near the Russian city of Kuzminka, just like Dorzhi Batomunkuyev, the Buryat soldier of the 5th Tank Brigade who gave a now infamous interview with the Russian independent newspaper Novaya Gazeta detailing his involvement in Debaltseve.⁶³ In his interview, Batomunkuvev specifically mentioned that contract soldiers from Kyakhta joined him when crossing the border to fight in Debaltseve.⁶⁴

Like many other soldiers of the 5th Tank Brigade and the 37th Motorized Infantry Brigade, Dambayev photographed himself⁶⁵ with a Siberian Husky puppy at the Kuzminsky camp.⁶⁶ Additionally, he traveled to the nearby city of Taganrog with other soldiers during his free time, while deployed near the base.⁶⁷ However, they did not stay too long in these camps, as they eventually departed for Ukraine in February to deal a decisive defeat to the Ukrainian forces near Debaltseve.

Journalists in Debaltseve noticed large concentrations of soldiers identifying as Buryats in Debaltseve in mid-February—not a common sight in an eastern Ukrainian warzone.68 Numerous photographs were taken of these soldiers with a

- 64 lbid.
 65 VKontakte, http://vk.com/batohadambaev?z=pho-to225117519_353995097%2Fphotos225117519 (archived: https:// archive.is/KRbF2); http://cs624031.vk.me/v624031519/21313/zIUT-3vRAyws.jpg (archived: https://archive.is/Xm70m).
 66 https://wp4553-flywheel.netdna-ssl.com/wp-content/uploads/2015/03/ husky5.jpg; https://wp4553-flywheel.netdna-ssl.com/wp-content/up-loads / 2015 / 02 / husky3 ing: https://wm4553-flywheel.netdna-ssl.com/wp-content/up-
- Ioads/2015/03/husky3.jpg; https://wp4553-flywheel.netdna-ssl.com/ wp-content/uploads/2015/03/husky2.jpg; https://wp4553-flywheel. netdna-ssl.com/wp-content/uploads/2015/03/husky1.jpg. 67 VKontakte, https://vk.com/batohadambaev?z=pho-content/uploads/2015/03/husky1.jpg.

to225117519_349461910%2Fphotos225117519 (archived: https:// archive.is/PHKbR) Located on the "Depaldo Stone Steps" in Tagarrog. 68 Kommersant, http://www.kommersant.ru/doc/2671088 (in Russian).

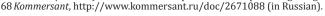




Photo: Bato with a Siberian husky puppy at the Kuzminsky Camp, where he trained before fighting in the Battle of Debaltseve in mid-February. Numerous other members of the 5th Tank Brigade and 37th Motorized Infantry also photographed themselves with these puppies, which lived at the Kuzminsky camp over the winter of 2014 to 2015.69

Source: VKontakte profile of Bato Dambayev.⁷⁰ Coordinates: 47.407863, 39.228522.

tank and gear on, claiming to be from Buryatia, often near tanks close to Vuhlehirsk.71

The Russian soldier deleted the photograph shortly after posting it. But other Internet users made numerous archived copies⁷² and took screenshots of the image, and Google cached pages still show the above photo as his profile picture.73

Since fighting in Debaltseve, Bato has returned to his wife and two-year-old son in Buryatia. On March 31, the soldier reposted a story from Russian news outlet *Lenta.ru* that reports on how Buryat soldiers serving in the Russian military fought in the battle of Debaltseve.74

21015VRAyws.jpg (atchived: https://atchive.is/Ahr/Ohl).
71 Twitter, https://twitter.com/aa_borodulin/status/569039488921538560.
72 VKontakte itself has not deleted it: https://pp.vk.me/c621930/ v621930519/146ef/vTWAi_lLKwk.jpg https://archive.is/D0Zgv, https:// archive.is/Xkqwo, and https://archive.is/OlUO2. Note that he used to use the pseudonym "David," but has since changed it to his real name, Bato.

- 3 VKontakte, http://hghltd.yandex.net/yandbm?f-mode=inject&url=http%3A%2F%2Fvk.com%2Fbatohadambaev&tld=com&lang=ru&la=1425825792&tex-t=%D0%B4%D0%B0%D0%B2%D0%B8%D0%B4%20 %D0%B4%D0%B0%D0%BC%D0%B1%D0%B0%D0%B5%D0%B2&l-10n=en&mime=html&sign=45775c858eaac099d538277d3903a60a&key-
- no=0 (archived: https://archive.is/bzXsV). 74 VKontakte, http://vk.com/wall225117519_650 (archived: https://archive.is/xH1VU).

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⁶¹ Neil Buckley, Roman Olearchyk, and Courtney Weaver, "Fierce Battle for Debaltseve Ends in Ukraine Withdrawal" Financial Times, February 18 2015, http://www.ft.com/cms/s/0/470b14da-b785-11e4-981d-00144feab7de.html.

⁶² Kostyuchenko, "We Were Fully Aware of What We Brought Ourselves to and What Could Happen," op. cit.

⁶³ Ibid. 64 Ibid.

⁶⁹ For photos of other soldiers with puppies, see https://wp4553-flywheel. netdna-ssl.com/wp-content/uploads/2015/03/husky5.jpg; https:// wp4553-flywheel.netdna-ssl.com/wp-content/uploads/2015/03/ husky3.jpg; https://wp4553-flywheel.netdna-ssl.com/wp-content/up-

^{https://wp4535-flywheet.https://wp4553-flywheet.https://wp4553-flywheet.https://wp4553-flywheet.http://wp4553-flywheet.https://wp4553-flywhee} zIUT3vRÁyws.jpg (archived: https://archive.is/Xm70m).

CARGO 200: HIDING RUSSIA'S DEAD

Russian soldiers like Tumanov, who were killed after crossing into Ukraine to fight, return home in zinc coffins under the designation "Cargo 200," indicating that the soldiers were killed in action.⁷⁵ Russian government officials have refused to publicly acknowledge these soldiers' deaths. Instead, they often lie by claiming that these soldiers died during exercises at training camps near the Ukrainian border.

The Russian government's secrecy shows the importance of hiding the truth about the human toll of the Kremlin's involvement in eastern Ukraine from Russian citizens. According to a comprehensive list published by the nongovernmental organization Open Russia, at least 273 Russian soldiers, including both conscripts and mercenaries (*kontrak*-

75 "Ukraine Crisis: Russian 'Cargo 200' Crossed Border—OSCE," BBC, November 13, 2014, http://www.bbc.com/news/world-europe-30039004.

tniki), have died while fighting in eastern Ukraine.⁷⁶ A report by Boris Nemtsov, a prominent Putin critic and former First Deputy Prime Minister under Russian President Boris Yeltsin, on Russian involvement in the war in Ukraine was published posthumously on May 12, 2015, and put the number of deceased Russian soldiers at 220.⁷⁷

Photo: Bato Dambayev near a checkpoint in the eastern city limits of Vuhlehirsk, Ukraine, a city near Debaltseve where Bato and other Russian soldiers fought in mid-February.

Source: Dambayev added this photograph of himself as his profile picture on VKontakte on February 23, 2015. *Coordinates*: 48.308729, 38.300529 (camera pointing northwest).



⁷⁶ Open Russia, https://openrussia.org/post/view/1772/ (in Russian). The list of names was originally published on December 22, 2014. The most recent update to this list was completed on April 1, 2015.

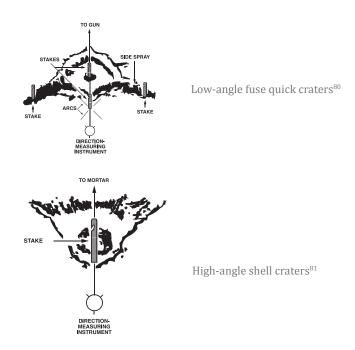
⁷⁷ Open Russia, https://openrussia.org/s/tmp/files/Putin-War1.pdf (in Russian).

CROSS-BORDER SHELLING

During key offensives, Russian forces in Ukraine have received cover from shelling from Russian territory. In the summer of 2014, the Ukrainian Border Service and the National Security and Defense Council reported more than 120 artillery attacks from Russia.⁷⁸ Despite Russian government denials, with a combination of satellite data, crater analysis, and open source materials, one can establish that many of these attacks originated in Russia and not in the separatist controlled areas of Ukraine.

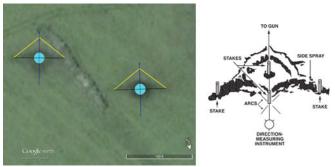
Using satellite map imagery of craters left behind by artillery shells in Ukraine, it is possible to determine attack trajectories and origins.⁷⁹ From satellite imagery, researchers located and examined artillery impact crater fields from artillery fire on a crater-by-crater basis.

The satellite images from eastern Ukraine show two main types of craters, low-angle fuse quick craters (with distinctive "side spray" areas projecting diagonally from a central crater) and high-angle shell craters (triangular-shaped craters that spread outwards toward the origin of fire):



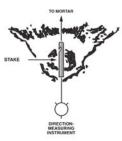
- 78 The Ukrainian government reports were collected by Bellingcat in a database: https://docs.google.com/spreadsheets/d/1FxrMBTanKcVff6gcljr-kZSkwlfY8GnikeJdbC0h3RQ/edit?usp=sharing.
- cljr-kZSkwlfY8GnikeJdbC0h3RQ/edit?usp=sharing.
 79 Pablo Gutierrez, Paul Torpey, and Bellingcat, "How Digital Detectives Say They Proved Ukraine Attacks Came from Russia," Guardian, February 17, 2015, http://www.theguardian.com/world/2015/feb/17/ukraine-russia-crossborder-attacks-satellite-evidence.
- sia-crossborder-attacks-satellite-evidence. 80 GlobalSecurity.org, "Appendix J: Crater Analysis and Reporting," http:// www.globalsecurity.org/military/library/policy/army/fm/6-50/Appj. htm#figj_3.

81 GlobalSecurity.org, "Appendix J: Crater Analysis and Reporting," http:// www.globalsecurity.org/military/library/policy/army/fm/6-50/Appj. htm#figj_6. The research team then created templates for both types of craters and used these to mark and measure the angle of craters visible on Google Earth satellite map imagery. The measurements were then combined to find the average angle of all measured craters in a crater field, which was then used to identify launch sites.



Low-angle fuse quick craters (e.g., low-angle artillery or Multiple Rocket Launcher Systems fire). *Source*: Google Earth/Digital Globe.





High-angle shell craters (e.g., mortars, high-angle Multiple Rocket Launcher Systems fire). *Source*: Google Earth/Digital Globe.

Example: The Gukovo Launch Site

Gukovo, Russia is one such launch site. On July 14, 2014, consistent accounts emerged in both Ukrainian and pro-Russian media outlets that clashes took place in the vicinity of a mine called "Dolzhanskaya-Capital," close to the Ukrainian town of Panchenkove.⁸²

Satellite imagery from August 8, 2014, showed the crater field near the Dolzhanskaya-Capital mine outside of the Panchenkove village. The trajectories calculated based on the shape of the craters revealed that there were six separate attacks from five different directions. Calculating the trajectories of

⁸² DTEK, http://www.dtek.com/ru/media-centre/press-releases/details/v-dtek-sverdlovantratsit-v-rezuljtate-boevikh-dejstvij-obestocheni-dve-shakhtoplosshadki (in Russian); DTEK, http://web.archive. org/web/20150210143935/http://www.dtek.com/ru/media-centre/ press-releases/details/v-dtek-sverdlovantratsit-v-rezuljtate-boevikh-dejstvij-obestocheni-dve-shakhtoplosshadki#.VNoYQixcpjA (archived) (in Russian); http://www.gazeta.ru/social/news/2014/07/16/n_6315585. shtml (in Russian).

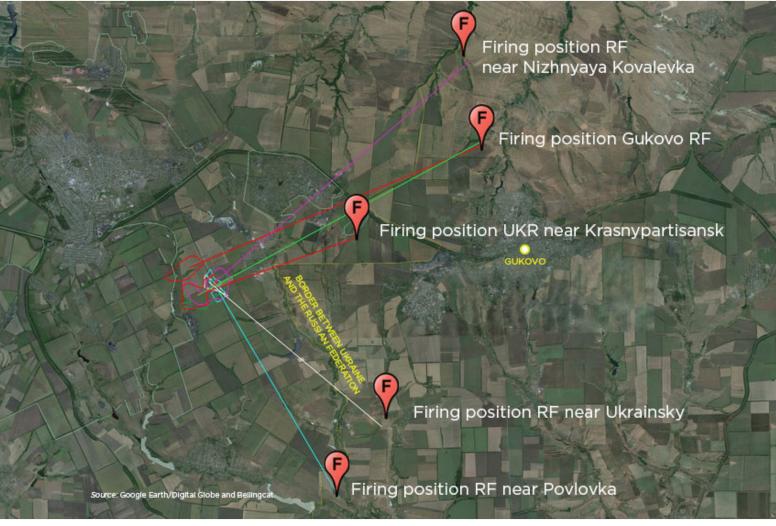


Photo: Map of firing sites near Gukovo. *Source*: Google Earth/Digital Globe.

these six attacks led to five separate origin locations: four in the Russian Federation and one near Chervonopartyzansk, Ukraine, which is close to the border.

On July 17, 2014, a series of videos were shared on YouTube and VKontakte showing an attack with Multiple Launch Rocket Systems (MRLSs). The attack occurred on July 16, 2014 in the vicinity of Gukovo, Russia. Four videos containing geotags filmed in different locations in and around Gukovo showed the launch of rockets, and two of these videos showed burning after the launch of the rockets.

All of the calculated trajectories can be traced to five separate firing positions, with maximum differences of three hundred meters at a shelling distance of fifteen kilometers. Every one of these—with the exception of the position near Chervonopartyzansk, Ukraine, which is close to the border—is within the territory of Russia. Following the attacks, a Russian journalist visited Gukovo and spoke to the locals. The townspeople confirmed that the attacks originated from the field identified in the video and satellite imagery analysis.⁸³ The journalist also visited the launch site and discovered clear signs of military activity, including large numbers of red endcaps from 122 mm artillery rockets. This type of end-cap is used by Russian 9M22U, 9M22S, 9M43, and 9M522 122 mm rockets in the BM-21 Grad and Tornado multiple rocket launchers.

Cross-border attacks served as cover for the renewed military incursion in the summer of 2014. Attacks originating in border towns like Gukovo allowed Russian forces operating inside Ukraine to reverse the tide of the conflict when the Ukrainian military was making headway. On the verge of defeat, Russian forces turned the tide to recapture a large amount of territory, including Slovyansk and Donetsk (see the casebook for additional examples and methodology).

⁸³ *Slon*, http://slon.ru/world/kak_by_voyna_reportazh_s_ukrainskoy_granitsy-1137926.xhtml (in Russian).

POLICY RECOMMENDATIONS

In April of 2014, the Kremlin launched a hybrid war in Ukraine's east, sending operatives to organize and run it: Moscow political consultant Aleksandr Borodai as President of the Donetsk People's Republic and FSB Colonel Girkin-Strelkov as Defense Minister. The Kremlin provided financing, arms, volunteer fighters, and regular troops. Using its control of the Russian media, the Kremlin also launched a massive disinformation campaign to persuade the Russian people and the outside world that Ukraine's east is the venue of a civil war.

On the whole, Moscow has enjoyed success in setting the terms of the narrative for the Ukrainian conflict: international media typically refer to the separatists in Ukraine as if they are a distinct party to the conflict rather than an instrument of the Kremlin. When the Ukrainian government or even Western governments discuss the presence of Russian weapons or soldiers in the east, the media present their statements and then the Russian denial as if they were of equal value, but they are not. To wit, Putin and Russian officials denied that their troops were involved in the seizure of Crimea until Putin bragged about orchestrating the annexation in a film commemorating the Crimean operation.⁸⁴

Western leaders often contribute to this problem. Many exhibited a lack of clarity in their own words, avoiding references to Russia's war against Ukraine or referring to the so-called separatists as if they were independent Ukrainian actors. Furthermore, Western governments have been slow to recognize the grave danger posed by the Kremlin's avowedly revisionist foreign policy. Moscow is seeking to overturn the peace settlement that ended the Cold War, and it has conducted wars against two of its neighbors, Georgia in 2008 and Ukraine today, to achieve that objective.

As a result of the failure to appraise the nature of the threat, major Western governments are not devoting the necessary resources, including intelligence assets, to the war in Ukraine. With this in mind, the Working Group recommends that Western governments:

- devote substantially more intelligence assets to unveiling and countering Putin's war in Ukraine;
- employ new digital forensic methods to complement traditional covert, technical, and open source methods;
- make public, to the maximum extent possible, information documenting Putin's aggressive designs, the presence of Russian troops and equipment in Ukraine, and Russian officials directing the fighting in Ukraine, while protecting intelligence methods as needed;
- share intelligence regarding Russian plans against and Russian forces in and near Ukraine through vetted channels with the Ukrainian government;
- counter, not abet, Russia's hybrid war by speaking clearly, consistently, and publicly about Russia's war against Ukraine;
- increase funding for, and mobilize private investment in, Russian-language independent programs and media that broadcast into Russian speaking areas to offset the impact of Moscow's propaganda;
- dedicate more intelligence assets to and analysis of Putin's burgeoning hybrid warfare against other neighbors and European nations (including other post-Soviet states and NATO and EU nations); and
- draw on these insights to inform policy decisions (such as extending, not curtailing, sanctions) and to formulate a more comprehensive transatlantic strategy to deter Russia's aggressive actions.

⁸⁴ Carol J. Williams, "In Film, Putin Justifies Russia's Seizure of Crimea Last Year," *Los Angeles Times*, March 15, 2015, http://www.latimes.com/ world/europe/la-fg-russia-putin-crimea-20150315-story.html.

CASEBOOK

Section 1. Russian Military Equipment in Use in Ukraine

Social media is a critical source of information regarding movements of military equipment in Ukraine and in the vicinity of the Ukrainian border with Russia. The sources include both international services like Instagram, as well as regional services such as VKontakte, often called "Russia's Facebook." Most often, the material is submitted by ordinary people who encounter military equipment and share pictures out of general interest. Supporters of the separatists and the Russian Federation have also launched their own propaganda news channels on social media, which yield valuable information on the equipment used.

T-72B3 Tanks

T-72B3 sightings have been registered in Ukraine since the fall of 2014, but some of the clearest footage of the tanks has come from pro-Russian separatist supporter and British blogger Graham Phillips. His video, from the time of the Debalt-seve offensive, contains some of the clearest evidence of these modernized main battle tanks in Ukraine.⁸⁵ The self-reported description of the video makes reference to Debaltseve, and geolocation yields a strong possible match in the village of Sanzharivka, ten kilometers north of Debaltseve.

Dozor Armored Vehicles

Several sightings of the Dozor armored reconnaissance and communications vehicles have also been collected from both sources supporting the separatists and from videos uploaded by locals. Several of the sightings can be geolocated to the Luhansk area, with two additional sightings further east, in the town of Krasnodon near the border with Russia. The base vehicle KamAZ-43269 (with designation BPM-97), among others, is used by the Russian Border Guard and has been exported to Azerbaijan and Kazakhstan, but the Dozor⁸⁶ variant with advanced electronics has been specifically designed and equipped for the Armed Forces of the Russian Federation and is not known to have been exported.⁸⁷ Dozor vehicles with similar camouflage patterns as seen in Ukraine are known to have been operated by the 4th Military Base in South Ossetia.⁸⁸

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Pantsir-S1 Air Defense System

The distinctive-looking Pantsir-S1 close range air defense system has been captured on pictures and video in early 2015 by local residents in Luhansk as well as Makiivka, east of Donetsk. Exploration of the border region in Russia's⁸⁹ Rostov oblast with search tools specialized for finding geotagged social media content has also revealed that these systems have been deployed in the vicinity of Ukraine.⁹⁰ Russian soldiers posting pictures of the systems on their social media accounts have corroborated this assessment.

Grad-K Rocket System

Another example of uniquely Russian equipment is a modernized Grad multiple launch rocket system on a KamAZ-5350 chassis, also nicknamed "Grad-K." A YouTube account supporting the separatists posted a video in January 2015, showing several Grad systems firing a volley of rockets.⁹¹ After the initial volley fired in the video, the camera is aimed down while a vehicle exits the formation. When the camera is raised again, a Grad-K system can be seen driving out of the area, before the older Ural-mounted Grad systems begin firing volleys. The video can be reliably geolocated to the Kirovskyi district in Donetsk, using the buildings, landmarks, and visible signs. It is notable that the firing location is inside the city, at an apparent commercial property in the immediate vicinity of residential areas.

⁸⁵ Graham Phillips, "Updates (#17) Leaving NAF Positions by Debaltsevo Today," YouTube, February 15, 2015, https://www.youtube.com/ watch?v=rkbVnpEbVwY.

^{86 &}quot;New Photograph Shows Russia Still Supplying Militants with Military Hardware," UNIAN, January 4, 2015, http://www.unian.info/society/1028814-new-photograph-shows-russia-still-supplying-militants-with-military-hardware.html.

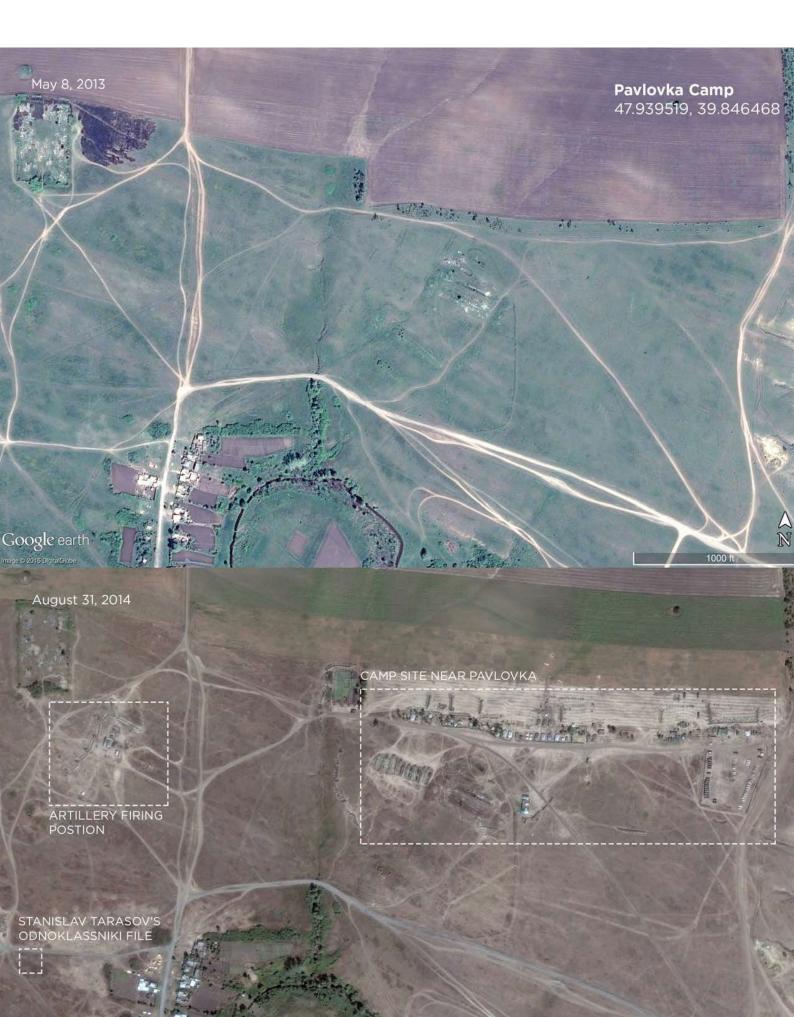
⁸⁷ NIISSU, http://www.niissu.ru/2013-05-27-12-43-20/dozor.html (in Russian).

⁸⁸ LiveJournal, http://twower.liveJournal.com/434042.html?thread=9849978 (in Russian).

⁸⁹ Nicholas de Larrinaga, "Russian TOS-1 and Pantsyr-S1 Systems Reported in East Ukraine," IHS Jane's Defence Weekly, February 4, 2015, http:// www.janes.com/article/48685/russian-tos-1-and-pantsyr-s1-systemsreported-in-east-ukraine.

⁹⁰ EchoSec and Yomapic are tools used for locating geotagged content.

⁹¹ Youtube, https://www.youtube.com/watch?v=UXSyU3ais08.



Source: Google Earth/Digital Globe.

1000 ft

Section 2. Russian Training Camps on Ukraine's Border

Starting in 2014, the Russian military began rapidly constructing massive training camps only a few kilometers from the Ukrainian border. This fact is supported by before and after satellite imagery comparisons and by hundreds of photographs from soldiers' social media profiles. Taken together, this evidence irrefutably confirms the existence and development of such camps and shows that they serve as launching pads for Russia's war against Ukraine. Two of these camps, near the Russian border towns of Kuybyshevo and Pavlovka, staged artillery attacks from Russian to Ukrainian territory, while a third near the town of Kuzminka housed hundreds of Russian soldiers before they fought in key battles in Ukraine.

This camp was established only forty-six kilometers from the Ukrainian border and did not exist before 2014. Ever since, it has become the site for hundreds of military vehicles, including tanks from the 5th Tank Brigade from Ulan-Ude, Siberia, which was deployed to the site in October and November of 2014. Many of the unit's members would later be found in Debaltseve.

Case 1: Pavlovka Camp

Coordinates: 47.939519, 39.846468

The Pavlovka training camp was established only two kilometers from the Ukrainian border and became the site for dozens of military vehicles. Satellite images from April 2013 show that this base did not exist then but was built up following the Euromaidan protests.



Photo: Pavlovka Camp.

Source: Stanislav Tarasov's Odnoklassniki file, captioned "At the border with Ukraine," posted on June 18, 2014.

 $\mathit{Coordinates:}\ 47.936203,\ 39.834042,\ facing\ east\ toward\ the\ Pavlovka\ Camp.^{92}$

The 7th Airborne Division Unit 54801 was deployed to the Pavlovka base in June 2014. Photographs uploaded by an active member of this battalion and local residents confirm that this battalion, among others, were at the Pavlovka base in the summer, at the same time as the rapid expansion of the base. The Grad launchers that conducted artillery strikes against Ukrainian positions in July 2014 were located approximately one kilometer west of the Pavlovka training camp.

Case 2. Kuybyshevo Camp

Coordinates: 47.815116, 38.867638

This camp was established only three kilometers from the Ukrainian border and became the staging site for numerous artillery attacks. Since the beginning of the Ukrainian crisis, this base has grown from nothing to a large base with active heavy artillery. The firing positions for the Grad launchers that conducted the July 2014 artillery strikes against Ukrainian territory were just west of the town of Kuybyshevo.

A Russian soldier given the pseudonym "Arkady" told the independent Russian news outlet Meduza about his time in the Russian military in 2014, including a trip to the camps outside of Kuybyshevo, where he delivered shells to an artillery firing range:³³

There, along the border between Russia and Ukraine, stood our soldiers, a whole unit. They were living in field camps divided into cordoned-off areas near the villages Russkoye and Kuybyshevo, and the town Kamensk-Shakhtinsky. They lied to the locals, saying the military was conducting training exercises. But people aren't fools, and they understood what was going on.

... I still remember how one night I drove up to one of the units stationed in Kuybyshevo. The ground crew unloaded the ammunition and the artillerymen immediately loaded it into their weapons and fired! Then they did it again. And again! When a Grad missile is fired, it's very frightening and very beautiful, especially at night."

There are many pictures of soldiers at this camp firing artillery shells in the direction of Ukraine. Additionally, many soldiers from the 291st Artillery Brigade photographed themselves at artillery firing sites near military camps between Kuybyshevo and the Ukrainian border in the summer of 2014.⁹⁴ The dates and location of these artillery attacks near Kuybyshevo align very closely to the dates (July 21 to 26, 2014) and locations (south and west of Kuybyshevo in the Rostov oblast) of artillery attacks revealed by the US State Department on July 27, 2014.⁹⁵

⁹² This photograph was posted to Tarasov's social media profiles on VKontakte, OK.ru, and Instagram. He deleted the photograph off of some of these services but reposted the image onto his VKontakte profile in December. The caption on OK.ru was "At the border with Ukraine," while on Instagram it was "Just like BATTLEFIELD 3." No caption was supplied for the image on VKontakte. See http://vk.com/stanislavbest?w=wall8311148_1496 (in

<sup>Russian) and archived link https://archive.is/X0xCO (in Russian). Discussions of the image he posted on Instagram, which incorrectly geotagged his location as Ukraine, can be found at http://evilmilker.livejournal.com/9385. html (in Russian); Reddit, "Soldier Takes Selfie as Russian Regular Army Enters East Ukraine," http://www.reddit.com/r/MilitaryPorn/comments/2ak-4ln/soldier_takes_selfie_as_russian_regular_army/.
93 Dmitry Pashinsky, "I Serve the Russian Federation!" Soldiers Deployed</sup>

³³ Dmitry Pashinsky, "I Serve the Russian Federation!' Soldiers Deployed during the Annexation of Crimea Speak," *Meduza*, March 16, 2015, https:// meduza.io/en/feature/2015/03/16/i-serve-the-russian-federation.

⁹⁴ BBC, http://www.bbc.co.uk/russian/russia/2014/07/140725_tr_soldier_ukraine_vkontakte (in Russian).

^{95 &}quot;Satellite Images Show Russia Firing Into Ukraine: U.S. Government," NBC News, staff writer, and Tim Stelloh, Associated Press, July 27, 2014, http://www.nbcnews.com/storyline/ukraine-plane-crash/satellite-images-show-russia-firing-ukraine-u-s-government-n166166.

August 8, 2013

Kuybyshevo Camp 47.815116, 38.867638

Google earth

Image © 2015 DigitalGiche

August 15, 2014

Source: Google Earth/Digital Globe.

eet.

CAMP SITE

Google earth

Section 3. Russian Soldiers in Ukraine

The Russian military is sending its soldiers across the border to mix with Russian-instigated separatist forces in Ukraine.

Once in eastern Ukraine, these soldiers are no longer considered Russian; rather they are told to refer to themselves as "local defense forces," aiding the separatist soldiers with additional manpower and Russian equipment. In addition to Bato Dambayev, two more soldiers, Anton Tumanov and Leonid Kichatkin, profiled in this report represent the routine process of how Russian soldiers train in "exercises" near the Ukrainian border, cross covertly into Ukraine, and fight against Ukrainian soldiers.

Soldier Profile 2. Anton Tumanov Russian 18th Motorized Brigade, Unit 27777

Tumanov was sent to Ukraine while on active duty in the Russian military in August 2014. He perished on August 13, 2014, in Snezhnoe, Ukraine after crossing the border on August 11, 2014.

Life before the War

Prior to joining the Russian military, Anton frequently voiced his concerns about the state of the local economy in his hometown of Kozmodemyansk, Russia. He saw no alternative to joining the military, even knowing the danger of being sent to fight in eastern Ukraine. As his mother said:

Where can you work here in Kozmodemyansk? There are only two factories left. In May he told me "Mom, I'm going to the army." I tried to persuade him to wait with that idea. "God forbid, they'll send you to Ukraine," I told him," she recalls. "He told me the army wouldn't be sent to Ukraine. He said, "I need money. I'm not going to a war. I'm going to a job. There is no other job anyway."96

His mother did not want him to join the army, but Anton went nonetheless. $^{\rm 97}$

Training for Combat

While at a training camp near the Ukrainian border, Anton's commanders gave the order on August 11, 2014: turn in your phones, take off identifying features from your uniform, mask the unique markers on military equipment, and cross into Ukraine. Those who refused were "insulted and threatened by the commanders."⁹⁸ The twenty-year-old entered Ukraine with over a thousand others and a large column of military equipment, and his smaller group arrived in Snezhnoe late on August 12, 2014.



Photo: Tumanov with his fiancée Natasha Chernova in June 2014, before he left for service.⁹⁹ *Source*: Tumanov's VKontakte page. *Coordinates*: 56.3453311, 46.5708947 (estimated).



Photo: Tumanov on the grounds of his camp near the Ukraine border before his deployment to Ukraine. *Source*: Tumanov's VKontakte page.¹⁰⁰

Coordinates: 48.320520, 40.099180.

⁹⁹ Chernova told *Novaya Gazeta* and Anton talked to her in late July, in which he said that he would soon be leaving for Ukraine to fight "in the role of opolchentsy," a term that refers to local separatist fighters in eastern Ukraine. See http://www.novayagazeta.ru/society/65075.html (in Russian).

¹⁰⁰ VKontakte, https://vk.com/tyman_antoxa?z=pho-

to140456238_334848101%2Fphotos140456238 (archived: https://archive.is/q0aZM).



Photo: Snezhnoe, Ukraine. August 13, 2014. The last known picture of the group before the deadly shelling. Robert Artyunyan (second from right) and Anton Tumanov (far right) died on August 13. Rolan Ramazanov, the soldier in the middle, shared this image online on August, 26, 2014.¹⁰¹ *Source: Novaya Gazeta*.¹⁰²

Coordinates: 48.058296, 38.757780 (estimated).¹⁰³

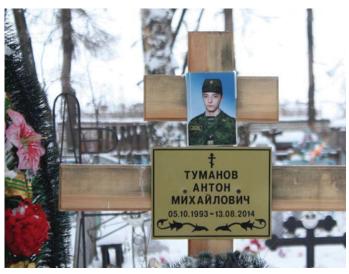


Photo: Tumanov's grave in his home town of Kozmodemyansk, four hundred miles east of Moscow, Russia. *Source*: Tom Parfitt, *Telegraph*.¹⁰⁴

Deployment to and Death in Snezhnoe

Anton Tumanov and his fellow unit member Robert Artyunyan documented their arrival in Snezhnoe on August 13—the same place where, twenty-seven days earlier, the Buk system that likely shot down MH17 was spotted hours before the crash.

Numerous eyewitnesses on August 13 report seeing a convoy moving through Torez and Snezhnoe, specifically noting a BTR-80 (an armored vehicle) and men with "white bands"¹⁰⁵ on their arms and legs. Not coincidentally, Tumanov and his fellow soldiers were photographed with white bands and a BTR-80a in Snezhnoe. Only hours after the photograph was taken, local social media reports and videos described how the Khimmash factory was hit by an artillery strike from the Ukrainian military.¹⁰⁶ This strike killed Tumanov and Artyunyan. Rolan Ramazanov, a Russian soldier from unit 27777 (pictured in middle of photograph) who survived the attack, described it to Reuters:

I was in the BTR. The hatches were open, and as a result— [I suffered] a concussion and minor loss of hearing. Robert and Anton were about two-three steps from the BTR [that I was in]. They just didn't manage to get away. Robert died on the spot. They gave medical help to Anton. He died on the operating table, said Rolan, having returned home to the Krasnodar Krai to recover from his injury.¹⁰⁷

Along with Artyunyan, Tumanov died on August 13, 2014 in Snezhnoe. He is buried in his hometown of Kozmodemyansk, Russia, over a thousand kilometers from Snezhnoe, Ukraine. According to the official documentation of his death, reported in the *Telegraph* report and elsewhere, Tumanov died "carrying out responsibilities of military service at a point of temporary deployment of military unit 27777."¹⁰⁸

Soldier Profile 3. Leonid Kichatkin Russian 76th Airborne Division, Unit 74268

Like Anton Tumanov, Leonid Kichatkin died in August 2014 while fighting in eastern Ukraine, under direct orders of his commanders in the Russian military. The authorities went to great lengths to cover up his death.

Before Ukraine

Leonid Kichatkin was a Sergeant in the Russian Airborne Troops. He lived with his wife, Oksana, and children in Pskov, where he was stationed for his military service. In late July 2014, Ukraine was close to defeating separatist forces as it retook territory, but the separatists were seemingly miraculously reinvigorated. In mid-August, Oksana would speak to her husband for the last time, as he and other Russian soldiers were ordered into Ukraine where they quickly stopped the Ukrainian counteroffensive.

105 Twitter, https://twitter.com/Dbnmjr/status/499578362428686336 (in Russian); https://archive.is/8XwoH (archived).

106 VKontakte, https://wk.com/liveuanet?w=wall-75493249_141%-2Fe412e83adad6110ba6 (in Russian); VKontakte, https://vk.com/video115925565_169894607.

108 Ibid.

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¹⁰¹ The exact location of this photograph is unknown, but it was taken somewhere in Snezhnoe—likely at or near the Khimmash factory, where an artillery strike killed Anton. See *Novaya Gazeta*, http://www.novayagazeta.ru/storage/c/2014/09/01/1409580145_413509_31.jpg.

¹⁰² Novaya Gazeta, http://www.novayagazeta.ru/storage /c/2014/09/01/1409578904_547636_54.png.

¹⁰³ Ibid.

¹⁰⁴ Tom Parfitt, "Secret Dead of Russia's Undeclared War," *Telegraph*, December 27, 2014, http://telegraph.co.uk/news/worldnews/europe/ russia/11314817/Secret-dead-of-Russias-undeclared-war.html.

¹⁰⁷ Reuters, http://ru.reuters.com/article/topNews/idRUKB-N0H719A20140912 (in Russian).

"Lost" Paratroopers

Dozens of the 76th Airborne Troop soldiers out of Pskov stopped contacting their loved ones between August 15 and 17, 2014. This halt in communications coincides with or precedes a number of mysterious events surrounding this brigade, including Putin granting an award for the "successful completion of military missions"¹⁰⁹ and reports of a fierce battle involving the paratroopers near the Ukrainian town of Georgievka.¹¹⁰ Particularly noteworthy was an ominous post on Kachatkin's VKontakte page on August 22: "Dear friends!!! Lyonya [Leonid] died, the burial will be at 10 a.m., the funeral service in Vybuty. Whoever wants to bid him farewell, come, we'll be pleased to see everyone. His wife, Oksana."¹¹¹

Mysterious Funerals

Despite the official claim that all of the Pskov paratroopers were alive and well, secret funerals were held for paratroopers in Pskov starting on August 24, 2014.¹¹² Kichatkin's funeral took place on August 25, as reported in his wife's message. A number of journalists, including a member of the Pskov regional assembly, attended the event, where over one hundred mourners paid their respects to Kichatkin.¹¹³ His grave marker stated that he died on August 19, three days before Oksana posted a message about his funeral on VKontakte.¹¹⁴

Cover-Up

Anton Tumanov's story ends here: unresolved questions over the circumstances of his death, a grieving family, and a homeward journey from eastern Ukraine in a coffin. In the case of Leonid Kichatkin, the story grows more complicated from this point. Reporters from both *Novaya Gazeta* and Echo of Moscow spoke with not only Oksana Kichatkina, but also Leonid Kichatkin himself—or more accurately, someone impersonating the slain soldier.

Novaya Gazeta spoke to a woman claiming to be Oksana Kichatkina on August 24. She claimed that her husband was alive and even passed the phone to a man claiming to be Leonid Kichatkin, who said that he was alive and that his VKontakte page was "hacked." The conversation with the Echo of Moscow reporter went by the same script.¹¹⁵ Yet, Leonid's father and uncle came to the funeral, along with Aleksandr Osipov's father, who grieved the deaths of both soldiers.¹¹⁶

- 111 http://argumentua.com/sites/default/files/533273_900. jpg?1408977980 and https://pbs.twimg.com/media/BvwNjvjIEAEPVxX. png (in Russian).
- 112 Novaya Gazeta, http://www.novayagazeta.ru/society/64975.html (in Russian).
- 113 Denis Pinchuk, "Russian Village's Graves May Tie Kremlin to Fighting in Ukraine," Reuters, August 28, 2014, http://uk.reuters.com/ article/2014/08/28/uk-ukraine-crisis-russia-graves-idUKKB-N0GS17V20140828.
- 114 TV Rain, http://tvrain.ru/articles/snjali_tablichki_s_imenami_s_mogil_ pskovskih_desantnikov-374615/ (in Russian).



Photo: Leonid Kichatkin with his wife, Oksana, at the Botanical Gardens of Pskov with a pillow embroidered with "VDV" (Airborne Forces). *Source*: Screenshot of Oksana Kichatkina's VKontakte page (almost all photographs of Leonid have been deleted). *Coordinates*: 57.8129077, 28.3446515.



Photo: Leonid in his paratrooper uniform while visiting the "Stalin Line" museum in Belarus. Leonid posted this photo on his VKontakte page on Paratrooper Day (August 2) in 2012. In this month two years later, Leonid died while fighting in his paratrooper division in eastern Ukraine. *Source*: Added on August 2, 2012 on Kichatkin's VKontakte page. *Coordinates*: 54.060218, 27.294158.



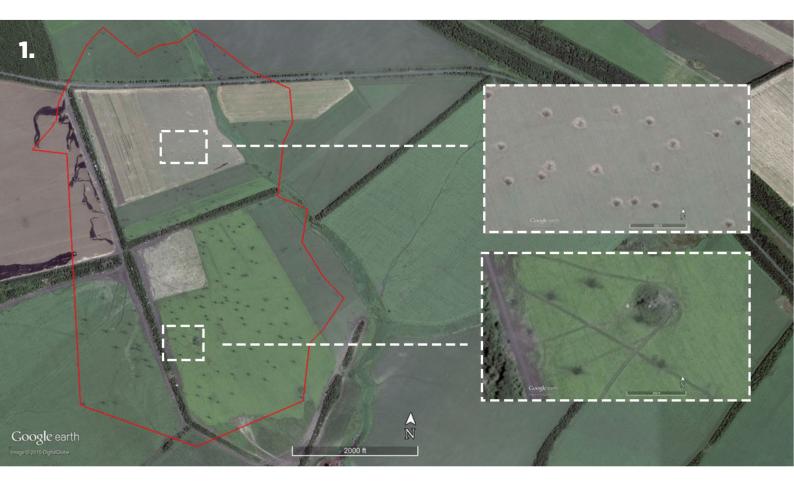
Photo: Kichatkin's grave in Pskov, Russia. *Source: Novaya Gazeta*/Nina Petlyanova.

 ¹⁰⁹ Office of the President of Russia, http://graph.document.kremlin.ru/page.aspx?3648446 (in Russian).
 110 Unian, http://www.unian.net/politics/953679-voennyiy-jurnalist-po-

¹¹⁰ Unian, http://www.unian.net/politics/953679-voennyiy-jurnalist-pokazal-zahvachennuyu-na-donbasse-rossiyskuyu-bmd-2-fotoreportaj.html (in Russian).

¹¹⁵ Echo of Moscow, http://echo.msk.ru/blog/otstavnih/1387356-echo/ (in Russian).

¹¹⁶ Ibid.



Since his funeral on August 25, there have been no indications that Kichatkin is alive. On August 26, reporters from various Russian independent journalism outlets visited the Pskov graves of Kichatkin and Osipov. Shortly after arriving, a group of young men chased the journalists away, threw rocks at them, and later slashed their tires.¹¹⁷ Leonid Kichatkin's and Aleksandr Osipov's graves can still be found in Pskov, but following the journalists' inquiries, the nameplates at the soldiers' graves were removed.

Section 4. Russian Cross-Border Artillery Attacks on Ukraine

Ukrainian armed forces positioned near the Russian-Ukrainian border were attacked by artillery fire in the summer of 2014. Between July 9 and September 5, 2014, the Ukrainian Border Service and the National Security and Defense Council reported more than 120 artillery attacks from Russia. Russian officials, however, have denied that any artillery attacks on Ukraine originated from Russian territory.¹¹⁸

The pressure of sustained artillery attacks through early August led Ukrainian armed forces to lose control of hundreds of kilometers of border territory.¹¹⁹ Satellite images of eastern Ukraine from July, August, and September of 2014 have enabled the report team to find evidence of these artillery attacks, determine their origin, and compare them with local sources.

118 For collected reports see https://docs.google.com/spreadsheets/d/lfx rMBTanKcVff6gcIjr-kZSkwlfY8GnikeJdbC0h3RQ/edit#gid=535700578. 119 Russia Today, http://russian.tr.com/article/43677#iyzz39INVe6AU (in

Methodology

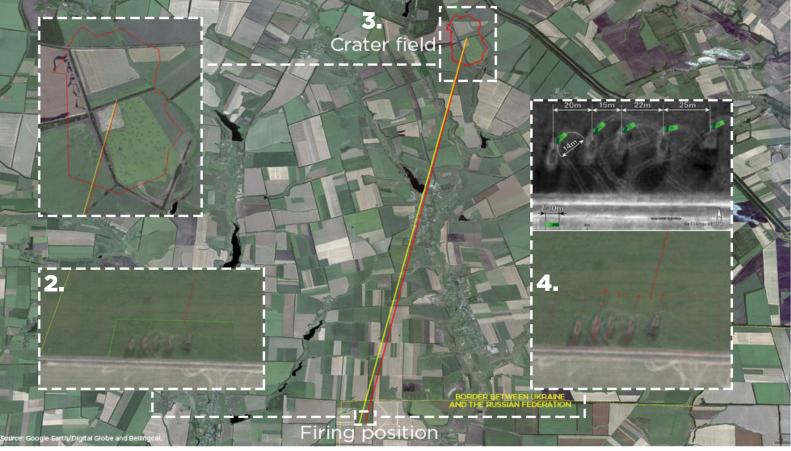
Satellite imagery with a panchromatic resolution of up to 0.5 meters from eastern Ukraine and its border regions with Russia was examined for visible signs of artillery attacks in reported locations. Additionally, videos shared on social media (YouTube and VKontakte) capturing the artillery attacks as they occurred were analyzed and geolocated. In addition to video footage, other open source information was gathered and analyzed.

In examining each area, the research team created a novel analysis method based on internationally-recognized "on-the-ground" procedures to determine the trajectory of the artillery fire.¹²⁰ The trajectory of the projectile is determined by a variety of factors, such as the type and hardness of the impacted ground, wind direction and speed, and the type of projectile. The researchers adopted a simple linear trajectory in the analysis, but the actual trajectory may vary due to the aforementioned factors.

¹¹⁷ TV RAIN, http://tvrain.ru/articles/snjali_tablichki_s_imenami_s_mogil_ pskovskih_desantnikov-374615/ (in Russian). 118 For collected reports see https://docs.google.com/spreadsheets/d/1Fx-

¹¹⁹ Russia Today, http://russian.rt.com/article/43677#juzz39JNVe6AU (in Russian); http://web.archive.org/web/20150210142502/http://russian. rt.com/article/43677 (archived).

¹²⁰ Gutierrez, Torpey, and Bellingcat, "How Digital Detectives Say They Proved Ukraine Attacks Came from Russia," op cit.



Maps showing the average trajectory of craters measured at the Amvrosiivka impact site, the approximate direction of fire indicated by burn marks on the ground near Seleznev, and the position and size of multiple rocket launchers used during the attack based on the position of track marks at the launch site. Source: Satellite image from Google Earth/Digital Globe.

Example 1. The Amvrosiivka Attack, July 14, 2014

Coordinates: 47.764550, 38.513236. Source: Google Earth/Digital Globe.

In a July 14, 2014 summary of the "anti-terrorist operation," Ukrainian media reported that an attack took place on positions of the Ukrainian armed forces in the vicinity of Amvrosiivka.¹²¹ It was suspected that the origin of this attack was the territory of Russia.122

- Satellite imagery from July 16, 2014, shows a correspond-1_ ing extensive crater field south of Amvrosiivka. The observable direction of each of the 330 craters in this crater field were analyzed, and an average trajectory of these craters was calculated and determined to be 193.97°, i.e., from the south-south west (180° being due south).
- When screening for possible firing positions from this trajectory, a firing position was found 14.6 kilometers from the crater field.
- Burn marks are visible at this location on satellite map imagery from July 16, 2014 which is on Russian territory and approximately 750 meters from the border near the

Russian village of Seleznev at the coordinates 47.63709, 38.469355.

The Amvrosiivka crater field is located south of the town at 47.76455, 38.513236. Satellite imagery from July 16 indicates a launch site coinciding in time with the report of the attacks at 47.63709, 38.469355.

Based on the markings at the launch site of the attack, it was possible to determine the type of multiple rocket launcher used (the BM-21 Grad/Tornado) and its position in relation to the damage done to the launch site.

The launch site north of Seleznev is showing clear burn marks from multiple rocket launches and track marks from the movement of vehicles in the area.

Burn marks at the site were used to determine the likely trajectory of the attack, and this matched the trajectory determined by the crater analysis.

^{121 &}quot;Anti-Terrorist Operation: Summary for July 14, 2014," InformNapalm, July 15, 2014, https://en.informnapalm.org/anti-terrorist-operation-summary-for-july-14-2014/, http://web.archive.org/web/20150210142924/.
 122 Facebook, https://www.facebook.com/v.parasyuk/ posts/675221185878989 (in Ukrainian) (https://archive.today/Z4NVR).



Image: Ukraine: Battle aftermath litters after Sverdlovsk militia pummels 72nd Motorized Brigade. *Source*: YouTube screenshot from Ruptly Video.

Example 2. The Sverdlovsk Attack Coordinates: 47.993078, 39.644672. Source: Google Earth/Digital Globe.

On July 28, 2014, the Russian news agency Ruptly published a video on YouTube entitled "Ukraine: Battle aftermath litters after Sverdlovsk militia pummels 72nd Motorized Brigade."¹²³

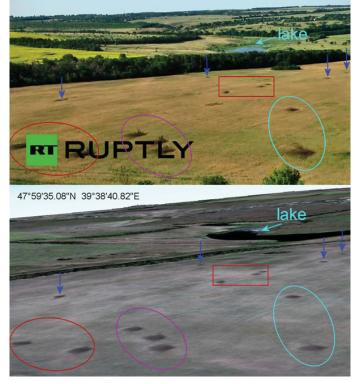
Several abandoned and damaged armored vehicles are visible in this video. The video description names day of the attack (Friday):

Ukrainian Army BMP-2, MT-LB and rocket launchers were left abandoned near Sverdlovsk on Saturday, after the 72nd Motorized Brigade suffered heavy losses during mortar shelling from the Lugansk People's Militia¹²⁴ on Friday.

Lugansk People's Militia has said that heavy losses were suffered by the Ukrainian army in both hardware and personnel after the Kyiv troops were hit by the 12mm [sic] mortar shells.

Since the video was released on July 28, 2014 (Monday) and the description states that the attack occurred on the previous Friday, this places the date of the attack on July 25, 2014.

Using the video footage, it was possible to identify the location of the Ruptly camera as a crater field close to the village of Khmelnytskyi, south of Sverdlovsk.



Images: Comparison shot from Ruptly video and the August 15, 2014.

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^{123 &}quot;Ukraine: Battle Aftermath Litters after Sverdlovsk Militia Pummels 72nd Motorized Brigade," Ruptly, July 28, 2014, https://www.youtube. com/watch?v=kj7sE6dsuW0.

¹²⁴ The Lugansk People's Militia is a Russian-backed separatist group.



Image: Result of the crater analysis at the village Khmelnytskyi, south of Sverdlovsk. *Source*: Satellite image from Google Earth/Digital Globe.

By analyzing the satellite imagery of the area it was possible to identify 209 craters. Using crater analysis, it was possible to determine three primary attack trajectories.

The trajectories of nine craters point directly east (green line). Two other trajectories (red and cyan lines) originate in a southeasterly direction. All three trajectories clearly point to firing positions within Russian territory. These firing positions are directly connected to the military camp of the Russian army near Pavlovka and a smaller firing position close to Malyy.

APPENDIX

Discussions in Ukraine, March 27 to April 3 and April 24 to April 27, 2015

Ukrainian government officials, journalists, and civil society activists shared a concern about possible future Russian military actions in eastern Ukraine. There was general consensus among interlocutors that the Kremlin was using the Minsk II ceasefire to funnel in soldiers and equipment in preparation for a possible incursion in the spring. While Mariupol's strategic location remains indisputable, concern for new aggression in the territories near Debaltseve seems greater.

The Situation in the East

Military and local government officials expressed no illusions about the Minsk II ceasefire continuing to hold in the Donetsk and Luhansk regions. Violations of the Minsk II ceasefire, including shelling of Ukrainian positions along the line of contact, have been documented regularly by the Organization for Security and Cooperation in Europe (OSCE) monitors.

Atlantic Council Ukraine Working Group members examined a series of fresh craters in the Luhansk oblast, which supported the crater analysis in this report. In one specific location along the line of contact with the so-called "Luhansk People's Republic" (LNR), soldiers reported observing the trajectory of the fire originating in separatist/Russian held LNR territory.

Local government officials in the Luhansk region confirmed the need for more humanitarian assistance. The internal refugee flows from the separatist or Russian controlled areas have strained public services and agencies. Volunteer groups, traveling from other Ukrainian regions, deliver basic aid, food, and supplies to the civilian population. Administrators noted that the most vulnerable groups, particularly the elderly, who had not been able to leave the separatist-controlled zone were living in unbearable conditions without electricity, heat, and clean water. Water shortages are expected to worsen as temperatures increase in the summer.

Local government authorities in the east face technical difficulties in countering the continued stream of Russian disinformation, which is broadcast on television and radio in the eastern regions. They expressed the need for additional technical assistance and support for developing local Ukrainian media. Ukrainian government officials and independent observers warned that the difficult living conditions in the government-designated Anti-Terrorist Operation (ATO) territories may make individuals susceptible to pro-Russian messaging and disinformation.

In addition, Ukrainian security and military officials reported the discovery of numerous storage bunkers scattered across Ukrainian-held territory, filled with arms, explosive materials, and communication instruments put in place by pro-Russian forces to ensure steady supplies for partisan activities conducted by pro-Russian agents beyond the contact-line on Ukrainian territory.

The National Security Situation

Officials in the Security Service of Ukraine and the Ministry of Defense shared physical evidence of Russian military presence that match the findings conducted by independent social media forensic teams inside Ukraine, as well as the Atlantic Council Working Group's own findings.

Ukrainian officials in the intelligence community expressed a great deal of interest in using open source for intelligence gathering. Civil society groups using similar techniques emphasized the need for technical training.

Ukrainian sources confirmed previous estimates that the total number of Russian troops and separatist fighters in the Donbas came close to thirty-six thousand along the line of contact, including an estimated eight to ten thousand Russian regular troops among them. According to Ukrainian intelligence services, an estimated eight to fourteen airborne and mechanized battalion tactical groups, each with a battalion tactical group comprising six hundred to eight hundred officers and soldiers, are known to be operating on Ukrainian territory.

Both Ukrainian and Western officials as well as independent Ukrainian researchers reported that a significant influx of military hardware and equipment, including T-64 and T-72 tanks as well as armored personnel carriers, continues. It is estimated that up to 200 tanks and 525 armored fighting vehicles as well as 145 artillery systems and 83 MLRS are currently in use.

Further, Ukrainian forces continue to observe significant Russian use of unmanned aerial vehicles (UAVs) for surveillance and targeting purposes, but lack not only the adequate tools to interfere with the Russian UAVs, but also their own UAVs. Ukrainian forces frequently rely on donated UAVs or improvised UAVs built by citizen groups.

List of individuals met in Kyiv and Luhansk

- Ambassador Ertugrul Apakan, Chief Monitor, Organization for Security and Cooperation in Europe, Special Monitoring Mission to Ukraine
- Roman Burko, Head Editor, InformNapalm Investigative Journalist Group
- Bruce Donahue, Deputy Chief of Mission, US Embassy in Ukraine
- Anatolii Harkaviy, Head, Luhansk Regional State Administration
- Hana Hopko, Member of Parliament, Head of the Foreign Affairs Committee in the parliament of Ukraine
- Ivanna Klympush-Tsintsadze, Member of Parliament, First Deputy Chairperson of the Committee, Foreign Affairs Committee in the parliament of Ukraine
- Anna Kovalenko, Adviser to the Minister of Information, Ministry of Information of Ukraine
- Hennadii Moskal, Governor, Luhansk Regional State Administration
- Vitalii Naida, Deputy Head, Security Service of Ukraine (SBU)
- Valentyn Nalyvaichenko, Head, Security Service of Ukraine (SBU)
- Colonel Oleksandr Nozdrachov, Head, Civil-Military Cooperation (CIMIC), Armed Forces of Ukraine
- Andriy Parubiy, former Secretary of the National Security and Defense Council of Ukraine
- Lieutenant Colonel Viacheslav Popov, Deputy Chief of Section, Civil-Military Cooperation (CIMIC), Armed Forces of Ukraine
- Geoffrey Pyatt, US Ambassador to Ukraine
- Olena Tregub, Adviser to the Minister of the Economy, Ministry of the Economy of Ukraine
- Dmytro Tymchuk, Member of Parliament, Committee on National Security and Defense in the parliament of Ukraine
- Svitlana Zalishchuk, Member of Parliament of Ukraine

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Annex 449

Human Rights Watch, Ukraine: More Civilians Killed in Cluster Munition Attacks (19 March 2015)

Ukraine: More Civilians Killed in Cluster Munition Attacks

hrw.org/news/2015/03/19/ukraine-more-civilians-killed-cluster-munition-attacks

March 19, 2015

March 19, 2015 12:00AM EDT

Both Sides Have Used Widely Banned Weapon



Expand

Submunitions that failed to explode during a cluster munition attack on Stakhanov on January 23.

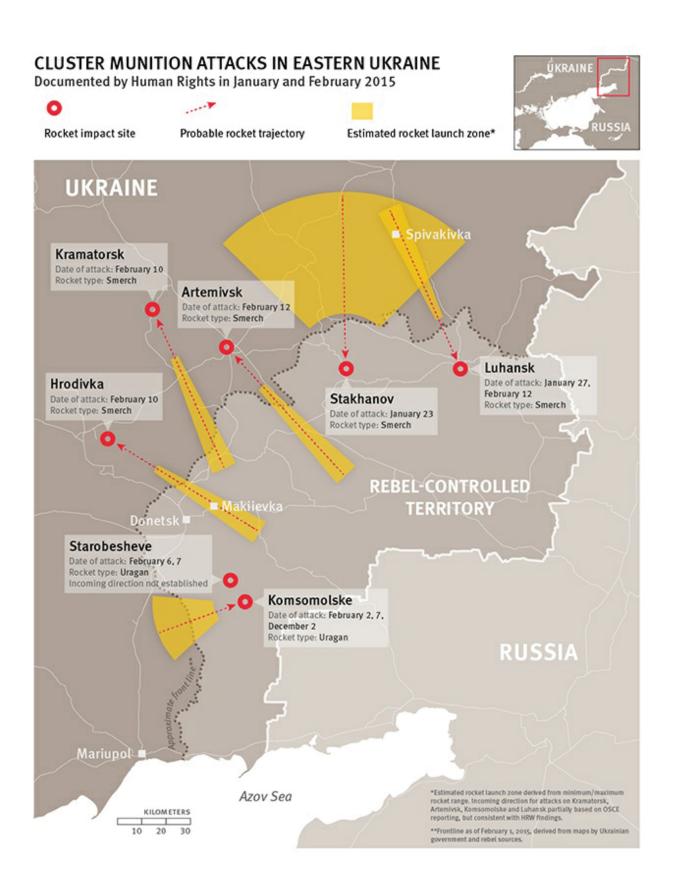
© 2015 Human Rights Watch

(Berlin) – Government and Russia-backed rebel forces repeatedly used cluster munitions in eastern <u>Ukraine</u> in January and February 2015, killing at least 13 civilians, including at least two children, Human Rights Watch said today. The use of cluster munitions in populated areas violates the laws of war due to the weapon's indiscriminate nature and may constitute a war crime.

"Using cluster munitions shows utter disregard for civilians," said<u>Ole Solvang</u>, senior emergencies researcher at Human Rights Watch. "Neither side should use these widely banned weapons; they affect a large area, endangering nearby civilians, and unexploded submunitions pose a risk to civilians long after the attack." Cluster munitions contain dozens or hundreds of smaller munitions, called submunitions, in a container such as a rocket or a bomb. After launch, the container opens up, dispersing the submunitions, which are designed to explode when they hit the ground. The submunitions are spread indiscriminately over a wide area, often the size of a football field, putting anyone in the area at the time of attack, whether combatants or civilians, at risk of death or injury.

In addition, many of the submunitions do not explode on impact, but remain armed, becoming de facto landmines. Any location contaminated with dud submunitions remains hazardous until cleared by qualified personnel.

During a 10-day investigation in eastern Ukraine, Human Rights Watch found evidence of attacks using cluster munition rockets in at least seven villages, towns, and cities between January 23 and February 12, with some locations hit multiple times. Human Rights Watch investigated the seven populated areas, three in government-controlled territory, and four in rebel-held territory. The weapons used were surface-fired 300 millimeter Smerch (Tornado) and 220 millimeter Uragan (Hurricane) cluster munition rockets, which deliver 9N210 or 9N235 antipersonnel fragmentation submunitions. Human Rights Watch gathered information, including photos of remnants, about cluster munition rocket attacks in other locations as well.



Forces in rebel-held areas most likely launched the cluster munition attacks that struck government-controlled areas, and Ukrainian government forces most likely launched the cluster munition attacks that struck rebel-held areas, Human Rights Watch said. Human Rights Watch drew this conclusion based on an assessment of the impact location, including whether

there were military targets in the vicinity, the direction of the attack, and the minimum and maximum ranges of the weapons used. For two attacks that hit rebel-controlled places, one in the city of Luhansk and another in Stakhanov, the direction and minimum range of the rockets used exclude the possibility that forces in rebel-controlled territory launched the cluster munitions.

Human Rights Watch was able to identify the use of cluster munition rockets by observing the distinctive impact crater and fragmentation pattern that their submunitions create when they explode and by examining remnants of the submunitions found at the impact sites and by the remnants of the rockets found in the vicinity.

To determine the direction of the attacks, Human Rights Watch examined rocket remnants, including the cargo, rocket motor, and tail sections of cluster munition rockets. In most cases, the tail sections were stuck in the ground, indicating the direction from which the rockets came. Human Rights Watch also analyzed craters and damage to buildings. In the cases Human Rights Watch investigated, the tail section also appeared to fly further than the submunitions, providing additional indication of the rocket's direction.

In three places Human Rights Watch documented that Uragan unguided high-explosive fragmentation (HE-Frag) rockets struck at the same time as cluster munition rockets. In at least two places, these HE-Frag rockets killed civilians. Human Rights Watch documented and condemned the use of unguided rockets in populated areas in <u>July 2014</u> and <u>January 2015</u>.

Human Rights Watch has previously<u>documented</u> the use of cluster munitions in eastern Ukraine. Though Ukrainian authorities have taken some steps to investigate findings of an October 2014 Human Rights Watch report, <u>the investigation has been inadequate</u> and more needs to be done, Human Rights Watch said.

Both Ukrainian and Russian authorities have <u>condemned</u> cluster munition use in populated areas. Human Rights Watch believes that cluster munitions should never be used, even outside of populated areas, because of the risk of harming civilians.

Human Rights Watch calls on Ukraine and Russia to join the 2008 Convention on Cluster Munitions prohibiting the use of cluster munitions in any circumstance. A total of 116 nations are party to the treaty, which also requires clearance of cluster munition remnants and assistance to victims of the weapons.

Ukrainian authorities should immediately stop using cluster munitions, and Russia should under no circumstances provide cluster munitions to rebel forces and use its influence over the forces in Ukraine to end the use of cluster munitions, Human Rights Watch said. Both should investigate and hold accountable any personnel responsible for firing cluster munitions into populated areas, Human Rights Watch said.

"Both Ukrainian and Russian authorities seem to agree that it is unacceptable to use this weapon in populated areas," Solvang said. "Their actions need to match their rhetoric."

Human Rights Watch is a co-founder of the international Cluster Munition Coalition and serves

as its chair.

For detailed findings, please see below.

Attacks and Locations

Human Rights Watch investigated first-hand the following attacks using cluster munition rockets and documented the location, date, weapon type, and number of civilian fatalities:

In government-controlled territory:

- Kramatorsk, February 10, Smerch, 5 civilians killed
- Hrodivka, February 10, Smerch, 5 civilians injured
- Artemivsk, February 13, Smerch, 2 civilians killed

In rebel-controlled territory:

- Luhansk city, February 12, Smerch, no documented casualties
- Komsomolske, February 7, Uragan, 2 civilians killed
- Starobesheve, February 7, Uragan, 1 civilian killed
- Komsomolske, February 2, Uragan, 2 civilians killed (likely by HE-Frag rockets)
- Luhansk city, January 27, Smerch, 2 civilians killed
- Stakhanov, January 23, Smerch, 2 civilians killed on January 21 (likely from HE-Frag rockets)
- Komsomolske, December 2, 2014, Uragan, 1 civilian killed

Cluster Munition Attacks on Government-Controlled Areas

Artemivsk

On February 13, 2015, cluster munitions were used in an attack on the northeastern part of Artemivsk, a government-controlled city in the Donetsk region about 25 kilometers north of the front lines. On February 18, Human Rights Watch examined multiple craters in a residential area consisting of detached houses. The craters were consistent with the use of the types of submunitions delivered by Smerch cluster munition rockets, and Human Rights Watch found a submunition stabilization fin near one of the craters.

Local residents told Human Rights Watch that the attack had killed at least two people, a woman and a boy who had been playing with friends in a playground near the local school. A spokesperson for the Donetsk regional administration confirmed to Human Rights Watch that the attack had killed a woman and an 8-year-old boy.

Local residents also described finding remnants of the weapon, such as a "pipe with holes," a description consistent with the central part of the cluster munition rocket cargo section that can often be found as a remnant after a cluster munition attack. By the time Human Rights Watch arrived at the site, however, local authorities had removed the remnants.

The Organization for Security and Cooperation in Europe (OSCE) monitors who examined the site shortly after the attack <u>concluded</u> that Smerch rockets had struck the area and that the attack had come from the southeast.

Kramatorsk

Between noon and 1 p.m. on February 10, cluster munitions were used in an attack on at least two residential areas in Kramatorsk, a government-controlled city in Donetsk region, about 50 kilometers northwest of the front lines.

A spokesperson for the Donetsk region administration told Human Rights Watch that the attack killed 5 civilians and 12 military servicemen, and that 34 people had required hospital treatment.

Human Rights Watch investigated the impact areas on February 11 and 12.

Vlad, 13, told Human Rights Watch from his hospital bed that he had been playing with two friends in the courtyard of his apartment block when they suddenly heard explosions:

When we heard the first explosion we started running toward the entrance. But then many bombs started exploding all around us. Shrapnel was flying everywhere. I looked back and saw that one of my friends was holding his shoulder. A fragment also pierced my thigh. It wasn't very painful at first, but I felt that my pants became wet from blood. We had to wait for a long time for the ambulance, and my head started spinning.

Human Rights Watch documented 9 places where submunitions detonated in an area dotted with garages immediately adjacent to the airport in Kramatorsk, 20 in an area with multi-story apartment buildings just north of Parkovka Street near the airport, and 13 closer to the center along Lenin Street, including two that struck the grounds of a hospital.



A submunition impact crater and fragmentation damage on the wall where two people died in Kramatorsk during an attack with cluster munitions on February 10. © 2015 Human Rights Watch

The same attack also struck the airport, which serves as the headquarters for the government's military operations in eastern Ukraine, and which was likely the target for the main attack. The impacts on Lenin Street were located around a base used by border guard forces, which might have been the target of that attack.

In close proximity to several of the submunition impact craters Human Rights Watch found remnants of the submunition's stabilization fins and the pre-formed metal fragments (consisting of chopped steel rods) that are inside each submunition. Human Rights Watch also examined the tail sections of two Smerch rockets, one of which was still standing in the ground, and the remnants of a cargo section from a Smerch cluster munition rocket.

OSCE monitors who investigated the area shortly after the attack <u>concluded</u> that the rockets were fired from the south-southeast. Human Rights Watch observations on the ground were consistent with this conclusion.

Hrodivka

At about 7 p.m. on February 10, the day of the Kramatorsk attack, cluster munitions were also used in an attack on Hrodivka, a small government-controlled town about 55 kilometers south southwest of Kramatorsk.

A member of the local administration told Human Rights Watch that the attack wounded eight people, five civilians, and three soldiers. A doctor at a local hospital said that the hospital had received eight injured people, five civilians, and three soldiers, after the attack. The doctor also said that they had amputated one woman's leg because of her injuries.

Sveta, 38, another woman injured in the attack, told Human Rights Watch from her hospital bed that she was on her way to work when the attack happened:

When I heard the first explosion I sat down on the ground and covered my head as I usually do when we hear explosions. When I heard a second explosion and shrapnel started slamming into the gate next to me I lay down and could feel pain in my left leg. Only when I got home, however, did I see that it was a serious wound and I needed to go to the hospital.

The attack also wounded 83-year-old Ivan Fedorovich in the hand and stomach. He showed Human Rights Watch a submunition impact crater right outside the gate to his house and holes created by pre-formed fragments in the metal gate.



Ivan Fedorovich, 83, holds fragments that wounded him in his hand and stomach during a cluster munition attack on Hrodivka on February 10. © 2015 Human Rights Watch

Human Rights Watch examined dozens of submunition impact craters, three cargo sections, and four tail sections from Smerch cluster munition rockets in Hrodivka. Some of the rocket remnants, which appeared to point in different directions, had landed in soft soil or showed signs that they had been significantly bent on impact, making it difficult to establish the

incoming direction based on a single rocket remnant. However, three of the tail sections and one cargo section that were still firmly stuck in the ground indicated that the rockets had come from the southeast.

Human Rights Watch observed a significant number of government forces at the southeastern edge of the city, close to one of residential areas that had been struck. The attack might have targeted these government forces.

A vehicle-tracking database maintained by the citizen investigative journalist group Bellingcat includes <u>three YouTube videos</u> of BM-30 Smerch multi-barrel rocket launch vehicles allegedly in rebel-controlled area. According to the users who uploaded the videos, the vehicles drove through the town of Makeevka on January 22, February 10 (the day of the Kramatorsk and Hrodivka attacks), and February 22. Makeevka is near possible launch locations for both the Kramatorsk and Hrodivka attacks.

Cluster Munition Attacks in Rebel-Controlled Areas

Luhansk

Smerch cluster munition rockets were used in an attack on the city of Luhansk on several occasions in January and February, killing at least two civilians. Human Rights Watch investigated the sites of two cluster munition attacks on February 15.

On January 27, cluster munition rockets were used twice in attacks on residential areas in the Artemivsk district in the western part of Luhansk. Medical personnel told Human Rights Watch that the attack had killed two civilians.

Sergey, 35, told Human Rights Watch that he went to the kitchen with his father when he heard the first explosion at about 11:30 p.m. While they were there, at least four submunitions exploded in their courtyard:

One bomb landed right outside the door and the shrapnel injured me and my father. I found myself lying under the table in a pool of blood. The explosion broke my left leg. Shrapnel also hit my stomach. Eventually I lost consciousness.

When Human Rights Watch interviewed Sergey, more than two weeks after the attack, both he and his father were still receiving treatment in the hospital.



Sergey, 45, who was injured during a cluster munition attack on Luhansk on January 27. © 2015 Human Rights Watch

Human Rights Watch examined more than a dozen submunition impacts along Izvestkova Street and around school number 37, as well as fragmentation damage on walls, fences, and gates. Several buildings, including the school, appeared to have new windows, which local residents said had been installed because the attack had shattered windows. Residents showed Human Rights Watch stabilization fins and pre-formed fragments that they had collected after the attack.

Human Rights Watch also examined the tail section of a Smerch rocket still stuck in the ground in front of 24 Patona Street, about 2 kilometers southeast of the Izvestkova Street impact area. The rocket remnant showed that the rocket had come from the northwest. OSCE monitors who inspected three cargo sections the day after the attack <u>concluded</u> that the rockets had come from north-northwest.

In the second attack, submunitions detonated on and near Arktychna Street in the Zhovtnevy district shortly after midnight on February 12. The area is residential with detached houses. Human Rights Watch examined several craters in the road, a destroyed roof, and a stabilization fin and pre-formed fragments that local residents had gathered after the attack. Local residents said the attack did not kill or injure anybody.



Fragments and remnants of a submunition's stabilization fins found after a cluster munition attack on Luhansk city on February 12. © 2015 Human Rights Watch

At least one rocket tail section appeared to have landed in a courtyard in the Ostraya Mogila neighborhood in the Lenin district, approximately 3.5 kilometers southeast of the submunition impact area. (There might have been other submunition impact areas and rocket remnants that Human Rights Watch did not identify). By the time Human Rights Watch examined the area, local authorities had removed the tail section, but the crater and descriptions by residents that had seen the rocket remnant before it was removed from the ground indicated that the rocket had come from the northwest. OSCE monitors who inspected the remnant the day after the attack <u>reached the same conclusion</u>.

Human Rights Watch identified at least two rebel bases that might have been targets of the attack less than 1 kilometer from where the tail section landed.

Given the direction from the northwest of the two cluster munition attacks and the 20-kilometer minimum range of Smerch cluster munition rockets, it would have been impossible for the rockets to have been fired from rebel-controlled area.

On January 26, the OSCE monitors <u>reported</u> that they heard what they assessed to have been Smerch rockets being launched from near Spivakivka, about 70 kilometers north-northwest of Luhansk. Their observation provides additional indication that government forces had Smerch rocket launching systems in the suspected launch area in the period of the attacks. A member of an ordnance clearance team in Luhansk told Human Rights Watch that the team had cleared remnants from 23 Smerch cluster munition rockets that they had found in the city since the beginning of January. He also said that they had found and neutralized 17 unexploded submunitions, but that there were probably more. A clearance team member said that they had also recorded cluster munition attacks on January 24 and February 11.

Komsomolske

Between February 2 and 7 multiple attacks with Uragan rockets containing HE-Frag warheads and cluster munitions struck Komsomolske, a village about 40 kilometers southeast of Donetsk.

Local residents told Human Rights Watch that a cluster submunition killed Aleksandr Trufanov, 42, and his 10-year-old son at about 10 p.m. on February 7. A relative confirmed their deaths.

Human Rights Watch examined more than a dozen craters and impact sites, including damage to the walls and windows of a school, consistent with the use of cluster munitions, as well as a cargo section and pre-formed fragments and stabilization fins from submunitions showing conclusively that cluster munitions were used in an attack on the village. Human Rights Watch also examined three Uragan rocket remnants (tails) stuck in the ground, including near a school and in the center of the village. The rocket remnants that Human Rights Watch examined suggested that the rockets had come from the west. OSCE monitors who visited Komsomolske on February 3 concluded that the February 2 attack had originated from the southwest, suggesting at least two separate launching positions.

At the time of the attacks, the front line was about 30 kilometers west and about 20 kilometers southwest of Komsomolske. With a range of 10 to 35 kilometers, the rockets could have been fired from either government- or rebel-controlled territory. However, given the systematic nature of the attack and the location of rebel forces in both Komsomolske and Starobesheve, which were attacked by cluster munitions in the same period, Human Rights Watch believes that the rockets most likely originated from government-controlled territory.

A local resident said that cluster munitions were also used in an attack on Komsomolske on December 2, 2014, killing a 33-year-old woman. Human Rights Watch examined craters and damage to the wall, which were consistent with cluster munition use, at the site where the woman was killed.

Human Rights Watch also examined several houses that had been destroyed by Uragan HE-Frag rockets in the same period. Local residents told Human Rights Watch that a HE-Frag rocket had killed two civilians on February 2, 2015, including a young girl.

Starobesheve

On February 6 and 7, cluster munitions were used in an attack on Starobesheve, a town about 35 kilometers southeast of Donetsk.

The February 6 attack, at about 5 a.m., did not result in any casualties, local residents said. The February 7 attack, however, between 10 and 11 p.m., killed Vasyliy Lagunov, 46, as he was walking home from work. Local residents showed Human Rights Watch where they found his body and Human Rights Watch documented a submunition impact crater a few meters away. Lagunov's father confirmed the death.

Human Rights Watch identified two areas attacked with cluster munition rockets and examined more than a dozen submunition impact craters. A local rebel fighter showed Human Rights Watch six cargo sections from Uragan cluster munition rockets that he had collected shortly after the attacks, as well as a 9N210 submunition that had failed to both explode on impact and to self-destruct one minute after being dispersed. Human Rights Watch also documented damage likely caused by HE-Frag Uragan rockets.



Remnants of cluster munition rockets collected by rebel fighters after attacks on Starobesheve on February 6 and 7. © 2015 Human Rights Watch

Because most remnants had been removed shortly after the attacks, Human Rights Watch was not able to establish independently the direction of the attack. Local residents told Human Rights Watch, however, that the February 7 attack had taken place at the same time as the attack on Komsomolske, indicating that they were part of the same attack.

Stakhanov

At about 4 a.m. on January 23, cluster munitions were used in an attack on the center of Stakhanov, a rebel-controlled town 45 kilometers west of Luhansk.

The head of the local hospital told Human Rights Watch that the hospital had received and treated three civilians after the attack.

Human Rights Watch examined three cargo sections and three tail sections from Smerch cluster munition rockets that were still stuck in the ground. The remnants indicated that the rockets had come from the northeast, north, and northwest.

At the time of the attack, the <u>front line</u> was about 15 kilometers from Stakhanov to the northeast and north, making it impossible for Smerch rockets coming from that direction to have originated in rebel-controlled area.

At a collection point for remnants of weapons, Human Rights Watch counted parts from more than 30 Smerch cluster munition rockets and a few Uragan cluster munition rockets that a local clearance team had collected from Stakhanov and surrounding towns. The clearance team also showed Human Rights Watch nine unexploded submunitions that they had collected after the January 23 attack. On the day when Human Rights Watch visited, more than three weeks after the attack, the clearance team found and removed an unexploded submunition from the grass next to a pedestrian street in the center of town.

At least two civilians were killed in the town on January 21, according to local residents, but most likely by HE-Frag rockets, not by cluster munitions.

Technical Background

Both the Uragan and Smerch rockets are "designed to engage manpower and soft-skinned materiel in concentration areas," according to its manufacturer, <u>Splav SPRA</u>, based in Tula, Russia.

The <u>Uragan</u> cluster munition rocket can deliver 9N210 or 9N235 submunitions, while the <u>Smerch</u> cluster munition rocket can deliver only the 9N235 submunition. The 9N210 and 9N235 submunitions contained in these rockets are identical in size, shape, and color. Each submunition has six rectangular black metal pop-up stabilization fins at the end opposite its impact fuze. The key difference between the two types of submunitions is the size, shape and number of the fragments. The submunitions are designed to self-destruct at a set time after being ejected from the rocket.

Launcher type	Rocket designation	Minimum/Maximum range	Quantity of submunitions per rocket	Quantity and size of pre-formed fragments per submunition	Submunition self-destruct time
BM-27 Uragan	9M27K	10/35 km	30	370 to 400 fragments of 2.0 grams each	110 seconds

BM-27 Uragan	9M27K1	10/35 km	30	96 fragments of 4.5 grams each and 300 fragments of 0.5 grams each	110 seconds
BM-30 Smerch	9M55K	20/70 km	72	96 fragments of 4.5 grams each and 300 fragments of 0.75 grams each	110 seconds

Source: Russian Federal State Unitary Enterprise "Splav State Research and Production Association" webpages -- <u>http://splav.org/en/arms/uragan/m27k.asp</u> and <u>http://splav.org/en/arms/smerch/m55k.asp</u> -- accessed March 17, 2015.

Annex 450

James Miller, Pierre Vaux, Catherine A. Fitzpatrick & Michael Weiss, An Invasion By Any Other Name (September 2015)

IMR INSTITUTE OF MODERN RUSSIA

THEINTERPRETER

65116

An Invasion by Any Other Name: The Kremlin's Dirty War in Ukraine

By James Miller, Pierre Vaux, Catherine A. Fitzpatrick, and Michael Weiss

IMR INSTITUTE OF MODERN RUSSIA

The Institute of Modern Russia (IMR) is a public policy think-tank that strives to establish an intellectual framework for building a democratic Russia governed by rule of law. IMR promotes social, economic, and institutional development in Russia through research, analysis, advocacy and outreach. Our goal is to advance Russia's integration into the community of democracies and to improve its cooperation on the global stage.

Founded in 2010, IMR is located in New York City and is an affiliate of the Open Russia movement. IMR is a federal tax-exempt Section 501(c)(3) public charity, incorporated in New Jersey.

THE**INTERPRETER**

The Interpreter is a daily online journal dedicated primarily to translating media from the Russian press and blogosphere into English and reporting on events inside Russia and in countries directly impacted by Russia's foreign policy.

Conceived as a kind of "*Inopressa* in reverse," *The Interpreter* aspires to dismantle the language barrier that separates journalists, Russia analysts, policymakers, diplomats and interested laymen in the English-speaking world from the debates, scandals, intrigues and political developments taking place in the Russian Federation.

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Foreword

Since February 2014, Russian president Vladimir Putin has been conducting a war against Ukraine. He first seized Crimea using unidentified Russian troops whom he later acknowledged as his soldiers. He then began a hybrid war in Ukraine's east, which he still denies waging.

If Putin is going to continue his war policy toward Ukraine, it is very much in his interest to maintain this air of deniability. This helps him deal with the two major problems that his own policies have created.

The first is the Western sanctions that a reluctant European Union has imposed on him for aggression in Ukraine. Hoping that the Kremlin's seizure of Crimea was the end of Putin's aggression, the EU was slow to react to Moscow's aggression in the Donbass. The EU ignored the fact that Kremlin agents such as FSB Colonel Girkin (also known as Strelkov) and Moscow political consultant Aleksandr Borodai organized the Donbass rebellion. When Moscow sent the Vostok Battalion to Ukraine in late May and T-64 tanks and advanced anti-aircraft weapons in June and July, the EU still declined to notice and to impose serious, sectoral sanctions. Those sanctions only came after a Russian-supplied Buk anti-aircraft system shot down MH17, a commercial airliner carrying nearly 200 Dutch passengers.

The second problem Putin faces is the strong opposition of the Russian public to the use of Russian troops in the war. Numerous polls by the Levada Center, a prestigious Moscow think tank, have made this sentiment clear. Putin is afraid that his popularity and support might suffer if it becomes clear that he has sent troops to fight and die in the Donbass.

If Western governments were clear-eved in regard to Putin's aggressive designs, Kremlin efforts to hide its hand in the war with Ukraine would not be very important. U.S. and, more broadly, Western intelligence would spread the word that the "civil war" in the Donbass was manufactured in Moscow. But such has not been the case. Post-Cold War Europe has gotten used to a historically unprecedented period of peace and prosperity, and many there do not want to wake up to the dangers brewing on their eastern borders. Meanwhile, the White House, understandably reluctant to engage in possible military engagements after the spectacular failures of American interventions in Iraq, Afghanistan, and Libya, labors under the delusion that the Ukraine crisis is a European or regional crisis--as

if a rampaging major nuclear power can be effectively managed by the EU!

Distracted by the less critical security challenges of the Middle East, the United States and other Western powers have not devoted enough intelligence resources to Moscow's excellent adventure in Ukraine. And even when they have the intelligence capability, they have been slow to release it or characterize it properly. So even as Russian troops crushed Ukrainian forces at Ilovaisk in the late summer of 2014, the White House chose not to refer to Moscow's action as an "invasion." Instead, it chose an old weasel word from the vocabulary of President Nixon, who described an American military operation in Cambodia as an "incursion."

American reluctance to devote the necessary intelligence to Kremlin aggression in Ukraine and to speak frankly about it is a problem, yet in Europe the problem is worse. So when the Obama administration and NATO Supreme Commander Breedlove late last winter spoke of the introduction of major Russian weapons systems into the Donbass, the German chancellor's office briefed German papers that the United States was exaggerating developments.

In this environment, the work of independent researchers has become extremely important. If the governments of the West are slow to identify the danger, private individuals and institutions need to pick up the challenge.

One such institution is *The Interpreter*, which has been covering Moscow's war on Ukraine doggedly and in detail since the start. This report—*An Invasion by Any Other Name: The Kremlin's Dirty War in Ukraine*, by James Miller, Pierre Vaux, Catherine A. Fitzpatrick, and Michael Weiss—is an important culmination of many months of work.

The authors do not hide their intention. In this report, they aim to provide a "thorough, focused account of Russia's dirty war in the Donbass." Nor do they shrink from drawing important analytical conclusions. They correctly state that "were it not for the heavy injection of Russian weapons and Russian soldiers, the separatists would have been militarily defeated in Ukraine's Anti-Terrorist Operation toward the end of the summer of 2014."

The report provides a meticulous and near-exhaustive account of:

• The Russian equipment that has appeared in the hands of the separatists since the hybrid war in the

Donbass began

- The presence of Russian commanders and soldiers in Ukraine
- The introduction of regular Russian forces
- The deaths of Russian soldiers—Cargo 200—in the fighting

The efforts by relatives, nongovernmental organizations, and reporters in Russia to find and publicize information about those deaths

The repressive measures taken by Russian authorities to prevent that from happening

While Kremlin propagandists have been quick to label writers for *The Interpreter* as partisan in their reporting on Ukraine, their work has in fact been meticulous. They judiciously weigh the evidence before making claims about any of the questions of study.

Overview

war in east Ukraine and has in fact invaded its neighbor.

This report aims to offer a thorough forensic accounting of Russia's dirty war in the Donbass in two ways: first, by surveying the evidence of advanced weapons systems on the battlefield that can only have come from Russia; and second, by examining all available evidence on Russian military casualties and fatalities suffered in Ukraine.

Based on the analysis contained here, it is the view of the present writers that, were it not for the heavy injection of Russian weapons and Russian soldiers into east Ukraine, the separatists would have been militarily defeated by Ukraine's "Anti-Terrorist Operation" (ATO) launched toward the close of summer 2014. Instead, Russian materiel and manpower have kept the conflict simmering, with occasional boil-overs, for more than a year with the purpose of steadily expanding the borders of the self-declared "Donetsk and Lugansk People's Republics," in flagrant violation of the both the Minsk Protocol cease-fire agreement signed in September 2014 and the so-called "Minsk II" agreement signed in February 2015.

The Interpreter magazine, a special project funded by the Institute of Modern Russia, has covered, in real time, developments in Ukraine for more than 550 straight days, starting just before the height of the Euromaidan Revolution. Nearly every battle and data point dealing with Russian interference in the Donbass They are quick to point out when the evidence regarding the presence of Russian equipment or soldiers is overwhelming or merely circumstantial. They have also brushed aside some claims—such as the recent evidence suggesting that over 2,000 Russian soldiers have died in Ukraine—when they do not believe them to be firmly based in fact.

We owe the authors of this report a great debt. They provide here in convenient form persuasive information about the extent of Moscow's aggression in Ukraine. This document will play an important role in educating the West about the danger of Putin's policies.

> John E. Herbst Director, Dinu Patriciu Eurasia Center, Atlantic Council

has been documented.

A Note on Sources and Methodology

Many of the citations in this article link to heavily researched reporting and analysis conducted by *The Interpreter* in its previous work; these citations link to their own source material. In cases in which *The Interpreter* has conducted original reporting or translation, has combined multiple sources to cover a story, or has provided significant additional analysis, links in this report will point toward our original work.

Perhaps no single report to date has been more valuable in understanding the scope of Russian military involvement in Ukraine than a report published in November 2014 by the weapons and munitions specialists at Armament Research Services (ARES). That document represents the most comprehensive catalog of weapons used in the conflict in eastern Ukraine to date.

ARES designated certain weapons, vehicles, and other pieces of equipment as "red flags"—materiel that the Ukrainian military did not use or possess at the start of the conflict. ARES was able to document tanks, armored vehicles, small arms, anti-aircraft systems and other weapons and military equipment that are today in the hands of "separatists" and must have come from "external parties," likely Russia.

This report seeks to go beyond the scope of ARES's initial investigation by placing the appearance of Russian military equipment in the context of the broader conflict.

Executive Summary

Ivan, Get Your Gun: Evidence of Russian Military Equipment in Ukraine

- In March 2014, Russian soldiers spread out across the Crimean peninsula, taking control of government offices and key checkpoints. At the time, the Russian government claimed that these armed militants were local activists, not Russian soldiers, despite considerable evidence to the contrary. Months later, Russian president Vladimir Putin admitted that these individuals had in fact been Russian soldiers.
- Weeks after the illegal annexation of Crimea, armed militants began to capture police stations and government buildings in various towns and cities across the Donbass region of southeastern Ukraine.
- Some of the militants operated with elite precision reminiscent of special forces units in conducting raids on police stations. Several important commanders of the separatist fighters were reserve officers in the Russian military with ties to the GRU (the Russian military intelligence agency). The separatists also received direct support from several high-profile ultra-nationalists who had direct ties to the Russian military and the Russian president.
- The Russian military has been building up its presence on Ukraine's border, starting before the annexation of Crimea and continuing through to this day. Russian soldiers on the border both constitute a threat of outright invasion and also provide a jumping-off point from which Russian soldiers and armor can cross into Ukraine in smaller numbers.
- In late May 2014, as the Ukrainian military operation to retake the Donbass was gaining speed, a group of militants calling themselves the Vostok Battalion, a name that harkens back to an infamous and now-disbanded Russian *Spetsnaz* unit, led a series of brazen attacks of unprecedented scale in and around Donetsk, in what would become the western capital of the self-declared "People's Republics." The fighters, many of whom said they were Chechen, appeared in Ukraine less than one month after Chechen presi-

dent Ramzan Kadyrov threatened to send troops to combat the "junta" in Kiev.

- On May 26, the day after Petro Poroshenko was elected president of Ukraine, the largest battle in Ukraine to date took place when the Vostok Battalion led an attack against Donetsk Airport. Ukrainian forces counterattacked with jets and helicopters, killing more than 30 Russian-backed fighters. Russian journalists soon discovered that some of these men were "former" members of the 45th Special Purpose Separate Guards Airborne unit—a *Spetsnaz* unit. Days later the Vostok Battalion evicted the separatist leaders from their headquarters in Donetsk as the Russian military took direct control of the fight in Ukraine.
- After two weeks of escalating fighting, the first "separatist" tanks, a convoy of T-64s, were spotted moving from the easternmost territory controlled by the Russian-backed fighters toward the frontlines in the west. NATO soon released satellite images from the day before of three Russian tanks boarding flatbed trucks just over the border, and an analysis of the vehicles' paint scheme indicated that they were not captured Ukrainian military tanks. The conclusion was that either the tanks were given to the separatists by the Russian military or Russian soldiers were actually driving the vehicles.
- In the following weeks more tanks were spotted across eastern Ukraine, and the Ukrainian government warned that Russian military forces were building on the border. By June 16, the Ukrainian military had reported that there were more than 40,000 Russian troops on Ukraine's borders and 15,000 to 20,000 militants in the Donbass, approximately half of whom were from the Russian Federation.
- The following week, the Ukrainian military continued to make military gains in the west while reporting a reversal in fortune along the Russian border in

the east, where Russian-backed forces were increasing their attacks and even capturing border crossings. The number of tanks and armored vehicles mobilized by the Russian-backed fighters continued to swell.

- Throughout May, a number of Ukrainian helicopters were shot down by MANPADS (man-portable air defense systems, more commonly known as shoulder-fired anti-aircraft missiles). The Ukrainian government also reported capturing a number of these systems, and an analysis by at least one arms group suggests that some of these weapons originated from the Russian military.
- In early July, a series of much more sophisticated anti-aircraft vehicles began to appear in the Donbass. These included the Strela-10, a relatively fast-moving armored, tracked vehicle equipped with formidable surface-to-air missiles (SAMs) and a machine gun. There is no record of the Ukrainian military ever losing any of these vehicles to Russian-backed fighters, nor would amateur fighters know how to operate a sophisticated weapons system of this type. Once again, these weapons also did not share the Ukrainian military's paint scheme and all identifying marks had been removed.
- Starting in July, higher-flying and faster-moving Ukrainian aircraft began to be shot down by the Russian-backed fighters. The most famous of the weapons used by these fighters appears to have been the Buk, a long-range anti-aircraft missile system that evidence overwhelmingly suggests was responsible for the shooting down of the civilian airliner Malaysian Airlines Flight MH17.
- By the end of August, Ukraine had stopped using its air power to confront the Russian-backed fighters.
- In mid-July, citizen reporters uploaded videos shot from inside Russian territory that show outgoing Grad rocket fire on July 16, the evening before MH17 was shot down. The next day news reports emerged of heavy Ukrainian military casualties.
 Some Ukrainian soldiers actually crossed the border into Russia to receive medical treatment in the same town from where the Grad rockets originated.
- The soldiers hit by this storm of rockets were positioned in an area known as Sector D. The Ukrainian military had been advancing into this area in May, but by June 4, the Russian-backed forces

had captured new positions. The Ukrainian military was thus stuck in a narrow five-kilometer-wide strip of land. Those positions were shelled from Russia as early as July 11, and by August 8, the Ukrainians had withdrawn and surrendered large sections of the border to the Russian-backed forces, effectively giving the Russian military complete control of over 100 kilometers of Ukraine's southeastern border.

- Throughout July and August, large infusions of new weapons and soldiers crossed the border to join the separatist fight against the Ukrainian government.
- One such weapon transported across the border was the T-72 main battle tank. Not only had the Ukrainian military never used this tank in the conflict, but multiple variants of the tank spotted in eastern Ukraine were never possessed by the Ukrainian military because they were modernized versions of a tank that Russia never exported. The first recorded T-72 on Ukraine's battlefields appeared in the hands of the infamous Vostok Battalion mentioned earlier, and the tanks were later spotted at key battles across eastern Ukraine, including those in Sector D and Ilovaisk, which were major turning points in the war.
- By late July, just before the arrival of the T-72s, large convoys consisting of a mix of Strela-10s, T-64s, and columns of armored vehicles had regularly been seen moving on key highways between Lugansk and Donetsk, the two separatist capitals, and on or near the frontlines of combat. The United States warned that large columns of Russian armor had crossed the border. Ukrainian forces were losing ground rapidly.
- In early August, despite retaking territory near both separatist capitals, the Ukrainian military position at Ilovaisk, southeast of Donetsk between the separatist capital and the Russian border, had become unexpectedly encircled by the growing and ever-more powerful ranks of Russian-backed fighters. When the Ukrainians dispatched more troops to attempt to break the siege, they quickly found themselves outgunned. During this battle, Chechen fighters, equipped with BTR-82A armored personnel carriers that were only put into service in the Russian military in 2013, played a key role in closing the trap on the Ukrainian troops.
- By August 24, Russian troops were pouring across the border, Ukrainian military casualties were rising

at a staggering pace, and evidence suggests that Russian military units were at the vanguard of every part of the battles that were occurring. Ten Russian military paratroopers were even captured on the battlefields in the area.

- With the Ukrainian military effectively defeated in Sector D, the Russian military launched an assault against Novoazovsk, a town on the coast of the Azov Sea between the Russian border and the key port city of Mariupol, which had been retaken by the Ukrainian military earlier in the summer. This period became popularly known as the "Russian Invasion," after the Ukrainian Ministry of Foreign Affairs started to use the Twitter hashtag #RussiaInvadedUkraine and Russian newspapers began to ask, "Are We at War?" As the Ukrainian military rapidly lost territory over the next week, and with Russian troops poised to launch an assault on Mariupol, Poroshenko negotiated a cease-fire at a meeting in Minsk, Belarus.
- The cease-fire only partially froze the conflict. Russian military forces continued to shore up their positions in the Donbass; in November Russia supplied them with new military hardware like the 1RL232 "Leopard" and the 1RL239 "Lynx" groundscan radar systems, and by January the BPM-97 armored vehicle and GAZ Vodnik armored infantry vehicle, weapons only used by the Russian military, had appeared in the hands of forces as well.
- Russian-backed forces worked to consolidate their victories by proceeding to shell various Ukrainian military positions every day. Of particular interest to the Russian-backed separatists was Donetsk Airport, a strategically important position at the northwest corner of their capital city, and the site of perhaps their most humiliating defeat the prior May. The Ukrainian forces, who became known as "Cyborgs" for their stalwart defense of the position, came under increasingly heavy artillery, rocket, sniper, smallarms, and tank attack.
- In January 2015, cut off from resupply chains and under increasing pressure from Russian-backed fighters, including the Vostok Battalion, the Donetsk Cyborgs suffered a crushing defeat.

•The fighting in Donetsk only set off another wave of fighting in the area around the city, particularly near Debaltsevo, on the road between Donetsk and Lugansk. Anti-Kiev militants, led by elite soldiers using Russian tanks and weaponry, such as T-72 models only used by the Russian military, led the assault on Debaltsevo, surrounding a large number of Ukrainian soldiers and inflicting heavy casualties on them until the Ukrainians managed to withdraw from the "kettle" in February 2015.

- Satellite photos, information uploaded to Russian social media websites, observations by the OSCE Special Monitoring Mission, analysis of open-source information, and warnings from the Ukrainian and Western governments all tell the same story—the Russian military is digging in, building forward operating bases between Mariupol and Donetsk, and turning temporary staging areas on the Russian side of the border into permanent installations for invasion preparations.
- At the end of August 2015, Ukraine was seeing its most violent period since February, and there were concerns that the conflict is once again set to explode.

Cargo 200: Calculating Russia's War Dead

- "Cargo 200" is a Russian military term referring to the return of the bodies of those killed in combat that first gained currency after the Soviet invasion of Afghanistan.
- The first major story of such combat deaths, revealing Russia's covert war on Ukraine, appeared in late May 2014 after the first battle at Donetsk Airport, where at least 40 fighters were killed, 31 of them Russian citizens. An *Ekho Moskvy* blogger covered the story of the difficulties faced by a widow who went to try to reclaim her husband's body for burial.
- Since then, *Novaya Gazeta*, TV Rain, RBC, *Vedomosti*, *Pskovskaya Guberniya*, *Gordonua*, InformNapalm and other independent Russian and Ukrainian news sites have been tracking reports of Russian members of the military killed in action.
- In August 2014, Ukrainian bloggers reported that Ukrainian troops had found on the field of battle a BMD-2 (a Russian infantry fighting vehicle) with Russian IDs and logbooks that revealed Russians fighting in Ukraine. They also found on the bat-

tlefield the distinctive light-blue berets of Russia's Airborne Troops, known as the VDV. The names of the men in the logbooks were traced through social media; some were found to be dead, some taken prisoner, and some still alive.

- When Russian reporters tried to film the graves of three paratroopers from Pskov, they were attacked and chased away. Lev Shlosberg, a deputy of the Pskov legislature who had been the first to sound the alarm that the Pskov 76th Guards Air Assault Division was missing from their barracks during the invasion of the Crimea, continued to report the deaths of the 76th's servicemen in the Donbass, which led to a brutal attack by unknown assailants near his home in Pskov and his hospitalization in August.
- The Soldiers' Mothers of St. Petersburg, a group that has long defended the rights of soldiers and protested hazing in the army, received a list of nine Russian servicemen, mainly from Chechnya and Dagestan, who were reportedly killed in Ukraine. The Soldiers' Mothers attempted to get answers from the Russian Defense Ministry on these soldiers' fates and even obtained a meeting with defense officials at one point, but shortly afterward they were designed "foreign agents," even though they had stopped accepting foreign grants some years prior. They also tried to work through their members on the Presidential Human Rights Council to get information on these and other cases, but in vain.
- A BBC crew was attacked while trying to follow up on social media reports of a soldier from Astrakhan who was killed in Ukraine. Their equipment was damaged and their film exposed. Relatives who continued to raise their loved ones' cases were threatened with the loss of their deceased family member's pensions, and even the loss of their own.
- In May 2015, Putin passed a decree banning the disclosure of deaths during "special operations" meaning the undeclared war in Ukraine. The decree followed the report of two intrepid Russian bloggers, Ruslan Leviev and Vadim Korovin, who tracked the stories of three GRU officers killed in Ukraine and found their graves.
- Putin's "hybrid" war against Ukraine has been accompanied by a war on Russian civil society using some of the same methods of anonymous physical attacks, threats and intimidation, attempts at coopta-

tion and outright disinformation.

- In May 2015, colleagues of slain opposition leader Boris Nemtsov assembled notes he had been working on at the time of his assassination along with additional research and published a report titled *Putin.War*, which contains information about Russian contract soldiers, including some from Ivanovo and Kostroma, killed in Ukraine. But both relatives and servicemen then went silent, fearful of retaliation after Nemtsov's murder.
- The assassination of Nemtsov has proven the harshest deterrent of all to following up on "Cargo 200": the soldiers, their families, and the provincial reporters who have tracked them have all been silenced.
- Social media groups such Gruz200.net, Lost Ivan and the Facebook group Gruz 200 iz Ukrainy v Rossiyu (Cargo 200 from Ukraine to Russia) founded by Elena Vasilieva have attempted to verify these reports. *The Interpreter* has reviewed these lists and has found approximately 600 confirmed cases of soldiers' deaths. In addition, there are about 800 cases of missing soldiers.
- A recent sensational story based on text from an obscure website that was subsequently removed claimed that 2,000 families had received compensation for Russian soldiers killed in Ukraine. But the bloggers Leviev and Korovin, as well as *The Interpreter* staff, determined that the story had been faked to drive traffic to this spam site. The number 2,000 is likely high given that 2,000 Ukrainian combatants are estimated to have been killed, and they have died in larger numbers than the 10,000 Russian troops who have invaded their country.
- Despite the challenges to confirming Russian soldiers' deaths, the number of confirmed cases is mounting and continues to embarrass the Kremlin. The extent to which the government has gone to silence the reporting of such deaths in the social media age is an indicator of officials' fears that these figures may affect public opinion.
- So far, by deploying mainly young provincial men from across Russia's vast expanses and sending the wounded to scattered clinics all across the country, Russian authorities have ensured little attention to the war losses in Russia.

Introduction

n the aftermath of Ukraine's Euromaidan Revolution, Russia's military bases on the Crimean peninsula emptied, and armed "little green men" took over government buildings, set up road checkpoints, and surrounded Ukrainian military installations. There was little doubt even at the time that these men were Russian soldiers. Videos show their vehicles exiting Russian military bases; some of the weapons carried were only used by the Russian military; and some of the occupiers even told journalists that they were Russian soldiers. Yet Russia initially insisted that these "little green men" were in fact local residents, part of a legitimate anti-Kiev uprising prompted by the "fascist coup" that had toppled the government of former Ukrainian president Viktor Yanukovych.

Russian president Vladimir Putin only admitted months later—after those same soldiers oversaw the illegal and rigged "referendum" to codify his annexation of Crimea—that these men were members of the Russian military.

Twenty days after the annexation of Crimea, new "little green men" captured police stations and government buildings in special forces-style raids across eastern Ukraine. These seemingly elite insurgents distributed the weapons taken from police armories to small crowds of waiting supporters before they disappeared, leaving the newly armed rabble in charge of the earliest iteration of the self-declared Donetsk and Lugansk "people's republics," breakaway provinces abutting Ukraine's border with Russia. Also telling was the composition of the "separatist" ranks. Russian citizens, distinct from ethnic Russian citizens of Ukraine, were disproportionately represented and in fact made up a sizable percentage of the separatist leadership. Many of these fighters, it would be shown, also had direct ties to the Russian military and intelligence establishments. Again, Putin denied the presence

of any Russian soldiers in the Donbass, or the territory encompassing southeastern Ukraine; any Russian Federation nationals there were simply "volunteers," he insisted.

But in these early days of the conflict, there were differences between this operation and the annexation of Crimea. While circumstantial evidence suggested that the Russian military was deeply involved—and was in fact the catalyst for the separatist movement—hard proof of Russian military involvement was initially hard to come by. For this operation, one of classic *maskirovka* ("camouflage" or "hidden") warfare, the Kremlin was more careful to ensure that it could preserve plausible deniability.

This quickly changed in the summer of 2014. By this time the interim Ukrainian government in Kiev had shown itself to be stable and internationally and locally recognized. For a time, the so-called "Anti-Terrorist Operation"—the official name given to the Ukrainian military's defensive campaign against the separatists, which was launched in early April—succeeded by at least stalling the advance of separatism.

In mid-April, the Ukrainian military began its siege of Slavyansk and Kramatorsk, two major separatist hubs. By the first days of May, the Ukrainian air force was hammering away at separatist forces in these cities and elsewhere across the Donbass. By late May, despite Russian commentators' predictions, the separatists had not received an outpouring of local support. Polls showed that even the idea of separatism had little support, even in eastern Ukraine¹—a situation that sparked frustration back in Russia.² As Ukrainian presidential elections approached, it seemed increasingly likely³ that they would yield a new leader who would be adamant about using Ukraine's armed forces to engage the separatists head-on to ensure that another Crimea scenario did not unfold in the Donbass.⁴

Paul Goble, "Few in Ukraine—Including in the East—Support Separatism or Joining Russia, Poll Shows," *The Interpreter*, April 12, 2014, http://www.interpretermag.com/few-in-ukraine-including-in-the-east-support-separatism-or-joining-russia-poll-shows/.

² Paul Goble, "Why People in Eastern Ukraine Haven't Flocked to Secessionist Banners," *The Interpreter*, July 29, 2014, http://www. interpretermag.com/why-people-in-eastern-ukraine-havent-flocked-to-secessionist-banners/.

³ Kiev International Institute of Sociology, "Electoral Moods of Ukrainian Voters Two Weeks Before the Presidential Elections," http:// www.kiis.com.ua/?lang=eng&cat=reports&id=307&page=1.

⁴ Bettina Marx and Nina Werkhäuser, "Poroshenko: 'No Negotiations with Separatists," Deutsche Welle, August 5, 2014, http://www. dw.com/en/poroshenko-no-negotiations-with-separatists/a-17619764.

The faster the rebels ceded terrain to Kiev, the more Russia significantly ramped up its military support for them. By August, evidence suggests that the vast majority of tanks, artillery, Grad rockets, armored vehicles, and anti-aircraft equipment in separatist hands had been directly supplied by the Russian military—and that Russian troops were leading the attack in key combat areas.

The first trucks ominously labeled "Cargo 200"—Moscow's euphemism for the corpses of their soldiers killed in action—began returning to Russia after the first fierce battle at the Donetsk Airport in May 2014, as reported by an *Ekho Moskvy* blogger who discovered the story; a *Novaya Gazeta* journalist later recounted the difficulties faced by a widow trying to reclaim her fighter husband's body for burial. Since then, hundreds of accounts of Russian soldiers killed in the war in Ukraine have surfaced on social media, despite strenuous efforts by the Russian

government to suppress all the news, using a mixture of payoffs and threats against bereaved relatives.

Every single journalist, blogger, NGO activist, or politician who has tried to investigate and publicize the issue of the Donbass war dead has suffered reprisals ranging from intimidation to physical attacks to jail time to loss of employment. Putin has passed a law making it a crime to discuss those killed during "special operations" abroad (the exact location of which he does not care to specify), and now the topic can only be safely covered from outside of Russia.

A close examination of direct Russian military involvement in Ukraine, and of the context within which the intervention is taking place, makes it clear that the Russian government is directly coordinating and leading the fight to destabilize and disunite Ukraine. There would be no war in the Donbass without Moscow.

Ivan Get Your Gun: Evidence of Russian Military Equipment in Ukraine

First Stages of War in Eastern Ukraine

n an opening salvo that eventually led to the conflict that has destabilized the Donbass, "little green men"—armed men of unknown origin or affiliation-in April began to take control of government buildings and police stations in key areas of the Donetsk and Lugansk regions. These incidents, which stretched over a period of weeks, followed similar patterns. A relatively small team of militants would descend on the buildings, seemingly unannounced, and, typically in a matter of minutes, and with impressive skill and coordination, would gain control of them, usually bloodlessly. Weapons captured in these raids were then distributed to crowds that had grown outside, and control was quickly turned over to the men who would become the first volunteers of what was called the "Novorossiya," or "new Russia," project-that is, the imperialist aspiration to found an ethnic Russian country on territory currently consisting of parts of Moldova and Ukraine.

At the time, there was great debate about what role, if any, the Russian military and intelligence agencies had played in this process. Many of the leaders of this "rebellion" were men like Igor Strelkov (also known as Igor Girkin) and Igor Bezler (also known as "Bes," or "daemon"), who had reported ties to the GRU, Russia's military intelligence agency. When Bezler assumed command of his troops, he even told them that he was a lieutenant colonel in the Russian army. Though these men have been identified as former Russian military or intelligence officers, experts point out that men who become "reserve servicemen" technically are not retired, and that while usually "reserved" is operationally the same as "retired," in rare cases these soldiers can be called back into action. The military efficiency with which a group of supposedly local fighters were able to quickly take over police stations with important armories in towns that are major crossroads on the Ukrainian highway system has also been flagged as a possible clue of a Russian military

intelligence operation.

Furthermore, the separatists were receiving direct support from far-right Russian figures such as Vladimir Zhirinovsky, a colonel in the Russian army and former vice chairman of the Russian State Duma under the ultranationalist (and xenophobic) Liberal Democratic Party of Russia; Aleksandr Barkashov, the leader of the neo-Nazi Russian National Unity movement; and Aleksandr Dugin, an advisor to Putin and the chief proponent of "Eurasianism," a theory that the geographical expanse between Europe and Asia, of which Russia is the "heartland," ought to be the control room of an anti-Western, anti-American, antiliberal geopolitics. Indisputably, the Russian government was supporting the separatist movement politically and diplomatically while it allowed its citizens and officials to openly support the "rebellion" militarily.

Eyebrows were also raised at the frequent appearance of the Vostok Battalion, a group of seemingly elite separatist combatants, on the frontlines of Ukraine's earliest battles. There are many clues that suggest that this battalion is a Russian Spetsnaz (special forces) unit. First, the Vostok Battalion shares its name with another infamous GRU-controlled special forces group that was disbanded in 2008; this unit, which was mainly made up of Chechen fighters, played a key role in the past 15 years in both the Caucasus and South Ossetia. Second, just weeks before it appeared on Ukraine's battlefields, Ramzan Kadyrov, the leader of Chechnya and one of Putin's fiercest allies, threatened to send tens of thousands of "volunteers" to Ukraine to stand up to the "junta" in Kiev if the Ukrainian military continued its "punitive operations" in the Donbass. Shortly afterward, men who claimed to be Chechens not only began to appear on Ukraine's frontlines, but were seen leading the separatists' largest assaults and taking over the headquarters of the separatist leadership in Donetsk.¹

Throughout the entire conflict, from right after the Yanukovych administration fled Kiev to the current day, the Russian military has been building a significant force on Ukraine's borders. These forces, which

are currently within striking distance of Ukraine's northern, eastern, and (post–Crimea annexation) southern borders, pose two very real threats to the Ukrainian government.

First, these large columns of troops could easily overwhelm Ukraine's defenders if a traditional invasion was ordered by the Kremlin. So far, this threat has only been partially realized, primarily during a period of time last August popularly known as the "Russian invasion." However, because these forces grow and shrink at regular intervals consistent with Russian troop transfers, the threat of direct invasion is not a constant.

Second, however, the presence of a Russian force at the borders means that at any time a fairly sizable number of Russian troops, armor, and equipment could slip, likely unnoticed, across the border. Western journalists, as well as citizen reporters, have from time to time directly witnessed this phenomenon. The Ukrainian government also routinely reports that Russian troops and armor are infiltrating eastern Ukraine.

Still, from the start of the separatist movement in early April until the first heavy battles in late May, there was no hard evidence that linked the Russian military to the separatist movement in eastern Ukraine. There was, however, a large and convincing body of circumstantial evidence that the separatist fighters and leaders were encouraged, endorsed, supported, and perhaps even created by the Kremlin and its supporters.

Hard evidence of Russian military involvement, however, would soon make headlines in the Russian press in the form of reports of bodies returning across the border.

The First Battle of Donetsk International Airport

election since Yanukovych violated the compromise agreement and fled to Russia. In what the Organization for Security and Cooperation in Europe (OSCE) called a legitimate election, with more than 60 percent voter turnout,² Petro Poroshenko, a confectionary magnate and former Ukrainian foreign minister who had run on a platform of restoring peace to the Donbass, through military operations if necessary, won by a very large margin and in every region of the country where polls operated.³ At the same time, the Ukrainian Anti-Terror Operation (ATO), launched in April, was picking up speed and winning battles. Were it not for the heated rhetoric coming out of the Kremlin and the large amount of Russian troops building on Ukraine's border, there might have been optimism that Ukraine was finally on track to realizing the ideals of February's Euromaidan Revolution.

The next morning, however, on May 26, a key symbol of eastern Ukrainian modernity, the recently renovated Donetsk Sergey Prokofiev International Airport, was attacked and its terminals captured by members of the Vostok Battalion.⁴ The scale of the fighting that followed was unprecedented.

By the following morning, May 27, more than 30 Russian-backed fighters had been killed as Ukraine counterattacked with paratroopers, Su-25 ground-attack aircraft, MiG 29 jets, and helicopter gunships.⁵ Evidence soon emerged that many of the dead fighters were in fact Russian; their bodies were part of the first Cargo 200 shipments back across the border. Russian journalists soon determined that at least two of the deceased men were "former" members of the 45th Special Purpose Separate Guards Airborne Troops, proving that Russian *Spetsnaz* were operating in Ukraine.⁶ (See the subsequent section of this report on Cargo 200.)

Just one day before the attack on the airport, members of the Vostok Battalion attended a rally in Donetsk, where they told reporters that they were Chechens from the Russian Federation, *Kadyrovtsy*

On May 25, 2014, Ukraine held its first presidential

- Pierre Vaux, with James Miller and Catherine A. Fitzpatrick, "Provocations, Proxies and Plausible Deniability: Russia's Remote Controlled War in Ukraine," *The Interpreter*, June 24, 2014, http://www.interpretermag.com/provocations-proxies-and-plausibledeniability/.
- 2 "OSCE Declares Ukraine Presidential Election Legitimate," *Euronews*, May 27, 2014, http://www.euronews.com/2014/05/27/oscedeclares-ukraine-presidential-election-legitimate/.
- 3 "Extraordinary Elections for the President of Ukraine," *Telegraf*, May 27, 2014, http://telegraf.com.ua/ukraina/politika/1300294-rezultatyi-vyiborov-prezidenta-ukrainyi-2014-tsik-obrabotala-51-99.html.
- 4 "Ukraine Liveblog Day 98: Poroshenko Wins Majority of Votes," *The Interpreter*, May 26, 2014, http://www.interpretermag.com/ukraine-liveblog-day-98-poroshenko-wins-majority-of-votes/.
- ⁵ "Ukraine Liveblog Day 99: Renewed Fighting Around Donetsk Following Airport Assault," *The Interpreter*, May 27, 2014, http://www.interpretermag.com/ukraine-liveblog-day-99-renewed-fighting-around-donetsk-following-airport-assault/.
- 6 Catherine A. Fitzpatrick, "A Russian Journalist Follows Up on 'Cargo 200' from Donetsk," *The Interpreter*, June 19, 2014, http://www.interpretermag.com/a-russian-journalist-follows-up-on-Cargo-200-from-donetsk/.

(fighters loyal to Chechnya's Putin-backed dictator, Ramzan Kadyrov) who had come to defend Russia and Russian interests.⁷ And just days earlier, at the close of the conflict's bloodiest week up to that point, Semyon Semyonchenko, then commander of the Ukrainian Donbass Battalion, a volunteer group loyal to the new government in Kiev, took to Facebook to ask for reinforcements after his troops were ambushed in Karlovka, northwest of Donetsk, by a separatist group using snipers and armed with a BTR-armored vehicle. According to a report by Semyonchenko, the Ukrainian force was clearly both surprised and outmatched: "I'm certain that the terrorists knew the route of our movement in advance," he wrote, "since such a concentration of separatists isn't usually seen at normal checkpoints. We're up against highly trained Chechen forces."8 The attacking forces were identified by Semyonchenko as the Vostok Battalion.

On May 28, the Ukrainian government shot down a Russian-manufactured Orlan-10 drone.⁹ The next day, fighters from the Vostok Battalion took over the Donetsk Regional Administration building, which had been used as a headquarters for the separatists. Equipped with BTR armored vehicles, Zu-23-2 anti-aircraft machine guns, rocket-propelled grenades (RPGs), and other guns, they dismantled the barricades that had been in place around the building, and set up their own, complete with a sign that read "Donbass only with Russia!" That same day, a Ukrainian military convoy was attacked in nearby Slavyansk, and an assault was launched against a National Guard base in Lugansk.¹⁰

In Slavyansk, the self-proclaimed "people's mayor" Vyacheslav Ponomaryov told reporters that the fighters who were in control of the city—and who had kidnapped OSCE monitors—were "non-Slavic." Presumably they were Chechen, since there is no record of a different "non-Slavic" group operating in this area.¹¹

With fighting and casualties mounting, and with the Vostok Battalion taking charge on the Donetsk front, many reached the same conclusion: the Russian military was assuming control of operations in eastern Ukraine.

The First Appearance of "Separatist" Tanks

From the earliest days of the conflict in eastern Ukraine, Russian-backed separatists were in possession of various armored vehicles. Some of the armor was captured as these forces attacked military bases or engaged the Ukrainian military in combat. Others were captured from military stockpiles and were restored to working order. The rest came from select units of Ukrainian soldiers who either defected or simply surrendered their vehicles.

But a major turning point in the conflict was the introduction of tanks to the ranks of the Russian-backed militants starting in mid-June. Main Battle Tanks (MBTs) have superior armor and armaments, and the Russian-backed fighters did not appear to have any at their disposal early in the conflict. Crucially, the first time the Ukrainian government directly accused Russia of supplying heavy weaponry to the separatist fighters was during this period.

On June 12, amid escalating fighting, an unnerving statement came from the Ukrainian government. Ukrainian Interior Minister Arseniy Avakov told reporters that three T-72 MBTs had crossed the Russian border. Within hours, videos taken by Ukrainian citizens and analyzed by *The Interpreter* had been geolocated to various towns across eastern Ukraine.¹²

NATO also analyzed these videos and released a statement saying that they believed them to be Russian tanks. The camouflage with which the tanks were painted was not consistent with that used by the Ukrainian military, and the vehicles were stripped of all identifiable symbols and numbers—a tactic used in Crimea by the Russian military. Furthermore, declassified satellite photos showed Russian tanks on the border on June 6. Another satellite image from June 11, one day before the tanks appeared in Ukraine, showed three tanks loaded onto transporters on the Russian side of the border.¹³ The following day, June 12, the U.S. State Department confirmed that "three T-64 tanks, several BM-21 'Grad' multiple rocket

^{7 &}quot;Ukraine Liveblog Day 99," *The Interpreter*.

^{8 &}quot;Ukraine Liveblog Day 95: Another Deadly Ambush Near Donetsk," *The Interpreter*, May 23, 2014, http://www.interpretermag.com/ukraine-liveblog-day-95-another-deadly-ambush-near-donetsk/#2847.

^{9 &}quot;Ukraine Liveblog Day 102: Has the Vostok Battalion Taken Charge in Donetsk?," The Interpreter, May 30, 2014, http://www. interpretermag.com/ukraine-liveblog-day-102-has-the-vostok-battalion-taken-charge-in-donetsk/.

^{10 &}quot;Ukraine Liveblog Day 101: Helicopter Shot Down Over Slavyansk," The Interpreter, May 29, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-101-helicopter-shot-down-over-slavyansk/#2935.

^{11 &}quot;Ukraine Liveblog Day 102," *The Interpreter*.

^{12 &}quot;T-64s Appear Between June 12 and June 18," The Interpreter, https://pressimus.com/Interpreter_Mag/press/9301.

¹³ NATO Allied Command Operations, "NATO Releases Imagery: Raises Questions on Russia's Role in Providing Tanks to Ukraine," June 14, 2014, http://aco.nato.int/statement-on-russian-main-battle-tanks.aspx.

launchers and other military vehicles crossed the [Russian] border."¹⁴

Before June 12, there was no evidence that tanks were being used by the Russian-backed fighters in this conflict. And yet, a pro-Kremlin Russian news site, *Politikus.ru*, which had previously spread disinformation about the Ukraine crisis, reported on June 9, three days before the first T-64s were spotted, that Russian-backed fighters had captured three T-64s. The report did not offer any details of how these vehicles were confiscated; it simply noted that the event took place in "the suburbs of Lugansk."¹⁵ There is no other record of any battle or military operation that corresponds with the *Politikus.ru* report, leading to the conclusion that it was a piece of disinformation planted in advance to offer an ex post facto justification for the sudden appearance of the T-64s.¹⁶

A similar deception was perpetrated a month later to explain the presence of a Buk anti-aircraft missile in east Ukraine just before the notorious downing of Malaysia Airlines Flight MH17 in July. The Buk is a large, distinctive, and powerful weapon, and its presence on the battlefields of Ukraine would be sure to draw unwanted attention. On June 29, a little over two weeks before MH17 was shot down, TV Zvezda, the Russian state television network run by the defense ministry, reported that the Russian-backed fighters had captured a Ukrainian Buk anti-aircraft system. TV Zvezda was the only station to report this event. Neither the Ukrainian media, nor pro-separatist media outlets inside Ukraine, nor social media reports, nor the Ukrainian government made any mention of the capture of a Buk. In other words, it appears that this also may have been a cover story planted by the Russian Ministry of Defense to explain the presence of a Buk in separatist hands.¹⁷

Oleg Naumenko, a member of Ukraine's presidential administration, which is responsible for communicating with the Ministry of Defense and the General Staff of Ukrainian Armed Forces, told us during research for this report that "it is very unlikely that the T-64Bs you are writing about have been seized from the Ukrainian military at this time." Ukraine admits that weapons were captured from its arsenal—just not this particular one.

By June 16, Ukrainian military casualties were mounting and the Ukrainian government was warning that an alarming number of Russian troops, armor, and other weapons were building on its border. At his morning briefing, Andriy Parubiy, the secretary of the National Security and Defense Council of Ukraine (NSDC), warned that Russian paratroopers from the 76th Pskov Air Assault Division were deploying to a new base in Millerovo, just 20 kilometers from Ukraine. Parubiy stated that 16,000 Russian troops were now positioned inside Russia within striking distance of Ukraine, with another 22,000 in Crimea and another 3,500 positioned in Transnistria, the breakaway province in northern Moldova on Ukraine's southwestern border.

These statements were corroborated by a flood of videos and pictures taken by Russian citizens and uploaded to social networks that showed large columns of Russian military vehicles parked or moving down Russian highways and roads in the general direction of the Ukrainian border. Parubiy also estimated that between 15,000 and 20,000 fighters were operating in territory held by the "militants," around half of whom were from the Russian Federation. Among these fighters, he said, were Chechen militants and members of the Russian *Spetsnaz*.¹⁸

By June 18, the Ukrainian military was reporting significant casualties. In a single battle near Schastye, a town north of the city of Lugansk, the Ukrainian Defense Ministry reported that 15 Ukrainian servicemen had been killed in battle, and many more wounded. During that fight, at least one T-64B was rendered inoperable. Video emerged showing a_T-64B tank captured either at the close of the Schastye battle or before it.¹⁹ The paint on that tank was very different

^{14 &}quot;Ukraine Liveblog Day 116: Major Government Operation in Mariupol," *The Interpreter*, June 13, 2014, http://www.interpretermag.com/ukraine-liveblog-day-116-major-government-operation-in-mariupol/.

^{15 &}quot;Militia Outside Lugansk Have Captured Three T-64 Tanks of the Ukrainian Armed Forces," Politikus, June 9, 2014, http://politikus.ru/ events/21114-opolchency-pod-luganskom-zahvatili-tri-tanka-t-64-ukrainskih-vs.html.

^{16 &}quot;Ukraine Liveblog Day 115: Separatist Forces Using Tanks in the East?" The Interpreter, June 12, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-115-separatist-forces-using-tanks-in-the-east/#3055.

^{17 &}quot;Ukraine Liveblog Day 150: Malaysian Passenger Jet Shot Down Over Ukraine," The Interpreter, July 17, 2014, http://www.

interpretermag.com/ukraine-liveblog-day-150-ukrainian-troops-describe-grad-rocket-attack-from-russia/#3384.

^{18 &}quot;Ukraine Liveblog Day 119: Russia Moving Military Convoys Toward Ukraine's Border," *The Interpreter*, June 16, 2014, http://www.interpretermag.com/ukraine-liveblog-day-119-russia-cuts-gas-deliveries-to-ukraine/#3096.

^{19 &}quot;Ukraine Liveblog Day 120: Fighting Continues in the Borderlands," *The Interpreter*, June 17, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-120-fighting-continues-in-the-borderlands/#3118; "Ukraine Liveblog Day 121: Poroshenko Offers Ceasefire," *The Interpreter*, June 18, 2014, http://www.interpretermag.com/ukraine-liveblog-day-121-poroshenko-offers-ceasefire/#3121.

from that on the three tanks discussed earlier, and an_ analysis carried out by bloggers indicated it belonged to Ukraine's 24th Motor Rifle Division, stationed in the Lviv region in western Ukraine. The vehicle's sights had been shot out, apparently by a sniper.²⁰

This event may indeed mark the first time that any Ukrainian battle tanks were captured by Russian-backed forces, but it happened four days *after* the first appearance of "separatist" T-64Bs, which evidence strongly suggests were in fact supplied by the Russian military.

On June 18, Vladimir Chepovoy, a spokesman for the National Security and Defence Council (NSDC), claimed that two T-72 MBTs had crossed into the Donetsk region from Russia—tanks that were not used by the Ukrainian military.²¹ We cannot confirm or deny Chepovoy's claim, but if true, this would indicate the first injection of a newer-model battle tank into the war. The same day, Poroshenko proposed a path toward a permanent peace, which would start with a unilateral cease-fire.²² Soon, however, the number of tanks seen on Ukraine's battlefields began growing exponentially.

T-64 Battle Tanks Arrive

By late June, multiple T-64s, which evidence suggests were a combination of tanks captured from the Ukrainian military and tanks supplied directly by Russia, were in the hands of the Russian-backed fighters. But tanks were still a rare sight—although that was about to change.

On June 20, a large number of T-64s were spotted on various roads in territory controlled by the Russian-backed fighters. One convoy containing four T-64Bs was spotted driving from Lugansk to Gorlovka via a road leading toward the Russian border].²³ An analysis of these vehicles shows that they were missing unit markings and were painted in a different camouflage scheme than what is used by the Ukrainian military.24

That same day a significant column of BTR-armored vehicles were spotted in Gukovo, just across Ukraine's southeastern border in the Rostov region of Russia, and the nearby Ukrainian border checkpoint at Izvarino reportedly came under attack.²⁵ At a U.S. State Department briefing that day, spokesperson Jennifer Psaki told reporters that the United States was confident that Russia had sent tanks across Ukraine's border.²⁶

On June 20, military prospects looked stark. Ukraine's ATO was retaking territory in the western theater, but Kiev was rapidly losing control of its borders. Facing a new injection of Russian equipment, Poroshenko called for a cease-fire and announced a 15-point roadmap to peace. The plan called for the demilitarization of the conflict; the laying down of weapons by illegal combatants, who would receive amnesty; the creation of a buffer zone on the Ukraine– Russia border, which would allow Russian troops and mercenaries to retreat; and initial steps toward the establishment of more autonomous local government in the Donbass.²⁷

Though the ATO's formerly rapid advance came to a halt, no peace came to Ukraine. Just four days later, on June 24, the Ukrainian military reported that it had lost control of the Izvarino border crossing, mentioned earlier, which became a major hub in the movement of Russian soldiers and armored vehicles across the border. A Ukrainian military helicopter was also shot down near Slavyansk.²⁸

Notwithstanding heavy losses and the loss of ground in areas including the border, the ATO continued to advance. On June 27, in the midst of fighting near Slavyansk, the Ukrainian military claimed that it had captured two T-64 tanks. According to ATO spokesperson Andriy Lysenko, both tanks were Russian in origin.²⁹

Despite Ukrainian advances in most areas, armored vehicles and tanks—and soon advanced anti-aircraft

^{20 &}quot;Tracking Russian Weapons," *The Interpreter*, https://pressimus.com/Interpreter_Mag/stream/1827.

^{21 &}quot;Terrorists Have Transported Two Russian T-72 Tanks to Donetsk—NSDC Spokesman," UNIAN, June 18, 2014, http://www.unian.net/politics/930087-terroristyi-peregnali-k-donetsku-dva-rossiyskih-tanka-t-72-spiker-snbo.html.

^{22 &}quot;Ukraine Liveblog Day 121," The Interpreter.

^{23 &}quot;Ukraine Liveblog Day 123: Russian Tanks Advance Through Ukraine," *The Interpreter*, June 20, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-123-for-diplomats-and-doubters-a-ministers-picture-of-a-russian-tank/.

^{24 &}quot;Tracking Russian Weapons," The Interpreter, https://pressimus.com/Interpreter_Mag/press/9558.

^{25 &}quot;Ukraine Liveblog Day 123," The Interpreter.

²⁶ U.S. Department of State, Daily Press Briefing, Washington, D.C., June 20, 2014, http://www.state.gov/r/pa/prs/dpb/2014/06/228103. httm#UKRAINE.

²⁷ "Ukraine Liveblog Day 123," *The Interpreter*.

^{28 &}quot;Ukraine Liveblog Day 127: Ukrainian Control Over Border Weakening," *The Interpreter*, June 24, 2014, http://www.interpretermag.com/ukraine-liveblog-day-127-ukrainian-control-over-border-weakening/.

weaponry—appeared on the battlefield with increasing frequency. On June 30, the *Wall Street Journal* reported that sightings of large convoys of heavy tanks and armored vehicles moving toward the frontlines had become common.³⁰ If the separatists were not winning large battles in which they could capture Ukrainian materiel, then where were they getting their resupplies?

T-64s would go from rare to commonplace to ubiquitous. By mid-August, nearly every video of military convoys on the move and every OSCE observation report would contain frequent sightings of these tanks.

Oleg Naumenko, a member of Ukraine's presidential administration, explained to us that the T-64 is the main battle tank used by the Ukrainian military, given that the Malyshev factory, located in Kharkiv, produces this model; full-cycle production of T-64s, including its various elements, is carried out in Ukraine; and there are plants dedicated specifically to repairing and modernizing this type of tank.

Naumenko also told us that it appeared that the Russian-backed fighters had either received T-64s that were "de-preserved at Russian military bases and moved across the border to aid Russia-backed militants," or that some of the earliest tanks that had arrived were Ukrainian but had been captured in Crimea and by Russia by sea to the battlefield. The latter scenario is unlikely because of where these first T-64s were initially spotted. As Naumenko explained, both towns where these tanks were spotted early in their journey westward (Torez and Snezhnoye) are in the militants' deep rear. "If they were seized from the Ukrainians, what's the point of moving them from the frontline to the rear?" he asked. "It is much more likely that they were spotted on the half-way [point] from Russia to the frontline."

Moscow Deploys Advanced Anti-Aircraft Systems to Protect Assets in Ukraine

Starting in mid- to late May it became clear to Moscow that its efforts in eastern Ukraine were not enough to ensure its two primary goals of (1) destabilizing and delegitimizing the Ukrainian government; and (2) establishing pseudo-independent "republics" in southeastern Ukraine, perhaps with the ultimate intention of creating a land bridge to the recently annexed Crimean peninsula. The Ukrainian military was ramping up the ATO and retaking territory; elections were moving ahead with little controversy; the international community was questioning the legitimacy of the separatists, not the government in Kiev; and widespread support for the separatist movement was failing to materialize. In other words, if Moscow failed to act quickly, Ukraine could regain control of the Donbass. It was during this period that direct Russian military support for the separatists escalated.

But if the Kremlin was going to send its own tanks, advanced weaponry, and even soldiers into Ukraine, it would need to protect them from an obvious vulnerability—air attack. The May 26 battle at Donetsk Airport, Ukrainian airstrikes against targets in and around Lugansk in the first days of June, and other sorties demonstrated the effectiveness of Ukrainian air power. But Russia could hardly dispatch its own air force, lest its plausible deniability of interfering in the country go up in smoke. The only alternative was to supply anti-aircraft systems to the separatists, first in the form of man-portable air defense systems (MAN-PADS), and eventually in the form of much larger vehicle-borne systems.

Starting in May, Ukrainian military aircraft began being shot out of the sky. At first, the targeted aircraft were helicopters, which are generally lower flying and slower moving than cargo planes or attack jets. MAN-PADS, anti-aircraft machine guns, and small arms fire all played roles in the downing of these aircraft.

Some of the MANPADS that the Russian-backed fighters are documented as possessing likely came from Russian military stockpiles. As Armaments Research (ARES), a weapons specialist organization, has noted:

Soviet-era 9K38 Igla MANPADS... are the most common model in the Ukrainian government arsenal, and appear to be the most common MANPADS in the hands of pro-Russian separatists. ARES has previously documented

^{29 &}quot;Ukraine Liveblog Day 130: Poroshenko Signs Association Agreement as Separatists Seize Donetsk Base," *The Interpreter*, June 27, 2014, http://www.interpretermag.com/ukraine-liveblog-day-130-poroshenko-signs-association-agreement-as-separatists-seize-donetsk-base/#3206.

³⁰ Alan Cullison and James Marson, "Ukraine Suspends Truce, Renews Attacks," Wall Street Journal, June 30, 2014, http://www.wsj.com/ articles/ukraine-fighting-as-cease-fire-due-to-end-1404129631?tesla=y&mg=reno64-wsj&url=http://online.wsj.com/article/SB100014240 52702304344504580000620269860354.html.

the packaging for a 9M39 missile, fired from the 9K38 system, which was recovered from separatist fighters by Ukrainian government forces. Photos of the crate show paperwork indicating that it was previously stockpiled in a Russian military facility in Yeysk, Russia, with inventory markings indicating it was in storage there as recently as 12 April 2014.

Another MANPADS seen in use with separatist forces is the Soviet 9K32 Strela-2... This legacy system is no longer in active service with the Ukrainian military, and is an early generation system, with only a limited capability to engage Ukrainian Air Force aircraft. Both 9K38 Igla and 9K32 Strela-2 MANPADS are known to have been in the Ukrainian government arsenal, and previous reports indicate that some stocks of MANPADS went missing early in the conflict...

Perhaps more notably, Polish PPZR Grom MANPADS have been captured from pro-Russian separatist forces. The Grom (Polish for 'thunder') is a Polish-designed MANPADS drawing its design cues from the Soviet 9K38 Igla. Whilst the capabilities of early Grom missiles were largely identical to the 9K38, the system has continued to be improved and later developments, such as the Grom E2 pictured in Ukraine [have been seen]... The example seen in Ukraine was fitted with a Russian-made 9P516 gripstock, designed for the 9K38. Markings on the missile launch tube indicate it was produced in 2007. One of the few known foreign exports of the Grom was to Georgia, who was believed to have purchased 30 launchers and 100 Grom E2 missiles in 2007. Russian forces are known to have captured some of these.³¹

MANPADS are easier to hide and transport than vehicle-mounted anti-aircraft systems, so it is hard to conclude when these weapons were added to the separatists' arsenal. It is certainly plausible, for instance, that at least some of the 9K38 Igla systems were acquired as the Russian-backed fighters captured Ukrainian military positions and stockpiles and were then transported to other parts of the battlefield at other times.

However, soon the separatist arsenal would swell with the addition of large and sophisticated anti-aircraft weapons that are much harder to obscure, and the provenance of which is less easily explainable.

Sophisticated Surface-to-Air Missile Systems Appear on the Streets of Lugansk and Russian Troops Build on the Border

On July 1, 2014, Poroshenko announced the end of the 10-day cease-fire, because, as he put it, despite an extension of the original truce by another three days, there was no evidence that the Russian-backed fighters were willing to stop fighting or compromise in any way. As far as the Ukrainian government was concerned, the separatists represented an illegal insurgency, and if they were unwilling to sue for peace, then it was the responsibility of the Ukrainian military to find another solution to the crisis. Furthermore, there was serious concern that the Russian military was taking advantage of the relative lull in fighting to strengthen the separatist positions.³²

The decision made sense. The reality was that the Russian military was ramping up its support of the separatists, cease-fire or not. The Ukrainian military, on the other hand, although it was quickly winning victories in areas where it was on the offensive, was rapidly losing territory where it was on the defensive—at the border. The common belief presented by military analysts such as Dmytro Tymchuk, a former member of Ukraine's military and a well-known military analyst close to the Poroshenko government, was that the Ukrainian military could retake most or all of the country rapidly if it pressed the advance. The truce was only weakening the country.³³

After consulting with his national security team and military advisors, Poroshenko announced that the cease-fire was over. The Ukrainian military immediately sprang into action. By the end of the day on July 1, the ATO had deployed a significant amount of armor near both Lugansk and Donetsk. On the western

³¹ Jonathan Ferguson and N. R. Jenzen-Jones, Raising Red Flags: An Examination of Arms and Munitions in the Ongoing Conflict in Ukraine (Armament Research Services [ARES], 2014), 52, http://armamentresearch.com/Uploads/Research%20Report%20No.%203%20 -%20Raising%20Red%20Flags.pdf.

^{32 &}quot;Ukraine Liveblog Day 134: Poroshenko Vows to 'Attack and Defend Our Land,'" *The Interpreter*, July 1, 2014, http://www. interpretermag.com/ukraine-liveblog-day-134-poroshenko-vows-to-attack-and-defend-our-land/#3227.

³³ David M. Herszenhorn, "Putin Warns Again of Force as Ukraine Fighting Spreads," *New York Times*, July 1, 2014, http://www.nytimes. com/2014/07/02/world/europe/ukraine.html?_r=1.



front, the ATO's sights appear to have been locked on Kramatorsk and Slavyansk, northwest of Donetsk. Within hours, the military had also recaptured the Dolzhansky checkpoint on the border with Russia. An intense gunfight broke out in the center of Donetsk as Ukrainian troops pushed the assault.

But there was already a feeling of foreboding. The Russian government was making unusually heated statements about the end of the cease-fire that indicated that it viewed the renewed ATO as completely unacceptable. Furthermore, Andrei Babitsky, a journalist for *Radio Svoboda* (RFE/RL), interviewed a separatist officer in Donetsk who pledged to "burrow" into the civilian populace of the city if Ukraine were to try to capture it: "Kiev has two opportunities," the officer reportedly said. "Either raze the city to the ground, like Grozny, and only then bring in troops, or gradually fight district by district, suffering giant losses all the while. The first option is impossible due to the reaction of the world community, which will be sharply negative due to the massive loss of the civilian population. The second will provoke opposition inside the country. No matter what Poroshenko chooses, this war will become his grave."³⁴

By the morning of July 2, 2014, the Ukrainian government was seeing the first fruits of the new, stronger, and broader wave of the ATO, which had attacked over 100 separatist positions in a single day. Poroshenko also sent a signal that he was willing to negotiate a new cease-fire, but that the release of "hostages" and the return of the control of the border from Russia would be prerequisites for any deal. Meanwhile, the Ukrainian Border Service was warning that new Russian troops and armored vehicles had been spotted at the border and a new anti-aircraft system was discovered on the streets of Lugansk, one that would be an omen of things to come—the 9K35 Strela-10.³⁵

The Strela-10 (not to be confused with the Strela-2

^{34 &}quot;Ukraine Liveblog Day 134," The Interpreter.

^{35 &}quot;Ukraine Liveblog Day 135: New Ukraine Offensive Yielding Results," The Interpreter, July 2, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-135-new-ukraine-offensive-yielding-results.

discussed previously) is a short-range anti-aircraft missile launcher mounted to the top of the chassis of the MT-LB tracked armored vehicle. It is capable of operating either alone, without the integration of a sophisticated radar network, or in conjunction with other anti-aircraft and radar systems. It is also designed to destroy low-flying aircraft such as ground-attack aircraft and helicopters. Capable of traveling over 60 kilometers per hour- and typically equipped with a 7.62-millimeter caliber machine gun, the Strela-10 is ideal for armed convoy travel in combat.

As ARES noted, the presence of the Strela-10 in the ranks of the Russian-backed fighters represented "serious improvement in their capability to engage aircraft. Their greater range and capability has contributed to the loss of several aircraft in Ukraine."³⁶ Additionally, the Ukrainian and Russian militaries both carry the Strela-10 in their arsenals, and Russian-backed fighters claimed to have captured the weapon from the Ukrainians. However, there is evidence that this system, which appeared in early July, had been imported from Russia.

Video of Strela-10 indicates that it was part of a large military convoy that passed through Lugansk on July 2. The road on which the convoy was traveling is well known to Ukraine watchers because just two weeks later, on July 17, the Buk anti-aircraft system that almost certainly shot down MH17 was spotted moving in the opposite direction—back toward the Russian border—minus one missile from its launcher. The road on which it was seen lies through territory controlled by the Russian-backed fighters, continuing on to Krasnodon and multiple border crossings.³⁷

The vehicles in the convoy spotted on July 2, and another convoy containing a Strela-10 that was spotted on July 5,³⁸ appear to have had the same camouflage scheme that has come to be associated with many of the armored vehicles used by the Russian-backed fighters. Also, there is no record of the Russian-backed fighters having captured or disabled a Strela-10 system.

Oleg Naumenko also expressed doubt that any Strela-10 weapons systems were captured from the Ukrainian military. As he told us, the "Ukrainian Army has such guns, but it is very unlikely that Russia-backed militants seized them from the Ukrainian servicemen. [The] Ukrainian Army was on the offensive and it would be illogical to have Strela-10 in the vanguard. On the other hand, militants were interested in having Strela-10 as the means of air defense against Ukrainian military aviation. As you remember, a number of Ukrainian airplanes were taken down by the militants last summer."

Furthermore, Naumenko said, the idea that Russian-backed fighters were capable of operating such state-of-the-art weaponry without the technical assistance, if not leadership, of professional soldiers simply beggars belief.

"It's evident that Russian troops remain in eastern Ukraine and play the leading role in coordinating and directing militant actions," he observed. "Back then, these were mainly Russian intelligence and Special Forces operatives whose main task was to seize strategically important areas with a lightning speed and then act behind the militants."

Soon after, observers such as ARES noted the appearance of surface-to-air missile systems like the 9K33M3 "Osa," which is a long fixed-wing jet that flies at higher altitudes than helicopters. To date, the most well-known and tragic incident involving the use of an SAM is the downing of a civilian commercial plane, MH17, by yet another model anti-aircraft system, the Buk.³⁹

The following Ukrainian aircraft were shot down in summer 2014:

May—four aircraft, all helicopters

May 2: Two Mil Mi-24P Hind attack helicopters were shot down by MANPADS near Slavyansk on the same day a Mil Mi-8MT transport helicopter was heavily damaged by small arms fire near Slavyansk.⁴⁰

June—two aircraft, both fixed-wing

June 6: An Antonov-30 aerial cartography aircraft was shot down near Drobyshevo, north of Slavyansk and to the northwest of Donetsk. Video footage

³⁶ Ferguson and Jenzen-Jones, Raising Red Flags, 76.

^{37 &}quot;Strela-10 Appears in Ukraine on July 2, 2014, on Road Which Leads to Russia," The Interpreter, https://pressimus.com/interpreter_mag/ stream/1798.

^{38 &}quot;Ukraine Liveblog Day 143: Ukraine Prepares to Move on Donetsk," The Interpreter, July 10, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-143-ukraine-prepares-to-move-on-donetsk/#3314.

³⁹ James Miller and Michael Weiss, "How We Know Russia Shot Down MH17," Daily Beast, July 17, 2015, http://www.thedailybeast.com/ articles/2015/07/17/how-we-know-russia-shot-down-mh17.html.

⁴⁰ Aviation Safety Network, "ASN Wikibase Occurrence #165938," http://aviation-safety.net/wikibase/wiki.php?id=165938.

shows one of the plane's engines on fire, suggesting a heat-seeking weapon, likely a MANPADS, as the source of the attack.⁴¹

June 14: An Ilyushin 76MD strategic air-lifter (cargo and crew transporter) was shot down near Lugansk, killing 40 soldiers and 9 crewmembers. Initial reports from the Ukrainian military indicate that three "stinger-like" heat-seeking missiles took down the aircraft as it began its descent into Lugansk Airport.⁴² According to the official statement from the Ukrainian government, the aircraft was hit by an 9K39 Igla missile and subsequently by machine gun–fire as it tried to land.⁴³

July—four fixed-wing aircraft, one civilian airliner

July 14: An Antonov An-26 transport aircraft was shot down over the Izvarino border crossing, in southeastern Ukraine. The Ukrainian government says the aircraft was flying at an altitude of 6,500 meters at the time that it was hit by a missile.⁴⁴ The maximum range for an Igla is 3,500 meters, with other MAN-PADS having similar ranges. The Ukrainian military spokesperson Andriy Lysenko said that the missile that hit the An-26 was either a more sophisticated surface-to-air missile or was fired from a jet fighter, not a shoulder-fired rocket. Lysenko told the press that "the An-26 was struck by other, more powerful weapons, probably from Russian territory." One theory he circulated was that the plane was hit by a missile fired from a Pantsir-S1, a truck-mounted advanced medium-range anti-aircraft system that is also equipped with heavy anti-aircraft artillery, making it an effective weapon for operation near the frontlines.⁴⁵ The Pantsir entered Russian service in 2007 and has never been exported to Ukraine. There are two geolocatable sightings of Pantsirs in Ukraine: a photo, taken in January 2015⁴⁶ in separatist-held Makeyevka, east of Donetsk, and a video, filmed in Lugansk on February 2, 2015.47

Another theory quickly emerged when a pro-Kremlin Russian news outlet, *Vzglyad.ru*, wrote that the An-26 was shot down not by a missile fired from Russia, but by a Buk missile fired from within territory controlled by the Russian-backed fighters.⁴⁸ The Buk is the same missile that shot down MH17 just three days later.

July 16: A Sukhoi Su-25M1 jet fighter was shot down near the Russian border close to Amvrosiyivka, southeast of Ilovaisk. In a detailed report released on July 18, the Ukrainian government claimed that this jet was shot down by a Russian MiG-29, flying on the Russian side of the border. "To destroy the target, the command of the Russian Air Force ordered the pilot of a MiG-29 plane to use an R-27T (AA-10 Alamo-B) medium range Infra Red homing air-to-air missile," said ATO spokesperson Andriy Lysenko. "This type of missile cannot be detected by the Su-25's SPO-15 radiation warning receiver, and neither can it be detected by satellite surveillance systems or post-launch surveillance systems."⁴⁹

July 17: Civilian airliner Malaysia Airlines Flight MH17 was shot down. An overwhelming body of evidence compiled by our team and published in *The Interpreter* and the *Daily Beast* indicate that a Buk anti-aircraft missile in the hands of Russian-backed fighters destroyed the airliner after these fighters mistook it for a Ukrainian military transport plane. Strong evidence suggests that the weapon traveled from Russia the morning of the incident, and video footage from after the incident shows a Buk missing a missile in Lugansk on the road that leads to the Russian border. For details, read our comprehensive report on the *Daily Beast.*⁵⁰

July 23: Two Sukhoi Su-25 aircraft were shot down over Shakhtarsk, east of Donetsk. An aide for_Alexander Borodai, leader of the Russian-backed separatists, claimed that these jets were both shot down by shoulder-fired missiles. A spokesperson for the Ukrainian military told reporters that both jets were shot down by anti-aircraft missiles fired from across the Russian

^{41 &}quot;Ukraine Liveblog Day 109: Fighting in the Border Region Intensifies," *The Interpreter*, June 6, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-109-fighting-in-the-border-region-intensifies/#3002.

^{42 &}quot;Ukraine Crisis: Military Plane Shot Down in Luhansk," BBC, June 14, 2014, http://www.bbc.com/news/world-europe-27845313.

⁴³ Aviation Safety Network, "Criminal Occurrence Description," http://aviation-safety.net/database/record.php?id=20140614-0.

⁴⁴ Aviation Safety Network, "Criminal Occurrence Description," http://aviation-safety.net/database/record.php?id=20140714-0.

^{45 &}quot;Ukraine Liveblog Day 147: Ukrainian Forces Retake Several Villages Around Lugansk," *The Interpreter*, July 14, 2014, http://www. interpretermag.com/ukraine-liveblog-day-147-ukrainian-forces-retake-several-villages-around-lugansk/#3334.

⁴⁶ Bellingcat, http://bellingcat-vehicles.silk.co/page/1085-Makeevka%3A-Pantsir-S1.

⁴⁷ Bellingcat, http://bellingcat-vehicles.silk.co/page/1136-Luhansk%3A-Pantsir-S1.

⁴⁸ Catherine A. Fitzpatrick, "Evidence of Separatists' Possession of Buk System Before Downing of MH17," *The Interpreter*, July 27, 2014, http://www.interpretermag.com/evidence-of-separatists-possession-of-buk-system-before-downing-of-mh17/.

⁴⁹ Ukraine Crisis Media Center, press briefing, July 18, 2014, http://uacrisis.org/6232-rechnik-rnbo.

⁵⁰ Miller and Weiss, "How We Know Russia Shot Down MH17."

border while they were flying at an altitude of 6,000 meters.⁵¹ CNN reported that the aircraft were flying at 5,200 feet. The source of the discrepancy is not clear; perhaps both altitudes are correct, since there were two planes shot down. Both altitudes given by the Ukrainian military are too high for MANPADS to have been involved—a more sophisticated anti-aircraft weapons system would have been required.⁵²

August—four aircraft, all fixed-wing

August 7: A Mikoyan MiG-29 jet fighter was shot down near Yenakievo, northeast of Donetsk. The aircraft exploded in mid-air.⁵³ Video footage shows a large debris field spread across a large distance, supporting this theory. According to *Ukrainska Pravda*, the Ukrainian military said that the probable culprit was a Buk, the same missile that shot down MH17.⁵⁴ Whereas most surface-to-air and air-to-air missiles use infrared heat-seeking technology to target an aircraft's engines, a Buk uses a radar-proximity fuse that explodes when it is close to the aircraft, ripping the aircraft apart. Yenakievo is between the MH17 crash site and Gorlovka, and was at the time of this incident on the disputed eastern edge of the self-declared Donetsk People's Republic.

August 17: Another Mikoyan MiG-29 was shot down, this time near Lugansk.

August 20: A Sukhoi Su-24M bomber was shot down near Lugansk.

August 29: A Sukhoi Su-25M1 was shot down near Starbeshevo, southeast of Donetsk. The Ukrainian military said that a Russian anti-aircraft missile was responsible. A video of the wreckage taken by the Russian TV outlet *Lifenews*, which has close ties to the Russian military and intelligence apparatus, shows debris from the plane scattered across a fairly large area and suggests that the plane crashed near a battlefield, as the land was littered with a large amount of destroyed tanks and armored vehicles.⁵⁵ Pictures posted on another website also reportedly show the wreckage.⁵⁶ To our knowledge, this wreckage has not been analyzed. The Ukrainian military denied reports put forth by separatists that four Su-25s were shot down that day.⁵⁷

Several other aircraft were damaged in the summer of 2014 but did not crash, and still others were destroyed while on the ground. In particular, on July 2, 2014, an Su-24M bomber was damaged when one of its engines was hit by a missile, reportedly fired by MANPADS, but the aircraft managed to return to base.⁵⁸

By the end of August, the Ukrainian military had effectively grounded its aircraft because of an inability to counter enemy deterrence efforts.

Russian Military Shells Ukraine from Russia

One of the most compelling and earliest pieces of evidence that the Russian military was directly involved in the conflict in Ukraine was the discovery that Ukrainian troops were being shelled from positions inside the Russian Federation.

On July 16, 2014, one day before MH17 was shot down, a series of videos emerged that claimed to show Grad rockets being fired from Russian territory into Ukraine. The BM-21 Grad, which means "hail" in Russian, is a multiple-launch rocket system (MLRS) that fires up to 40 rounds in about 20 seconds, The rockets, which have a maximum range of 20 kilometers, are known to be fairly inaccurate, effective at blanketing an area with artillery shells but incapable of precision fire. The videos were uploaded by Russian residents of the Rostov region just on the other side of the border. By triangulating different camera angles, *The Interpreter* was able to conclusively determine that the rockets were being fired from multiple positions inside Russian territory.⁵⁹

The next day, video emerged of 15 injured Ukrainian soldiers from the 72nd Border Brigade be-

⁵¹ Aaron Katersky, "Ukraine Says Two Jets Downed by Missiles Fired by Russia," ABC News, July 23, 2014, http://abcnews.go.com/ International/ukraine-jets-downed-missiles-fired-russia/story?id=24674661.

⁵² Phil Black, Barbara Starr, and Brian Todd, "Ukraine: Two Military Jets Shot Down Over Donetsk," CNN, July 23, 2014, http://www.cnn. com/2014/07/23/world/europe/ukraine-crisis/index.html.

⁵³ Aviation Safety Network, "ASN Wikibase Occurrence #168283," http://aviation-safety.net/wikibase/wiki.php?id=168283.

⁵⁴ "Ukraine Liveblog Day 171: Barricades Burn Once Again as Authorities Try to Clear Maidan," *The Interpreter*, August 7, 2014, http://www.interpretermag.com/ukraine-liveblog-day-171-barricades-burn-once-again-as-authorities-try-to-clear-maidan/#3694.

^{55 &}quot;Burned Tanks and Infantry Fighting Vehicles in the Fields Near the APU Starobeshevo—Exclusive Footage," *Lifenews.ru*, September 3, 2014, http://lifenews.ru/news/139701.

^{56 &}quot;Downed in Starobeshevo August 29 Su-25M1," Militarizm, September 4, 2014, http://militarizm.livejournal.com/39552.html.

⁵⁷ Aviation Safety Network, "ASN Wikibase Occurrence #169382," http://aviation-safety.net/wikibase/wiki.php?id=169382.

⁵⁸ Aviation Safety Network, "ASN Wikibase Occurrence #167738," http://aviation-safety.net/wikibase/wiki.php?id=167738.



ing treated in a hospital in Russia—in the same town that launched the Grad rockets—after their positions were hit by incoming rocket fire.⁶⁰ Furthermore, the position where these soldiers were hit by the rockets matches the estimated trajectory of the rockets captured by video taken the day before.⁶¹

This was not only unmistakable evidence of Russian military involvement in this conflict, but also a sign of continued escalation. For weeks our team had been warning that despite the relative absence of media coverage, the Russian military was ramping up its involvement in Ukraine and the conflict was about to explode. Little, of course, did we know that the next day a civilian airliner would be shot down and Ukraine would once again be front-page international news.

The prime targets of the July attacks were

Ukrainian forces in a narrow strip of land along the border with Russia known as Sector D.⁶² After June 4, 2014, when Russian-backed forces took control of Sverdlovsk, in the Lugansk region, Ukrainian control was restricted to a five-kilometer-wide area between that town and the border at Krasnopartizansk. Sector D ran from this area along approximately 120 kilometers of the border of both the Lugansk and the Donetsk regions.

Pressed with artillery fire from separatist forces to the north and the west, and the intervention of Russian artillery on the other side of the border, the defenders of Sector D were left devastated, leading to the collapse of the pocket and the abandonment of the border.

One of the earliest and deadliest incidents of cross-border shelling took place on July 11.⁶³ That night, a Ukrainian military camp near the village of

⁵⁹ James Miller and Michael Weiss, "Russia Is Firing Missiles at Ukraine," Foreign Policy, July 17, 2014, http://foreignpolicy. com/2014/07/17/russia-is-firing-missiles-at-ukraine/.

^{60 &}quot;Ukraine Liveblog Day 150," *The Interpreter*.

^{61 &}quot;Ukraine Liveblog Day 150," The Interpreter.

⁶² Pierre Vaux, "Ukrainian Troops Retreat from Russian Border, Leaving 100 Kilometers Open to Invasion," *Daily Beast*, August 12, 2014, http://www.thedailybeast.com/articles/2014/08/12/ukrainian-troops-retreat-from-russian-border-leaving-100-kilometers-defenselessagainst-invasion.html.

^{63 &}quot;Ukraine Liveblog Day 144: 30 Ukrainian Soldiers Killed Near Russia's Border," *The Interpreter*, July 11, 2014, http://www. interpretermag.com/ukraine-liveblog-day-144-30-ukrainian-soldiers-killed-near-russias-border/#3318.



Ukrainian and Russian-backed forces in Sector D in July 2014, with selected artillery firing and impact sites

Zelyonopolye, less than eight kilometers from the Russian border, was shelled with Grad rockets and 152-millimeter artillery.

Yevgeny Zhukov, a soldier in the 79th Airborne Brigade, wrote that prior to the attack the base was regarded as a safe location, a place for soldiers to rest and reload away from the frontline to the north. He described the attack as follows:

Our guys had been flat-out nailed by artillery! Caught by surprise. Mike arrived at 4:15 and literally 10 minutes after they stopped, huge blasts rolled out across the whole perimeter of the camp. Grads, following up 152-mm "wild boars." And, after all that, the ammo began spewing up for 4–6 hours, and shrapnel whizzed off from these shells, etc. Those people (who survived) lay under their vehicles... For most, this was a huge shock! Because this site had never been shelled before, and the people who lived there, due to the circumstances, had simply let their guard down... And this was not a battle outside Zelyonopolye, as the media reported[;] this was prepared in advance, a precisely rehearsed, massive

and successful artillery bombardment of our soldiers' base on [the] borders of the Lugansk region from the Russian side. In other words, a knife in the back, cowardly and treacherous, knowing that we would not respond, destroying a host of lads and even more scorched vehicles. Most have developed psychological disorders, it was hell!⁶⁴

Twenty-three Ukrainian soldiers were killed,⁶⁵ and almost 100 wounded in the attack. Google Earth satellite images taken on August 4, 2014, clearly show craters, wreckage, and scorched earth at the site of the Zelyonopolye camp. Incredibly, as open-source investigator Sean Case has pointed out, this same satellite imagery reveals more than 50 possible launch sites within Russia or just inside Ukrainian territory. Case has identified 122 possible artillery impact sites in Sector D, even calculating possible trajectories for the shelling based on the shape of craters visible on Google satellite images.⁶⁶ Bearing in mind that the firing and impact sites found on Google Earth may represent only a portion of the total number of actual attacks, the scale of the cross-border shelling last summer is

 ^{64 &}quot;Ukraine Liveblog Day 514: Heavy Fighting in Gorlovka Area, Casualties Across Donetsk Region," *The Interpreter*, July 16, 2015, http://www.interpretermag.com/ukraine-live-day-514-heavy-fighting-in-gorlovka-area-casualties-reported-across-donetsk-region/#9180.
 65 Ukrainska Pravda, http://www.pravda.com.ua/rus/news/2014/07/11/7031672/.

⁶⁶ Sean Case, "Smoking GRADs: Evidence of 90 Cross-Border Artillery Strikes from Russia to Ukraine in Summer 2014," Map Investigations, updated July 16, 2015, http://mapinvestigation.blogspot.co.uk/.

clearly immense.

This intervention would have a decisive effect on the course of the war. After 22 days of being pounded with artillery from all sides in the shrinking pocket of Sector D, Ukrainian forces were evacuated, fighting their way back to the west to link up with troops advancing from the strategic heights of Saur-Mogila on August 6,⁶⁷ suffering heavy losses along the way.

Over 100 kilometers of the border with Russia now lay outside Ukrainian control, allowing Russian forces to cross the frontier with neither resistance nor scrutiny.

The T-72 Main Battle Tank in Separatist Hands

At the start of the ATO, the Ukrainian military made the decision to keep T-72 MBTs in reserve west of Kiev, near Lviv. Oleg Naumenko of Ukraine's presidential administration explained this decision to *The Interpreter*:

T-72 tanks were designed and are still produced by the state-owned UralVagonZavod located in Nizhny Tagil (Sverdlovsk Oblast, Russia). The T-72 and its modifications has been the most widely serially produced battle tank in the Soviet Union. It is worth mentioning that UralVagonZavod was included in the U.S. sanctions list as one of the key enterprises in Russia's military-industrial complex and due to explicit support of the company's top management of the Kremlin's expansionist policy in Ukraine.⁶⁸

After the collapse of the Soviet Union, Ukraine inherited around 1,000 T-72B tanks. However, the new government opted to use T-64 tanks as the main battle tank of the Ukrainian Army. There were several reasons for such a decision:

• Ukraine has a powerful Malyshev factory in Kharkiv that produces T-64s.

• Ukraine has a full-cycle production of T-64s [in place], producing bodies, gun turrets, cannons, transmissions, reactive armor and other elements of the tank. • There are also powerful plants customized for repairing and modernizing precisely T-64s.

Meanwhile, T-72Bs were gradually replaced with other models. They were either transported to military preservation warehouses or reequipped to be exported elsewhere. Over the 23-year period of Ukrainian independence, most Ukrainian T-72 tanks were sold abroad. At the beginning of the Anti-Terrorist Operation in April 2014, Ukraine possessed between 200 and 300 T-72B tanks.

Naumenko's statement corresponds to observations by a number of reporters and military experts. An ARES report, published in November 2014,⁶⁹ notes that no Ukrainian T-72 was ever documented as having taken part in the ATO. In the last few months, however, the OSCE Special Monitoring Mission (SMM) has noted the presence of T-72s in territory controlled by the Ukrainian government between Mariupol and Donetsk, widely considered to be a major front in the recent fighting.

Naumenko explains:

Due to intense military action in the east of the country, some of [the] T-72[s] were put back in service. We should bear in mind that the process of de-preservation takes a lot of time because it is necessary to conduct comprehensive repairs of works and stuff the tank with new weaponry to fit the ATO reguirements. Currently, [the] Ukrainian armed forces and the National Guard of Ukraine have 50 T-72B tanks, which were transferred since late 2014. Nevertheless, [the] T-64 model and its modifications remain the core and the dominant tank in the Ukrainian Army. On the other hand, leaders of the so-called "DPR" and "LPR" reported of dozens, if not hundreds, of new T-72 battle tanks supplied by Russia. Their announcement that all tanks were seized from Ukrainian armed forces does not stand up to criticism. Firstly, there is no information about captured Ukrainian T-72s. Secondly, Russia-backed militants started to get new T-72s in the summer of 2014 when the Ukrainian Army did not have a single combat-ready T-72. Thirdly, the so-called "DPR" and "LPR" use Russian modernized versions—T-72 BM and T-72 B3—in service by the Russian Federa-

67 "Ukraine Liveblog Day 172: Ukrainian Forces Break Out of Encirclement but Leave Border Vulnerable," *The Interpreter*, August 8, 2014, http://www.interpretermag.com/ukraine-liveblog-day-172-ukrainian-forces-break-out-of-encirclement-but-leave-border-vulnerable.

⁶⁸ U.S. Department of Treasury. http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20140716.asx.

⁶⁹ Ferguson and Jenzen-Jones, *Raising Red Flags*.

tion Armed Forces since 2012. Ukraine never purchased these modifications, nor do the Ukrainian armed forces operate such tanks.

These comments also match the assessment of many arms experts. As ARES noted, some of the T-72s spotted on Ukraine's battlefields—namely, the T-72B Model 1989 and the T-72B3—are not used by Ukraine and were never exported by the Russian military. Therefore, these vehicles can only have come from Russia—but not lawfully, as Russia does not export the T-72 Model 1989 to foreign countries. Moreover, as ARES noted:

The T-72BA and T-72B3 variants have also been employed by separatists, with the presence of the T-72B3 being particularly noteworthy. With Kontakt-5 ERA, an upgraded fire control system, a ballistic computer and a modern thermal sight, the T-72B3 represents the latest T-72 model in Russian service. It was introduced in 2013, and is not known to have been exported. One video uploaded by separatists shows a T-72B3 they claim to have captured after fighting with Ukrainian forces. Such an example may illustrate the frequency with which materiel appears to change between opposing sides within the conflict. Dr Igor Sutyagin, a senior research fellow at the Royal United Services Institute (RUSI), has also confirmed to us that neither the T-72BA or B3 are in service in the Ukrainian military.⁷⁰

It is not clear when the first T-72s were obtained by the Russian-backed fighters. On July 31, T-72s of various models were spotted on flatbed trucks on the Russian border moving toward the Izvarino border crossing.⁷¹ On August 18, the Vostok Battalion was documented as possessing a T-72 tank in Yasinovataya, north of Donetsk.⁷² Ukrainian colonel Evgeniy Sidorenko, head of tank forces for Sector B of the South Operational Command of the ATO, says that the troops from the 8th Motor Rifle Brigade, 3rd Tank Company No. 54096, captured a T-72B3, a "red flag" weapon, in Ilovaisk. He personally worked to repair the tank in order to use it to flee from the Ilovaisk cauldron, which caught so many Ukrainian soldiers in a death trap.⁷³

However, one video uploaded on August 26, at the height of the "Russian Invasion," discussed later, perhaps deserves the most attention. Released as journalists issued reports of Russian military convoys streaming across the border at the Izvarino crossing, this video showed a large and powerful convoy in Sverdlovsk, headed toward Lugansk. The convoy included:⁷⁴

- Four amphibious auxiliary vehicles, two equipped with Zu-32-2 anti-aircraft guns
- Four T-72 battle tanks—three T-72B1s and one T-72BM or B3, the latter of which is exclusively used by the Russian military
- Three transports towing field artillery pieces, likely D-30 122-mm howitzers—ubiquitous weapons that have been spotted, with nearly exactly the same tarps, on both sides of the border⁷⁵
- A 9K35 Strela-10 anti-aircraft missile system
- Two BMP-2 infantry fighting vehicles

This convoy is significant in many respects. First, while few T-72s had thus far been documented, four were spotted within the same convoy. Second, one of them was of a T-72 variant that could not have come from the Ukrainian military, with the only other supplier that makes any sense being Russian. Third, the inclusion of multiple types of vehicles, including anti-aircraft weapons, may indicate that this was a Russian military convoy specifically designed to protect itself from air strikes as it traveled to the frontlines. SAM systems are usually placed toward the front or rear of convoys, with a gap behind them to allow other vehicles to stay clear of missile exhaust. In this footage, a significant gap is notable between the Strela and the following BMP-2.

Soon afterward, the presence of the T-72 on the battlefields in eastern Ukraine became the norm, rather than the exception, as did sightings of the Strela-10,

⁷⁰ Ferguson and Jenzen-Jones, Raising Red Flags.

^{71 &}quot;Ukraine Liveblog Day 164: Rada Rejects Yatsenyuk Resignation," *The Interpreter*, July 31, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-164-rada-rejects-yatsenyuk-resignation/#3608.

^{72 &}quot;Ukraine Liveblog Day 182: Russian Aid to Enter Ukraine with Kiev's Approval," *The Interpreter*, August 18, 2014, http://www. interpretermag.com/ukraine-liveblog-day-182-russian-aid-to-enter-ukraine-with-kievs-approval/#3851.

^{73 &}quot;The Story of Colonel Evgeniy Sidorenko Who Broke Out from Ilovaisk in a Russian T-72 Tank," BurkoNews, September 14, 2014, https://burkonews.info/story-colonel-evgeniy-sidorenko-broke-ilovaisk-russian-t-72-tank/.

^{74 &}quot;Ukraine Liveblog Day 190: Russian Paratroopers Captured in Ukraine," *The Interpreter*, August 26, 2014, http://www.interpretermag. com/ukraine-liveblog-day-190-russian-paratroopers-captured-in-ukraine/#3968.

^{75 &}quot;Ukraine Liveblog Day 182," The Interpreter.

T-64s, and other Russian armored vehicles that were once rarely documented.

Ukraine Advances in the West, Russia Attacks from the East

On July 27, Ukrainian forces made strategically significant gains, retaking Debaltsevo, a major rail hub in the east of the Donetsk region, and moving south into Shakhtyorsk, around 50 kilometers east of Donetsk. The capture of Debaltsevo seriously disrupted the steady stream of Russian armor, which had been moving into Donetsk from the border town of Krasnodon along the M-04 highway via Lugansk and Debaltsevo.

An alternative highway route⁷⁶ from Lugansk to Donetsk lay to the south, running via Krasny Luch and Shakhtyorsk. With Ukrainian troops poised to sever this supply line, all evidence suggests that Russia took decisive action, sending armored forces to prevent the fall of Shakhtyorsk. Video footage, shot that very same day, on July 27, shows a large mixed column, consisting of Strela-10 SAMs, BMP-2s, armored personnel carriers, artillery, and buses carrying troops, moving through Rovenki⁷⁷ and Krasny Luch.⁷⁸

A video filmed by separatists the next day, July 28,⁷⁹ showed T-64 tanks and fighters going to battle in Shakhtyorsk. While most of the soldiers in this footage look like paramilitaries in ragtag uniforms, one soldier stands out. He is equipped with modern

combat gear very much akin to that worn by the "little green men" in Crimea. Furthermore, he is carrying what appears to be an ASVK anti-materiel rifle, a weapon that only entered Russian military service in 2013. The U.S. Department of Defense announced in a statement released on July 28⁸⁰ that a column of over 100 Russian military vehicles had been seen moving into Ukraine.

Russia's military intervention in Shakhtyorsk succeeded in halting the Ukrainian advance, inflicting severe casualties. On the evening of July 31, at least 21 Ukrainian soldiers were killed and several captured in an ambush near the town.⁸¹

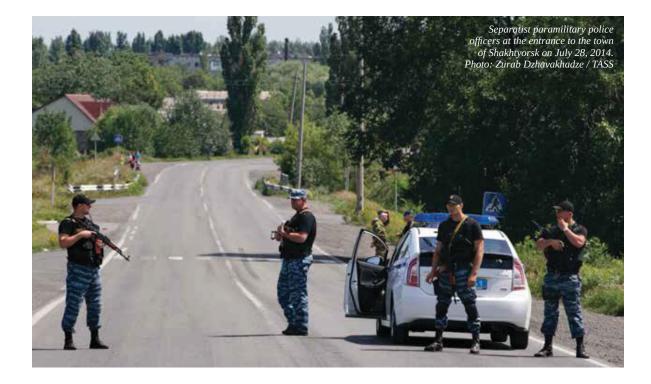
By August 2, it was clear that Ukrainian attempts to stop the movement of Russian forces toward Donetsk by the route south of Debaltsevo had failed, as a large column of tanks and artillery was filmed traveling⁸² through the village of Nizhnaya Krynka, about 22 kilometers northwest of Shakhtyorsk.

Several days later, Ukrainian forces began an attempt to push into this belt of separatist-held territory from the other side, mounting an unsuccessful assault on the town of Ilovaisk, southwest of Shakhtyorsk. They would finally reach the center of this now-infamous settlement on August 19,⁸³ but in the intervening time, the landscape of the war zone had changed dramatically. While Ukraine had made significant gains, retaking suburbs⁸⁴ of both⁸⁵ separatist "capitals," it had been forced to withdraw from Sector D on August 6, leaving a vast swathe of the border open to Russian invasion.⁸⁶

- 78 Sergei Valovenko, "Lugansk Huge Column of Separatists Krasny Luch ATO LNR DNR 27.07.2014," July 27, 2014, https://www.youtube.com/watch?v=49c6loPhHns.
- 79 TomahawkVideo, "Donbass Militia in Battles for Shakhtyorsk," July 27, 2014, https://www.youtube.com/watch?v=_5At0IAxNUw.
- 80 Jim Garamone, "Russian Troops, Equipment Mass Along Ukraine Border," DoD News, July 28, 2014, http://www.defense.gov/News/ Article/602959.
- 81 "Ukraine Liveblog Day 165: 21 Ukrainian Soldiers Reported Dead in Ambush in Shakhtyorsk," *The Interpreter*, August 1, 2014, http:// www.interpretermag.com/ukraine-liveblog-day-165-21-ukrainian-soldiers-reported-dead-in-ambush-in-shakhtyorsk/; "Ukraine Liveblog Day 164: Rada Rejects Yatsenyuk Resignation," *The Interpreter*, July 31, 2014, http://www.interpretermag.com/ukraine-liveblog-day-164rada-rejects-yatsenyuk-resignation/#3616.
- 82 "Ukraine Liveblog Day 166: Ukraine's Borders Are Attacked Overnight," *The Interpreter*, August 2, 2014, http://www.interpretermag. com/ukraine-liveblog-day-166-ukraines-borders-are-attacked-overnight/#3638.
- 83 "Ukraine Liveblog Day 183: Ukraine Fights to Retake Ilovaisk," The Interpreter, August 19, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-183-ukraine-fights-to-retake-ilovaisk/#3858.
- ⁸⁴ "Ukraine Liveblog Day 171: Barricades Burn Once Again as Authorities Try to Clear Maidan," *The Interpre*ter, August 7, 2014, http:// www.interpretermag.com/ukraine-liveblog-day-171-barricades-burn-once-again-as-authorities-try-to-clear-maidan/#3689.
- 85 "Ukraine Liveblog Day 180: The Battle for Lugansk Begins," The Interpreter, August 16, 2014, http://www.interpretermag.com/ukraineliveblog-day-180-the-battle-for-lugansk-begins/#3831.
- 86 Pierre Vaux, "Ukrainian Troops Retreat from Russian Border, Leaving 100 Kilometers Open to Invasion," Daily Beast, August 12, 2014, http://www.thedailybeast.com/articles/2014/08/12/ukrainian-troops-retreat-from-russian-border-leaving-100-kilometers-defenselessagainst-invasion.html.

⁷⁶ "Ukraine Liveblog Day 160: The Battle for the Donbass Intensifies," *The Interpreter*, July 27, 2014, http://www.interpretermag.com/ukraine-liveblog-day-160-the-battle-for-the-donbass-intensifies/#3560.

⁷⁷ Svobodny Donbass, "27.07.2014 Column of Russian Troops Moving Through the Town of Rovenki in the Lugansk Region. Ukraine War," July 27, 2014, https://www.youtube.com/watch?v=VeWjViTVsTo.



On August 13, Chechen fighters, equipped with BTR-82A armored personnel carriers (which only entered Russian service in 2013 and have never, according to RUSI's military expert Igor, been in the Ukrainian arsenal), broke through Ukrainian lines near Snezhnoye, about 20 kilometers east of Shakhtyorsk.⁸⁷ With Russian troops now freely moving to the northwest, north, and east of Ilovaisk, Ukrainian fighters were entering a trap.

As Ukrainian troops, led by the Donbass volunteer battalion, raised their flag in the town center, they came under sustained fire from rocket artillery and mortars, killing one fighter—American Mark Paslawsky⁸⁸—and wounding four, including the Donbass Battalion's commander, Semyon Semyonchenko.

The death toll grew the next day, as Ukraine reported enemy reinforcements entering the town from the north. Meanwhile, Russian-backed forces pressed against Ukrainian positions on Saur-Mogila to the east,⁸⁹ pouring in through the abandoned expanse of territory that had been Sector D. Colonel Evgeniy Sidorenko, a Ukrainian military officer who fought in Ilovaisk, recounted later that the government forces lacked strength to defend their rear, with "nothing to cover the Starobeshevo-Kuteynikova area."⁹⁰

By August 24, Sidorenko said, troops in Ilovaisk had received reports that Russian-backed fighters were launching a major incursion. Although General Ruslan Homchak, who was commanding the Ukrainian operation in Ilovaisk, requested permission to withdraw, the General Staff instructed Ukrainian troops to remain in place. As pro-Russian forces moved in from the southeast, National Guard units defending Kuteynikova were forced to withdraw. At around 4 p.m. that afternoon, Sidorenko's reconnaissance group moved south along the road out of Ilovaisk toward Kutevnikova, where Ukrainian troops had previously fought off an attack. Judging by the vehicles Sidorenko claimed to have seen destroyed, which included a BMD, an infantry fighting vehicle used by Russian airborne forces, these soldiers were Russian paratroopers. Ten Russian paratroopers were in fact captured within 24 hours of this engagement, near Zerkalnoye, around 2 kilometers southwest of Kuteynikova and halfway

⁸⁷ "Ukraine Liveblog Day 180," *The Interpreter*.

^{88 &}quot;Ukraine Liveblog Day 183: Ukraine Fights to Retake Ilovaisk," *The Interpreter*, August 19, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-183-ukraine-fights-to-retake-ilovaisk/#3873.

^{89 &}quot;Ukraine Liveblog Day 184: Fighting Continues in Ilovaisk and Lugansk," The Interpreter, August 20, 2014, http://www.interpretermag.com/ukraine-liveblog-day-184-fighting-continues-in-ilovaisk-and-lugansk/#3879.

^{90 &}quot;Story of Colonel Evgeniy Sidorenko," BurkoNews.

between Ilovaisk and the Russian border.91

These troops, from the 98th Airborne Division based in Kostroma, were exhibited by the Ukrainian government as proof of direct Russian military intervention in Ukraine. The Russian Ministry of Defense even admitted at the time that these men were active members of the Russian armed forces but claimed, incredibly, that they had become "lost" while patrolling the border and wandered accidentally into Ukraine.⁹²

Sidorenko described another battle later on the night of August 24, during which a Russian T-72B3 was captured, as follows:

Later that night the serious fighting began. Our positions were fired on with heavy artillery. Our field shelters were reliable, but the heavy artillery with the help of [unmanned aerial vehicles] smashed these light fortifications. We suffered great losses in equipment and transport, and soldiers died. Nevertheless, our battle group with the help of a BMP disabled a Russian tank. I was not a participant in this fight, but I was immediately summoned to inspect the trophy. The tank crew left the vehicle and ran away together with other Russian armored vehicles.

I climbed into the tank and found that it [was] the latest modification of the Russian T-72B-3, which entered service in 2012. The main modification is the thermal sight "SOSNA-U" for the commander and the gunner. The sights on the tank were damaged by our fire, but after a small repair it was possible to use them, although the thermal sight and gun vertical stabilizer did not work. The rest of the tank was fully functional.

According to documents the tank belonged to the military section of the Russian Federation No. 54096—this is the 8th Motorized Rifle Brigade, 3rd Tank Company. The company commander was listed as Rashitov A.R., and the tank commander as Sergeant Goncharov. I took the tank into service of our group, and personally drove it to our position.

We can confirm that Ukrainian troops in Ilovaisk captured a T-72B3 thanks to a photograph⁹³ taken during the battle for the town by Maks Levin of the Ukrainian news site *Leviy Bereg*.⁹⁴

The capture (and subsequent loss) of this tank, or a similar incident, would explain the origin of a T-72B3 that separatist fighters in Donetsk later proudly showed to a Russian state television crew.⁹⁵ The tank, which was described as a trophy taken in battle with the Ukrainians, bore the white stripes associated with government forces operating in the Donbass, just like the one photographed by Levin. As if to insinuate that Western states were backing the Ukrainian war effort, the separatists also took the cameramen inside the tank to show them the French-manufactured Thales Optronique sights, supplied to Russia and fitted to the T-72B3, which only entered Russian military service in 2013 as part of the SOSNA-U thermal imaging system described by Sidorenko. The T-72B3 has never been exported outside of Russia.

Back in Ilovaisk, the situation was about to deteriorate much further. On August 25, Ukrainian troops were forced to withdraw from Starobeshevo, around 23 kilometers southeast of Ilovaisk, allowing the Russians to encircle the town. After a battle outside the town, two officers from the 51st Brigade used grenades to blow themselves up, along with 12 Russian paratroopers, to avoid capture.⁹⁶ During another engagement that same day, Colonel Sidorenko claims to have encountered dead and wounded soldiers from Russia's 31st Air Assault Brigade.

With Ukrainian forces surrounded in Ilovaisk, and Russian troops moving to link up with Donetsk from the southeast, Russia opened a new front, attacking the Ukrainian border town of Novoazovsk, on the Azov coast, about 70 kilometers south of Starobeshevo.⁹⁷

^{91 &}quot;Ukraine Liveblog Day 190," The Interpreter.

^{92 &}quot;Russian Servicemen Accidentally Cross Ukrainian Border," TASS, August 26, 2014, http://tass.ru/en/world/746663.

⁹³ http://i.lb.ua/024/19/5404c84f32948.jpeg.

⁹⁴ Max Levin, "Ilovaisk: Chronicle of an Escape," LB.ua, September 1, 2014, http://society.lb.ua/life/2014/09/01/277952_ilovaysk_hronika_ vtechi.html.

^{95 &}quot;Ukraine Liveblog Day 211: Rada Ratifies Association Agreement and Passes Donbass Special Status Bill," *The Interpreter*, September 16, 2014, http://www.interpretermag.com/ukraine-liveblog-day-211-rada-ratifies-association-agreement-and-passes-donbass-special-status-bill/#4270.

^{96 &}quot;Ukraine LiveBlog Day 193: Putin Appeals to 'Militia of Novorossiya,'" *The Interpreter*, August 29, 2014, http://www.interpretermag. com/ukraine-liveblog-day-193-putin-appeals-to-militia-of-novorossiya/#4021; Nolan Peterson, "How a Swedish Sniper Found Redemption in the Ukraine War," *Daily Signal*, August 10, 2015, http://dailysignal.com/2015/08/10/meet-the-former-neo-nazi-spokesman-who-now-fights-for-freedom-in-ukraine/.

^{97 &}quot;Ukrainian Liveblog Day 189: Is There a Russian Invasion?," *The Interpreter*, August 25, 2014, http://www.interpretermag.com/ ukrainian-liveblog-day-189-is-there-a-russian-invasion/#3934.

That Russian forces, rather than the Kremlin's separatist proxies, launched the new offensive on the Azov Sea, is clear not only from the vast distance between this site and the remainder of the frontline—the attack came from across the border—but also from sightings of Russian personnel and military equipment in the Novoazovsk area.⁹⁸ By August 26, Ukrainian forces had pulled out of Novoazovsk, and Russian forces had established a foothold on the Azov coast.⁹⁹

Russian troops began to spread southward from Ilovaisk, with villagers in Kolosky, about 26 kilometers south of the besieged town, telling Reuters reporters that "little green men" akin to those seen in Crimea had arrived, along with 38 armored personnel carriers and other military vehicles.¹⁰⁰ Dmitry Chistyukhin, a resident of Kolosky, said that some of the men were trading their military-issued ready-to-eat meals (MRE) with villagers for homemade preserved fruits and vegetables. He said the writing on the ration packs was Russian, not Ukrainian, and added that the soldiers had painted over identifying marks on their military vehicles with white circles. Furthermore, he reported, when residents approached their checkpoint and asked if they were allowed to travel onto the next village, Komsomolske, the armed men asked, "Where's that?"

"The people at the new checkpoint, they were polite military men wearing green," he said. "Definitely not Ukrainian. They're definitely not from around here."

On the evening of August 26, Ukrainian forces engaged a column of what they claimed were Russian paratroopers moving on Ilovaisk. Photos of the aftermath show dead soldiers, burnt out MT-LB armored personnel carriers, and one VSS Vintorez rifle, a weapon exclusively used by Russian *Spetsnaz* units.¹⁰¹

On the following morning, Semyon Semyonchenko, commander of the Donbass Battalion, warned that the situation in Ilovaisk was critical, and that the General Staff needed to organize an evacuation as soon as possible. Instead, the Ukrainian command insisted that reinforcements had arrived and that the situation was under control. Semyonchenko dismissed this claim as a lie.102

By this time, there were reports that Russian troops had entered Amvrosievka, on the highway between Ilovaisk and the Avilo-Uspenka border crossing. Furthermore, the Ukrainian military claimed that a large column, of around 100 armored vehicles was moving south from Starobeshevo toward Telmanovo, a town around 37 kilometers to the south, to take control of the highway from Donetsk to Novoazovsk and connect the two fronts.¹⁰³

By the evening of August 27, the official Twitter account of the Ministry of Foreign Affairs of Ukraine had sent a simple message—"#RussiaInvadedUkraine." That same day a Russian independent news outlet ran the headline "From the Editors: Are We At War?" This period of time has now become popularly known as the "Russian Invasion," the period when the Russian military most clearly intervened in eastern Ukraine.¹⁰⁴

On August 28, with ammunition running low, Ukrainian troops began their first attempts to escape the encirclement, which by then had become known as the *kotel* ("kettle" or "boiler"). Colonel Sidorenko made it out that day in the captured T-72, accompanied by two columns of soldiers. Despite an agreement with the Russians to allow safe passage in exchange for the release of captives, the evacuating soldiers came under heavy fire, with many killed or wounded. After traveling south for about 22 kilometers, Sidorenko's T-72 was knocked out, forcing the crew to move by foot through the sunflower fields overnight, covering 30 kilometers before reaching the Ukrainian lines.

The next day, another group of Ukrainian fighters from a National Guard unit, accompanied by a group of Ukrainian and German journalists, broke out of Ilovaisk.¹⁰⁵ Footage of the escape, broadcast by Germany's ARD television channel¹⁰⁶ shows the column coming under intense fire as it fled. Levin, the correspondent for Ukraine's *Leviy Bereg*, reported that at least one Ukrainian tank had been knocked out and that he had been wounded when their car was shot up.

^{98 &}quot;Ukraine Liveblog Day 199: NATO, Divided, Meets to Discuss Ukraine," The Interpreter, September 4, 2014, http://www.interpretermag. com/ukraine-liveblog-day-199-nato-divided-meets-to-discuss-ukraine/#4128.

^{99 &}quot;Ukraine Liveblog Day 190," The Interpreter.

¹⁰⁰ Maria Tsvetkova, "'Men in Green' Raise Suspicions of East Ukrainian Villagers," Reuters, August 26, 2014, http://www.reuters.com/ article/2014/08/26/us-ukraine-crisis-fighters-idUSKBN0GQ1X520140826?irpc=932.

^{101 &}quot;Column of Russian Raratroopers on BMDs Smashed Outside Ilovaisk," August 27, 2014, http://roadcontrol.org.ua/node/2297.
102 "Ukraine Liveblog Day 191: Fighting in Ilovaisk, Amvrosievka and Novoazovsk," *The Interpreter*, August 27, 2014, http://www.

interpretermag.com/ukraine-liveblog-day-191-fighting-in-ilovaisk-amvrosievka-and-novoazovsk/#3995.

^{103 &}quot;Ukraine Liveblog Day 191," *The Interpreter*.

^{104 &}quot;Ukraine Liveblog Day 191," *The Interpreter*.

^{105 &}quot;Ukraine Liveblog Day 193," The Interpreter.

¹⁰⁶ Ukraine Heute, "Weltspiegel Extra: Murderous Ukraine War. Escape from Ilovaisk," September 3, 2014, https://youtu.be/Yx_sWnP3_9g.

On August 29, Putin made a public appeal to the "militia of Novorossiya," to establish a humanitarian corridor, allowing Ukrainian troops to leave Ilovaisk safely.¹⁰⁷ The next day, despite Russian propaganda reports to the contrary,¹⁰⁸ Ukrainian soldiers, journalists, and military officials reported that there was no such corridor in effect, with reporter Ruslan Yarmolyuk of the 2+2 television channel, writing:

This morning in accordance with the agreement on the corridor which fighters were to open outside Ilovaisk, the remainders of the 40th battalion of the Ukrainian Armed Forces, the 39th, the 28th and the remnants of the 51st brigade of Vladimir-Volynskaya went into the corridor and were shelled by heavy artillery and mortars. The Russian beasts swept from the earth everything that went through the corridor, both vehicles and personnel of the Ukrainian army and part of the volunteer battalions. None of them have gotten in touch and have not reached the gathering place! From yesterday's reinforcement, which went to Ilovaisk, made up of 30 vehicles, not a single one got out; of 300 men, by preliminary information, no more than 10 remain alive! That's it, make your conclusions!109

Ukrainian volunteer fighters from the Crimea Battalion reported on Facebook "hundreds of bodies" and "dozens captured" in the "humanitarian corridor." Their photos and videos from other breakout attempts capture the horror of the Ilovaisk encirclement, from which the last Ukrainian troops escaped on September 1.¹¹⁰

Reports from Novokaterinovka, a village just southeast of Starobeshevo on the road to Komosomolskoye, through which Ukrainian troops were forced to withdraw, described devastation on August 30. One resident told reporters from the Associated Press] that the Ukrainian troops had been about to surrender when "they began to bomb them." Photos from the scene show dozens of burnt-out vehicles and the body of a Ukrainian soldier hanging from a power line.¹¹¹

Along with the testimony of Ukrainian soldiers and Russian prisoners, there is abundant photographic and video evidence that Russian forces were deployed to encircle Ilovaisk. At least five wrecked or abandoned T-72B3 or BA tanks have been documented at three different sites near Starobeshevo, including Novokaterinovka, where Ukrainian troops engaged them as they attempted to break out. As has also been noted previously, neither the T-72B3 nor the T-72BA have been used by the Ukrainian military in this conflict, and the T-72B3 was never exported by the Russian military.

Almost a year later, Anatoly Matios, Ukraine's chief military prosecutor, announced the final toll of the battle for Ilovaisk as 366 Ukrainian soldiers killed, and 429 wounded. Bodies would continue to turn up for months after the battle. Of the dead, 156 remain unidentified.¹¹² Furthermore, hundreds of Ukrainian soldiers were captured.¹¹³ According to Matios, the ten Russian paratroopers who had been captured near Zerkalnoye were returned to Russia in exchange for the release of around 200 Ukrainian prisoners on August 30, 2014.¹¹⁴ Other Ukrainian POWs were handed over to separatist fighters, who paraded, humiliated, and physically abused them on camera. A year later, on August 20, 2015, Matios said that 128 Ukrainian soldiers remained in captivity, while the fate of another 158 remains unknown.¹¹⁵

By September 2, the news that Russian-backed forces were in Telmanovo made it clear that Ukraine had lost control of the highway between Donetsk and Novoazovsk, despite having had some success in retaking Komsomolskoye on August 30.¹¹⁶ Ukrainian troops had abandoned Komsomolskoye, locals told

^{107 &}quot;Ukraine Liveblog Day 193," *The Interpreter*.

¹⁰⁸ Novosti Rossii, "Humanitarian Corridor for the Donbass Battalion Ceases Effect in 2 Hours," August 29, 2014, https://www.youtube.com/ watch?v=Jc6IhOPvG-o.

^{109 &}quot;Ukraine Liveblog Day 194: 'Humanitarian Corridor' Uncertain for Evacuation of Ukrainian Soldiers," *The Interpreter*, August 30, 2014, http://www.interpretermag.com/ukraine-liveblog-day-194-humanitarian-corridor-uncertain-for-evacuation-of-ukrainian-soldiers/.
110 Action Tube, "Breakthrough of Convoy from Ilovaisk Boiler," September 13, 2014, https://www.youtube.com/watch?v=202FZNVn53I.

^{111 &}quot;Ukrainian Troops Routed as Russia Talks Tough," Associated Press, September 2, 2014, http://www.dailymail.co.uk/wires/ap/ article-2740449/Ukrainian-troops-routed-Russia-talks-tough.html.

^{112 &}quot;Matios Unveiled the Full List of Those Killed around Ilovaisk," Pravda, September 6, 2014, http://www.pravda.com.ua/rus/ news/2015/08/20/7078407/.

^{113 &}quot;Ukraine Liveblog Day 194," The Interpreter.

^{114 &}quot;Ukraine Liveblog Day 194," The Interpreter.

^{115 &}quot;Ukrainian Prosecutor General's Office Has Published a List of Soldiers Who Died in the "Boiler of Ilovaisk," Novosti, August 20, 2015, http://novosti.dn.ua/details/257940/.

^{116 &}quot;Ukraine Liveblog Day 197: Ukraine Reportedly Loses Control of Telmanovo, North of Mariupol," The Interpreter, September 2, 2014, http://www.interpretermag.com/ukraine-liveblog-day-197-ukraine-reportedly-loses-control-of-telmanovo-north-of-mariupol/#4086.

Kommersant's Ilya Barabanov, on the evening of September 1.

Ukraine had now lost control of the entire border between the Donetsk region and the Russian Federation.

The Russian Invasion of Lugansk

The situation was little better in the Lugansk region. Ukrainian forces, aided by the natural barrier of the Seversky Donets River, maintained control of much of the north of the region, having retaken Severodonetsk on July 22.¹¹⁷ As a result, the border to the north of the river remains under Ukrainian control to this day. However, direct Russian military intervention across the border, both via the Izvarino river crossing into the town of Krasnodon and across the vacuum created after the fall of Sector D, defeated Ukrainian forces to the south of Lugansk.

On July 9, days after Russian anti-aircraft systems had been filmed in the city of Lugansk, the Ukrainian military stronghold of Lugansk Airport, located around 15 kilometers south of the rebel-held regional capital, came under attack from Grad rockets and tanks. As at Donetsk Airport, the Ukrainian military was able to repel the attackers using airstrikes.¹¹⁸

While unable to stop the flow of troops and vehicles through the Izvarino crossing, only 40 kilometers from the airport, Ukrainian troops held onto their position and by August 14 were reported to be pushing separatist fighters back.¹¹⁹ Two days later, Ukrainian forces entered the suburban Zhovtnevyi district of Lugansk.¹²⁰

The Kremlin, unnerved by the possibility of Ukraine retaking Lugansk, decided to act much more decisively. On the evening of August 14, journalists from the *Guardian*, the *Daily Telegraph*, and the *New* *Times* witnessed armored vehicles headed to the border. According to the *Guardian*'s Shaun Walker, more than 20 armored personnel carriers crossed the border near the Russian town of Donetsk.¹²¹ At the time, journalists from around the world had descended on the Izvarino border crossing, waiting to see whether Russia's first "humanitarian convoy" would cross the border. It seems that Russian forces, however, used a more discreet route in an attempt to avoid detection. As Walker wrote:

After pausing by the side of the road until nightfall, the convoy crossed into Ukrainian territory, using a rough dirt track and clearly crossing through a gap in a barbed wire fence that demarcates the border. Armed men were visible in the gloom by the border fence as the column moved into Ukraine. Kiev has lost control of its side of the border in this area.¹²²

It soon became clear what the Russians were doing. On August 18, a military convoy made up of trucks, medical vehicles, artillery, and at least one BMD-2 infantry fighting vehicle was filmed moving west through the town of Sukhodolsk, just 10 kilometers from the Russian border. Having geolocated the convoy, it was easy to use a route-planning tool on Yandex Maps, a Russian competitor to Google, to work out that it was possible for the vehicles to have crossed the border at the village of Severny.¹²³

This was not the first time convoys had been reported in Sukhodolsk: claims of Russian tanks on the streets of the town went as far back as July 12,¹²⁴ but the sighting of the BMD-2 was remarkable given that identical vehicles had been photographed 10 kilometers *inside* Russia on August 15, just three days before they were spotted in Sukhodolsk. These vehicles, used by Russian paratrooper units (VDV), had been photographed by journalists from the BBC, Reuters, and Germany's ARD at several locations as they ap-

119 "Border Guards Deny, but There Are Photos," New Times, August 15, 2014, http://www.newtimes.ru/articles/detail/85685.

^{117 &}quot;Ukraine Liveblog Day 155: Train Carrying MH17 Bodies Arrives in Kharkiv," The Interpreter, July 22, 2014, http://www.interpretermag. com/ukraine-liveblog-day-155-train-carrying-mh17-bodies-arrives-in-kharkiv-and-black-boxes-handed-over/.

^{118 &}quot;Ukraine Liveblog Day 142: Ukraine Condemns Illegal Rendition of Captured Officer to Russia," *The Interpreter*, July 9, 2014, http:// www.interpretermag.com/ukraine-liveblog-day-142-ukraine-condemns-illegal-rendition-of-captured-officer-to-russia/#3297.

^{120 &}quot;Ukraine Liveblog Day 180: The Battle for Lugansk Begins," The Interpreter, August 16, 2014, http://www.interpretermag.com/ukraineliveblog-day-180-the-battle-for-lugansk-begins/#3831.

¹²¹ Shaun Walker, "Aid Convoy Stops Short of Border as Russian Military Vehicles Enter Ukraine," Guardian, August 15, 2014, http://www.theguardian.com/world/2014/aug/14/russian-military-vehicles-enter-ukraine-aid-convoy-stops-short-border.

¹²² Walker, "Aid Convoy Stops Short."

^{123 &}quot;Ukraine Liveblog Day 182: Russian Aid to Enter Ukraine with Kiev's Approval," The Interpreter, August 18, 2014, http://www. interpretermag.com/ukraine-liveblog-day-182-russian-aid-to-enter-ukraine-with-kievs-approval/.

^{124 &}quot;Ukraine Liveblog Day 145: Russian Forces Penetrate Ukrainian Territory?," *The Interpreter*, July 12, 2014, http://www.interpretermag.com/ukraine-liveblog-day-145-russian-forces-penetrate-ukrainian-territory/#3321.



proached the border.¹²⁵ The placement of the vehicles' individual ID numbers and a triangular marking on the vehicle filmed in Sukhodolsk are identical to those on the BMD-2s photographed on the Russian side of the border.¹²⁶ RUSI's Sutyagin says that symbols such as the triangles seen on the BMD-2s are "tactical markings" unique to each Russian army brigade or independent regiment. A list assembled by Ukraine's InformNapalm suggests that this particular symbol belongs to the 331st Guards Airborne Regiment, of the 98th Guards Airborne Division.¹²⁷

One BMD-2 was then captured by Ukrainian troops near Lutugino, to the west of Lugansk Airport, on

August 20.¹²⁸ The correlation between this vehicle and those photographed in Russia is striking. Once again, the camouflage pattern, triangular marking, and placement of the ID number, which has been covered or scratched over on the captured unit, is exactly the same as those of the vehicles photographed by Reuters. Documents found inside this BMD connected it to the First Paratrooper Company of the 76th Guards Air Assault Division from Pskov.

Russian artillery was now put to use against Ukrainian positions in Lugansk, firing both from within Russian territory, as reported by the Ukrainian military on August 11,¹²⁹ and from within, as demon-

^{125 &}quot;Ukraine Liveblog Day 179: Russian Build-Up Continues at Border as Armour Enters Ukraine," *The Interpreter*, August 15, 2014, http:// www.interpretermag.com/ukraine-liveblog-day-179-russian-build-up-continues-at-border-as-armour-enters-ukraine/#3808; see also Birgit Virnich, Twitter, August 14, 2014, 11:46 p.m., https://twitter.com/birgitvirnich/status/500171567754530816.

^{126 &}quot;Russian Military Column Near the Ukrainian Border," Postimees, August 15, 2015, http://www.postimees.ee/galerii/39477/venemilitaarkolonn-ukraina-piiri-lahistel.

¹²⁷ InformNapalm, "The Tactical Signs of the Units of the Russian Armed Forces Which Have Been Deployed to Fight in Eastern Ukraine," https://informnapalm.org/wp-content/uploads/2015/01/tactical-marking-ENGLISH-updated-13.01.15.pdf.

^{128 &}quot;Ukraine Liveblog Day 185: Russian Airborne Forces Reportedly Captured in Ukraine," The Interpreter, August 21, 2014, http://www. interpretermag.com/ukraine-liveblog-day-185-russian-airborne-forces-reportedly-captured-in-ukraine/#3889.

^{129 &}quot;Ukraine Liveblog Day 190," *The Interpreter*.



Fighting along the Bakhmutka highway in the Lugansk region

strated by satellite photos released by NATO that show self-propelled guns moving near Krasnodon on August 21 and in firing positions nearby on August 23.¹³⁰

As during the battle for Ilovaisk, modernized Russian tanks appeared in the Lugansk region. On August 26, a video was uploaded showing a column of tanks and anti-aircraft systems on the move in Sverdlovsk, southeast of Lugansk.¹³¹ Three of the tanks on the video are T-72B1s, which were not in active Ukrainian service but have been in the Ukrainian arsenal. One, however, was identified as a T-72BM, another variant of the T-72, fitted with Kontakt-5 explosive reactive armor, that has not been exported outside Russia.¹³²

By the end of August, Russian-backed forces were closing in around Lugansk Airport. On August 30, the Ukrainian military reported that government forces had been pushed back from the village of Novosvetlovka, around 11 kilometers northeast of the airport.¹³³ Video footage shot after the battle shows extensive devastation and at least two T-72BA tanks,¹³⁴ one of which had been almost completely torn in two.¹³⁵

The intensity of the fighting around the airport on the following day is made clear by Google Earth satellite images taken that day that show smoke billowing from dozens of burning fields surrounding the airfield, suggesting fires started from MLRS or artillery firing positions.

On September 1, Andriy Lysenko, then spokesman for the Ukrainian National Security and Defense Council, announced that Ukrainian troops had withdrawn from Lugansk Airport and the nearby village of Georgiyevka. Over the next few days, Ukrainian

¹³⁰ NATO Allied Command Operations, "New Satellite Imagery Exposes Russian Combat Troops Inside Ukraine," August 28, 2014, http:// aco.nato.int/new-satellite-imagery-exposes-russian-combat-troops-inside-ukraine.aspx#prettyPhoto.

^{131 &}quot;Ukraine Liveblog Day 190," The Interpreter.

¹³² Jonathan Marcus, "Ukraine Crisis: T-72 Tank Shoots Hole in Russian Denial," BBC, August 28, 2014, http://www.bbc.com/news/worldeurope-28961080.

^{133 &}quot;Ukraine Liveblog Day 194," The Interpreter.

^{134 &}quot;Novosvetlovka on the Day After Russian-Backed Forces Captured the Village," *The Interpreter*, August 27, 2015, 8:43, https://www. youtube.com/watch?v=H0uj7a3Vvcc.

^{135 &}quot;Destroyed T-72BA in Novosvetlovka—August, 2014," The Interpreter, August 27, 2015, 1:54, https://www.youtube.com/ watch?v=s8t7duBI82g.

troops were pushed back to the north of the regional capital, withdrawing from Zhovtnevyi and Metallist, a village just 1.5 kilometers north of the city.¹³⁶ Likely having achieved their military aims in the area, a large column, including T-72B3s, was filmed heading south, back toward the border crossing near Severny, on September 3.137

On September 4, as the cease-fire deal was being negotiated in Minsk, Marieluise Beck, a member of the Bundestag Committee on Foreign Affairs, visited parts of the Lugansk region still controlled by Kiev and was told by Dmitri Lugin, a Ukrainian official from the government of the Lugansk region "in exile,"138 that a Russian military engineering brigade was at work building new power lines to cross the border (the nearest power station to Lugansk lies in Ukrainian-controlled Schastye). Ukraine had now lost control of the entire Lugansk region south of the Seversky Donets River, bar a handful of settlements toward the western end of the Bakhmutka highway and the town of Lysychansk.

Russian-backed forces have maintained almost daily shelling along the new frontier since the first Minsk agreement and have even continued to make territorial gains, pushing Ukrainian forces farther back along the highway in two offensives—one in October 2014,¹³⁹ and another in January of this year.¹⁴⁰ Ukrainian fighters reported in January that it was Russian regulars with tanks, rather than separatist paramilitaries, who had mounted the second offensive on the Ukrainian Checkpoint 31 and were now occupying the village of Zholobok.

Around the time of these forces' gains, reporters from the Associated Press in Perevalsk saw large quantities of military hardware, including "15 pristine-looking tanks," headed toward Checkpoint 31.141 On September 7, 2014, a modernized T-72 model (either a BA or a B3) was filmed at a separatist parade in Perevalsk, which lies only 25 kilometers from the Bakhmutka highway. There is some evidence that this convoy was "gifted" to Cossack fighters under the command of Nikolai (Mykola) Kozitsin.142

Minsk Cease-fire Gives Way to the Second Battle for Donetsk Airport

After the Minsk Protocol was signed on September 5, battle on many fronts quickly died down, but the fighting did not stop. During this time the Russian-backed fighters moved to consolidate the battle lines, winning battles that were in progress when the cease-fire was signed.

For instance, on September 6, members of the pro-government Ukrainian Aidar Battalion claimed that they were ambushed near Metallist, north of Lugansk. Eleven Ukrainian soldiers were reportedly killed. That same day, video showed a large column of T-72BM tanks, Strela-10 mobile SAM launchers, and other armored vehicles moving on the Ukrainian side of the Russian border near Severny, a suspected Russian border crossing. It is unclear if the vehicles were returning to Russia or moving to reinforce separatist lines elsewhere in Lugansk, but the video is another clear sign of Russian military presence in the area.¹⁴³

On September 8, however, it became clear that fighting north of Lugansk was not over. The Ukrainian military reported that its troops were surrounded near Slavyanoserbsk, northwest of Lugansk, by what ATO spokesperson Andriy Lysenko said were "4 T-72 tanks, 2 BMDs, 2 BMPs, 4 BTRs and around 70 soldiers." Video confirmed the presence of at least one T-72.144

The Ukrainian government continued to report cease-fire violations and the crossing of Russian ar-

138 "Ukraine Liveblog Day 201," The Interpreter.

^{136 &}quot;Ukraine Liveblog Day 201: The Ceasefire Holds but Is It Temporary?," The Interpreter, September 6, 2014, http://www.interpretermag. com/ukraine-liveblog-day-201/#4169.

¹³⁷ Informatsiyno-Analitichniy Tsentr, "Column of Russian Federation Troops Outside Lugansk—Received 06.09.2014," September 7, 2014, https://www.youtube.com/watch?v=qd90POO0C5g.

^{139 &}quot;Ukraine Liveblog Day 253: Ukrainian Forces Evacuated from 32nd Checkpoint Near Smile," The Interpreter, October 28, 2014, http:// www.interpretermag.com/ukraine-liveblog-day-253-ukrainian-forces-evacuated-from-32nd-checkpoint-near-smile/#4760.

^{140 &}quot;Ukraine Liveblog Day 337: Ukrainian Mobilisation Begins; Shelling in Donetsk, Avdeyevka, Schastye," The Interpreter, January 20, 2014, http://www.interpretermag.com/ukraine-live-day-337-first-wave-of-ukrainian-mobilisation-begins-as-shelling-pounds-donetskavdeyevka-and-schastye/#6368.

^{141 &}quot;Russia, Ukraine Agree Pullback Line for Heavy Arms," Associated Press, January 21, 2015, http://www.dailymail.co.uk/wires/ap/ article-2919642/Russian-FM-savs-Ukraine-peace-talks-focus-frontline.html.

^{142 &}quot;Ukraine Liveblog Day 203: Poroshenko Heads to Mariupol," The Interpreter, September 8, 2014, http://www.interpretermag.com/ ukraine-liveblog-day-203-poroshenko-heads-to-mariupol/#4195.

^{143 &}quot;Ukraine Liveblog Day 201," *The Interpreter*.144 "Ukraine Liveblog Day 203," *The Interpreter*.

mor, tanks, and troops into eastern Ukraine throughout the fall, contrary to the belief that the Minsk cease-fire was holding.

In October, one of the most iconic fights of the conflict began—the second battle for Donetsk International Airport. Both a strategically and symbolically important location for the Russian-backed fighters, the airport is positioned on high ground on the northwest corner of Donetsk. Ukrainian artillery positioned in this area could easily target positions inside the city, while Russian-supplied artillery could target a number of Ukrainian military positions across the region. Furthermore, the Ukrainian military had dealt the Russian-backed fighters an embarrassingly one-sided defeat in May. Both sides, then, used the symbolism of the airport to serve their needs. As the battle wore on, the defenders and the attackers became legends to their respective supporters.

The battle for the airport took over four months. Mainly an artillery duel, Russian-backed fighters relentlessly pounded the position as Ukraine's "Cyborgs" fought off round after round of attacks. The death toll continuously rose as the battle slowly escalated. Soon, the road in and out of the airport had become extremely dangerous, and it became very hard for Ukraine to run supplies or troops in or out of their positions. The Cyborgs were protected by Ukrainian artillery support, but since the Russian-backed fighters, led by the Vostok Battalion, were attacking from a city populated by civilians, not only were Ukrainian artillery strikes less effective, but artillery strikes by both sides caused civilian casualties.

Despite the Minsk agreement, by December the airport and the surrounding Ukrainian positions were under nearly constant attack. By the end of January, the Cyborgs had been overrun by Russian-backed fighters and were either killed, wounded, or captured, or else managed to escape.¹⁴⁵

The battle was an important catalyst for the expansion of fighting across a broader front. During the battle, for instance, journalists spotted two new weapons systems near Donetsk: the 1RL232 "Leopard" and the 1RL239 "Lynx" ground-scan radar systems. These radar vehicles enable the tracking of vehicle movement beyond the line of sight and detect artillery that has been launched. Not only are these tools important for seeing where the enemy is moving, but they help their users better target friendly artillery fire to knock out enemy positions. The Ukrainian military possesses a small number of Leopards, but they have never been documented near the frontlines, and there is no evidence that the Russian-backed fighters ever captured them. The Lynx was never in the possession of the Ukrainian military and so can only have come from Russia. Experts warned that the addition of these weapons would give the Russian-backed fighters a significant edge in the fighting.¹⁴⁶

Also, as the battle for the airport escalated, fighting quickly spread beyond Donetsk as well. By January, heavy fighting was regularly reported across several fronts. These conflicts escalated after the fall of Donetsk Airport as Russian-backed fighters, supported by suspected Russian military units, pushed to capture even more territory.

The Battle for Debaltsevo

The period of relatively low-intensity, localized violence that followed the first Minsk agreement came to an end with the final assault in January on Donetsk Airport, but it was during the battle for Debaltsevo that the role of the Russian armed forces was most transparent.

Tragically, many of the same circumstances seen in Ilovaisk were repeated in Debaltsevo: encirclement, government assurances of security, and fatal "humanitarian" corridors. But the military operation to take the town and its environs was conducted with the benefit of months of planning and separatist-controlled borders. The Ukrainian salient in Debaltsevo had been bombarded for months, but it was only in late January that the Kremlin committed to conquering the town.¹⁴⁷

With the fall of Donetsk Airport on January 21, the "capital" of the so-called DNR was looking far more secure, and the offensive on Debaltsevo was a natural follow-up for the separatists in order to consolidate control and carve out a viable territory in the east. As discussed earlier, the Ukrainian liberation of Debaltsevo had severed the main supply line through Lugansk between Donetsk and the Russian border; the town is also a major rail hub. Despite a tentative agreement on artillery withdrawal following talks in Berlin, the

¹⁴⁵ James Miller and Pierre Vaux, "The Death of Ukraine's Cyborg Army," *Foreign Policy*, January 22, 2014, http://foreignpolicy.

com/2015/01/22/the-death-of-ukraines-cyborg-army-ukraine-russia-donetsk-airport-shelling/. 146 James Miller and Michael Weiss. "Putin Sends His 'Leopard' to the Battlefield of Eastern Ukraine," *Foreign Policy*, November 13, 2014,

<sup>http://foreignpolicy.com/2014/11/13/putin-sends-his-leopard-to-the-battlefield-of-eastern-ukraine/.
147 Maxim Tucker, "Deadlier and Deadlier: Soldiers Cling to Strategic City,"</sup> *Kyiv Post*, January 23, 2015, http://www.kyivpost.com/content/kyiv-post-plus/deadlier-deadlier-soldiers-cling-to-strategic-city-378172.html.



town would have to fall to the separatists before the offensive could be brought to a halt.

There is evidence that Russian forces, even if in limited numbers, were already supporting a separatist offensive on Debaltsevo. In one video filmed by separatist fighters outside the town on January 23, a BPM-97 Vystrel armored command vehicle, a type of transport that has not been exported to Ukraine, can be seen traveling in a convoy with at least one Strela-10 mobile SAM system.¹⁴⁸ BPM-97s were also filmed on January 12 in Krasnodon,¹⁴⁹ traveling with at least one GAZ Vodnik armored infantry vehicle, which, as RUSI's Sutyagin has confirmed, is only used by the Russian armed forces. T-72B1 tanks seen in the Debaltsevo footage have had their ID numbers concealed and bear white square insignia.¹⁵⁰ This emblem would be seen repeatedly on armor deployed during the battle for Debaltsevo and appears to have replaced the white circle seen on Russian military vehicles during the battle for Ilovaisk.

On January 24, Aleksandr Zakharchenko, the "prime minister" of the DNR, told a crowd that "God willing, in a few days we will seal the Debaltsevo *kotel.*" Two days later, Russian-backed forces intensified their attacks on the area, shelling not only Debaltsevo itself but also Ukrainian positions both south and north of the town.¹⁵¹ Viktor Kovalenko, an officer in Ukraine's 40th Infantry Battalion, said¹⁵² that mobile communications in Debaltsevo began to go down in late January, especially after the 28th, when

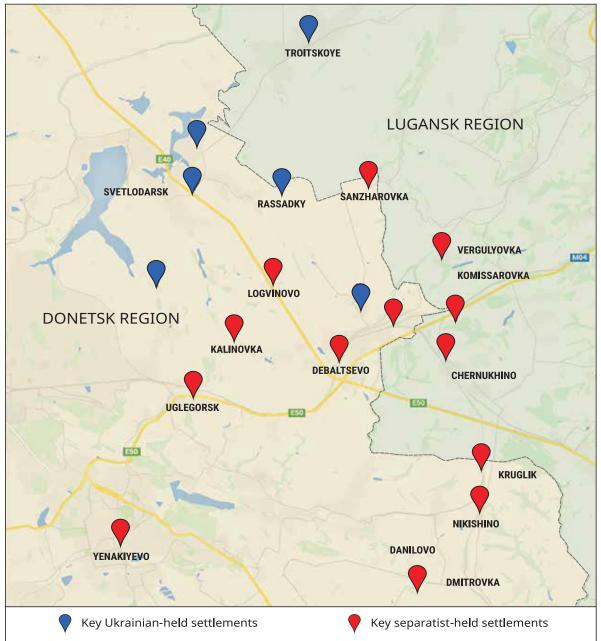
¹⁴⁸ Bellingcat Vehicle Tracking System, "NAF Mechanized Battalion Combat Footage: Beginning of the Debaltsevo Offensive," February 10, 2015, 8:52, https://www.youtube.com/watch?v=fsFmdPSO2EU.

^{149 &}quot;Ukraine Live Day 329: Fighting Continues to Intensify Ahead of Talks in Berlin Today," *The Interpreter*, January 12, 2015, http://www. interpretermag.com/ukraine-live-day-329-fighting-continues-to-intensify-ahead-of-talks-in-berlin-today/#6168.

^{150 &}quot;Ukraine Live Day 354: Humanitarian Corridor Out of Debaltsevo Announced," The Interpreter, February 6, 2015, http://www. interpretermag.com/ukraine-live-day-354-humanitarian-corridor-out-of-Debaltsevo-announced/#6718.

^{151 &}quot;Ukraine Live Day 344: Heavy Fighting Reported Outside Debaltsevo and Near Lugansk," The Interpreter, January 27, 2015, http://www. interpretermag.com/ukraine-live-day-344-heavy-fighting-reported-outside-Debaltsevo-and-in-the-lugansk-region/#6537.

¹⁵² Viktor Kovalenko, "Debaltsevo Diary: Part 2. No Mobile Communications," Diary of a Ukraine Journalist, April 17, 2015, https:// viktorkovalenko.wordpress.com/2015/04/17/debaltseve-diary-no-mobile-communications/.



Russian-backed fighters close in around Debaltsevo

the battalion's base in the town was attacked with heavy mortars and Grad rockets. Russian R-330Zh Zhitel jamming stations have been seen in Ukraine on several occasions, both in occupied Crimea¹⁵³ and in the Donetsk region.¹⁵⁴ The Zhitel system not only jams mobile communications but also allows users to analyze mobile emissions in the area. Kovalenko reported that a balcony he stood on to send SMS messages was

¹⁵³ C. J. Chivers, "Is That an R-330Zh Zhitel on the Road in Crimea?," *New York Times*, April 2, 2014, http://www.nytimes.com/2014/04/03/ world/europe/instagram-catalogs-new-russian-weaponry.html.

¹⁵⁴ OSCE, "Latest from OSCE Special Monitoring Mission (SMM) to Ukraine Based on Information Received as of 19:30 (Kyiv Time), 16 August 2015," August 16, 2015, http://www.osce.org/ukraine-smm/177826.

targeted with Grad rockets.

If mobile signals were used to pinpoint targets for Russian artillery, this was not a new approach. During Russia's wars in Chechnya, mobile communications were frequently intercepted and used to direct attacks. The most infamous example of this tactic was the assassination of Dzokhar Dudayev, the president of the breakaway Chechen Republic of Ichkeria, who was killed by missiles while making a call on a satellite phone in 1996. Journalist Robert Young Pelton reported that during the Second Chechen War, Grad rockets were fired at locations used for making mobile calls within minutes of the caller hanging up.¹⁵⁵

Mobile communications in Debaltsevo were also hijacked by Russian forces in the area and used to conduct psychological warfare. Kovalenko wrote:

Indeed, the terrorists had been taking control of our cell phones for up to 5–10 minutes, in order to deliver their propaganda messages. Sure, the SMS texts were anonymous and false. And not one of us fled, not one of us left our positions. Many times our unit commanders banned the use of cell phones in the battle zone, but our servicemen's wish to reach relatives was so strong that they often ignored the ban and tried to catch any signal as best they could.¹⁵⁶

One blanket text message, reported by freelance journalist Oliver Carroll, read: "Guys l've surrendered, they don't shoot prisoners. Better than dying."¹⁵⁷

By January 29, with incessant shelling and Russian-backed fighters closing in from the east and south, the evacuation of civilians began. Reporter David Patrikarakos said at the time that shelling was so intense that it was "basically a constant noise."¹⁵⁸ The Debaltsevo *kotel* now began to contract. On January 30, Russian-backed forces entered the town of Uglegorsk, around 10 kilometers west of Debaltsevo.¹⁵⁹ The next day they took Nikishino, to the southeast.¹⁶⁰ Graphic footage released on February 3 revealed that Russian-backed forces had wiped out a Ukrainian checkpoint in the village of Chernukhino, just outside Debaltsevo.¹⁶¹ The video also made it clear that Russian-backed fighters, equipped with tanks, were now based on a farm on the eastern edge of the town.

By February 9, fighting had been reported near the village of Logvinovo, on the highway between Debaltsevo and Artyomovsk.¹⁶² This link with the remainder of the Ukrainian front was essential for resupplying forces in the salient. According to Ukrainian journalists, Russian-backed forces had taken control of the railway switching yard on the eastern outskirts of Debaltsevo. Meanwhile, the separatists were boasting of victories in Kalinovka, to the west of the town, and Redkodub, to the southeast.

On this same day, three Ukrainian journalists described reports from soldiers on the front that Russian Su-25 jets had conducted air strikes near Novogrigoryevka, a Ukrainian stronghold just north of the town. The Ukrainian military declined to confirm these reports at the time.¹⁶³ While this was not the first report of Russian air attacks on Ukrainian territory, it was the first to be corroborated by multiple sources.

It became clear the next day that Logvinovo had fallen and that the highway link to Artyomovsk had been severed.¹⁶⁴ The only remaining passable routes between Debaltsevo and the rest of the Ukrainian frontlines were narrow country roads vulnerable to ambush and shelling.

Ukrainian troops managed to hold out in Debaltsevo for seven more days as the Russian-backed forces tightened their encirclement, killing 19 soldiers in just

 ¹⁵⁵ Robert Young Pelton, "Kill the Messenger," *Foreign Policy*, March 3, 2012, http://foreignpolicy.com/2012/03/03/kill-the-messenger/.
 156 Kovalenko, "Debaltsevo Diary."

¹⁵⁷ Oliver Carroll, Twitter feed, February 13, 2015, 3:01 p.m., https://twitter.com/olliecarroll/status/566371566909685763.

^{158 &}quot;Ukraine Live Day 346: Russian-Backed Forces Fight to Encircle Debaltsevo," The Interpreter, January 29, 2015, http://www.

interpretermag.com/ukraine-live-day-346-russian-backed-forces-fight-to-encircle-Debaltsevo/#6576. **159** "Ukraine Live Day 347: At Least 11 Dead in Shelling Attacks," *The Interpreter*, January 30, 2015, http://www.interpretermag.com/

ukraine-live-day-347-at-least-seven-dead-in-shelling-attacks/#6588.

^{160 &}quot;Ukraine Live Day 349: More Russian-Backed Separatist Victories Near Debaltsevo," The Interpreter, February 1, 2015, http://www. interpretermag.com/ukraine-live-day-349/#6621.

^{161 &}quot;Ukraine Live Day 352: Shell Strikes Hospital in Donetsk," The Interpreter, February 4, 2015, http://www.interpretermag.com/ukrainelive-day-352-shell-strikes-hospital-in-donetsk/#6675.

^{162 &}quot;Ukraine Live Day 357: Huge Blast in Donetsk Last Night," The Interpreter, February 9, 2015, http://www.interpretermag.com/ukrainelive-day-357-huge-blast-in-donetsk-last-night/#6749.

¹⁶³ "Ukraine Live Day 357," *The Interpreter*.

^{164 &}quot;Ukraine Live Day 358: Debaltsevo Cut Off from Highway," The Interpreter, February 10, 2015, http://www.interpretermag.com/ukrainelive-day-358-Debaltsevo-cut-off-from-highway/#6760.

one battle to take the heights of Gostra Mogila, to the south of the town on February 11,¹⁶⁵ the same day the second Minsk agreement was signed. Regardless of that agreement, Russian attacks on Debaltsevo continued even after February 15, the date on which the cease-fire was to have come into effect.

By February 17, Russian-backed forces had begun entering Debaltsevo, with Ukrainian troops reported to be running low on ammunition as the fighting reached a crescendo.¹⁶⁶ Kovalenko wrote that at one of the 40th Battalion's strongholds, 92 Ukrainian soldiers were encircled and forced to surrender.¹⁶⁷

Late that night, the decision was finally made to evacuate. Despite assurances that Ukrainian forces would be allowed to leave safely, the retreating convoys came under fire from Grad rockets and heavy artillery.¹⁶⁸ The situation was further compounded by the fact that the encircled forces did not have enough operable vehicles left to carry all of their personnel in a single trip. Armored columns therefore had to shuttle back and forth between Artyomovsk and Debaltsevo on February 18, suffering heavy casualties under the hail of fire.¹⁶⁹

On March 11, President Poroshenko announced that 66 Ukrainian soldiers had been killed and over 300 wounded.¹⁷⁰ Meanwhile, Eduard Basurin, a separatist military spokesman, claimed that around 3,000 Ukrainian servicemen had died in the battle.¹⁷¹ A report by the UN Office for the Coordination of

Humanitarian Affairs dated February 27 stated that "approximately 500, mostly civilian, corpses had been found in houses and cellars in Debaltsevo."¹⁷²

Physical evidence of Russia's military presence abounds from this period. T-72BA and B3 tanks were clearly deployed in considerable numbers. In one video recorded near Debaltsevo on February 15 by Graham Phillips, an infamous British propagandist for the separatists, a whole column of T-72B3s can be seen in clear detail.¹⁷³ In a separate case, two T-72BMs were recorded by freelance photographer Max Avdeev during the closing section of the battle, near Logvinovo.¹⁷⁴ And after the occupation of Uglegorsk, video emerged of a BMP-2 bearing the exact same hand-painted slogan as had been seen on a flatbed in the Russian border town of Kamensk Shakhtinsky in August 2014.¹⁷⁵

One of the most compelling pieces of evidence was testimony from Dorzhi Batomunkuyev, a Russian-Buryat tank gunner who was wounded during the battle and later spoke to *Novaya Gazeta*'s Yelena Kostyuchenko.¹⁷⁶ Batomunkuyev, a contract soldier serving in the 5th Independent Tank Brigade, based in Ulan-Ude, said that he had crossed the border with his unit on February 8, traveling to Donetsk. Batomunkuyev's unit, consisting of around 300 personnel with 30 tanks, nine BMP-2s, three armored medical vehicles, and 15 trucks, had painted over their tanks, obscuring all numbers and insignia, before departing

172 United Nations Office for the Coordination of Humanitarian Affairs, "Ukraine Situation Report No. 29," February 27, 2015, http:// reliefweb.int/sites/reliefweb.int/files/resources/Sitrep%20%2329%20FINAL_1.pdf.

^{165 &}quot;Ukraine Live Day 359: 'Last-Chance' Peace Talks with Dozens of Civilians and Soldiers Killed," The Interpreter, February 11, 2015, http://www.interpretermag.com/ukraine-live-day-359-last-chance-peace-talks-with-dozens-of-civilians-and-soldiers-killed/#6779.

^{166 &}quot;Ukraine Live Day 365: Russian-Backed Forces Entering Debaltsevo," The Interpreter, February 17, 2015, http://www.interpretermag. com/ukraine-live-day-365-russian-backed-forces-entering-Debaltsevo/#6862.

¹⁶⁷ Victor Kovalenko, "Debaltsevo Diary. Part 10. The Start of Our Withdrawal," Diary of a Ukraine Journalist, May 10, 2015, https:// viktorkovalenko.wordpress.com/2015/05/10/debaltseve-diary-part-10-the-start-of-our-withdrawal/.

^{168 &}quot;Rebels Offer Corridor for Ukraine Troops Out of Key Town—Interfax," Reuters, February 16, 2015, http://www.reuters.com/ article/2015/02/16/ukraine-crisis-corridor-idUSL5N0VQ2EP20150216.

^{169 &}quot;Ukraine Live Day 366: Ukrainian Journalist Reports Retreat from Debaltsevo," *The Interpreter*, February 18, 2015, http://www. interpretermag.com/ukraine-live-day-366-ukrainian-journalist-reports-retreat-from-Debaltsevo/.

^{170 &}quot;Debaltsevo Ukraine Has Lost 66 Soldiers, More Than 300 Injured—Poroshenko," Unian, March 11, 2015, http://www.unian.net/ politics/1054067-ukraina-v-Debaltsevo-poteryala-66-boytsov-bolee-300-poluchili-raneniya-poroshenko.html.

^{171 &}quot;DNR Defense Ministry: The General Staff of Ukraine Is Trying to Hide Real Losses in the Battles of Debaltsevo," *TASS*, August 8, 2014, http://tass.ru/mezhdunarodnaya-panorama/2174570.

^{173 &}quot;Ukraine Live Day 363: Ukrainian Commander Reports Ultimatum from Russian-Backed Separatists," *The Interpreter*, February 15, 2015, http://www.interpretermag.com/ukraine-live-day-363-ukrainian-commander-reports-ultimatum-from-russian-backed-separatists/#6845.

¹⁷⁴ Max Avdeev and Max Seddon, "Horrific Images Capture the Sheer Brutality of War in Ukraine," *Buzzfeed*, February 17, 2015, http://www.buzzfeed.com/avdeev/horrific-images-capture-the-sheer-brutality-of-ukraine-war?fb_comment_id=fbc_659909300786917_659990737445440_659990737445440#.haoWyWd93.

^{175 &}quot;Ukraine Live Day 355: Poroshenko Urges Rapid Ceasefire at Munich Security Council," *The Interpreter*, February 7, 2015, http://www. interpretermag.com/ukraine-live-day-356-poroshenko-urges-rapid-ceasefire-at-munich-security-council/#6724.

^{176 &}quot;Ukraine Live Day 378: Severely Injured Russian Soldier Describes Deployment to Ukraine," The Interpreter, March 2, 2015, http:// www.interpretermag.com/ukraine-live-day-378-severely-injured-russian-soldier-describes-deployment-to-ukraine/#7227.

for Ukraine. It is noteworthy that the Associated Press' Peter Leonard reported encountering another soldier from Russia's far east—Yakutia—manning a T-72B1 in Uglegorsk on February 18.¹⁷⁷ On one of the last days of the battle, while defending Logvinovo from a Ukrainian counterattack, Batomunkuyev's T-72B was struck by a Ukrainian tank shell, igniting onboard ammunition and severely burning him. We shall discuss Batomunkuyev's story and its significance in more detail later in this report.

The Southern Front: The Summer of 2015

Since the fall of Debaltsevo, the separatist-held territories of the self-proclaimed Donetsk and Lugansk People's Republics have existed in a relatively stable geographic form. Two natural barriers roughly define the frontier in both regions: the Seversky Donets River to the north of Lugansk, and the river Kalmius to the south of Donetsk. Lines of communication between separatist-held cities are now complete and safe from Ukrainian attack. Skirmishes and attempts to break through the lines have continued along the frontline, especially in the stretch that lacks such barriers, from the village of Krymskoye in the Lugansk region to the town of Dokuchaevsk outside Donetsk.

While there have been daily attacks along the lines, these appear, for the most part, to be aimed either at harassing, demoralizing, and weakening Ukrainian forces by attrition, or at flattening out certain sections of the frontline near separatist-held population centers. At first glance, this would suggest that the war is headed toward a "frozen" conflict, with exchanges of fire along the frontier but no major movement to come. However, the escalation in fighting over the past summer, which peaked in August with the daily use of Grad rockets and mounting military and civilian casualties, suggests otherwise. Where, then, is the next Russian-backed offensive likely to take place?

Looking along the demarcation line, there are

several areas where relatively small-scale advances may be desirable to the Russians and separatists. In the north of the combat zone there are several regions where Russian-backed forces could be deployed to push the Ukrainians back. These include the slim strip of Ukrainian-held territory along the southern banks of the Seversky Donets, toward the Bakhmutka highway; territory on either side of the separatist-held town of Gorlovka; and the Ukrainian positions on the northern and western fringes of Donetsk.

However, expanding into the main swathe of land behind this section of the front, stretching between the Ukrainian settlements of Lysychansk to the east and Konstantinovka to the west, would leave Russian-backed forces exposed to flanking attacks and the possibility of fighting an enemy with the advantage of intact supply lines and far greater strategic depth. Attacks along the north of the frontier are therefore likely to be limited in their aims.

The ultimate target lies to the south—Mariupol. The city is a prize of unparalleled economic, military, and symbolic worth. With its port—the only one in the whole of Donbass—and huge steelworks, Mariupol accounted for 31–33 percent of the Donetsk region's total industrial output in 2013.¹⁷⁸ The steel industry is at the core of the Donbass's economy, and Mariupol alone made up more than 70 percent of total steel production in that year. Additionally, 200 kilometers to the west lies the border with occupied Crimea. The land between the two is sparsely populated, with only two significant population centers. Mariupol is therefore the greatest obstacle to the achievement of a contiguous Russian-controlled territory stretching from the border of the Rostov region to Crimea.

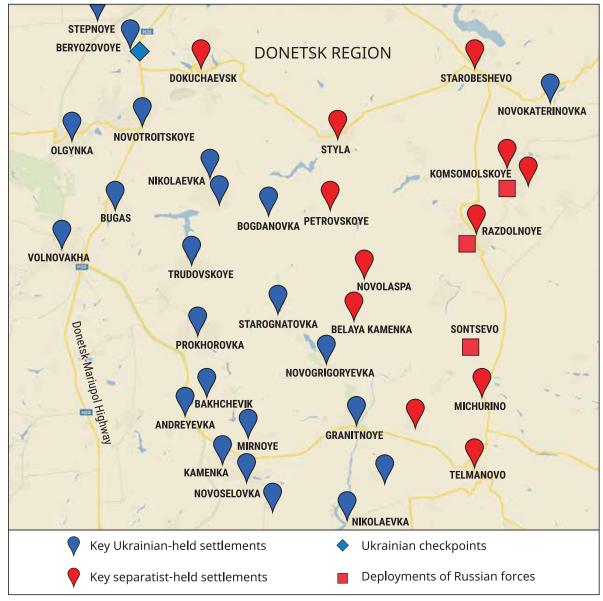
Finally, the symbolic value of Mariupol derives partly from it having been taken over by separatist militants for just over a month last summer. The city was only brought back under government control after two assaults.¹⁷⁹ After the Ukrainian government liberated the city, it became the administrative center of the Donetsk region, standing in for separatist-held Donetsk.¹⁸⁰

¹⁷⁷ Peter Leonard, Twitter feed, February 18, 2015, 5:01 a.m., https://twitter.com/Peter_Leonard/status/568032612645773312.

^{178 &}quot;Ukraine Liveblog Day 221: Russia Threatens to Cut Gas Supplies While Buffer Zone Group Meets," *The Interpreter*, September 26, 2014, http://www.interpretermag.com/ukraine-liveblog-day-221-russia-threatens-to-cut-gas-supplies-while-buffer-zone-group-meets/#4427.

^{179 &}quot;Ukraine Liveblog Day 79: Mariupol City Council Building Back in Separatist Hands," *The Interpreter*, May 7, 2014, http://www. interpretermag.com/ukraine-liveblog-day-79-mariupol-city-council-building-back-in-separatist-hands/#2677; "Ukraine Liveblog Day 116: Major Government Operation in Mariupol," *The Interpreter*, June 13, 2014, http://www.interpretermag.com/ukraine-liveblog-day-116major-government-operation-in-mariupol/#3065.

^{180 &}quot;Mariupol has become the temporary capital of the Donbass," Zerkalo Nedeli, June 13, 2014, http://gazeta.zn.ua/internal/mariupol-stalvremennoy-stolicey-donbassa-_.html.



Front line along the river Kalmius south of Donetsk

While Russian-backed forces after months of fighting lie only around 13 kilometers to the east of Mariupol, an all-out assault from this direction alone would almost certainly fail. Ukrainian forces have had almost a year to fortify their positions and can be resupplied from both the north and the west. Any feasible operation to take Mariupol would require a pincer move to the north in order to push Ukrainian troops off the highway leading up to Donetsk. The main population center on this highway is the town of Volnovakha, around 45 kilometers outside Mariupol. To the north of Volnovakha, Russian-backed forces occupy a short section of the highway between Donetsk and Dokuchaevsk. To the east, they hold positions on the far bank of the Kalmius. Between the river and the highway lies around 30 kilometers of largely empty, rolling hills.

Since the spring of this year, the OSCE Special Monitoring Mission to Ukraine (SMM) has reported large quantities of armor in separatist-held territory to the east of the Kalmius on a weekly, if not daily basis (see Appendix). The greatest concentrations have been seen around the settlements of Komsomolskoye, Razdolnoye, Sontsevo, and Michurino. Significant quantities of military vehicles have also been observed on the Azov coast, east of Mariupol. Military hardware reported includes not only tanks and armored personnel carriers, but also surface-to-air missile systems, artillery, and electronic warfare equipment.

On July 4, the SMM made two particularly noteworthy discoveries, the first being two pontoon bridge layers near Komsomolskoye.¹⁸¹ This equipment could well be used to ford the Kalmius in the event of an offensive. The second, from the same area, was a 2S4 Tyulpan 240-millimeter mortar system. This weapon is not used by Ukraine.

The SMM drones that have been conducting these observations have frequently been subjected to jamming, leading to the loss of one UAV on July 22.¹⁸² In one incident on May 28, the SMM appears to have encountered Russian military personnel in the town of Petrovskoye (Petrivske in Ukrainian):

In Petrivske ("[DNR]"-controlled, 38km southeast of Donetsk) the SMM spoke to a young man who said that the former local holiday camp was currently occupied by an unknown armed group. He could not specify for how long this armed group had been stationed in the village. In the village the SMM spoke to two women, both wearing military uniforms, with caps with Russian Federation Armed Forces insignia. They said that they were from Kramatorsk. During the conversation with the two women a vehicle with Russian Federation number plates stopped next to the OSCE vehicles and two armed men. similarly dressed. exited the car and ordered the women to stop the conversation with the SMM. Behind a tall fence inside the holiday camp, the SMM observed one infantry fighting vehicle.¹⁸³

Evidence of a large-scale deployment to the Kalmius front comes not only from the OSCE, but also from surveillance conducted by Ukrainian fighters and social media postings by Russian-backed fighters themselves. By June, The Interpreter was able to establish, using social media evidence, that an agricultural college in Razdolnoye had been converted into a military training site, hosting tanks, infantry fighting vehicles, and at least one reconnaissance and assault group.¹⁸⁴ At the end of June, the Ukrainian Dnipro-1 Volunteer Battalion released their own drone footage of a site south of Sontsevo, taken on two dates: May 20 and June 4.¹⁸⁵ The first recording shows around 70 soldiers, at least two T-72 tanks, and several pieces of engineering equipment in the woods around 12 kilometers from the nearest Ukrainian-held settlement, Granitnoye. The second, from June 4, shows that the site had been transformed. What had just been a number of dirt tracks and a tent among the trees was now a full-fledged military base. Visible on the video are paved roads, complete with reflective stakes for moving vehicles at night; a parade square; fortified emplacements for parking fuel tankers; and several large tents. At least nine T-72s, a communications vehicle, and an antitank gun can be seen. Furthermore, the continued presence of engineering vehicles suggests that the camp may have grown in size since the May footage. Igor Sutvagin at RUSI says that construction of the camp indicates that it has been built by professional military engineers according to traditional Soviet-era designs. The use of reinforced defensive positions, such as those used to shield fuel tankers, is typical of forward operating bases used by former Soviet armies.

On June 3, 2015, Russian-backed forces carried out a major assault¹⁸⁶ on the Ukrainian-held Marinka suburb of Donetsk. This was the biggest attack to have taken place since the fall of Debaltsevo, but the assault, and several subsequent smaller attacks, failed.¹⁸⁷ This attack appears to be connected to the Kalmius theater of operations, as pushing Ukrainian troops away from Marinka would put distance between the

¹⁸¹ OSCE, "Latest from OSCE Special Monitoring Mission (SMM) to Ukraine Based on Information Received as of 19:30 (Kyiv Time), 5 July 2015," July 6, 2015, http://www.osce.org/ukraine-smm/170456.

¹⁸² OSCE, "Latest from OSCE Special Monitoring Mission (SMM) to Ukraine Based on Information Received as of 19:30 (Kyiv Time), 22 July 2015," July 23, 2015, http://www.osce.org/ukraine-smm/174226.

¹⁸³ OSCE, "Latest from OSCE Special Monitoring Mission (SMM) to Ukraine Based on Information Received as of 19:30 (Kyiv Time), 28 May 2015," http://us6.campaign-archive1.com/?u=b11aceda364f8f9afa6cadbbb&id=c7664ef430&e=3612d1ad47.

^{184 &}quot;Meet the Russian Fighters Building a Base Between Mariupol and Donetsk," The Interpreter, June 17, 2015, http://www.interpretermag. com/meet-the-russian-fighters-building-a-base-between-mariupol-and-donetsk/.

¹⁸⁵ Pierre Vaux, "Drones Find Russian Base Inside Ukraine," Daily Beast, June 30, 2015, http://www.thedailybeast.com/articles/2015/06/30/ apparent-russian-base-found-in-ukraine.html.

¹⁸⁶ "Ukraine Live Day 471: Russian-Backed Forces Launch Major Assault Near Donetsk," *The Interpreter*, July 3, 2015, http://www. interpretermag.com/ukraine-live-day-471-russian-backed-forces-launch-major-assaults-north-and-south-west-of-donetsk/.

^{187 &}quot;Ukraine Live Day 476: Marinka Assaulted This Morning, Ukraine Says Attack Was Repelled," *The Interpreter*, June 8, 2015, http://www. interpretermag.com/ukraine-live-day-476-marinka-assaulted-this-morning-ukraine-says-attack-was-repelled/#8732.

main Ukrainian body of troops on the Zaporozhye– Donetsk highway and those to the south on the highway to Mariupol. As further evidence of this intent, the northernmost Ukrainian positions on the Donetsk– Mariupol highway, near Beryozovoye and Taramchuk, were attacked that same morning.

In August, the Kalmius front finally exploded. On the morning of August 10, following intense Grad and artillery shelling along the northern section of the front between Nikolaevka and Bogdanovka, Russian-backed forces assaulted Ukrainian positions near the village of Starognatovka.¹⁸⁸ Ukrainian reports say that around 400 fighters took part in the assault, supported by 10 tanks and 10 BMPs. However, after several hours of "practically hand-to-hand" fighting,¹⁸⁹ Ukrainian troops succeeded in repelling the enemy and went on the counteroffensive, advancing as far as the separatist-held village of Novolaspa before withdrawing back to their side of the demarcation line.¹⁹⁰

The next two weeks saw intense fighting across the entire frontier, with daily use of MLRS and heavy artillery. The announcement of a cease-fire deal at the end of August brought relative calm to most of the frontline.¹⁹¹ However on September 9, with sporadic attacks and shelling continuing, Oleksandr Turchynov, secretary of the Ukrainian National Security and Defense Council, claimed that Russia was continuing to concentrate forces behind the frontline in preparation for a possible offensive.¹⁹²

¹⁸⁸ Pierre Vaux, "Ukraine's Cold War Gets Hot as Combat Explodes in the Last 24 Hours," Daily Beast, August 12, 2015, http://www. thedailybeast.com/articles/2015/08/12/ukraine-s-cold-war-gets-hot-as-combat-explodes-in-the-last-24-hours.html.

¹⁸⁹ Andriy Tsaplienko, Facebook Timeline photo, August 9, 2015, https://www.facebook.com/photo.

php?fbid=10153248401304690&set=a.10150158904529690.302395.583064689&type=1.

^{190 &}quot;Ukraine Live Day 547: Sartana Death Toll Rises to 3," The Interpreter, August 18, 2015, http://www.interpretermag.com/ukraine-liveday-547-sartana-death-toll-rises-to-3/#9572.

^{191 &}quot;Hollande, Merkel, Putin back bid for new Ukraine ceasefire," Reuters, August 29, 2015, http://www.reuters.com/article/2015/08/29/us-ukraine-crisis-ceasefire-idUSKCN0QY0HY20150829.

^{192 &}quot;Ukraine Live Day 569: Despite Only 4 Attacks Last Night, Turchynov Warns Possibility of Offensive Remains," *The Interpreter*, September 9, 2015, http://www.interpretermag.com/ukraine-live-day-569-despite-only-4-attacks-last-night-turchynov-warns-possibilityof-offensive-remains/#9863.

"Cargo 200"—Russian Soldiers Killed in Action in Ukraine

As we have seen, Russia's military presence in Ukraine became evident during the invasion of the Crimean peninsula on February 26, 2014. The "little green men," as they came to be known, tried to keep a low profile by stripping off their insignia. They took over Ukrainian airfields and army bases by overwhelming force, usually without a shot. Initially it was suggested that only the existing quota of Russian troops based in Crimea under an agreement with Ukraine were responsible for this quiet seizure of power. Ultimately, however, Putin himself conceded that *Spetsnaz* had been sent there for the express purpose of annexing the peninsula forcibly, ostensibly in the name of the will of the ethnic Russians and Russian-speaking peoples in the region.¹⁹³

The 76th Guards Air Assault Division of the Russian Federation Airborne Troops, based in Pskov, were first sighted in Crimea in March 2014; a picture of the troops by a campfire at the Belbek Airfield was circulated on social media.¹⁹⁴ As *The Interpreter* reported,¹⁹⁵ these troops had earlier been reported missing from their barracks in Pskov by Lev Shlosberg, a deputy in the Pskov regional legislature from the oppositional Yabloko Party, who protested against the soldiers' deployment abroad to forcibly annex Crimea. For his trouble, he was denounced as a "fifth columnist" by the Pskov region's acting governor, Andrei Turchak. Shlosberg later suffered a severe beating by unknown assailants in Pskov because he continued to ask questions regarding why some of the paratroopers of the 76th were missing and later turning up killed.

First Battle at the Donetsk Airport, May 2014

The first big story on the Russian soldiers killed in Ukraine was done by freelance photojournalist Mariya Turchenkova who published a blog post on the *Ekho Moskvy* website in June 2014.¹⁹⁶ She tracked reports of the killing of volunteer Sergei Zhdanovich of Elektrogorsk, contending that, based on some social media claims, he was an officer working for Russia's Federal Security Service (the FSB, one of the successor agencies of the Soviet KGB), although *The Interpreter* was unable to confirm this even at the links provided.¹⁹⁷

The regional publication *Caucasian Knot* said that "35 [to] 50" bodies were returned to the Caucasus, citing some relatives' accounts that the dead were being buried in local cemeteries and families were ordered by authorities to keep silent. These soldiers were said to be fighting in the Zapad and Vostok *Spetsnaz* battalions, which had been under GRU command in the Soviet era and were later disbanded but reconstituted for the war in Ukraine. The Vostok Battalion in the Donbass is now headed by Aleksandr Khodakovsky, a former commander of the Alpha special unit of Ukraine's Security Service (SBU).¹⁹⁸ No names of soldiers were provided, however, and the information could not be verified.

Turchenkova also followed the story of Lyana, the widow of Yevgeny Korolenko, a 47-year-old Soviet– Afghan war veteran from Rostov who volunteered to fight with the separatists and was killed at the battle of

^{193 &}quot;Putin Reveals Secrets of Russia's Crimea Takeover Plot," BBC World, March 9, 2015, http://www.bbc.com/news/worldeurope-31796226.

^{194 &}quot;Russia This Week (March 24–28, 2014)," The Interpreter, www.interpretermag.com/russia-this-week-are-us-sanctions-having-animpact/#1623.

^{195 &}quot;Ukraine Liveblog Day 11: Airports Seized," *The Interpreter*, February 28, 2014, www.interpretermag.com/ukraine-liveblog-day-11airports-seized/#2134.

¹⁹⁶ See Mariya Turchenkova, "Cargo 200," *Ekho Moskvy*, June 2, 2014, http://echo.msk.ru/blog/maryautomne/1332306-echo/; and "A Russian Journalist Follows Up on 'Cargo 200' from Donetsk," *The Interpreter*, June 19, 2014, http://www.interpretermag.com/a-russian-journalist-follows-up-on-Cargo 200-from-donetsk/. The latter is a summary of Turchenkova's article and other articles on the subject that appeared in *Novaya Gazeta* and *Ekho Moskvy*.

^{197 &}quot;Russia This Week (June 9–14, 2014)," *The Interpreter*, http://www.interpretermag.com/russia-this-week-politkovskayas-murdererssentenced-but-not-contractor/#1024.

^{198 &}quot;Chechen Residents: 'Dozens of Those Killed in Battle in Ukraine Have Been Delivered to the Republic,'" *Caucasian Knot*, May 29, 2014, published in translation by *The Interpreter*, May 30, 2015, http://www.interpretermag.com/chechen-residents-dozens-of-those-killed-in-battle-in-ukraine-have-been-delivered-to-the-republic/.

the Donetsk Airport on May 26, 2014,¹⁹⁹ which, as we noted earlier, was also the first major clash to lead to multiple deaths and, therefore, a turning point in the war. Prior to this battle, the Russian-backed offensive had involved detentions, kidnappings, torture, and murder of some captives, as well as a number of killings in gunfights as separatists took over some 100 administrative buildings in dozens of towns in southeastern Ukraine. Before May, there was not all-out war in the country, and the Russian presence was not so visible. Khodakovsky, who led not only the Vostok Battalion but all Russian-backed forces at Donetsk Airport, made an arrangement with Ukrainian troops to retreat but was then ambushed.

Elena Kostyuchenko, a special correspondent for the independent newspaper *Novaya Gazeta*, continued the story begun by Turchenkova, reporting that at the Russian–Ukrainian border crossing at Uspenka, three men in camouflage arrived, turned off the surveillance cameras, ordered that mobile phones be turned off, and then confiscated those phones. The border guards did not look inside the vehicle in which the men were traveling nor receive any manifests; the passage was not recorded. Yet inside the refrigerated compartment of the vehicle there were 31 bodies—Russian militiamen who had died in battle at the Donetsk Airport on May 26.

Pictures published by *Novaya Gazeta* later showed a clumsy sign on the truck that read *Gruz-200* ("Cargo 200"), the Russian military term for transport by air or ground of the bodies of soldiers killed in war. The term was well known to generations of Russians from the Soviet war in Afghanistan and subsequent wars in Chechnya and Abkhazia and South Ossetia. Now it had been revived, albeit surreptitiously, for an undeclared Russian war in Ukraine.

The fact that 31 out of the 40 or more fighters killed that day turned out to be from Russia was the first strong indication of Russian involvement in a war that Moscow claimed was merely a civil conflict among Ukrainians. But while the bodies were sent to Russia, journalists struggled to find out and confirm the names and the facts of the story, as the dead were all from small towns scattered across Chechnya, Dagestan, and elsewhere in the North Caucasus. Only two names were possible to determine when the caskets were handed over by separatist leaders: Sergei Zhdanovich and Yury Abrosimov. Two more subsequently turned up on social media networks: Aleksey Yurin and Aleksandr Yefremov, who had previously served in the reconnaissance regiment of the 45th Special Purpose Separate Guards Airborne Troops. Kostyuchenko hunted through both civilian and military morgues, bounced from one to another by various evasive officials.

Korolenko, the Soviet–Afghan war veteran, was an avid war gamer, *Novaya Gazeta*'s Kostyuchenko found. He was first contacted by a group on Russia's most popular social network, VKontakte, called "Russian Volunteers/Donbass" that had 10,000 subscribers; later, he followed up on the contact within one of his games.

Rostov Region was perfect for recruiting, Kostyuchenko was told, as there are 68,000 veterans of conflicts from Afghanistan to Georgia, as well as Cossacks who took part in the Transnistria conflict, residing there. Lyana, Korolenko's widow, also explained another important element of her husband's recruitment. First the official Rostov draft board sent him a notice saying that they were updating their address lists and he should call them. Then the draft board stated they would call back on Russian Army Day (February 23) because they were planning to hand out medals. They never called back, and Lyana was unable to confirm that this communication was related to his ultimate recruitment, but other fighters tell of contact with the draft board or local veterans' societies that later led to volunteering for service in the Donbass.

Ultimately, Lyana was able to find a picture of her husband's dead body on a grotesque LiveJournal blog that published dozens of close-up facial portraits of the dead Russian soldiers, many containing numbers on their photographs. The blog has not been updated since June 2014.²⁰⁰

The Battles of August 2014

On August 18, 2014, the official website of the Russian Presidential Administration announced a decree by Putin granting the 76th Guards Air Division of Pskov the Suvorov Award for "successful fulfillment of the command's combat assignments and display by the personnel staff of courage and heroism."²⁰¹ The

^{199 &}quot;Russian Journalist Follows Up on 'Cargo 200'," The Interpreter, June 19, 2014, http://www.interpretermag.com/russia-this-week-politkovskayas-murderers-sentenced-but-not-contractor/#1024.

^{200 &}quot;Photos of Colorado Killed 18+," Independent Information Tape, June 15, 2014, http://antikominfo.livejournal.com/353674.html.

^{201 &}quot;Evidence of Russia's 76th Guards Air Assault Division in Southeast Ukraine," The Interpreter, August 21, 2014, http://www.interpretermag.com/ukraine-liveblog-day-185-russian-airborne-forces-reportedly-captured-in-ukraine/#3892.

decree did not attract much attention that day, but it did gain notice three days later, on August 21, when Ukrainian forces captured a BMD-2 in Lutugino, in Lugansk Region, and claimed it was Russian.²⁰² Even more questions were raised when Russian Defense Minister Sergei Shoigu personally flew to Pskov Region to hand out the awards.²⁰³

Many of the websites and projects that track reports of Russian fighters killed in Ukraine began on or soon after August 21, 2014, when the BMD-2 was confiscated.²⁰⁴ Ukrainian journalists Roman Bochkala and Leonid Shvets were the first to publish information about the documents of Russian soldiers found in the BMD-2.²⁰⁵ LiveJournal bloggers matched 15 names in the documents to accounts on VKontakte.²⁰⁶ In the following days, *The Interpreter* also accessed the same accounts and watched in real time as they were removed or had pictures deleted from them faster than they could be archived.²⁰⁷

Russia's independent press also began tracking down news of missing, wounded, or killed soldiers, facing intense denials from the Defense Ministry, attacks from thugs, and vilification by pro-Kremlin propagandists who claimed the investigators were Photoshopping pictures, faking information, or in the pay of Western intelligence agencies.

When the Ukrainian Security Service (SBU) announced it had 10 POWs in Kiev and released videotaped interrogations of them, activists were emboldened to try to find out more about them and other missing soldiers who had supposedly been "sent for training" by Russia.

Bochkala and Shvets claimed that the Ukrainian 24th Brigade of the Armed Forces and the "Storm" Special Division had seized the vehicle and documents. Shvets wrote that the documents included a folder labeled with the name of Lt. Popov, the platoon commander, as well as the duty roster, the evening inspection logbook, and the journal of the decommis-

sioned. "The crew. . . well, let's say they got lost on the way," he quipped. Bochkala added:

Light-blue berets and Rollton noodle briquettes [a just-add-water soup, similar to Ramen] were scattered over the battlefield. In the photographs are visible the combat vehicle and a PKT machine gun displayed with the name plate of a gunner, Private N. D. Surnachev. This last name and initials are also indicated in the evening inspection journal, along with the names of other soldiers from the Russian Army, apparently fighting in Ukraine. For example, from the passport of N. S. Krygin it follows that he is from Pskov Region, born in 1994. That tells us that Putin has a problem with experienced recruits since young, green fighters are being thrown into combat. Here is what the wife of one of the servicemen from the Pskov Airborne Division wrote me yesterday on Facebook: 'Our husbands were sent recently to Ukraine. As if for training. They didn't know where they were being sent. Ever since there has not been any phone call or greeting from them. We are sitting and crying for them!"

Among the items visible in the photos were credit cards belonging to someone named Ilya Maksimov, later found to be one of the paratroopers; a folder with the name of Popov, Unit 74268's platoon commander; and the scope for an AK-74m Tyulpan. All seemed to be clear indications of a Russian military presence.²⁰⁸

As the Odessa news site *Dumskaya.net* pointed out,²⁰⁹ when a Russian soldier is drafted into the army, his passport is taken from him and held by military command on the army base, leaving him to carry only his draft card. So the only way passports could be found in a BMD-2 after a battle is if these soldiers were contractors who formally resigned from the army and became "volunteers."

Vasily Sychev, a military expert contacted by

^{202 &}quot;IFV from Russian Airborne Division Captured in Ukraine," *The Interpreter*, August 21, 2014, http://www.interpretermag.com/ukraine-liveblog-day-185-russian-airborne-forces-reportedly-captured-in-ukraine/#3889.

^{203 &}quot;Russian Defense Minister Shoigu Travels to Pskov to Give Awards to 76th Guards," The Interpreter, August 24, 2014, http://www. interpretermag.com/17850/#3921.

²⁰⁴ See "IFV from Russian Airborne Division," *The Interpreter*; and "Russian Activists Form Facebook Groups, Web Sites to Look for Soldiers MIA, KIA," *The Interpreter*, http://www.interpretermag.com/russia-this-week/#4037.

 ^{205 &}quot;Russian Press and Social Media Mine VKontakte for Information on Russian Paratroopers," *The Interpreter*, http://www.interpretermag. com/17850/#3922. (For the Ukrainian battle with Russian servicemen in the village of Georgievka near Lutugino on August 21, 2014, see https://www.facebook.com/leo.shvets/posts/753181591391648 and https://www.facebook.com/bochkala/posts/789072054478519.)
 206 "Russian Press and Social Media Mine VKontakte," *The Interpreter*.

^{207 &}quot;What's Happening to Social Media Accounts of Russian Paratroopers Reported Captured?," *The Interpreter*, http://www.interpretermag. com/17850/#3926.

²⁰⁸ Bochkala, https://www.facebook.com/bochkala/posts/789072054478519.

^{209 &}quot;Odessa Volunteer Fighters Took Part in Destruction of Pskov Paratroopers' Company," Dumskaya.net, August 21, 2014, http://dumskaya.net/news/odesskie-dobrovolcy-prinyali-uchastie-v-unichtog-038431//4/.

reporters, questioned all the items, saying that the Rollton brand of instant noodles was not part of the dry rations issued to Russian soldiers and that a nametag on a machine gun was odd, as usually these weapons are signed out and the information recorded at the base. Soldiers do not place such nameplates on the weapons, Sychev claimed.

Russian blogger Viktor Kadochnikov was among the first to note that most of the soldiers in the group had not accessed their social media accounts after August 15 or 16; only one had logged in on August 17.²¹⁰

Shortly thereafter, Russian journalist Aleksei Amyotov reported on Twitter that he had found a man going to Ulan-Ude, the capital of the Buryat Republic, to bury his son, who he said was a paratrooper killed near Donetsk.²¹¹

More recently, an archived copy of Nikolai Surnachev's VKontakte page shows pictures of him posing with Russian army buddies wearing the telnyashka, the striped t-shirt worn by paratroopers. The archive shows a picture of him in military uniform on March 24, 2015; this post, however, is missing from the live version of his account.²¹² There is nothing in his current set of posts that would indicate he ever fought in Ukraine or indeed had an opinion on the conflict. Among his friends is Marsel Suleymanov, a man with a picture of himself and a military comrade; both are wearing the *telnyashka* and light-blue berets customary among VDV soldiers, which suggests they served together in the Airborne Troops.²¹³ As of August 20, 2015, all posts before August 5, 2015, have been deleted. It is difficult to tell whether Surnachev is dead or alive. Perhaps his account is being maintained by his girlfriend, who refreshed it on the anniversary of his death.

Surnachev's case is typical of many social media accounts of Russian soldiers killed in Ukraine. But while these accounts are helpful in providing clues, they are not a substitute for journalistic spadework that confirms the whereabouts and status of suspected Russian soldiers in Ukraine by contacting relatives, friends, or the soldiers themselves.

Separatists' Admission of Russian Presence

The Russian military presence in Ukraine was widely documented on social media, with numerous videos of Russian convoys in Ukraine and soldiers with Russian accents nonnative to the Donbass. Despite this informal coverage on blogs and social media, however, the rumor was not validated until August 28, 2014, when Russia's state TV1 quoted a speech by Aleksandr Zakharchenko, the prime minister of the self-declared Donetsk People's Republic, that could only be understood as referring to Russian citizens: "I will say something even more candid: among us are fighting active military, who prefer to spend their leave not on the ocean beaches but among us, among their brothers, who are fighting for their freedom."²¹⁴

This notion of the "vacationers" took hold and became a sarcastic meme for many bloggers describing the war.

The Curious Case of Leonid Kichatkin

Attempting to follow up on VKontakte clues can be frustrating—and ultimately dangerous to reporters. Anatoly Vorobey, a Russian-language blogger based in Tel Aviv who blogs at *avva.livejournal. com*, discovered just how unreliable social media can be for investigating such cases.²¹⁵ After posting the published picture of the logbooks from the BMD-2 that included a listing for Leonid Kichatkin, age 30, a senior sergeant in the unit, a notice outlined in red was posted to Kichatkin's VKontakte page that read: "Dear Friends!!!!!!!!! Lyona [Leonid] was killed funeral Monday at 10:00 wake in Vybuty. Who would like to bid farewell please come we will be glad to see you. If anything call [telephone number] Wife Oksana."

Vorobey found earlier posts from Oksana on her own page, saying first that she was waiting desperately for news of Leonid, then that "life had stopped," and finally that she expected her husband's coffin "within five days." All of this, plus the condolences of friends,

^{210 &}quot;What Happened to the Pskov Division?," August 23, 2014, http://kado4nikov.livejournal.com/18424.html.

²¹¹ Aleksei Amyotov, Twitter feed, August 25, 2014, 12:09 a.m., https://twitter.com/Amyot/status/503801322584694784.

²¹² Archive of VKontakte account of Nikita Surnachev, https://archive.is/4E3oF.

²¹³ Marsel Suleymanov's profile, https://vk.com/id285059213.

²¹⁴ TV1, August 28, 2014, http://www.ltv.ru/news/world/266444. The statement was cited widely by national and local media. See, e.g., Oleg Konstantinov, "Pskov Informally Commemorated 16 Dead on the Battlefield of the Marines," *Kuryyer*, September 2, 2014, http://www.province.ru/pskov/news/item/1325-pskovichi-neoficialno-pominajut-16-pogibshih-na-pole-boja-desantnikov.

²¹⁵ http://avva.livejournal.com/2800178.html#comments.

appeared to be unmistakable proof that Kichatkin was among those killed at Lutugino.

By Sunday, August 24, however, Kichatkin's page on VKontakte, as well as his page on Odnoklassniki, had been removed. Around the same time, Oksana (or perhaps someone else who had assumed control over her account) wrote: "My husband is alive and well and we are now marking the baptism of our daughter."

Ivan Vasyunin, a journalist from Russkaya Planeta, posted a notice on Twitter that he had reached Oksana and spoken to a man who identified himself as Leonid, and that the couple had asked people not to call.²¹⁶

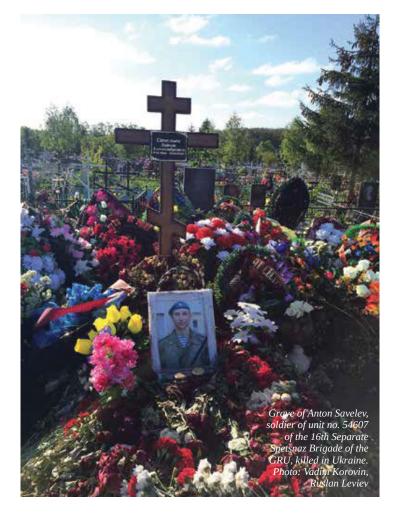
Secret Funerals for the 76th

Slon.ru's Aleksei Ponomarev reported on August 25, 2014, that the funerals for the dead paratroopers had been closed to the public.²¹⁷ He was told by a local eyewitness that about 100 people were present at the service, conducted at a small cemetery near a fifteenth-century church, not far from the military base of the 76th Division. The funeral was under police guard, and no outsiders were permitted to attend.

Military spokesmen denied the stories, even though military wreaths were found on the graves. Lieutenant General Vladimir Shamanov, commander of the Russian Airborne Forces, said that "everyone is alive and well in our assault paratroopers division." Major General Igor Konashenkov of the Russian Defense Ministry also stated this information was "a falsehood" when Ukrainian forces said they had seized a Russian BMD with documents of paratroopers killed or captured.218

When pictures of the soldiers' graves began to appear on social media, pro-Kremlin trolls said the images had been Photoshopped, and a debate about the authenticity of the news ensued. Hoping to get to the bottom of the story, on August 25, Novaya Gazeta's Nina Petlyanova and Irina Tumanova, a reporter from the St. Petersburg newspaper Fontaka.ru, traveled to Pskov Region to find out more.219

Initially, when Petlyanova called the Kichatkins, Oksana Kichatkin once again insisted that her husband Leonid was alive, and that his VKontakte page had been hacked. Oksana gave the phone to a man who said he was Leonid, was alive and well, and had not



gone anywhere because his wife was "pregnant, plus there are three children." He also offered to "sing a song for you or dance for the video camera" to prove his status as living.

Baffled, the journalists continued to the graveyard near the 76th Division base, where they found a grave bearing the name of Leonid Yuryevich Kichatkin and dates of his life, September 30, 1984–August 19, 2014, as well as wreaths from military units. A major standing near the grave told them that two soldiers had just been buried, Kichatkin and another whose grave read "Aleksandr Sergevevich Osipov [December 15, 1993-August 20, 2014]." The major turned out to be the father of Aleksandr Osipov. He was mourning his

²¹⁶ Ivan Vasyunin, Twitter feed, August 24, 2014, 7:04 a.m., https://twitter.com/vasyunin/status/503543434628833280.

²¹⁷ Aleksei Ponomarev, "In Pskov, the Funerals of Local Marines Have Been Closed," Slon.ru, August 25, 2014, http://slon.ru/fast/russia/vpskove-proshli-zakrytye-pokhorony-mestnykh-desantnikov-1147710.xhtml. 218 "Landing," Novaya Gazeta, August 26, 2014, http://www.novayagazeta.ru/society/64975.html.

^{219 &}quot;Podrobnosti napadeniya na zhurnalistov u kladbishcha pod Pskovom," Novaya Gazeta, August 26, 2014, http://www.novayagazeta.ru/ news/1686247.html.

son, whom he had sent off to war in Ukraine.

As is customary at Russian gravesides, the major had a small table with bottles of vodka, bread, and tomatoes for the wake. He and the journalists drank to the memory of Aleksandr, and the major said: "He wanted to be a hero. . . . Soldiers have a job to do. Somebody has to pay their debt to the Motherland." He said that Aleksandr's convoy had been caught between mortar and Grad fire after spending only a week in Ukraine. He did not know how many had been killed but said there were more to bury.

Near Kichatkin's grave, the journalists also discovered one of Kichatkin's relatives, who said that the family had held a brief service for Kichatkin, who had "been killed near Lugansk while fulfilling his military duties." That was all he knew. By then, the telephone number Petlyanova had been calling, on which Kichatkin's wife and her supposed husband had previously responded to queries, was disconnected.²²⁰

The pair returned the next day, August 26, to investigate the other graves with Vladimir Romensky of TV Rain and Ilya Vasyunin of the Russian news site *Russkaya Planeta*; however, they were pushed back by a group of local thugs whom they believed had been directed by the authorities. They then met with other reporters from *Novaya Gazeta* and *Fontanka*, attempted another visit, and were attacked again, but Romensky and Vasyunin managed to film their ordeal.

In one of these videos, which became emblematic for the Russian media community of the thwarted attempts to cover the Cargo 200 issue, the journalists were shown caroming around a graveyard in a car as hooded thugs in tracksuits threw rocks at the vehicle, trying to break their windows, and wielded large screws to try to puncture their tires.²²¹ One reporter made a frantic call to police to try to get the authorities to intervene; another reporter attempted to get the attackers to back off, saying that he and his colleagues would leave the cemetery. Meanwhile, clearly seen in the background of the video were fresh graves, heaped with flowers under wooden cross-barred Russian Orthodox crosses and wreaths from the Russian Airborne Division. As one YouTube commentator, Dmitry Shchelokov, noted on TV Rain's video posting:

This isn't thugs hiding their face; this is Putin showing his face. This is the essence of Putin's policy, just as in the attack on Ukraine—hidden faces, obvious intentions and obvious contractors [to carry out the job]. Putin's FSB sent their thug stand-ins to prevent the journalists from finding the graves of the Pskov paratroopers, killed in Ukraine, a small crime to cover up the tracks of a bigger crime of Putin.

Russian military officials denied any relationship of the incident to the war in Ukraine. But TV Rain also reported that Sergei Kovalchenko, editor-in-chief of the *Telegraf* wire service, was stopped at the cemetery in Vybuty on August 26 as well. Venera Galeyeva of *Fontanka* also tweeted about the attack.²²²

On August 30, Petlyanova reported that Kichatkin's relatives were being threatened with the loss of any death benefits or pensions connected to their loved ones if they spoke to the press.²²³ The division commander stonewalled the reporters. Relatives of the alleged slain said they had heard nothing from the men since August 15 or 16; worse, they said, the 76th's commanders told them to keep quiet and not talk to the press or anyone else.

The Missing Paratrooper Company

Ultimately, an entire company of Pskov paratroopers was reported to have been killed fighting in Ukraine in August, *Pskovskaya Guberniya* and *Slon. ru* reported on September 2.²²⁴ After these outlets

^{220 &}quot;Independent Russian Journalists Follow Up on Paratroopers' Burials," *The Interpreter*, August 30, 2015, http://www.interpretermag.com/ russia-this-week/.

^{221 &}quot;Video: Attacks on Journalists in the Cemetery Near Pskov," TV Rain, August 26, 2014, https://www.youtube.com/ watch?v=IuUWShP9rRM.

^{222 &}quot;In Pskov Unknown Individuals Attacked the Chief Editor of the *Telegraf* Agency," TV Rain, August 26, 2014, http://tvrain.ru/news/v_ vybutah_neizvestnye_zaderzhali_glavreda_agentstva_telegraf-374585/; see also Venera Galeyeva, Twitter feed, August 26, 2014, 8:06 a.m., https://twitter.com/venera_galeeva/status/504283750084386816.

²²³ Nina Petlyanova, "This Is the First Combat-Ready Company, In Case of War," Novaya Gazeta, August 28, 2014, http://www.novayagazeta.ru/society/65017.html.

^{224 &}quot;Ukraine Liveblog Day 197: Entire Pskov 'Company' Killed in Ukraine: Local Newspaper," *The Interpreter*, September 2, 2014, http:// www.interpretermag.com/ukraine-liveblog-day-197-ukraine-reportedly-loses-control-of-telmanovo-north-of-mariupol/#4097; "The Whole Company Gone," *Pskovskaya Guberniya*, September 3–9, 2014, http://gubernia.pskovregion.org/number_706/00.php; Aleksei Ponomarev, "Pskov Paratroopers Spoke About the Deaths of Dozens of Their Comrades," *Slon.ru*, September 2, 2014, http://slon.ru/fast/russia/ pskovskie-desantniki-rasskazali-o-gibeli-desyatkov-svoikh-tovarishchey-1151234.xhtml.

published the news of the three paratroopers' funerals, they were contacted by other paratroopers who requested anonymity but gave them a tape of an interview with soldiers in the company. The soldiers on the tape claimed that only 10 men had survived out of 80, and that as many as 140 could have died.

Lev Shlosberg, the Rostov regional deputy in the Yabloko Party, told Russian blogger Oleg Kashin that the families of the paratroopers were told to keep quiet and threatened with the loss of state welfare if they spoke out. Shlosberg said the causes of death were listed variously as "explosion of a gas tank," "heart attack," or "stroke," and the places of death were not indicated.²²⁵

To date, no one has been able to produce a list of all 80 names from the 1st Parachute Paratrooper Company of the Pskov Airborne Troops Division. What happened to them remains an open question.

Meanwhile, reports began to trickle in concerning funerals not only in Pskov Region but also in Belgorod, Voronezh, and elsewhere. One woman, Olga Alekseyeva, the wife of 27-year-old Sgt. Ruslan Fyodorov, a contract soldier killed in battle, said officers told her "everything's fine, everyone's alive." However, by that time, it was already known that at least three other paratroopers from the 76th had been killed. Alekseyeva confirmed that Anton Korolenko, who had studied in the same military academy as her husband; Kichatkin, with whom he had also served; and Aleksandr Osipov, mentioned earlier, had also been killed. Osipov, Korolenko, Fyodorov, and Kichatkin were all in the 234th First Company of the Pskov Air Assault Guards of the Airborne Troops Division, which was considered to be the combat-ready company "in the event of war," Alekseyeva explained.²²⁶ Her testimony seemingly corroborates what Ukrainian journalists Roman Bochkala and Leonid Shvets had reported earlier.

The St. Petersburg Soldiers' Mothers and the Missing Soldiers from the North Caucasus

The Soldiers' Mothers Committees, a movement formed even before the two Chechen wars in the 1990s, originally focused on the rampant abuse, hazing, and deaths that occurred in the Russian peacetime army. With the onset of the war in Ukraine, the Soldiers' Mothers advised recruits on alternative service to the draft and their right to refuse combat service outside of Russia, as well as began looking into reports of soldiers killed in Ukraine, though they evidently hoped that if they did not publicize these cases immediately, they might get answers from Russian officials before a blackout on talking to the media was inaugurated.

The movement to uncover the deaths of Russian soldiers in the Donbass has been particularly active in two cities: St. Petersburg, where servicemen wounded in Ukraine were allegedly brought to a military hospital located there in August 2014; and Kostroma, the army base from which POWs captured by Ukrainian forces in August 2014 also originated.

In Russia, the Presidential Council for the Development of Civil Society and Human Rights is a body meant to investigate human rights abuses in Russia and is answerable to the office of the president—at least in theory. While some reputable human rights defenders remain in the Presidential Council (recently, veteran Moscow Helsinki Group leader Ludmila Alexeyeva rejoined it), it has become largely ineffective, as its leader has been able to meet with President Putin only once in 2014. Furthermore, the Council is only able to speak in a highly scripted fashion about topics acceptable to Putin, such as children's welfare. Indeed, in his last meeting with Putin, Mikhail Fedotov, chair of the Council, only discussed the need to pressure Poroshenko to do more for displaced persons and refugees, making no reference to the problem of Russia's launching the war in Ukraine in the first place. Fedotov did not raise the credible reports that have been made by his Council's own members that Russian soldiers are participating in this conflict, that Russia is backing the insurgents, and that Russia has fired missiles from its territory into Ukraine.

Using the legitimacy of their positions on this official body, two members—Ella Polyakova, head of the St. Petersburg Soldiers' Mothers, and Sergei Krivenko, coordinator of the Citizen and Army civic movement—sent an inquiry to the Russian Investigative Committee, a special law enforcement body, with a request to conduct an investigation into the circumstances of the deaths of nine contract soldiers from the 18th Motor Rifle Brigade (army unit 27777), most of whom are natives of Dagestan, a Muslim region in the North Caucasus. According to the official government story, the riflemen died while training in Rostov Region on August 9 and 11.

^{225 &}quot;Visiting Shlosberg at the Hospital," Oleg Kashin, September 2, 2014, http://kashin.guru/2014/09/02/lev-2/.

²²⁶ Nina Petlyanova, "This Is the First Combat-Ready Company, In Case of War."

Meanwhile, regional Dagestan news site *Chernovik* caught wind of the news that at least nine Caucasians had been killed in Ukraine and, in an article on August 22, urged relatives to contact them with details.²²⁷

A paratrooper who requested anonymity told *Chernovik* that the soldiers' deployment was "voluntary-forced," as the saying goes in Russian, meaning that while it was technically a voluntary choice, soldiers were placed under much pressure to serve in combat. The paratrooper said: "Those who refuse to go, for example, are brought out on the parade grounds and accused of cowardice and so on in front of the line up. That is, they put mental pressure on them."

Chernovik further reported:

Participation in the conflict, the editors' sources maintain, is like a "shuttle." The armed formation (is it legal?) enters the territory of Ukraine, performs a combat assignment, then leaves the territory of the country. In one such operation, our countrymen fell under artillery fire from the ATO. Among those killed were five natives from the town of Kazanishche, one from Atlanaul, a village in Buynaksk District and another from the village of Shagada in Khasavyurt District. Another from Buynaksk is missing. According to unconfirmed sources, "Cargo 200" have come to Kizilyurt, the village of Belidzhi (Derbentsky District) and Aksay (Khasavyurt District).

Chernovik claimed that two tank companies had crossed the Russian–Ukrainian border, and contract soldiers from the Russian navy, hailing from units deployed in the Caspian Sea, were also sent into Ukraine.

In the comment section of the *Chernovik* article, readers added that "Cargo 200" had come to the village of Aksay in Khasavyurt District; the village of Chagarotar; and the village of Dzhugdil in Tabasar District, where a funeral took place on August 20. One commenter from Tabasar said that a fighter who had been wounded in Ukraine was back in the village. Other readers denied that such things could happen and even denounced *Chernovik* for engaging in "sabotage." The news site, they insisted, should be

prosecuted.

However, there *were* rumors at this time that as many as 400 contractors from Dagestan had been killed in combat in Ukraine by August 2014. Bloggers and regional press began to report this story, although there was no confirmation of the facts. On August 19, the Ukrainian news site UNN said the story originated from Rasul Abu Asad, a resident of Khasavyurt in Dagestan. UNN quoted Asad as saying on his Facebook page: "You will never believe it. I wouldn't have believed it either, if someone else had told me."228 Asad then allegedly continued: "More than 400 contract Dagestani contract soldiers were killed in Ukraine. 224 people were brought back a few days ago to Dagestan. 200 of them are men who had served in Shali and 70 in Khankala [Russian military bases]. Many of them had gone crazy. One father went to pick up his son. When he saw his son, he died on the spot." On August 20, 2014, the LiveJournal blogger "Saracinua" said exactly the same thing and offered the same details, although he appeared to be a different person from Asad.²²⁹ However, no link to Asad's Facebook page was provided by UNN, and The Interpreter was unable to find the posting.

LiveJournal and Facebook posts often contain material from other bloggers without attribution—such is the nature of social media, where copying and pasting is the work of a moment. In this particular case, the story of the "400 killed" could not be confirmed.

UNN did, however, check with Donetsk's *mufti* (an Islamic head cleric), Said Ismagilov, reasoning that if funerals were held there, he would know about them. Ismagilov told the news site that no one had contacted him about such cases and no bodies of Dagestanis had been brought to his mosque, although he was aware that Dagestanis were indeed fighting in Ukraine. He did not find the claim of 400 credible, considering the number too large, although he did add that possibly the bodies were returned immediately to Dagestan and funeral rites were conducted locally.²³⁰

^{227 &}quot;Cargo 200," Chernovik, August 22, 2014, http://chernovik.net/content/politika/gruz-200.

^{228 &}quot;About 400 'Contract' Fighters from Dagestan Killed During Fighting in Donbass," UNN, August 19, 2015, http://www.unn.com.ua/ru/ news/1377222-blizko-400-kontraktnikiv-iz-dagestanu-zaginuli-pid-chas-boyiv-na-donbasi-fb.

²²⁹ Saracinua, "Dagestan Began to Receive Zinc Coffins En Masse from Ukraine," August 20, 2014, http://saracinua.livejournal. com/1454475.html.

^{230 &}quot;About 400 'Contract' Fighters from Dagestan Killed During Fighting in Donbass."

Committee of Soldiers' Mothers of Stavropol Territory

On August 27, after publishing materials from the St. Petersburg Soldier's Mothers, the independent television network TV Rain reported that the Committee of Soldiers' Mothers in Stavropol Territory had made a list of 400 killed and wounded Russian soldiers.²³¹

Ludmila Bogatenkova, leader of the Mothers of Prikomya, a regional group that was part of the Stavropol Committee, and a long-time activist on the issue of conscripts' rights, told TV Rain that the list had been made "from various sources in the armed forces which the Committee could not disclose." She further said that the killed and wounded servicemen were mainly from Vladikavkaz, Shumlen, Shalin, and Borzoi, and that several motorized brigades were involved.²³² She added that there were soldiers from other units, and that the list was being constantly updated with new additions. She did not mention the Dagestani soldiers, but presumably they were included in her list if it was that long. She did not publish the list of names and units.

This news was subsequently picked up by the BBC's Russian- and English-language services.²³³ What had begun as exposés by two Ukrainian bloggers about 15 Pskov paratroopers had now snowballed into a rolling scandal of many dozens of allegedly killed Russian soldiers in Ukraine, mainly from the North Caucasus. The BBC report was the first major foreign news story on the subject of Cargo 200.

It should hardly come as a surprise that Caucasians were the ones dispatched to fight in a *maskirovka* insurgency, because they had been spotted in the Donbass at the onset of the war.²³⁴ On May 25, for instance, a CNN reporter found a truckload of Chechens at a "Novorossiya" election rally in Donetsk.²³⁵ *The Interpreter* published other geolocated footage, filmed

by a Russian volunteer, of Russian fighters in the area of Snezhnoye, which showed groups of Chechen combatants.²³⁶

Chechen president Ramzan Radyrov initially denied the presence of Chechens in Ukraine but then conceded that there were a few "volunteers" there, adding that he would be happy to send 74,000 and go fight for the pro-Russian cause himself.²³⁷ There were repeated reports of Interior Ministry battalions from Chechnya fighting at the Donetsk Airport throughout the fall of 2014 and up to the defeat of the Ukrainian army in January 2014. In July 2015, Kadyrov claimed that all Chechens had been brought home from Ukraine.²³⁸

Kostroma POWs, KIA, and MIA, and the First Demonstrations

The reported deaths of Russian soldiers and the return of their bodies to the Motherland seemed to be definitive proof of Russian military presence in Ukraine, but each case was routinely questioned, relatives silenced, and the allegations met with the response that the subject in question was only a "volunteer" and not under the command and control of the Russian armed forces.

On August 26, when the Ukrainian Security Service (SBU) reported that 10 Russian soldiers had been captured and that all had given testimony about their original bases and units, the notion of "volunteers" began to be dispelled.

Full coverage of the POW issue is outside the scope of this report. There have been many thousands held by Ukrainians—in some cases, separatists suspicious of their supporters from Russia—and the process of exchange is still underway in accordance with the collapsed Minsk Accords. But we will note that this first

^{231 &}quot;Soldiers' Mothers Have Compiled a List of 400 Dead and Wounded Russian Soldiers," TV Rain, August 27, 2014, http://tvrain.ru/news/ komitet_soldatskih_materej_sostavil_spisok_iz_400_ranenyh_i_ubityh_rossijskih_soldat-374625/.

 ²³² They were the 19th Voronezh-Shumlen Separate Motorized Brigade based in Vladikavkaz, in Northern Ossetia; the 17th Separate Guards Motorized Brigade in Shali, Chechnya; and the 8th Separate Guards Motorized Brigade in the city of Shatoi, in Chechnya.
 233 "Ukraine Conflict: Russian Families Look for Soldier Sons," BBC Europe, August 28, 2014, http://www.bbc.com/news/world-

europe-28968526.

^{234 &}quot;Ukraine Live Day 190: Video Shows Column of Russian Vehicles, Manned by Chechen Fighters, on Ukraine's Border," The Interpreter, August 26, 2014, http://www.interpretermag.com/ukraine-liveblog-day-190-russian-paratroopers-captured-in-ukraine/#3971.

^{235 &}quot;Ukraine Liveblog Day 97: Polls Open with Elections Under Threat in East," The Interpreter, May 25, 2014, http://www.interpretermag. com/ukraine-liveblog-day-97-polls-open-with-elections-under-threat-in-east/#2877.

^{236 &}quot;Ukraine Liveblog Day 180," *The Interpreter*.

^{237 &}quot;Russia This Week: Here Comes the Kremlin's Troll Army (June 2–7)," The Interpreter, June 6, 2014, http://www.interpretermag. com/14302/#0946.

^{238 &}quot;All Chechen Fighters Have Returned Home from Donbass, Says Kadyrov," The Interpreter, July 31, 2015, http://www.interpretermag. com/russia-update-july-31-2015/#9322.

and highly visible capture of Russian soldiers marked a turning point in the international community's recognition of Russian aggression against Ukraine.

On August 26, 2014, *The Interpreter* translated a report from the leading Ukrainian news site *Unian*. *net* about the detention of the 10 soldiers of the 331st regiment of the 98th Guards Airborne Division;²³⁹ Elena Racheva of *Novaya Gazeta* later confirmed the Kostroma POWs' unit.²⁴⁰ These soldiers, who were detained in the Kiev pretrial detention prison, were questioned by the SBU, and nine of them participated in a press conference (the tenth had suffered severe burns and was transferred to a burn unit in St. Petersburg). They testified that they had been sent to Rostov on August 23, then put on alert and marched into Ukraine on August 24; only the officers were informed that Russian armor would make an incursion into Ukrainian territory.

From hours of footage of the POWs confessions uploaded by the SBU to YouTube, some of which was translated by *The Interpreter*, a pattern emerged: young Russian recruits who had been persuaded to sign up as contractors near the end of their service were not fully informed of what was happening and either believed that they were patrolling the border or participating in exercises, not being flung into combat. At least, that was the story they told interrogators while in captivity and under duress, so those circumstances have to be taken into consideration.²⁴¹

Eventually, after negotiations, all of the POWs were sent back to Russia in exchange for Ukrainian POWs taken by the Russian-backed separatists. Nevertheless, Kostroma remained a focus of attention, as a number of paratroopers remained missing.

Racheva then got in touch with some of the parents and wives of the soldiers, who did not want to publicize their names for fear of reprisals. She found that their accounts coincided with some of the videotaped statements made by the POWs in their coerced confessions. According to these relatives, the soldiers had been told they were going for training in Rostov for two weeks but then suddenly were ordered to take their winter kits as well. The wives were forbidden to come to the base to see off their husbands. One of them disobeyed and came anyway to bring her husband some clothes. She said she saw a lot of military vehicles, more than usual, before the entire regiment departed.

The reporters also learned that the men had been asked if they wanted to go on these "exercises," and some had refused. Forty were immediately discharged. The rest were not told where they were going, but were informed that their combat readiness would be tested.

Racheva reported that one wife, "Elena," said that she believed her husband, "Artyom" (the reporters changed the names to protect their sources), did in fact know the destination, but he had told her that the soldiers had signed nondisclosure agreements and had their cell phones taken from them so they could not be geolocated. Elena received a text message from her husband from the military transport train on August 21 that was sent using a cell phone he kept concealed. It read: "Honey, we're at the Taganrog-1 station, look how far away Ukraine is." (Taganrog is near the Ukrainian border.)

In a subsequent call on August 22 he said his regiment was setting up camp; on August 23, he called again and said the soldiers had been told to remove their nametags from their clothing and their *telnyashki* (the Russian paratroopers' striped t-shirt), and were given military t-shirts and camouflage. All IDs and draft cards had been taken away from them, he said.

In his last phone call, Artyom told Elena not to worry; he would only be gone two or three days, during which he would be unable to call. "Are you going to scare Ukraine?" asked Elena. Artyom laughed and said no, but she felt his voice was different from how it normally was, and he asked to say goodbye to their daughter. On August 24, he called her at 3:00 a.m. to tell her that the regiment was 15 kilometers from the Ukrainian border. It had been roused for an emergency and was going on a 70-kilometer march. That was the last time Elena ever heard from him.

Elena recalled that back in May, the whole regiment had been ordered to get foreign passports or face dismissal, indicating that recruits had been converted into contractors who were allowed to bring their civilian forms of identification with them. In Artyom's case, however, these passports were collected right before

^{239 &}quot;Ukraine Liveblog Day 190," The Interpreter.

^{240 &}quot;Russia This Week: Kremlin Advisor Speaks at Yalta Conference Amid Separatists, European Far Right (August 25–31)," August 30, 2014, *The Interpreter*, http://www.interpretermag.com/russia-this-week/#4031; Elena Racheva, "Look How Far Away Ukraine Is," *Novaya Gazeta*, August 28, 2014, http://www.novayagazeta.ru/society/65022.html.

^{241 &}quot;Transcript of Interrogation of Russian Paratrooper Captured in Ukraine," *The Interpreter*, August 31, 2014, http://www.interpretermag. com/russia-this-week/#3949.

the move into Ukraine. She also recalled that back on August 12, an officer had visited the regiment and told them that Ukrainians were shelling Russian Federation territory and that they had to be prepared; when she asked her husband if they were going to war, he said, "Oh, no, it's just training."

Elena told *Novaya Gazeta*'s Racheva that there were reports of as many as 250 killed out of some 300 deployed; she was unable to find her husband, and her mother-in-law had not been able to locate him at hospitals in Rostov.

After the news of the 10 POWs came out, people who had served with Artyom and relatives of other soldiers converged upon the regiment. There, Colonel Aleksandr Khotulev read out a list of casualties: two contract soldiers had died, and 10 had been wounded and taken to Rostov hospitals. Nine had been detained by the Ukrainians, and the tenth was in the emergency room. The colonel said that the men had gone into Ukrainian territory "by mistake" while "patrolling the border." When asked why the soldiers had had to change into camouflage if they were only patrolling the border, the commander angrily replied: "The order came. Ask the Defense Ministry."

Relatives of the POWs also described to *Novaya Gazeta* how they had been reviled on Russian social media and threatened that if they did not pick up their relatives, they would return home as "Cargo 200"—that is, dead. The commander explained that the POWs would be exchanged for Ukrainian POWs in due course.

In what was likely the first such demonstration since the outbreak of Russia's war in Ukraine, relatives of the confirmed Kostroma POWs and those still looking for their missing loved ones—about 30 in all—decided to stage a picket at the army base on August 28, 2014.

One of the wives of a missing soldier received a phone call on August 27 from Russia's General Prosecutor's Office saying that the 300 soldiers were alive, were located in various cities, and would return—but it would take a while. The wife was ordered not to divulge any information, not to report her husband as a missing person, and not to attend any rallies. The other wives were also threatened and warned that they could face fines of 200,000 rubles (about \$3,000) for participating in unauthorized rallies and that their husbands could be jailed for divulging state secrets. When Elena called the field camp in Rostov again, the officer she reached told her she was only making things worse for her husband, and that he would be killed just for talking to her. "What, Putin wanted to withdraw the troops quietly, and now he can't?" asked Elena. "Yes," she was told.

The women decided to demonstrate anyway, but without posters or banners. An officer named Albert Akhmerov clearly had no information but told them that none of the wounded or bodies of those killed were there, that there was no mobile connection to any of the soldiers, and that they should be proud of their husbands' service to their country. He tried to reassure the wives, "Everything is fine with your husbands. As for wounds, they only have blisters." He further shooed away a journalist from France's Agence France-Presse (AFP) who had come to cover the demonstration, saying that the reporter was only "smearing Russia" and exploiting the women's grief. Some of the wives then turned on the AFP reporter, urging him to leave. This followed a pattern typical for Russia, where military families keep silent when they are told that doing so might work out better for them.

But one wife, 26-year-old Valeriya Sokolova, did talk to AFP.²⁴² "Cargo 200 arrived yesterday," she said, repeating reports that "several" soldiers had been killed and about 15 wounded flown back to Russia from Ukraine—this from the 300 originally deployed in August to the border. She said her husband had told her that the commanders had not said where they would be deployed but that some would ride in KamAZ trucks.

Later, 50 of the relatives, undeterred, gathered at the paratroopers' staff headquarters and told journalists that they had last spoken to the men in the unit on August 23. Military officials finally agreed to see the relatives but first carefully checked all their passports and refused to release any lists of dead or wounded. The relatives were simply told the men were on "planned exercises."

News soon trickled out that two coffins of those killed in action had arrived in Kostroma, but the names of the dead were not available. Ultimately, the list of names of those killed in this operation was not publicized, and the claims of those killed as ranging from more than "several" to as many as "250" could not be validated.

^{242 &}quot;Army Wives Urge Russia to Come Clean on Soldiers in Ukraine," AFP, August 28, 2014, http://news.yahoo.com/army-wives-urge-russia-come-clean-soldiers-ukraine-185525694.html.

Soldiers' Mothers Go Public in Russia

After not receiving any answers to their private inquiries with military commanders, on August 26, Krivenko and Polyakova of the Presidential Council on Development of Civil Society and Human Rights sent an appeal to the military investigation division of the Investigative Committee of Russia, the chief criminal investigative body of Russia. The appeal, which contained a list of nine names of soldiers who were in the 18th Motorized Rifle Brigade (army unit 27777),²⁴³ was also posted on the old website of the Presidential Council used by members (not part of the Kremlin. ru site), but including only the ranks and duties of the men from Dagestan, not their names. A copy was additionally sent to TV Rain, which published a list of the ranks, only with no names,²⁴⁴ as well as a separate interview with Polyakova.245

Krivenko, who is also coordinator of the Citizen and Army civic movement, said that he had received dozens of appeals from the relatives of those who had been killed and had forwarded them to the Investigative Committee but received no response. TV Rain then published the full text of the appeal, which contained the list with names, on September 2, 2014.²⁴⁶

Prompted by the Soldiers' Mothers' inquiry, TV Rain decided to keep an ongoing list of its own. Given the enormous amount of official pressure and public harassment of both concerned relatives and groups like the Soldiers' Mothers, the channel and other independent media began checking the information carefully and publishing all the cases they could verify.

Often described as "the last independent TV station in Russia," TV Rain has long been persecuted for its critical reporting and faced a major challenge in January 2014 over a viewer survey it ran about attitudes toward the Siege of Leningrad.²⁴⁷ In this incident, TV Rain hosts asked whether those surrounded by the Nazis might have been better off capitulating rather than starving to death. The survey triggered both real backlash and further frenzy whipped up by officials. Almost all cable operators ended up dropping the station. TV Rain was then told that its lease at the renovated Red Star factory would not be renewed. The station was forced to move its operations into an apartment.

Nevertheless, TV Rain stayed on the Cargo 200 story, first publishing the Soldiers' Mothers list of missing soldiers with their unit names only,²⁴⁸ then its own list on August 30, followed by the Soldiers' Mothers list again with the full names on September 2. The station then updated the merged list until it reached 34 names,²⁴⁹ with the last names being mainly the paratroopers killed in August during the now-infamous battle of Lutugino, where the BMD-2 was taken. TV Rain stopped updating the list, possibly because of the beating of their chief producer (see below). The list remains online, however.

^{243 &}quot;Presidential Human Rights Council Members Appeal to Investigative Committee on Missing Soldiers," *The Interpreter*, August 26, 2014, http://www.interpretermag.com/russia-this-week-demonstrators-against-war-in-ukraine-arrested/#4109.

^{244 &}quot;A Member of the Human Rights Council Will Check the Transport Information on 100 Wounded in St. Petersburg," TV Rain, August 26, 2014, http://tvrain.ru/news/chlen_soveta_po_pravam_cheloveka_pri_prezidente_soobschila_o_dostavke_100_ranenyh_v_ peterburg-374580/.

²⁴⁵ Presidential Council on Development of Civil Society and Human Rights of the Russian Federation, "Members of the Council Have Asked the UK to Check the Data About the Death of Nine Russian Servicemen in the Rostov Region," August 26, 2014, http://old. president-sovet.ru/news/6875/. The list was as follows: 1. sanitation instructor, private; 2. scout, private; 3. scout, private; 4. group commander, lieutenant; 5. senior scout, senior sergeant; 6. scout, grenade-thrower, private; 7. scout, sniper, private; 8. mine-layer, scout, private; 9. division commander, junior sergeant.

^{246 &}quot;The Human Rights Council Sent a Copy of the Appeal to TV Rain in the UK with the Names of Missing Soldiers," TV Rain, September 2, 2014, http://tvrain.ru/articles/sovet_po_pravam_cheloveka_peredal_dozhdju_kopiju_obraschenija_v_sk_s_imenami_ propavshih_soldat-374887//. The list was as follows: 1. Rakhman Ramzanovich Dargiev, born 1976, sanitary instructor, private; 2. Khizir Khuseynovich Ibragimov, born 1984, scout, private; 3. Magomed Khizirovich Midayev, born 1984, scout, private; 4. Vladimir Vasilyevich Fyodorov, born 1981, group commander, lieutenant; 5. Arbi Umaltayevich Misirbayev, born 1978, senior scout, senior sergeant; 6. Ibragim Said-Aminovich Zakayev, born 1981, scout, grenade-thrower, private; 7. Mayrabek Makhmatsultanovich Makhmatkhaov, born 1979, sniper scout, private; 8. Abdulkhakim Bayramailiyevich Aliyev, born 1990, sniper scout, private; 9. Ismail Solmanovich Nazirov, born 1967, division commander, junior sergeant.

^{247 &}quot;Prosecutor Launches Probe of TV Rain," translation of article originally published by *Lenta.ru* on January 30, 2014, *The Interpreter*, January 31, 2014, http://www.interpretermag.com/prosecutor-launches-probe-of-tv-rain/.

²⁴⁸ They were: 1. 98th Svirsk Division of the Airborne Troops—10 captured (9 POWs in Kiev, 1 in St. Petersburg hospital); 2. 17th Separate Motorized Rifle Brigade, Army Unit 65384—1 dead; 3. 31st Guard Kutuzov Order II Degree Separate Assault Paratrooper Brigade, Army Unit 73612—2 dead, 2 held in Donetsk Region; 4. 9th Separate Vislenskaya Motorized Brigade Army Unit 54046—2 dead; 5. 76th Assault Guards Chernigov Red Banner Division of Pskov—4 dead, 1 incommunicado; 6. 18th Separate Guard Motorized Evpatoria Red Banner Brigade—2 dead.

²⁴⁹ http://tvrain.ru/soldat/.

Soldiers' Mothers Vilified by Blogger

On August 28, the well-known and controversial Russian-language video blogger Anatoly Shariy, formerly a Ukrainian citizen who now lives in Europe, denounced the Soldiers' Mothers story about the Dagestani soldiers as fake. To discredit them, he purported to have found police records and a criminal history related to the group. He also made much of discovering a grant of \$84,966 issued to the Soldiers' Mothers of St. Petersburg by the National Endowment for Democracy, a U.S. congressionally funded aid organization. (NED officials had removed once-open reports of Russian grantees precisely because of harassment by people such as Shariy; the information is available in the Internet Archive, however.²⁵⁰)

Shariy thus tried to associate the Soldiers' Mothers with the war in Iraq and the "liars" in the Bush administration. Yet the Soldiers' Mothers 2011 grant dealt only with domestic affairs and was used for seminars on legal issues related to the draft. Such activities are still currently legal under Russia law, and carrying them out with the support of a foreign grant was also legal at the time. The law signed by Putin that imposed stiff fines on organizations engaged in vaguely defined "political activity" resting on the receipt of grants from abroad was only passed in 2013.

Shariy was at first treated by many observers as an even-handed critic of both Russia and Ukraine. He exposed the "toddler crucifixion" hoax perpetrated by Russia's TV1, for example, which falsely accused Ukrainian troops of crucifying a three-year-old boy in front of his terrified mother after taking back Slavyansk from the separatists. Yet most of Shariy's criticism is directed at Ukraine, and his method often includes providing a welter of details and expert-sounding commentary, delivered in the cynical tone that attracts many viewers on YouTube.

With this denunciation of the Soldiers' Mothers, however, he was revealed as an instrument of the Kremlin's interests, trying to smear the Soldiers' Mothers as American agents even as they tried to uncover information about Russians who had died serving their country, albeit under dubious circumstances. Shariy also never addressed the group's legitimate concerns about the Dagestani servicemen killed.

Moreover, on August 29, RIA Novosti reported that the Ministry of Justice had registered the St. Petersburg Soldiers' Mothers as a "foreign agent," although the organization did not currently have any active grants from abroad.²⁵¹ That reinforced the sense that Shariy's "exposé" was part of an officially orchestrated attack, especially given the appearance of other attacks on social media.²⁵²

RIA Novosti said that the Soldiers' Mothers had provided no comment but revealed that Anatoly Artyukh—a Russian Orthodox activist and aide to the conservative St. Petersburg deputy Vitaly Milonov, known for his anti-gay diatribes—had appealed to the FSB and Prosecutor's Office to inspect the St. Petersburg Soldiers' Mothers for "foreign agent" status. Artyukh said the Soldiers' Mothers were providing consultation to "youths who wish to dodge the draft" and "deserters," as well as legal assistance, roundtables, and seminars "for money from abroad"—all while failing to register as a "foreign agent" under the new NGO law.

Meeting of Defense Ministry and Soldiers' Mothers

The first cautious publication of the Soldier's Mothers appeal by TV Rain, coupled with activists' repeated requests, succeeded in getting the group a meeting with Russian Defense Ministry and Army officials, despite the fact that on August 29, they had been registered as "foreign agents."²⁵³ It appears that, although Defense Ministry spokesmen in Moscow continued to stonewall journalists on the issue of Russian troops fighting in Ukraine, a decision was made at the top level to attempt to mollify these particularly vocal figures who also had the added prestige of membership in the Presidential Council for Human Rights.

Nikolai Pankov and Ruslan Tsalkikov, deputy ministers of defense, and Sergei Prigorov, director of the Defense Ministry's Department of Housing, agreed to meet with the group of human rights advocates, which

europe-28968526; Ministry of Justice, "Russian Ministry of Justice Added to Registry of Non-Profit Organizations Performing Foreign-Agent Functions," http://minjust.ru/ru/press/news/minyustom-rossii-vneseny-dopolneniya-v-reestr-nekommercheskih-organizaciy-1.

 ²⁵⁰ See https://web.archive.org/web/20150720104843/http://www.ned.org/publications/annual-reports/2011-annual-report/eurasia/russia.
 251 "Ukraine Conflict: Russian Families Look for Soldier Sons," BBC Russian, August 28, 2014, http://www.bbc.com/news/world-

^{252 &}quot;Soldiers' Mothers of St. Petersburg Declared 'Foreign Agent' After Query of Deaths in Ukraine," *The Interpreter*, http://www.interpretermag.com/russia-this-week/#4035.

^{253 &}quot;Russian Defense Ministry Meets with Soldiers' Mothers, Human Rights Advocates," *The Interpreter*, http://www.interpretermag.com/ russia-this-week-demonstrators-against-war-in-ukraine-arrested/#4110.

included Mikhail Fedotov, chairman of the Presidential Council; and Council members Mariya Bolshakova, Irina Kirkora, and Sergei Krivenko.²⁵⁴

The meeting was cordial enough, but no progress was made on getting answers to previous inquiries about missing soldiers. Pankov noted the importance of the work of the Presidential Human Rights Council as a mediator between the ministry and civil society, and the Defense Ministry tried to placate concerns by announcing a new mass campaign aimed at urging soldiers to call their mothers. On August 31 and September 1, the ministry sent text messages to hundreds of thousands of soldiers throughout Russia, reading, "Remember your first steps to school. Call your mom." (September 1 is the first day of school in Russia.)

With this gambit, Russian defense officials sought to equate the very real concerns of relatives of deceased soldiers with the overwrought, if understandable, panic of parents about not getting phone calls from busy children. This macabre distraction failed to gain attention in mainstream or social media outlets; if it had, it might have been ridiculed.

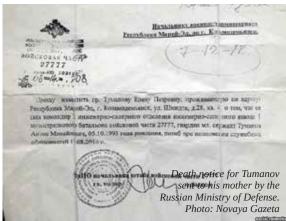
Almost playfully, given the context in which the "Call Mama" campaign was announced, Pankov at the meeting noted the difficulty of working under the conditions of an "information war" (here, he meant one perpetrated by Ukraine and the West against Russia, and not the systemic campaign of invention and falsification that has characterized the Russian state media's portrayal of events) and urged the activists to appeal to him first after receiving reports of the violation of soldiers' rights in order to get the most rapid response.

The members of the Presidential Council meanwhile proposed creating a joint working group with the Defense Ministry to facilitate the verification of all of the alarming reports about dead or missing Russian soldiers. Unsurprisingly, this initiative never got off the ground.

Activists' Interview with Reuters

On September 12, 2014, as attacks on critics escalated, Reuters Ukraine correspondents Thomas Grove and Maria Tsvetkova published an interview with





Krivenko and Polyakova.²⁵⁵

In speaking with Reuters, the activists were following a template long used by Soviet-era dissidents, as well as modern Russian human rights advocates. First, they tried solving the problem quietly, as officials had warned that it would "get worse for them" if they publicized it. Next, they tried their own outlets and, eventually, local and national media. Finally, they tried meeting with Defense Ministry officials. Eventually, they took the cause to international press in order to give it more resonance—and possibly stem the tide of harassment by giving it publicity.

In the Reuters interview, Krivenko described the case of Anton Tumanov, which had already been covered by the *Kyiv Post* and was based on an account given by his mother, Elena Tumanova, to Krivenko's

²⁵⁴ Also participating in the meeting were Valentina Melnikova, head of the Union of Committees of Soldiers' Mothers; Igor Yevtushenko of the Center for Military Civilian Cooperation; Vera Teslenko, advisor to the Department of Servicemen's Rights Defense of the Russian Federation Ombudsman's Office; Mikhail Davidenko, an expert from the Russian Federation Ombudsman's Office; and Sergei Yermolenko, head of Officers of Russia, a center for the defense of the rights of officers and their families.

²⁵⁵ Thomas Grove and Maria Tsvetkova, "Special Report: Moscow Stifles Dissent as Soldiers Return in Coffins," Reuters, September 12, 2014, http://www.reuters.com/article/2014/09/12/us-ukraine-crisis-russians-special-repor-idUSKBN0H70S920140912.



organization.

"Medical documents said there were shrapnel wounds. That is, he died from a loss of blood, but how it happened and where were not indicated," Krivenko said. Tumanova could not be reached for comment, but a fellow soldier—whose first name was only given as "Rolan"—was wounded in the same battle as Tumanov and said that the latter had died in surgery after being struck by shrapnel.

Muted Public Response

As Reuters commented, "The fact that Russian soldiers have died in a war in which they officially have no involvement is a problem in Russia. Chatter about young soldiers returning home in coffins has begun to spread over the past few weeks. Though still limited, such talk has powerful echoes of earlier Russian wars such as Chechnya and Afghanistan."²⁵⁶

In August and early September 2014, large opposition antiwar rallies were held in Moscow and St. Petersburg (an earlier March 2014 rally was held against the annexation of Crimea). While no doubt in part spurred by reports of Russian soldiers being killed,²⁵⁷ protests specifically geared toward the cover-up of their deaths were not a prominent part of the demonstrations, as there was more focus on the more than 3,000 Ukrainian civilians killed in the war by that time.²⁵⁸

These rallies attracted mainly the Moscow or St. Petersburg middle classes, principally figures from the liberal intelligentsia and the opposition—in

256 Grove and Tsvetkova, "Special Report."

^{257 &}quot;26,000 Protest War in Ukraine at Moscow Peace March," *The Interpreter*, http://www.interpretermag.com/russia-this-week-rights-or-revanchism-russian-human-rights-commissioner-blasts-ukraine-baltic-states/. See also "Thousands March Against War in Moscow, St. Petersburg," Radio Free Europe/Radio Liberty, August 29, 2015, http://www.rferl.org/content/russia-antiwar-marches-ukraine/26597971. html.

^{258 &}quot;Ukraine Death Toll Edges Up Despite Ceasefire, More POWs Freed," Reuters, September 9, 2014, http://www.reuters.com/ article/2014/09/09/us-ukraine-crisis-idUSKBN0H40M820140909.

other words, Russians who were not losing sons in a hushed-up war in the Donbass. That group was mainly composed of poor provincial families for whom military service was often the only job in town, but other than the picket by relatives of POWs in Kostroma and some small rallies in Ekaterinburg and Barnaul, no major protests were held in Russia's provinces, and official media never mentioned the activists' appeal to the Russian Defense Ministry or their meeting with military officials. About 250 people turned up in St. Petersburg, where the injured soldiers had been brought and where the local wing of the Soldiers' Mothers had been particularly outspoken,²⁵⁹ but they were detained by police. One lone picketer also protested the war near Red Square; pictures by independent reporters posted to social media show him being choked by police and shoved into a police van, an outcome that may have deterred others from protesting.²⁶⁰ Another lone protester picketed in Yekaterinburg.²⁶¹

Furthermore, the March 2015 rally to protest Russia's invasion of Ukraine—and a sagging economy brought about in part by U.S. and European Union sanctions against Russia—was tragically turned into a funeral march for its organizer, the opposition leader and former deputy prime minister Boris Nemtsov, who was assassinated days earlier (see below).

In other words, the Western expectation that Russia might be led into altering its course or have to confront rising popular resentment about a costly act of foreign adventurism—a grassroots revolt tantamount to those that attended the United States' wars in Vietnam, Iraq, and Afghanistan—simply has not occurred in Russia. Authorities there are very good at suppressing dissent, and the independent media audience is very small in a country where the vast majority of the population still acquires its "news" from state-controlled television.

Arrest of Stavropol Soldiers' Mothers Leader Ludmila Bogatenkova

Russian authorities were not content to silence

the media or wear them out with the demands of fact-checking or counter-propaganda; they decided to move against the most vocal of the activists pursuing Cargo 200 cases. Their feigned cooperation with the Soldiers' Mothers quickly evaporated.

On October 18, 2014, Ludmila Bogatenkova, chair of the Mothers of Prikumya, was brought before a judge in Budyonnovsk on charges of fraud.²⁶² An ambulance was called to the courtroom during the hearing, which was halted. Bogatenkova, now 74, is a registered disabled person, and it is believed that she became ill in court.

The next day, October 19, 2014, the hearing resumed, and the court ordered her arrest pending trial on fraud charges based on claims that she had taken money from recruits with the promise of helping them avoid the draft. The charges were not substantiated, and later the man who gave evidence against her said he had been asked by the FSB to support fake claims against Bogatenkova as retaliation against her publicization of the cases of soldiers killed in Ukraine. She was released from pretrial detention after protests.

On July 1, 2015, a judge acquitted Bogatenkova on one charge and reduced the severity of a second, issuing a one-year suspended sentence before immediately granting her amnesty.²⁶³ Even so, the sentence continues to hang over her head as a deterrent to speaking out and risking re-arrest.

Reprisals Against Journalists

All journalists who have attempted to investigate or publicize the Cargo 200 cases in Ukraine from inside Russia have met with the severest reprisals, sometimes in the form of direct threats from local officials, but more often through unofficial threats or physical attacks.

Assault of TV Rain Producer

On September 12, 10 days after TV Rain published the first complaint from the St. Petersburg Soldiers' Mothers about servicemen reported to have been killed in Ukraine, Ksenya Batanova, TV Rain's chief

 ^{259 &}quot;Anti-War Rally in St. Petersburg," The Interpreter, August 30, 2014, http://www.interpretermag.com/russia-this-week/#4048.
 260 "Anti-War Protesters Arrested in Moscow for Candlelight Vigil," *The Interpreter*, September 6, 2014, http://www.interpretermag.com/russia-this-week-demonstrators-against-war-in-ukraine-arrested/#4070.

^{261 &}quot;Lone Anti-War Pickets in Moscow, Yekaterinburg," September 7, 2014, The Interpreter, http://www.interpretermag.com/russia-thisweek-demonstrators-against-war-in-ukraine-arrested/#4069.

^{262 &}quot;Soldiers' Mothers Activist Arrested, Had Pressed Cases of Russian Soldiers in Killed in Ukraine," *The Interpreter*, October 19, 2014, http://www.interpretermag.com/russia-this-week-hundreds-of-russians-poisoned-25-dead-in-spice-drug-epidemic/#4662.

²⁶³ Halya Coynash, "Court Convicts Rights Activist Who Probed Russian Soldiers' Deaths in Ukraine," Kharkiv Committee on Human Rights, http://khpg.org/index.php?id=1435864629.

producer and anchor, was assaulted near her home by unidentified persons who struck her multiple times in the face.²⁶⁴ She lost consciousness and was hospitalized with a concussion and facial fractures. The attack was similar to that suffered by Lev Shlosberg in Pskov, and there was reason to wonder whether it was reprisal for TV Rain's attempt to report on the issue of Russian soldiers killed in Ukraine; Batanova had recently interviewed war photographer Viktoriya Ivleva about Andrei Panasyuk, the Ukrainian POW filmed by RIA Novosti photographer Andrei Stenin, who was killed in Ukraine. Yet some significant differences in this case—in Shlosberg's case, for example, no valuables were taken, whereas Batanova's assailants took jewelry and her cell phone-led TV Rain to refrain from reporting the attack until September 14 and to remain unsure that the beating was intended as reprisal for their reporting.

Ultimately, TV Rain did not comment further on whether they believed this attack was related to their work and specifically the Cargo 200 issue. But after this date, the work on the list of soldiers killed slowed down and eventually stopped altogether.

Attack on BBC Crew

The BBC's Moscow correspondent, Steve Rosenberg, reported that he and his team were attacked in Astrakhan while investigating reports of Russian soldiers being killed near the border with Ukraine.²⁶⁵ At least three thugs grabbed their camera, smashed it, and knocked a cameraman to the ground. The journalists reported the attack but then were interrogated by police for four hours; later they found that their equipment had been tampered with, and the hard drives and memory cards were wiped clean.

While there have been attacks on foreign journalists in past years in Russia, and even an assassination, this attack was the first time during the Ukrainian war that foreign journalists were physically attacked in Russia.

Rosenberg reported that he and his crew were

attacked after interviewing Oksana, the sister of Konstantin Kuzmin, a Russian professional soldier who was killed after being recalled from leave and sent to the Ukrainian border. Kuzmin had rung home on July 26, 2014, telling his family that he was headed to Ukraine. He reportedly sounded fearful. On August 17, 2014, Kuzmin's family was informed by a military commissar that he had been killed by a Ukrainian shell landing on Russian territory. Oksana said that the commissar himself admitted that he did not believe this story.

After interviewing Oksana, the BBC team set off toward Astrakhan. Upon leaving her village, they were stopped by traffic police, who checked their trunk and IDs. The attack occurred shortly thereafter.

Attack on Lev Shlosberg

On August 29, 2014—the same day that the St. Petersburg Soldiers' Mothers were publicly branded as "foreign agents"—Lev Shlosberg, a deputy in the Pskov Region legislature from the opposition Yabloko Party, was attacked by two unidentified assailants about 400 meters from his home.²⁶⁶ The attackers appeared unaware that Shlosberg had arranged to meet a friend outside his home and ran away when they saw him coming. That person was able to summon an ambulance. Shlosberg was hospitalized with a concussion, a fractured nose, and multiple bruises, the press secretary of Yabloko reported.²⁶⁷

Shlosberg himself linked his attack to his work in exposing the deaths of Pskov paratroopers.²⁶⁸ Not only had he raised the issue as an opposition legislator, but he had published material in the *Pskovskaya Guberniya*, a local newspaper and website that he had founded.

Acting Pskov Region Governor Andrei Turchak issued a statement condemning the attack and pledging to take the investigation "under his personal supervision," but the attackers were never found.

Turchak, a conservative governor loyal to the ruling

^{264 &}quot;TV Rain's Chief Producer Assaulted in Moscow," *The Interpreter*, http://www.interpretermag.com/russia-this-week-further-reports-ofrussian-paratroopers-killed-in-ukraine/#4258.

^{265 &}quot;BBC Team Under Attack in Southern Russia," BBC World, September 18, 2014, http://www.bbc.com/news/world-europe-29249642. Rosenberg then published a longer report, "Ukraine Crisis: Forgotten Death of Russian Soldiers," BBC Europe, September 18, 2014, http://www.bbc.com/news/world-europe-29249643. See also "Ukraine Liveblog Day 213: BBC Team Attacked in Russia While Investigating Soldiers' Deaths in Ukraine," *The Interpreter*, September 18, 2014, http://www.interpretermag.com/ukraine-liveblog-day-213-bbc-team-attacked-in-russia-while-investigating-soldiers-deaths-in-ukraine/#4300.

 ^{266 &}quot;Lev Shlosberg, Pskov Deputy Who Probed Pskov Paratroopers' Deaths, Assaulted, Hospitalized," *The Interpreter*, August 29, 2014, http://www.interpretermag.com/russia-this-week/#4038; and "Shlosberg Recovering, Links Attack to His Investigation of Paratroopers' Deaths in Ukraine," *The Interpreter*, August 29, 2014, http://www.interpretermag.com/russia-this-week/#4047.
 267 See https://www.facebook.com/ig.yakovlev/posts/843905768953572.

^{268 &}quot;Shlosberg Recovering," *The Interpreter*.

United Russia Party, had previously been the target of Shlosberg's criticism and had accused Shlosberg of being a "fifth columnist" in May 2014 when Shlosberg first exposed the deployment of Pskov's 76th Guards in Crimea. Shlosberg had nevertheless continued to criticize the war in Ukraine as well as mismanagement in Pskov Region.

Back in 2010, Oleg Kashin, a former *Kommersant* journalist and blogger who suffered a serious assault that left him in a coma with multiple broken limbs, theorized that Turchak could have been behind his attack "because of his ties to the Kremlin."²⁶⁹ That hypothesis raised the question of whether Turchak had ordered the attack on Shlosberg as well, and suspicions increased when Kashin announced on his website on September 7 that Russia's Investigative Committee had detained and charged three suspects in the attack who worked for the security department of a company owned by Turchak's family.²⁷⁰

Russia Tries a "Limited Hangout" on News of Soldiers Killed

After intimidation, threats, and bizarre non sequiturs failed to stop the slow leakage of incriminating evidence about Russia's war, the Kremlin decided to try a "limited hangout" on the Cargo 200 issue. This phrase is taken from intelligence jargon popularized during the Watergate scandal; it refers to an attempt by officials to disclose at least *some* of the truth in order to dissuade further inquiries and prevent the outing of the whole story.

In an August 28 report, TV1 quoted separatist leader Aleksandr Zakharchenko saying that there were Russian "volunteers" fighting in Ukraine (see above) by acknowledging that they were dying in Ukraine, too. On September 5, 2014, Russian state television went even further toward acknowledging the Russian military presence in Ukraine, airing a segment about Anatoly Travkin and Sergei Zhdanovich of Kostroma, who, the channel said, had gone to fight in Donbass of their own accord.²⁷¹ The program sought to portray the soldiers as idealists who had sacrificed the comforts of home to help their fellow Russians abroad. Mikhail Kozlov, an Airborne Troops veteran, commented to TV1 how "sad" it was "that we are losing young people" but stated that he was proud that they had followed "the call of their heart" to "fulfill their obligations." Zhdanovich's widow was cited as saying that her husband "had done what a real man must do. We really miss him. But for the rest of our lives we will be proud of him."

On September 10, all state TV channels featured Putin's visit to the Russian Orthodox church on Vorobyovy Gory (Sparrow Hills) and his lighting of a candle "for those who gave their lives for Novorossiya"²⁷²—a vague allusion to the Russian soldiers who died in Ukraine for the "Novorossiya" cause.

Taken together, these two instances indicate that the Russian government was perhaps trying to "prepare public opinion," as propagandists say, especially in the face of rising visible opposition discontent. On September 21, 2014, the Russian opposition organized a large antiwar march in which an estimated 26,000 people took part.²⁷³ Moscow authorities had issued a permit to avoid the challenge of an unsanctioned rally, but they sought to downplay it anyway. The demonstration was covered only sparsely by state wire services.

Putin Issues Awards to Army Units for "Heroism and Bravery in Combat"

On March 25, 2015, Putin issued the honorary title of "guards" to three units: the 11th and 83rd Air Assault Brigades and the 38th Communications Regiment. The text of the citation stated: "For massive heroism and bravery, determination and courage, displayed by the personnel of the brigades in combat actions in defense of the Fatherland and state interests under conditions of armed conflicts, and taking into

 ²⁶⁹ Oleg Kashin, "A Beating on My Beat," *New York Times*, December 11, 2010. http://www.nytimes.com/2010/12/12/opinion/12Kashin.html
 270 "Russia Charges Three Suspects over 2010 Attack on Reporter Oleg Kashin," Committee to Protect Journalists, September 9, 2015, https://cpj.org/2015/09/russia-charges-three-suspects-over-2010-attack-on-.php.

^{271 &}quot;In Kostroma a Farewell to Anatoly Travkin, Paratrooper Who Was Killed in Combat in Eastern Ukraine," TV1, September 4, 2014, http://www.1tv.ru/news/social/266969. See also "Russian Propaganda Begins to Mold the Characters of Those Marines Killed in Ukraine (VIDEO)," Novy Region, September 5, 2014, http://nr2.com.ua/News/world_and_russia/Rossiyskaya-propaganda-prinyalas-lepit-geroeviz-ubityh-v-Ukraine-desantnikov-79316.html.

^{272 &}quot;Putin Lights Candles in Church 'For Those Who Gave Their Lives to Novorossiya," The Interpreter, http://www.interpretermag.com/ russia-this-week-further-reports-of-russian-paratroopers-killed-in-ukraine/#4221.

^{273 &}quot;Peace March of 26,000 in Moscow Finishes Without Incident; A Few Arrests Reported," *The Interpreter*, http://www.interpretermag.com/ russia-this-week-rights-or-revanchism-russian-human-rights-commissioner-blasts-ukraine-baltic-states/.

account its merits in peace time."

Although the place and time of these combat actions were not indicated in the decrees, the question was raised as to whether the units had fought in Ukraine. This move by the Kremlin seemed to be another example of an effort to stem the tide of concern regarding killed or missing soldiers and appeared to be calculated to stress the glory of a combat death in service to the state.

Putin's spokesman Dmitry Peskov denied that the honored units had fought in Ukraine and claimed that their citations had been earned in the Soviet period or in the Caucasus. But InformNapalm, an independent site that investigates Russian armed conflict in the Eurasian region, said that it had covered the presence of these units in Ukraine in 2014, before the Donetsk Airport and Debaltsevo battles were lost by the Ukrainian armed forces.²⁷⁴

On January 20, 2015, InformNapalm blogger Irakly Komakhidze had written that, according to information from activists in Buryatiya, Russia, a flight with "Cargo 200" had arrived in January 2015 in the Buryat Republic's capital of Ulan-Ude.²⁷⁵ According to local reports, this flight contained the coffins of 20 Russian soldiers from Buryatiya who were in the 11th Separate Assault Guards Brigade of the Airborne Troops and had been deployed in Rostov with paratroopers from the 76th Guards Air Assault Division of Pskov as part of a mixed division or battalion tactical group that suffered heavy losses from Ukrainian artillery. In these cases, as with other soldiers, the servicemen had been discharged from the regular army and evidently then signed contracts as volunteers.

This article also reported that soldiers in the 5th Tank Brigade in Ulan-Ude, who had also been deployed in mass numbers to Rostov, had rebelled and torn up their contracts. "Not in a single unit in the [Russian Federation] has such a massive refusal to fight against Ukraine occurred," Komakhidze wrote.

InformNapalm's information is difficult to verify, however, because no names of deceased soldiers are given, nor are links to social media or news accounts of grieving relatives or funerals. Indeed, Dorzhi Batomunkuyev, the severely burned Buryat tank gunner from the 5th Brigade, mentioned no such protest in his extensive interview with *Novaya Gazeta*'s Elena Kostyuchenko (see below).

Putin's Decree Banning Disclosure of Casualties During "Special Operations"

On May 18, 2015, Putin signed a decree, published on the official portal of the Russian government, making it a crime to disclose military casualties from "special operations" during peacetime and classifying such information as secret.²⁷⁶ Disclosure of information classified as a state secret is punishable under Article 283 of the Russian Criminal Code with up to seven years in prison. The intent of this law is clearly to prevent reporting on Russian military casualties in Ukraine.

The wonder was that Putin had not passed such a decree earlier. In the week prior to its issuance, a group of Russian bloggers reported in detail on three GRU *Spetsnaz* soldiers killed in Ukraine, which may have been the motivation for the timing (see below).

A lawyers' organization called Team 29 quickly appealed the decree, arguing that Article 5 of the federal Law on State Secrecy does not provide for classification of the losses of military personnel in peacetime, and that Article 7 says that information about emergencies and disasters threatening public safety and health cannot be classified. A group of lawyers, journalists, and activists joined the suit, including war correspondents Arkady Babchenko, Timur Olevsky, Pavel Kanygin, and Vladimir Voronov; environmental activist Grigory Pasko; Pskov legislator Lev Shlosberg; blogger Ruslan Leviev; and Svetlana Davydova, a mother of seven who had been charged with treason and arrested for informing the Ukrainian Embassy that troops had left the barracks near her home in Vyazma and that she had overheard a soldier say they were going to Ukraine. She was eventually released and the charges against her dropped.²⁷⁷ On August 13,

^{274 &}quot;InformNapalm and Igor Sutyagin Report That Russian Army Units Honored by Putin Fought in Ukraine," *The Interpreter*, March 30, 2015, http://www.interpretermag.com/russia-update-march-30-2015/#7716.

²⁷⁵ Irakly Komakhidze "Twenty Cargo 200s Delivered to Ulan-Ude," InformNapalm, January 20, 2015, https://informnapalm.org/4672-vulan-ude-dostavyly-20-200-h.

^{276 &}quot;Putin Signs Law Making it Crime to Report Military Losses from 'Special Operations' During Peacetime," *The Interpreter*, May 28, 2015, http://www.interpretermag.com/ukraine-live-day-465-one-killed-one-injured-after-explosion-in-kiev/#8533.

^{277 &}quot;All the Strange Things Going on in Moscow," *The Interpreter*, http://www.interpretermag.com/russia-this-week-all-the-strange-things-going-on-in-moscow/.

the Constitutional Court ruled that Putin's decree was legal. $^{\rm 278}$

Thus, with threats against relatives that they would lose their social benefits if they kept protesting or talking to the press; the physical attacks on provincial politician Lev Shlosberg, and on TV and print reporters from TV Rain, Novaya Gazeta, the BBC, and others; the declaration of the St. Petersburg Soldiers' Mothers as "foreign agents"; the assassination of opposition leader Boris Nemtsov on the eve of a major antiwar march; the ban on disclosure of military casualties during "special operations," punishable by imprisonment; and finally the failure of litigation by liberal lawyers and journalists trying to work within the system, the Kremlin's "Chinese menu" form of suppressing dissent was complete. Every single category of citizen and every means of advocacy or protest had been harshly discouraged.

The Limits of Mining Social Media for Cases of Russian Soldiers Killed in Ukraine

One of the most common methods by which Russian soldiers killed in Ukraine are found is by trawling pro-separatist groups and forums on VKontakte, the most popular Russian social network, and then branching out to see the individual's own account and the list of his friends. Such material can be difficult to verify, and as is always the case on social media, the capacity for deception or misunderstanding is great. People in paramilitary or veterans' groups who appear in photos in uniform and with arms may be delivering "humanitarian aid" to the Donbass but are not necessarily combatants.²⁷⁹ Fake names or only a first name and a patronymic are often used, and sometimes people post photos that do not depict their own experience, but that of their friends. The geotagging feature of VKontakte can be helpful for finding soldiers in Ukraine, but it is not entirely accurate or reliable.

Some of the entries in lists of war dead have been made on the basis of searches conducted on VKontakte or other social media pages using names in combination with the stock condolence phrases typical in Russian culture, such as *Skorbim*, *lyubim*, *pomnim* ("We grieve, we love, we remember") or *Tsartsvo emu nebesnoye* ("May the kingdom of heaven be his") or *Pust' zemlya budet emu pukhom* ("Let the earth be his pillow")—all phrases only used for deaths.

While anyone can mine VKontakte from their desk anywhere and find what seem like compelling data and pictures, and the independent media, mainly based in Moscow and St. Petersburg, can then attempt to check the facts and give the news a wider audience, it is local reporters, who in some cases know the soldiers themselves or their families, who have turned up the most validated cases, sometimes at great risk to themselves, given their lack of the greater protections afforded reporters in the capital. Local reporters have definitely confirmed deaths using family statements and visits to cemeteries; they have also confirmed that some soldiers claimed deceased are still alive.

For example, when the Ukrainian journalist Roman Bochkala reported on the captured BMD-2 in Lutugino, he said that Nikolai Krygin, one of the soldiers whose presence was indicated from a passport found at the scene, was "born in 1994" and was typical of the young, raw recruits thrown into the war. He was also listed as having died in battle by the website Gruz200.net.²⁸⁰ But a local news account said that Krygin had served in the Chechen wars and therefore couldn't have been that young; he was also reported to be still alive.

Krygin's page on VKontakte and pictures on his wall²⁸¹ seemed to indicate he was still alive, although there have been cases in which family members have accessed the accounts of those killed and continued to post pictures. In the case of Krygin, however, he was shown updating his account as of June 20, 2015, and his profile included photos of him in the typical striped sleeveless t-shirt and blue beret of the VDV, in a scene with parachutes. His last photo with a rifle was in March 2015.

A local Pskov news site said that he was in fact alive,²⁸² demonstrating that it was not a case of two soldiers with the same name and displaying a picture of his passport from the Ukrainian military experts'

^{278 &}quot;Russian Federation Supreme Court Pronounces Lawful Defense Ministry's Classification of Casualties," Russian Agency for Legal and Judicial News, "VS RF priznal zakonnym zasekrechivaniye poter' Minoborony," August 13, 2015, http://rapsinews.ru/judicial_ news/20150813/274413316.html.

^{279 &}quot;Does Social Media Prove That Russian Law-Enforcers Are Fighting in Ukraine?" *The Interpreter*, January 7, 2015, http://www. interpretermag.com/russia-update-large-russian-military-staging-ground-detected-near-ukrainian-border/#6089.

 ^{280 &}quot;Nikolai Krygin," Russian Soldiers and Mercenaries Killed, Captured, Missing, Seen in Ukraine, http://gruz200.net/?n=5.
 281 See http://vk.com/id34937361 and http://vk.com/wall80851728_1933.

^{282 &}quot;Missing Paratrooper Nikolai Krygin-Alive!" Kuryyer, September 9, 2014, http://www.province.ru/pskov/news/item/1347.

site inforesist.org, which had claimed in September 2014 that Krygin was among the Pskov paratroopers who had invaded Ukraine in August 2014 and were killed in battle.

The site reported that in September 2014, Krygin had called his relatives to say he was fine, although he remained on the list of those killed. A photo posted on VKontakte on December 5, 2014, shows him in uniform carrying a giant imitation rifle made of logs, with the comment "Punishment for a lost machine gun."²⁸³

The appearance of one such mistaken report, however, can call into question other confirmations of those killed. Oleg Konstantinov, a journalist for *Kuryyer*, a local news site in Pskov, on September 2, 2014, re-confirmed that the three paratroopers buried in the cemetery in Vybuta were in fact buried,²⁸⁴ but questions remained as he pursued the other cases.

A *Kuryyer* reader, Elvina A. (only her first name and last initial were given), contacted the news site to say that she had seen "dozens" of both open and closed caskets near a boiler room and some trash bins in Pskov and was totally shocked. The newspaper sent reporters out to look up and down the street, but they saw nothing. They then contacted the company that removed the trash; workers confirmed they had seen the coffins but then refused to say anything more.

While these findings underscore the limitations of using social media, accounts on VKontakte and other Russian social media are an important source of tips on Russians killed in action in Ukraine and could be used more than they have been by both regional and international journalists. The price of attempting to go offline and follow up on claims inside Russia is high, however; Steven Rosenberg of the BBC suffered an attack on his camera crew while engaged in such an effort (see above), and Vice journalist Simon Ostrovsky, a war correspondent from Ukraine, was kidnapped by fighters from the self-proclaimed Donetsk People's Republic; he was later released but then denied a visa to Russia after he went to Vladivostok to find a soldier who had taken a selfie during the battle of Debaltsevo.285

As the independent media began to back off

from Cargo 200 cases and NGOs grew increasingly cautious after the declaration of the St. Petersburg Soldiers' Mothers as "foreign agents," bloggers increased their efforts to mine VKontakte and other Russian social media for indications of soldiers who had been killed.

A typical case was that of Sergei Vorobyev of the city of Kotlas-Koryazhma,²⁸⁶ whose VKontakte profile shows a photo of him wearing camouflage with a "Novorossiya" flag and a walkie-talkie in the woods in winter—and posts from various friends expressing their condolences.²⁸⁷ Vorobyev's profile says he had "liberal" political views and describes his worldview as "pagan." He belonged to pro-separatist and military VKontakte groups.

The most extensive account of Vorobyev's death comes from Nikolay Naumov, a man from Vorobyev's hometown of Koryazhma, who posted on March 2, 2015, that Vorobyev had gone to Ukraine accompanying "humanitarian cargo," remained behind to fight, and was ultimately killed and buried in Ukraine. Vorobyev, moreover, was apparently a veteran of the war in Chechnya.²⁸⁸ This represented more confirmation of a death than is often found, but still, no reporter has gone outside social media to contact people offline for final confirmation.

Given the decree that penalizes such disclosures with jail sentences and the harsh physical attacks that journalists have suffered in covering the Cargo 200 issue, bloggers rather than reporters have had to continue this sort of search—and use methods that journalists might find unethical, such as pretending to be friends of the deceased or even their army buddies to gain the confidence of relatives and obtain their phone numbers.

Bloggers Find Graves of Three GRU Officers

On May 19, 2015, TV Rain reported that two Russian bloggers, Ruslan Leviev and Vadim Korovin, said they had discovered three graves they believed belong

²⁸³ See http://vk.com/id34937361?w=wall34937361_917.

^{284 &}quot;Pskov Informally Commemorates 16 Marines Killed on the Battlefield," Kuryyer, September 2, 2014, http://www.province.ru/pskov/ news/item/1325-pskovichi-neoficialno-pominajut-16-pogibshih-na-pole-boja-desantnikov.

^{285 &}quot;Selfie Soldiers: Russia Checks in to Ukraine," Vice News, June 16, 2015, https://news.vice.com/video/selfie-soldiers-russia-checks-in-to-ukraine.

^{286 &}quot;Sergei Vorobyev," Russian Soldiers and Mercenaries Killed, Captured, Missing, Seen in Ukraine, http://gruz200.net/?n=39456.

²⁸⁷ http://vk.com/wall-98866335_53.

²⁸⁸ http://vk.com/wall80851728_1933.

to Russian soldiers in the *Spetsnaz* of the GRU, the Russian military intelligence agency.²⁸⁹

Korovin tweeted that they had found the grave of a 21-year-old man with a lone wreath from the Russian Defense Ministry on it and the inscription, "To a Defender of the Fatherland from the Ministry of Defense of the Russian Federation."²⁹⁰

Leviev tweeted that the grave was that of a GRU officer killed May 5, just shy of his twenty-first birthday. He added that these particular *Spetsnaz* fighters were not related to the two GRU officers, Aleksandr Aleksandrov and Yevgeny Yerofeyev, who had been detained the previous day by Ukrainian forces.²⁹¹

Korovin then explained that the graves were in different locations, 900 kilometers apart but declined to give their exact locations to prevent reprisals against families.²⁹²

In a blog post explaining their research,²⁹³ Ruslan Leviev identified the locations of two of the three sites. One of the graves was that of Anton Savelyev (call sign "Sava"), though he had used the name "Ivan Ivanov" on his VKontakte profile. By looking closely at a photo that included his judo diploma, the bloggers were able to find his real name and then confirm it among some of his friends, who identified him in pictures.

Leviev determined that Savelyev was from the GRU from three clues: a photo of him standing in front of an obelisk listing the names of men who had died in the Chechen war, which contained the number and name of a unit that was presumably his (no. 54607 of the 16th Separate *Spetsnaz* Brigade of the GRU); photos of army buddies showing a flag with a bat symbol, associated with the GRU; and a fellow serviceman's video of a military parade that was also labeled with the same number and name of the unit.

That man also spoke of Timur Mamayusupov (call sign "Mamay"), one of Savelyev's buddies and the second GRU man. They were able to place Mamayu-

supov in Lugansk by tracking a distinctive tank with shark's teeth painted on the front that showed up in a Russian convoy video in February 2015 and later in a photo of a yard in Lugansk.

The bat was once used as a symbol by the GRU, but there have been numerous reports that it was retired and that a new symbol was created.²⁹⁴ The exact status of this symbol with regard to the 16th Separate *Spetsnaz* Brigade of the GRU is not clear, but the other two clues are compelling enough to establish that the soldiers were from the GRU.

Once the bloggers had a real name and a city, they sifted through the dead soldiers' lists of friends to come up with someone who gave his or her phone number and called them, claiming to be friends of the deceased. They learned the location of the grave in a town outside of Tambov and soon were able to take a picture of it.

Eventually they established the identity of the third GRU man as Ivan Kardapolov (call sign "Kardan"), and a reader was able to travel to his grave and get pictures to confirm the site. The reader also learned that scores of FSB agents had descended on Kardapolov's family and warned them not to talk to the press, and that the family had also kept outsiders away from the funeral.

Reports on Twitter

The blogger "Tom Breadley"—we cannot verify his identity—has regularly made posts under the irreverent phrase "Fresh Unfresh Russky" showing pictures from VKontakte of Russian soldiers believed to have been killed in the war in Ukraine.²⁹⁵ He is currently the main regular blogger on this topic, consistently producing posts at a time when most others have stopped. Nothing more is known about his identity or location.

Breadley's Twitter account, @tombreadley, has filed at least 93 posts this year tagged with this phrase,

^{289 &}quot;Russian Bloggers Claim to Have Found Graves of GRU Soldiers Killed in Ukraine," *The Interpreter*, May 19, 2015, http://www. interpretermag.com/ukraine-live-day-456-ukraine-to-allow-osce-and-icrc-access-to-captured-russian-soldiers/#8416; "Bloggers Found the Alleged Graves of Russian Special Forces," TV Rain, May 19, 2015, http://tvrain.ru/news/blogery_nashli_predpolagaemye_mogily_ rossijskih_sp-387563/.

²⁹⁰ Vadim Korovin, Twitter feed, May 19, 2015, https://twitter.com/Pjatak/status/600562483900895232?ref_src=twsrc^tfw.

²⁹¹ Ruslan Leviev, Twitter feed, May 19, 2015, 9:35 p.m., https://twitter.com/RuslanLeviev/status/600520135070380032. See Pavel Kanygin, "'I Was on Active Duty': Interview with Captured GRU Official Aleksandrov," *Novaya Gazeta*, June 15, 2015, published in translation by Catherine A. Fitzpatrick, *The Interpreter*, June 26, 2015.

²⁹² Vadim Korovin, Twitter feed, May 19, 2015, 7:23 a.m., https://twitter.com/Pjatak/status/600562483900895232.

^{293 &}quot;(Update) The Investigation of the Deaths of Soldiers from GRU's 16th Special Forces Unit No. 54607," Ruslan Leviev's LiveJournal, May 21, 2015, http://ruslanleviev.livejournal.com/36035.html.

^{294 &}quot;GRU Soldier Spotted in Ukraine?," The Interpreter, August 22, 2014, http://www.interpretermag.com/ukraine-liveblog-day-186-russianaid-convoy-enters-ukraine/#3918.

²⁹⁵ See @tombreadley on Twitter with the search terms in Russian, Svezhaya nesvezhaya rusnya.

which includes a few duplicate cases and some people who are either ethnic Russians or Russian speakers but Ukrainian citizens and natives, such as Aleksey Mozgovoy, the commander of the Prizrak ("Ghost") Battalion. Mozgovoy, a native of Svatove, was assassinated on May 23, 2015. For Breadley, as for others opposed to Moscow's adventurism who use sarcasm and parody in their coverage of the war, the Russian-backed separatists are all essentially "Russians."

Some of Breadley's Twitter posts include pictures and names only, with no link to VKontakte or other social media sites. This is common among conflict reporters, who justify not showing their sources on the grounds that publicizing the links usually leads either relatives or the Russian authorities to remove the accounts.

One way or another, some of the accounts Breadley mentions have been removed after the soldiers' deaths, so his information cannot be checked. Even when the profiles remain intact, it is not always possible to verify that the soldier in question was reported as killed. Nevertheless, this set of material is important for further research on Cargo 200. In some cases, it may be possible to match information to local media reports or contact the relatives of the soldiers for substantiation.

The most recent case posted by Breadley, on August 20, 2015, was that of Eduard Gilazov of Ryazan, who used that city's name as his martial call sign. Gilazov was leader of the Ryazan Diversionary and Reconnaissance Group (DRG), which fought with the separatists.²⁹⁶ His last posts on VKontakte, still accessible to date, were on July 24, when he wished two comrades a happy birthday and then complained that troops were required to withdraw three kilometers under the terms of the Minsk cease-fire. Gilazov believed that Russian soldiers had been betrayed by the Kremlin leadership, which was not allowing them to fight properly, leading to casualties and fatalities. "When they dumped us all to f***, it became clear that combat divisions were not needed, here," he wrote.

News of Gilazov's death was also published by a pro-separatist site, so it is likely confirmed.²⁹⁷

News from Russian Ultranationalist Groups

Another source for news about Russian soldiers killed in Ukraine is the websites or social media pages of ultranationalist groups in Russia. They often provide the recruits for combat in Ukraine, and support Russian volunteers with financial and material assistance.

For example, Sergei Kurginyan, a Moscow theater director and leader of the ultranationalist group *Sut' Vremeni* (Essence of Time), reported that after the final battle at the Donetsk Airport in January 2015, three of his supporters—Russian paratroopers—were killed.²⁹⁸ Among them was Yevgeny Krasnoshein, a paratrooper whose call sign was "Pyatnitsa" ("Friday"), whose VKontakte account showed him serving in the Russian paratroopers' division in 2008-2009, and who evidently was a volunteer.

Two others were Yevgeny Sergeyevich Belyakov, whose nickname was "Belka" ("Squirrel") and Igor Vladimirovich Yudin, whose nickname was "Bolgarin" or "Bulgarian."

List Maintained by Open Russia of Russian Soldiers Confirmed Killed in Ukraine

In December 2014, Open Russia, the movement founded by businessman and former political prisoner Mikhail Khodorkovsky, published a list of 227 Russian soldiers confirmed as killed in battle in Ukraine by media or relatives' accounts.²⁹⁹ This list, which was sourced from the Ukrainian Defense Ministry, was subsequently updated on March 5 to include 267 names.³⁰⁰

Many of the names on the list are already familiar to journalists from independent Russian media, including the cases of soldiers reported killed by *The Interpreter*, such as Yevgeny Pushkarev, Anton Tumanov of Mari El Republic, and the nine soldiers from the 18th Motorized Rifle Brigade (army unit 27777).³⁰¹

²⁹⁶ See http://vk.com/id123959274.

^{297 &}quot;Killed DRG Commander 'Ryazan' Eduard Gilazov," Achtungpartisanen.ru, August 19, 2015, http://achtungpartisanen.ru/ubit-komandirdrg-ryazan-eduard-gilazov/.

^{298 &}quot;But How Many Russian Fighters Have Actually Been Killed in Ukraine?," The Interpreter, January 22, 2015, http://www.interpretermag. com/russia-update-january-22-2015/#6434.

²⁹⁹ *The Interpreter* is a project of the Institute for Modern Russia, funded by Pavel Khodorkovsky, the son of Mikhail Khodorkovsky.300 "Open Russia Releases List of Russian Combatants Killed in Ukraine, Cited by Ukrainian Defense Ministry Source," *The Interpreter*,

December 24, 2014, http://www.interpretermag.com/russia-update-open-russia-releases-list-of-russian-combatants-killed-in-ukraine.

^{301 &}quot;The Bear Is Not Going to Ask Permission of Anyone' (October 26, 2014)," The Interpreter, http://www.interpretermag.com/russia-thisweek-putins-neo-imperialism-and-the-price-of-oil/#4701.

The Ukrainian list also includes names confirmed elsewhere, such as Sergei Markov, a native of Karelia, whose death was reported by a local news site called Vedkar.ru.

In an article accompanying the list, Ilya Barabanov, a special correspondent for the business newspaper *Kommersant*, which is increasingly tilting toward the Kremlin, said that many of the names on the Ukrainian Defense Ministry's list were familiar to him. He noted that many of the dates of death were "May 26," the day of the first serious battle at the Donetsk Airport, in which at least 31 soldiers were killed, and spread over the second half of July until early September, when the "Izvarino Kettle" and then the "Ilovaisk Kettle" occurred.

The Most Active Facebook Group: "Gruz-200"

The Facebook group *Gruz-200 iz Ukrainy v Rossiyu* ("Cargo 200 from Ukraine to Russia," known as "Gruz-200" for short) was started on August 21, 2014, at a time when other such efforts were being launched by bloggers and journalists.³⁰² This was just after Ukrainian forces captured a BMD-2 revealing the presence of Russian troops in Ukraine (see above). Gruz-200 already had more than 13,500 participants as of September 2, 2014, and to date has more than 30,000. It also has a separate page, as distinct from a group, on Facebook.

The group was initially intended to field reports from relatives and friends of soldiers killed in battle but soon developed into a wide-ranging discussion platform for criticism of the war in Ukraine.

The founder of the group is Elena Vasileva,³⁰³ an environmental activist from Murmansk who had not previously worked on military issues but became a lightning rod for the Cargo 200 issue, deluged with appeals by desperate relatives and vilified by pro-Krem-

lin bloggers. At first she was widely cited by credible regional independent media eager to cover the topic, but then these outlets stopped citing her because they believed her claims were exaggerated and that she was discrediting the cause of attempting to establish the facts. Ukrainian media continued to publish interviews with her.

In an interview with *Radio Svoboda*,³⁰⁴ the Russian-language service of the U.S.-funded Radio Free Europe/Radio Liberty, Vasileva said she had received reports from people of "more than 2,000" Russian members of the military killed in August 2014 alone but acknowledged that it was impossible to produce a definitive total. She was unable to give a figure for the deaths that took place earlier in the year but estimated that at least 1,000 were killed before the Russian invasion in August.

No other NGO or independent media had produced figures remotely resembling these high totals; TV Rain had confirmed 34 cases, and later efforts to document the reports, notably by Open Russia, amounted to fewer than 300 deaths.

By September 2014, Vasileva was claiming there were 3,500 Russian soldiers killed in the Ukrainian war—a quarter of what the Soviet Union claimed were lost in Afghanistan in the 1980s (15,000), as analyst Paul Goble noted.³⁰⁵ Goble further cited a quote from the independent Russian news site *Novy Region* about Vasileva's work that was taken from her Facebook page and gives an idea of how she compiled her numbers:³⁰⁶

We are counting Cargo 200 after the 2,000 killed already published: 300 killed in Pobeda, 47 shot as they came out of Ilovaisk; 120 killed from the combined column of 1,200 fighters in Snezhnoye (470 wounded); 70 killed among the Pskov paratroopers (10 survived); 230 who were killed in a convoy on the march under artillery fire; 60 cut down in the Caucasus Battalion—a complete artillery division; 59 bodies

^{302 &}quot;More Than 2,000 Russian Military Were Killed in August Alone—Founder of 'Cargo 200 from Ukraine to Russia,'' censor.net, September 3, 2014, http://censor.net.ua/news/300868/bolee_2000_voennyh_rf_bylo_ubito_tolko_v_avguste_osnovatel_gruppy_gruz200_ iz_ukrainy_v_rossiyu. The group has both a page (https://www.facebook.com/Gruz.200.Cargo.200) and a group on Facebook (https:// www.facebook.com/groups/gruz200/?multi_permalinks=738179689641121¬if_t=group_highlights). Vasileva also posts on her personal Facebook page, https://www.facebook.com/eva220584?fref=nf.

³⁰³ The transliteration of her name used is the one she has chosen herself on Facebook.

^{304 &}quot;More Than 2,000 'Cargo 200' Have Come to Russia from the Donbass—Vasileva," Radio Svoboda, September 9, 2014, http://www.radiosvoboda.org/content/article/26563247.html.

³⁰⁵ Paul Goble, "3,500 Russian Soldiers Died in Putin's War in Ukraine, Rights Activists Say," The Interpreter, September 14, 2014, http:// www.interpretermag.com/3500-russian-soldiers-died-in-putins-war-in-ukraine-rights-activists-say/.

^{306 &}quot;In Ukraine, More Than 3,500 Russian Military Killed," Novy Region, September 15, 2014, http://nr2.com.ua/News/world_and_russia/V-Ukraine-pogiblo-bolee-35-tysyach-rossiyskih-voennyh-79981.html.

in a grave outside Novoazovsk; about 40 bodies thrown into a mine shaft. All together, 926 killed. And those are only those confirmed from various sources. And how many wounded were not brought out in time and not saved? Yes, I forgot, nearly 600 bodies were thrown into the mine at Krasnokamensk...

As we know, while a taped interview of some paratroopers from the 76th Guards Air Assault Division based in Pskov claimed that nearly the entire company—70 or 80 people—was killed, only three were confirmed as dead and buried (see above). The claims that bodies were thrown down mine shafts might at first seem plausible until we recall that in this region of coal-miners and their families, such events would hardly go by without any mention on social media somewhere.

In February 2015, while the Minsk talks were underway, the Ukrainian Russian-language video blogger Anatoly Shariy released several videos that he implied came from contacts within the SBU that supposedly supplied him with intercepts of Vasileva's cell phone and Skype calls.³⁰⁷

The videos portrayed Vasileva in an unflattering light as talking to an unidentified man she called "Gena," whom many viewers concluded was her FSB handler, because she appeared to be reporting to him on her contacts with both soldiers' families and Ukrainians involved in POW exchanges. She talked disparagingly of soldiers' relatives and spoke of cash payments for her work and arranging payments of ransom for POWs. All in all, the evidence looked suspicious, but it was also made up of snippets taken out of context; frantic relatives in fact commonly pay ransoms for POWs, with the extortion perpetrated by the combatants, not the intermediaries.

Also suspicious was Shariy's past history of smearing the St. Petersburg Soldiers' Mothers at the same time the official campaign to discredit them and declare them "foreign agents" was launched (see above).

The alleged SBU intercepts were widely distributed, and this, coupled with Vasileva's tendency to state very inflated numbers and not back them up, made many conclude that an intelligence operation had been launched to muddy the waters on the Cargo 200 issue. While this may be the case, it could just as well be the opposite—an intelligence operation to discredit a person sincerely trying to get attention for a legitimate issue (one that Shariy himself did not cover), even if her numbers were too high. Vasileva herself did not answer the claims made about her and shrugged them off as a "provocation," of which she had faced many.

On August 19, 2015, Vasileva wrote a post for her Facebook group on its anniversary, thanking the 30,199 administrators and participants.³⁰⁸ She obliquely referred to Shariy's exposé and other "provocations" and the enormous pressure put on her and other administrators, noting that the Facebook group had been closed four times, requiring the personal intervention of Facebook founder Mark Zuckerberg to reopen it.

While these claims could not be verified, it is important to note that of the many projects launched to track Cargo 200, most stalled, either due to intimidation of the press or the need to cover other news. This one was still standing.

Latest Lists of Russian Soldiers Killed and Missing

Interestingly, on August 25, 2015, Oleg Morozov, an activist in the *Zabyty Polk* ("Forgotten Regiment") organization, which is chaired by Elena Vasileva, uploaded to the *Gruz-200* Facebook group a Microsoft Word document with a list of killed and missing soldiers and journalists. As of August 25, there were 1,447 names: 582 for whom basic information was available, such as first and last name, patronymic, date of death, and place of death; 39 for whom there was incomplete information, such as "no. 571," "call sign 'Pancho," "machine-gunner," "killed April 17 at the Donetsk Airport";³⁰⁹ and 857 for soldiers reported as missing.

The figure of 582 for Cargo 200 was more credible than the 5,000 given by Vasileva in the past year, although it also did not represent the last word on the subject. This list did have obvious problems, such as cases for which only a first name was available and the inclusion of at least one person who was later discovered to be alive (Nikolai Krygin). The other cases cited were many of the same ones reported by the independent media and mined from VKontakte.

The Zabyty Polk activists note that some citizens

³⁰⁷ Anatoly Shariy, "Cargo 200: Part 1," February 4, 2015, https://www.youtube.com/watch?v=iq8yUFrGjJ4; and Anatoly Shariy, "Cargo 200: Wrapping up the Project," February 6, 2015, https://www.youtube.com/watch?v=-lnzA8kBdR4.

³⁰⁸ Facebook post, August 19, 2015, https://www.facebook.com/groups/gruz200/permalink/736476189811471/.

³⁰⁹ Post by Oleg Morozov to Gruz-200 Facebook group, August 25, 2015, https://www.facebook.com/groups/gruz200/739465859512504/.

from Ukraine may have ended up on this list, which they say is currently being re-checked. They have also added two new sections to their list recording the losses at two large battles—39 Russian servicemen from the 16th Separate *Spetsnaz* Brigade of the GRU killed on July 9, 2015, near Novoazovsk; and 13 Russian servicemen from the 16th Separate Tank Brigade in Nizhegorod Region killed outside Debaltsevo on July 8, 2015. There was a total of 14 deaths in Debaltsevo in the list. Two Russian bloggers had confirmed the deaths of three of the GRU soldiers (see above).

There was a great deal of incomplete information on the large number of missing soldiers, such as an entry that provided only the soldier's first name of "Sergei," his call sign "Klesh" ("Bed-bug"), and his hometown of Lipetsk. This list may also include some POWs not accounted for, some soldiers killed who were buried in Ukraine or whose funerals were hushed up in Russia, or simply some people who did not want to be found.

By their own admission, some of the Russians who came to fight for the "Novorossiya" cause had criminal pasts or debts they were fleeing in Russia; the Russian who received the surrendering Ukrainians at Debaltsevo, for example, described the large debt that he had to pay,³¹⁰ and the list maintained by the SBU has a number of cases of fighters described as having criminal records.³¹¹

A website with a similar name registered in Ukraine but not affiliated with Vasileva, Gruz200.net, is also maintaining a list of cases of Russian soldiers reported killed in Ukraine, along with lists of soldiers and volunteers sighted in Ukraine and POWs. The contributors to this website have been more cautious about including cases with incomplete information; their list of those killed³¹² has a total of 570 with many of the same names as on other lists. They did, however, include Nikolai Krygin.

Unlike other groups maintaining lists, they have tried to put a photo with each record, either of the soldier himself taken while still alive in the service, or of their dead bodies or graves. In the case of Ivan Korlkov of Barnaul, for example, they showed a picture of his army buddies carrying his casket. In the case of Sergei Vorobyov, they showed comments from social media with condolences indicating he had died. In some cases, they have video tapes, such as for Aleksei Karpenko of Pskov.

Like others who have made lists, they have also put a VKontakte or other social media account where possible, the name and number of the unit they served in, their home town, and their birth and death dates, and if available, something about how they died or in which battle they died.

Putin.War

Right before he was assassinated, opposition leader Boris Nemtsov was working on a report he had titled *Putin.War* to include evidence he had found of the Russian military presence in Ukraine and the cost of the war to Russia.³¹³ Nemtsov was a specialist on Russia's economy, and as with his report exposing the corruption of the 2014 Sochi Winter Olympics, he wanted to show the enormous financial cost of the upkeep of the separatists and the provision of armor and tanks by Russia to fuel the conflict.³¹⁴

Not long before he was killed, a group of soldiers from Ivanovo who had fought in Ukraine and then not received compensation had turned to him with their complaints.

The last note Nemtsov made was scribbled on a sticky note and contained information about the paratroopers from Ivanovo; he was concerned that the secret police were monitoring his office, so he had jotted down some points to show a colleague. He wrote that paratroopers from Ivanovo had appealed to him regarding 17 of their fellow servicemen who had been killed and whose families did not receive compensation from the state. "But for now are afraid to talk," he noted.

Nemtsov's murder only caused these soldiers and

^{310 &}quot;Gen. Lentsov's 'Body Double in the LNR' Found—and He's a Russian Colonel," *The Interpreter*, February 24, 2015, http://www. interpretermag.com/russia-update-february-24-2015/#7084.

 ³¹¹ See "Peace-Keeper", Center for Research of Signs of Crimes Against the National Security of Ukraine, Peace, Humanity, and International Law, psb4ukr.org. The site says its purpose is to gather "information for law enforcement authorities and special services about pro-Russian terrorists, separatists, mercenaries, war criminals, and murderers."
 312 See http://gruz200.net/ubitye.

³¹³ Putin. War, translated from Russian by Catherine A. Fitzpatrick, published by 4FreeRussia Foundation, May 2015, http://www.4freerussia. org/putin.war/.

³¹⁴ Catherine A. Fitzpatrick, "Assessing 'Putin.War'—A Look at the Last Investigation by Boris Nemtsov and His Colleagues," *The Interpreter*, May 28, 2015, http://www.interpretermag.com/assessing-putin-war-a-look-at-the-last-investigation-by-boris-nemtsov-and-his-colleagues/.

their relatives to be further intimidated into silence and a refusal to talk to the press; his colleagues decided to use the information without attribution in the report they assembled and issued posthumously, to which they gave Nemtsov's title *Putin.War*.

Other than the information about the silenced Ivanovo paratroopers, the report does not contain any information about the Cargo 200 issue that was not known before Nemtsov's death, but, as with his report on Sochi, the point was to martial the evidence compellingly and then use it to advocate for an end to the war. Nemtsov was gunned down right beside the Kremlin on February 27, 2015, two days before he and other opposition leaders such as Aleksei Navalny were to lead a march called "Spring" to protest the war in Ukraine and the economic crisis unleashed in part by Western sanctions against Putin's top officials and others who had enabled the war against Ukraine.

The report contains cases covered by *The Interpreter* and others, including that of the severely burned Buryat tank gunner Dorzhi Batomunkuyev and the Mari-El soldier Anton Tumanov.

Much attention related to Nemtov's murder has focused on his criticism of the "personal army" of Chechen leader Ramzan Kadyrov in a Facebook post; his discussion of the assassination of the *Charlie Hebdo* journalists by terrorists; the arrest of suspects related to some of Kadyrov's top aides and relatives; and the possible motive of Kadyrov, who had personally threatened Nemtsov in the past, to arrange his assassination. The "Chechen" angle has been fronted by officials and disseminated through leaks to the official and independent press.

But it is important to note that even without Chechen involvement, the Kremlin leadership had motives to silence Nemtsov. On January 27, 2015, a month before he was killed, Nemtsov used his capacity as a regional legislator to formally issue an inquiry to the Prosecutor General Yury Chaika regarding the deployment of the Pskov 76th Guards Air Assault Division to Ukraine and the deaths of other servicemen in Ukraine. Given that the troops were in some cases sent without knowledge of their assignment; that they took part in an aggressive war that had not been formally declared; and that they were "volunteers" taking part in the war as mercenaries, which violates Russian law, Nemtsov believed that there was a clear-cut criminal case to be launched.

The date of that inquiry—January 27—is the only indirect indication that Nemtsov's persistent inquiries might have upset the Russian leadership enough to target him, for example, with a bureaucratic imperative of "within 30 days." As opposition leader Aleksei Navalny said after the murder,³¹⁵ there may have been a meeting in the Kremlin at which someone said that "something must be done" about Nemtsov to put a stop to his activity, and this could have been interpreted in an extreme form—as an assassination.

Regardless of the true motivations, contractors, and perpetrators of Nemtsov's murder, the reality is that he was closely associated with the issue of Cargo 200 and was the most internationally known Russian figure investigating the subject. His death was another devastating blow to any forensic attempt to uncover the truth about Russian war dead in Ukraine.

OSCE Reports of Cargo 200

The Special Monitoring Mission of the 57-member Organization for Security and Cooperation in Europe was deployed to Ukraine by a consensus agreement to monitor the implementation of the first Minsk agreement, and its mandate was renewed after the second Minsk agreement. The SMM produces daily reports by monitors on the ground in southeastern Ukraine, which have proven invaluable for validating reports of the Russian military presence and the failure of combined Russian-separatist forces to abide by the cease-fire.

While the OSCE SMM has published many reports confirming that armed men in uniform have crossed the border from Russia and that the Russian-backed separatists have not withdrawn their heavy artillery as stipulated in the agreement, it has produced few reports on Russians killed in Ukraine, because its mandate as the product of a multilateral organization that includes Russia is to monitor what it sees, not investigate what has been deliberately hidden.

The BBC reported that on November 11, 2014, OSCE monitors spotted a vehicle labeled "Cargo 200" crossing from Russia into Ukraine at the Donetsk border checkpoint in the Rostov region.³¹⁶ The monitors said the vehicle returned to Russia several hours later. The SMM did not inspect the vehicle. Notably,

^{315 &}quot;Alexey Navalny on the Murder of Boris Nemtsov," translated by Catherine A. Fitzpatrick, *The Interpreter*, March 3, 2015, http://www.interpretermag.com/alexey-navalny-on-the-murder-of-boris-nemtsov/.

^{316 &}quot;Ukraine Crisis: Russian 'Cargo 200' Crossed Border—OSCE," BBC Europe, November 13, 2014, http://www.bbc.com/news/worldeurope-30039004.

however, the border crossing on the Ukrainian side— Dovzhansky—is currently controlled by the separatists.

In Kiev, Ukrainian security spokesman Andriy Lysenko said the same day that five vehicles "belonging to the Rostov funeral service" had crossed the border, alleging that the bodies of "Russian military men" had been transported.

On August 6, 2015, Paul Picard, the head of the SMM, reported that monitors had recorded vehicles with the sign "Cargo 200" at the Gukovo and Donetsk border checkpoints.³¹⁷ He stated that "in a year, 21 such coffins went through" the checkpoints and that vehicles with such labels have been spotted "on both sides of the border."

The only two checkpoints the SMM is able to monitor are those at Gukovo and Donetsk (not to be confused with the Ukrainian city by the same name). There are other legal and illegal checkpoints that may have also been used to bring out the bodies of those Russians killed in Ukraine.

Reports of Mass Burials of Russian Soldiers

On March 30, 2015, bloggers reported that Google's satellite photos had been updated and now showed evidence of hundreds of fresh mass graves in the main cemetery of Rostov, a city of more than a million in the south of Russia, near the Ukrainian border.³¹⁸ The graves had signs with the initials "NM" and "NZh," which stand for "Unknown Man" and "Unknown Woman."

As we have seen, Rostov has served as a military staging area for supplying the Russian-backed separatists in the Donbass and for preparing Russian invasions of Ukraine. In the past, it has also been a hub for the military to manage the transport of wounded soldiers and war dead.

While as many as 50 people a day might be buried in this cemetery, the second largest in the European part of Russia, it seems unlikely that in the normal course of events, hundreds of people could be buried in a matter of days, and, in many cases, without date of death or names.

The satellite pictures were published by Misanthropic Division, a neo-Nazi group that has been associated with the pro-Ukrainian Azov Volunteer Battalion. That provenance discredited the evidence for many.

While the Google updates confirmed that the pictures taken by bloggers were in the Rostov cemetery, more research would be required to establish whether the graves contained Russian combatants from the war in Ukraine.

Gazeta.ru, a Russian media site that is relatively critical of the government but not particularly vocal on war issues, sent a reporter, Andrei Koshik, to investigate the story.³¹⁹ He learned from a local historian that many soldiers from the Chechen war were buried in this cemetery and that it was reasonable to expect that soldiers from the current war in Ukraine would be buried there as well. But he saw a wide variety of ages on the signs, indicating that they were not all of combat age, as originally claimed.

Koshik also interviewed Oleg Melnikov, a field commander in the DNR, who said that Russian soldiers who were killed were buried where they died if their relatives could not be reached or in an emergency. In Slavyansk in the summer of 2014, for example, when the Russian-backed fighters were surrounded by Ukrainian forces, he said that soldiers were then buried just under the name of their commanders—that is, his people would be buried under the letter "M."

While an admission that Russians have fought and died in the war—and that officials even know this mass burials were not a mass phenomenon, Melnikov said. "I really doubt that they will make nameless graves in Rostov," said DNR commander Melnikov. "If I wanted to hide bodies—and of course, we don't do that—then why not bury them in Donetsk and Lugansk?"

The video blogger Erich Hartmann posted a video on the graves made up of local radio and other interviews.³²⁰ One source said that there were 150 graves, and that a number of them were labeled "Biomaterials," that is, human body parts. It was not clear why

^{317 &}quot;OSCE Officials Says at Least 21 Vehicles Labeled 'Cargo 200' with Bodies of Soldiers Killed in Ukraine Have Crossed Border," The Interpreter, http://www.interpretermag.com/ukraine-live-day-535-5-ukrainian-soldiers-killed-6-wounded-with-heavy-fighting-aroundschastye-gorlovka-and-donetsk/#9394.

³¹⁸ "Satellite Photos Show Mass Graves in Rostov Reported by Bloggers in November 2014," *The Interpreter*, March 30, 2015, http://www. interpretermag.com/russia-update-march-30-2015/#7707.

^{319 &}quot;Gazeta.ru Reporter Investigates Cemetery in Rostov; Concludes No Mass Graves of Russian Soldiers Killed in Ukraine," The Interpreter, April 2, 2015, http://www.interpretermag.com/russia-update-april-2-2015/#7756.

³²⁰ Erich Hartmann, "Cargo 200 from Ukraine to Russia," October 22, 2014, 4:17, https://www.youtube.com/watch?v=0lBHkr05E6U.

these bodies were not incinerated, and bloggers picked up the term as an indication that Russian officials did not value the lives of soldiers who had fought in Ukraine and instead reduced them to the status of mere medical waste.

On June 5, 2015, the blogger Tom Breadley said on Twitter that Russian soldiers were buried at Coal Mine No. 6 near Donetsk, many with the sign "Soldier No. 9," which means their name was not known.³²¹ But other local media coverage said the graves were only of local separatists.³²²

The photos were first published by a Donetsk Facebook user whose name was given as "Irina Mi," but no link was provided. She reported two rows of fresh graves at Coal Mine No. 6 Kapitalnaya, many with the sign "Soldier No. 9," and said there were reports of war dead being buried in other cemeteries in her town. The cemeteries were surrounded by police, and curiosity-seekers were kept out, with only relatives allowed in, she said.

Wounded Russian Soldiers

Even more pervasive than reports of Cargo 200 were claims of wounded Russian soldiers returning from the front in Ukraine. While the relatives of killed soldiers might be intimidated into silence and even intrepid journalists might be deterred by brutal physical attacks or threats, the injured soldiers themselves were harder to silence, given their purported sacrifice for their country. Most appear to have been scared into silence by threats of having their disability pension or compensations halted, but a number spoke out precisely because they were not eligible for these compensations as "volunteers" and resented being duped into deployment in combat by promises of bonuses or compensation, if wounded or killed, that in fact never came.

While there were reports of as many as 100 Russian soldiers being brought to the Kirov Military Medical Academy in St. Petersburg in August, and an account of one of the nine POWs taken by the Ukrainian armed forces in August being sent for emergency treatment to a burn unit in St. Petersburg, none of these soldiers talked to the mainstream media or discussed their experiences on social media.

Ukrainian bloggers made the point that the Russian fighters supposedly "spending their vacation" in Ukraine were ending up severely wounded or killed, leaving bereaved dependents behind, but after the initial wave of protests in August and September 2014, few former servicemen, NGOs, or independent media covered this topic, not only because reporters were intimidated but because the wounded were scattered in many facilities across Russia. Wounded soldiers were brought to the Kirov Medical Academy as reported, as well as the Military Clinical Hospital in the Southern Military District in Rostov; the Military Garrison Hospital VCh No. 52199 in Volgograd; the District Military Clinical Hospital in Yeysk; and also civilian hospitals in these cities, Newsru.ua reported.³²³

This lack of attention for the wounded changed in February 2015, after the battle of Debaltsevo and the signing of the Minsk II agreement.

Most of the media coverage of the Ukrainian rout at Debaltsevo focused on the great Ukrainian humiliation and losses, as combined Russian–separatist forces put Ukrainian forces in a "kettle" on three sides and ultimately closed off the fourth to seize the highway junctions and railroads of this strategic location.³²⁴

In his interview with *Novaya Gazeta*'s Elena Kostyuchenko, Dorzhi Batomunkuyev, a 20-year-old Buryat man, described his deployment to Ukraine in extensive detail, providing ample evidence that Russian contract soldiers were indeed deployed to battle in Ukraine by their commanders.³²⁵

Batomunkuyev was originally deployed as part of the 5th Separate Tank Brigade based in Ulan-Ude, the capital of the Buryat Republic. He was drafted into the Russian army on November 25, 2013, but then signed a three-year military service contract that enabled him to be deployed outside his region on June 2014.

³²¹ Tom Breadley, Twitter feed, June 5, 2015, 1:46 p.m., https://twitter.com/tombreadley/status/606925019181162497.

^{322 &}quot;Local Resident in Donetsk Photographs Cemetery with Nameless 'Novorossiya' Soldiers," Obozrevatel, June 6, 2015, http://obozrevatel. com/crime/64109-v-donetske-nashli-odno-iz-kladbisch-s-sotnyami-bezyimyannyih-soldat-dnr-fotofakt.htm.

^{323 &}quot;Russian Military Dumps the Bodies of Their Soldiers in the Tunnels of Mines," *newsru.ua*, September 5, 2014, http://rus.newsru.ua/ ukraine/05sep2014/shahty.html.

³²⁴ See, for example, "Ukrainian Soldiers' Retreat from Eastern Town Raises Doubt for Truce," New York Times, February 18, 2015, http:// www.nytimes.com/2015/02/19/world/europe/ukraine-conflict-debaltseve.html.

^{325 &}quot;Ukraine Live Day 378: Severely Injured Russian Soldier Describes Deployment to Ukraine," *The Interpreter*, March 2, 2015, http:// www.interpretermag.com/ukraine-live-day-378-severely-injured-russian-soldier-describes-deployment-to-ukraine/#7227 and "We All Knew What We Were Going For and What Could Happen," The Interpreter, September 9, 2015, http://www.interpretermag.com/we-allknew-what-we-were-going-for-and-what-could-happen/.

Kostyuchenko reported that Batomunkuyev, a gunner in a T-72B tank, suffered horrific burn wounds when Ukrainian tank fire lodged ammunition inside his tank as he was defending Logvinovo, a village on the highway between Debaltsevo and Artyomovsk.

In October 2014, with his conscript term due to last another month, despite his service contract, Batomunkuyev was sent, along with other *kontraktniki* (contract soldiers, as opposed to draftees) assembled from two military units, to the Rostov region bordering Ukraine to form a new tank battalion. Therefore, his contract began in October, ahead of schedule.

Batomunkuyev told Kostyuchenko that he did not formally resign from the military prior to his deployment to Ukraine, a claim made by some other Russian servicemen found in Ukraine. (RBC.ru reported in February that some Russian draftees were pressured into signing contracts after being recruited into the army, with the promise of early release later.) His draft term was supposed to end November 27, and he was never formally discharged. He also denied that he was duped into going to training when he was really being sent into combat.

DB: We were told that it was for training but we knew where we were going. We all knew where we were going. I was already prepared morally and psychologically, that I'd have to go to Ukraine.

Back in Ulan-Ude, we had painted over the tanks. Right at the train. We painted over the numbers, if someone had unit markings on their tank, those too. We took off our patches and chevrons when we got here, to the training ground. Everything was taken off...for the purposes of maskirovka [camouflaging]. We left our passports at the army base, our army card at the training ground.

And we had experienced guys in our battalion. Some had already been a year or a bit more on contract, some had been 20 years. They said: don't listen to the command, we're going to bomb the khokhly [pejorative term for Ukrainians]. If they even conduct exercises, even so you will still be sent to bomb khokhly.

Really, a lot of echelons were traveling. Everyone spent the night in our barracks. Before us, there were guys from the Spetsnaz from Khabarovsk, from various cities, only from the east. One after another, you know? Every day. Ours went fifth, on the 25th or 27th of October.

The offload ramp was in Matveyev Kurgan. While we went from Ulan-Ude to Matveyev Kurgan, we saw so many cities. We travelled for 10 days. The closer we got, the more people welcomed us. They waved their hands, they blessed us. We're mainly all Buryats, see. They were blessing us [i.e., Christians were making the sign of the cross over Buddhists].

(He laughs, and starts bleeding again.)

And here, too, when we were moving around. Grandmothers, grandfathers, local children would bless us...The old ladies would cry.

EK: What training ground [were you located at]?

DB: Kuzminka. There are a lot of such training grounds. Tent cities. Some would move in, others would move out. We would meet the previous echelons there. The Kantemir Brigade from the Moscow suburbs came after us. They have paratroopers there and one tank company that is not so powerful. But our tank battalion has 31 tanks. You can do something serious with that.

The Kuzminka training camp described by Batomunkuyev has been documented by Google satellite images, which show a vast military site in the Rostov region of Russia, about 50 kilometers from the border with Ukraine. While photos taken in October 2013 show empty fields, images captured on October 10, 2014, reveal a line of tents and vehicles stretching for around five kilometers, with extensive track marks and craters indicating military training maneuvers.³²⁶ The Matveyev Kurgan offload ramp referenced by Batomunkuyev lies halfway between the Kuzminka camp and the Russian–Ukrainian border.

Kostyuchenko then established that recurring tales of coercion of soldiers to fight in Ukraine were not the entire story:

EK: Could you refuse?

^{326 &}quot;Large Military Staging Ground Detected in Russia," *The Interpreter*, January 7, 2015, http://www.interpretermag.com/russia-updatelarge-russian-military-staging-ground-detected-near-ukrainian-border/#6088. A blast at this camp was also reported on social media: "Ukraine Live Day 435: Huge Blast at Russian Military Camp Used for Invasion," *The Interpreter*, April 28, 2015, http://www.interpretermag.com/ukraine-live-day-435-huge-blast-at-russian-military-camp-used-for-invasion/.

DB: Of course you could. No one forced us. There were some who refused back in Ulan-Ude, when they felt they could smell smoke. One officer refused.

Thus Batomunkuyev made it clear not only that he had volunteered for combat and knew what he was in for, but that his welcome by local people gave him a sense of the legitimacy of his mission. He was not a protester, just a severely wounded warrior. His story was not covered by the official state media.

Kostyuchenko's original article in Russian on *No-vaya Gazeta*'s site has received more than 1.8 million views—a large amount for a beleaguered independent site that has been threatened with closure as after racking up two violations of Russia's strict censorship restrictions. The deluge of exposure included sympathy from many people horrified at the obvious results of Putin's war, but was also accompanied by an enormous amount of mockery and even hatred from some on the Internet.

The extensive public attention and the subsequent unearthing of previous articles about dead soldiers put enormous pressure on both relatives and local media, which accounts for what happened next. After Batomunkuyev was transferred from Donetsk to a burn unit in Ulan-Ude, his mother began to tell reporters that his story had been made up.

On April 3, Sergei Basayev, a journalist from the newspaper *Novaya Buryatiya*, decided to follow up on Batomunkuyev's fate and found he was being treated in neighboring Zabaikalsky Territory, but that his mother, Sesegma, had been complaining about the lack of help from the Russian Defense Ministry.³²⁷

However, Basayev's article was swiftly removed from the site and even cut out of already-printed newspapers. Timur Dugarzhapov, acting editor-in-chief of *Novaya Buryatiya*, said he did not view the incident as censorship, and Basayev did not complain at the time.

Radio Svoboda then interviewed Dugarzhapov, Basayev, and another journalist, Arkady Zarubin, about the case.³²⁸ Dugarzhapov said that when they published the article, they received a deluge of traffic and many aggressive comments from Ukrainians, and "the situation grew out of control." He told *Radio Svoboda* that he didn't want his newspaper, which had a print circulation of 50,000, as well as an online version, to get caught up in the "information war."

Basayev said that he had wanted to get Batomunkuyev's mother's permission to visit him, but she would not allow it because he was in too serious a condition. She then claimed the article had been fabricated. Supposedly, Basayev said, there were other Buryats who had fought in Ukraine, but he had not looked for them; he was worried that Buryatiya would get a bad name with these scandals.

Zarubin said that he had not heard of anyone fighting in the war from Buryatiya, which he attributed to the fact that it was a Buddhist republic where people would oppose fighting. He expressed the belief that there was no massive mobilization of soldiers from Buryatiya; because the republic is small, word would get out. He conceded that Buryats could be fighting in Ukraine as volunteers but said that he had not heard of any except two who have become famous on YouTube: Buryats with the call signs "Vakha" and "Thirteen" who were part of the seizure of Logvinovo in Donetsk Region.

Russian-backed separatist media extensively promoted Vakha, who also helped plant the Lugansk People's Republic flag after the victory at Debaltsevo; most videos that show a Buryat to emphasize "internationalist" help for the separatist cause are in fact just showing this one individual. Ukrainian media also seized on the videos as obvious evidence of a Russian presence. There are few Buryats native to Ukraine.

Nevertheless, there was indisputable evidence of other Buryats fighting in Ukraine. In May, the Atlantic Council, a Washington-based international affairs think-tank, in conjunction with Bellingcat, the UKbased citizens' open source investigation site, issued a report titled *Hidden in Plain Sight: Putin's War in Ukraine*,³²⁹ which documented the story of Bato Dambayev, a Buryat tank operator from Ulan-Ude from the 37th Separate Motorized Infantry Brigade based in Kyakhta, Buryat Republic, who fought alongside soldiers in the 5th Tank Brigade in Debaltsevo. Dambayev was deployed to the same Kuzminka³³⁰ camp as was Dorzhi Batonkuev. The deployment of the 37th Motorized Brigade was also confirmed by Batonkuev in his interview with *Novaya Gazeta* (see above).

^{327 &}quot;Newspaper Removes Interview with Burnt Russian Tank Gunner's Mother," The Interpreter, April 8, 2015, http://www.interpretermag. com/russia-update-april-8-2015/#7840.

^{328 &}quot;Storm at Novaya Buryatiya," Svoboda.org, April 7, 2015, http://www.svoboda.org/content/article/26943338.html

³²⁹ Hiding in Plain Sight: Putin's War in Ukraine, by Maksymilian Czuperski, John Herbst, Eliot Higgins, Alina Polyakova, and Damon Wilson, Washington, DC, Atlantic, Council, July 13, 2015.

³³⁰ The camp is named after the town of Kuzminka; Kuzminsky is the Russian adjective for the town.

As *The Interpreter* reported in January 2015 (see above), the Kuzminka camp was a large staging area for Russian troops used to invade Ukraine. While at the camp, Dambayev posted a picture of himself with a Siberian husky puppy to VKontakte, as did his fellow servicemen. Later he deleted it, but copies were saved by social media users. Bellingcat's Aric Toler was then able to compare a number of photos on VKontakte, some of which were geotagged to the Kuzminka area, and find the exact same puppies.³³¹

Simon Ostrovsky, a war correspondent from *Vice*, decided to follow up on the story of these Russian soldiers.³³² Ostrovsky traced the steps Dambayev purportedly took, based on the Buryat's social media posts, in order to place him on the battlefield in Ukraine. He received denials from Russian officials, but journalists had reported the appearance of non-European soldiers, and local townspeople near Debaltsevo confirmed that Russian soldiers had fought there—they distinguished them from local separatists both by their accents in Russian and their more polite behavior.

Ostrovsky then went on to find the locations of a number of the "selfies" Dambayev had taken in Moscow and Taganrog and even geolocated his position atop a checkpoint in a town near Debaltsevo, where he was wearing white bands on his arm and leg. It was already known from the testimonies of other soldiers that this indicated a practice of the Russian Army to enable their soldiers to distinguish themselves from other combatants.³³³ That appeared to clinch the fact that Dambayev was deployed in Ukraine.

Ostrovsky then tracked the soldier back to Ulan-Ude and got his phone number through his neighbors. Dambayev refused to give an interview in person and denied he was ever in Ukraine. He then deleted the incriminating pictures on his VKontakte account.

For his trouble, as noted above, Ostrovsky was then denied a press visa to Russia, although his work validated the painstaking efforts of both local and international bloggers who had mined the wealth of social media produced by Russia's "selfie soldiers" to prove they were deployed in Ukraine.

The widespread media attention brought to the Buryat Republic caused a lot of controversy, however, as officials felt that the coverage of Buryat soldiers in Ukraine was giving the whole republic a bad name. Buryats are Buddhists by tradition and known for pacifism, and Buryat officials loyal to Moscow also felt they had to endorse the official line that there were no Russian soldiers in Ukraine. On July 14, 2015, a regional news site Asiarussia.ru published a video of young Buryat men and women explaining that they were not fighting in any wars because aggression was contrary to their peaceful nature and that they were being exploited by the "information war."³³⁴

By that time, it was clear from the censorship of Novaya Buryatiya and the curious back-tracking of relatives of reporters that silence was the only way to avoid threatened reprisals. And the great price to be paid for any kind of investigative journalism was also clear in Ulan-Ude: just the day before, on July 13, 2015, Yevgeny Khamagan, the editor of the Asiarussia.ru himself was brutally beaten335 in much the same way as Lev Shlosberg had been in Pskov, and TV Rain's chief producer Ksenya Batanova in Moscow. In Khamagan's case, he was attacked by unknown assailants who fractured his neck, causing him to be hospitalized in serious condition. In August, he emerged from a coma to say that he remembered nothing about the attack, but police claimed that he had fallen off a garage roof while intoxicated. His friends who had found him near his home, as well as the Yabloko Party, protested this claim as they had evidence he was beaten by assailants. Khamagan himself believes he was targeted clandestinely by a police chief he had accused of corruption in an exposé on his news site about illegal alcohol sales through news kiosks.

^{331 &}quot;How These Adorable Puppies Exposed Russian Involvement in Ukraine," Aric Toler, Bellingcat, March 11, 2015, https://www.bellingcat. com/news/uk-and-europe/2015/03/11/vreditel-sobaka/.

^{332 &}quot;Selfie Soldiers: Russia Checks in to Ukraine," Simon Ostrovsky, VICE, June 16, 2015, https://news.vice.com/video/selfie-soldiers-russiachecks-in-to-ukraine.

³³³ See, for example, "Russian Soldiers Dies in Ukraine Because 'There Was No Other Job,'" Kyiv Post, September 3, 2014, http://www. kyivpost.com/content/russia-and-former-soviet-union/russian-soldier-dies-in-ukraine-because-there-was-no-other-job-363238.html, translation of an article by Elena Racheva, "Drugoi raboty-to nyet," published in Novaya Gazeta on September 1, 2014, http://www. novayagazeta.ru/society/65075.html. The mother of the soldier Anton Tumanov found a picture on his VKontakte page with such a band and a comment by a fellow soldier that the bands were changed to a different arm or leg every day to signal to other squads that they were on the same side.

^{334 &}quot;Appeal by Putin's Battle Buryats to the Frightened Residents of Ukraine," Asiarussia.ru, July 14, 2015, http://asiarussia.ru/news/8295/. The video was made by Set' [Network], a production center in the Buryat Republic.

^{335 &}quot;Buryat Editor Yevgeny Khamagan, Opposition Activist Expecting Surgery for Broken Neck After Assault," *The Interpreter*, Russia Update, July 14, 2015, http://www.interpretermag.com/russia-update-july-14-2015/#9126.

How Many Russian Soldiers Have Been Killed in Ukraine?

It is difficult to make a good estimate of the number of soldiers killed in the war in Ukraine because there is not sufficient confirmation from relatives, credible independent news media, or NGOs for many of the reports.

The independent media in Russia and Ukraine, as well as the Soldiers' Mothers, Cargo 200 from Russia to Ukraine, and Forgotten Regiment groups and some conflict bloggers have all attempted to create lists in the last year, all of them of varying lengths. From a review of this material, *The Interpreter* concluded that no more than 600 cases of Russian soldiers killed in Ukraine are known, and even for this list, in which full names and places and dates of death are available, confirmation has not been secured from relatives or media in every case. Forgotten Regiment has also prepared a list of 857 fighters reported missing but notes that some of these may be Ukrainian citizens, and many of the entries have very little information, sometimes only a first name or a call sign.

Of course, given that according to former National Security Secretary Andriy Parubiy, an estimated 7,000 to 10,000 Russian troops were deployed in Ukraine in the first part of the year (see above), and that the Ukrainian presidential administration has now released a report estimating the "Russian occupying force" (evidently in Crimea) at 33,000, with an additional 9,100-person "regular army" apparently deployed in the Donbass, it is possible that more than 600 have been killed. The figure is not likely to be 2,000, given that this number would be 20 percent higher than the highest estimate of troops deployed in the Donbass.³³⁶

Recently, Paul Roderick Gregory of *Forbes* reported an article that had surfaced in an obscure Russian online publication called *Delovaya Zhizn'* (*Business Life*), which evidently cited a comment from a State Duma deputy claiming that 2,000 families had received compensation for their family members killed in Ukraine.³³⁷ The sensational part of the article was subsequently removed and replaced with a paragraph about housing benefits,³³⁸ but a copy of the original version can still be viewed at the Internet Archive; the article was there for five months before it was noticed.³³⁹ It cites Viktor Zavarzin, a member of the State Duma's Committee on Defense, commenting on the budget submitted for 2015-2017 and then under a subhead, reports that 2,000 families had received compensation for soldiers killed in Ukraine. The sourcing is weak; no independent media in Russia have reported on this comment, and there are no links to any budget documents containing this item. The figure of 2,000 war deaths seems high, given other estimates of the number of soldiers deployed in total, but the true number of Russians deployed in Ukraine may be higher (it is, after all, a clandestine "hybrid" war).

The problem in trying to substantiate the claim of a figure as high as 2,000 is that even the highest numbers indicated in reports of the number of Russians killed at the two biggest battles of the war so far—at Ilovaisk and Debaltsevo—have not been confirmed.

The blogger who had helped to find the three GRU soldiers, himself a critic of the war in Ukraine, pronounced the *Delovaya Zhizn*' article a fake, merely designed by the site owner to drive traffic to his ad-laden site.

The battle of Ilovaisk was the worst engagement of the war in Ukraine to date (see above). It began on August 7; continued through August 29, 2014, when Ukrainian soldiers were encircled by combined Russian and separatist forces and forced to retreat; and culminated on September 1, when some Ukrainian soldiers were able to break free. While their commanders believed they were retreating under an agreement announced by President Putin to withdraw after leaving heavy artillery, many of them were in fact gunned down as they departed in what was described by some as a "massacre."³⁴⁰

Soon after the event on September 14, 2014, Ukrainian Defense Minister Valery Heletey announced on Ukrainian Channel 5 TV that "107 Ukrainian

337 "Russia Inadvertently Posts Its Casualties in Ukraine: 2,000 Deaths, 3,200 Disabled," *Forbes*, August 25, 2015, http://www.forbes.com/sites/paulroderickgregory/2015/08/25/kremlin-censors-rush-to-erase-inadvertent-release-of-russian-casualties-in-east-ukraine/.
 338 See webcache.googleusercontent.com/search?q=cache%3Abs-life.ru%2Frabota%2Fzarplata%2Fvoennosluzashchie2015.html.

^{336 &}quot;Ukraine Live Day 557: Ukrainian Government Releases Evidence of Russian Military Involvement in Donbass," The Interpreter, August 28, 2015, http://www.interpretermag.com/ukraine-live-day-557-ukraine-reports-109-attacks-over-past-day/#9758.

³³⁹ See http://web.archive.org/web/20150822092515/http://bs-life.ru/rabota/zarplata/voennosluzashchie2015.html.

³⁴⁰ Oksana Grytsenko, "Survivors Recall Ilovaisk Massacre," Kyiv Post, September 3, 2014, https://web.archive.org/web/20140907205716/ http://www.kyivpost.com/content/ukraine/witnesses-tell-about-attacks-on-ukrainian-soldiers-trying-to-leave-ilovaisk-at-least-100-

soldiers had been killed and 300 Russian soldiers."³⁴¹ A higher death total of Russians didn't seem plausible, given that it was the Russians who had "kettled" the Ukrainians and fired on them as they retreated, even though a few Ukrainians broke out of the encirclement. Defense Minister Heletey was forced to resign on October 14, 2014, in part because of his responsibility for the failure of military coordination during the battle.

Unian.net then reported on August 5, 2015, that new information on the combat deaths put the total number of Ukrainians killed at 366—not 107, but not other estimates as high as 1,000 either.³⁴²

The number of "300 Russians" appears to have originated with an estimate made on the battlefield by Ukraine's Dnipro 1 commander Yuriy Bereza,³⁴³ who said that his battalion together with the Donbass battalion had destroyed "about 300 soldiers" and that no one had picked up the bodies after the battle.

The claim, even if true, was never substantiated with lists of names. Even Russian independent media do not appear to have followed up on this story.

The initial surge of the Russian invasion in August was reported from multiple sources as 1,200 troops (for example, see the statement by the mother of Anton Tumanova, above and in *The Interpreter*³⁴⁴); by September, there were as many as 7,000 Russian troops reported in the offensive, according to the Ukrainian government (see above). Nemtsov's colleagues said that the number of Russian troops was estimated to have increased from 3,000–5,000 to 7,000–10,000 over the course of a year.³⁴⁵

But the only other indication that so many Russians could have been killed in August 2014 is the claim by paratroopers that "almost an entire company was wiped out" (some 80 men) among the Pskov 76th Guards Air Assault Division, and this has not been verified.

Regarding Debaltsevo, Elena Vasileva was among those who claimed that at least 39 were killed near Debaltsevo in some of the fiercest fighting of the war. Yet the group she chairs, Forgotten Regiment, only recorded 14 men who were said to have been killed at Debaltsevo. This number remains to be researched.

While the list compiled by Forgotten Regiment (as of August 25, 2015, see above) of 582 killed in action, 39 incomplete reports, and 857 missing might suggest the figure could be as high as 2,000, the list of missing in particular is extremely sketchy, often including only first names or just call signs. The activists acknowledge that the list could contain Ukrainian citizens who fought with the Russian-backed separatists. It is also possible that these individuals include Russian volunteers who escaped criminal records or debts in Russia and do not want to be located.

^{341 &}quot;The Battle of Ilovaisk: A Turning Point in Russia's War on Ukraine," The Interpreter, September 15, 2014, http://www.interpretermag. com/the-battle-of-ilovaisk-a-turning-point-in-russias-war-on-ukraine/.

^{342 &}quot;New Data on Victims Near Ilovaisk: 366 Ukrainian Soldiers Killed," *Unian.net*, August 5, 2015, http://www.unian.info/war/1108315-new-data-on-victims-near-ilovaisk-366-ukrainian-soldiers-killed.html.

^{343 &}quot;300 Dead Bodies of Russian Soldiers To This Day Still Lay Unburied Near Ilovaisk," *Censor.net*, September 30, 2015, http://en.censor. net.ua/news/304862/300_dead_bodies_of_russian_soldiers_still_rot_near_ilovaisk. Also http://www.ukrinform.ua/rus/news/tela_ pochti_300_ubitih_rossiyan_do_sih_por_legat_nepogrebennie_pod_ilovayskom_1670119.

^{344 &}quot;DNR Leader Says They Have Received 1,200 Troops, 30 Tanks and 120 Armoured Vehicles from Russia," *The Interpreter*, August 16, 2014, http://www.interpretermag.com/ukraine-liveblog-day-180-the-battle-for-lugansk-begins/#3833. See also "Are There Chechens Fighting in Southeast Ukraine?," *The Interpreter*, August 17, 2014, http://www.interpretermag.com/russia-this-week-minister-says-id-will-be-required-to-access-internet/#3837.

^{345 &}quot;Assessing 'Putin.War'—A Look at the Last Investigation by Boris Nemtsov and His Colleagues," The Interpreter, May 28, 2015, http:// www.interpretermag.com/assessing-putin-war-a-look-at-the-last-investigation-by-boris-nemtsov-and-his-colleagues/.

Conclusion

Russia has propagated the myth that an armed insurgency erupted spontaneously in the Donbass and that any Russian participation in the effort to cleave territory away from Ukraine is "voluntary" in nature. This strains credulity to the breaking point, as there is ample evidence that weaponry that does not exist in Ukraine's arsenal has turned up on the battlefield in the insurgents' possession at key points in the war.

Moreover, there is evidence that Russia has been quietly burying its war dead—and harassing or defaming anyone in the country who attempts to investigate these obsequies. If the fallen were "volunteers," there would be no need to designate their deaths "state secrets," even as Putin bestows honors upon them without ever acknowledging the circumstances under which they were killed.

All available evidence suggests that these Russian fighters are in fact active-duty soldiers sent to Ukraine by the Russian government under the cover of plausible deniability. There is also compelling evidence that the relatives of missing soldiers believe their sons or husbands to have been killed in eastern Ukraine and have been coerced into silence by the Russian government.

Moscow's military strategy over the past year has been illuminated by its phased infiltration of the Donbass. When Kiev's Anti-Terrorist Operation was close to routing the separatists in the summer of 2014, Russia launched an outright invasion, injecting new weaponry and military equipment into eastern Ukraine, backed by mixed formations of *Spetsnaz* and paratroopers, to perpetuate a war that continues to the present day.

The separatists have benefited from the intrinsic advantages of a guerrilla insurgency, underwritten by the conventional hard power of their state sponsor. They have embedded within the civilian populations of the Donbass and hidden their materiel in urban settings, violating international humanitarian law but deterring a massive Ukrainian counterattack-all while receiving a steady stream of resupplies of tanks and sophisticated drone and ground-scan radar equipment, and testing the boundaries of a barely enforced armistice with the hopes of expanding their zone of control. Even where they have been deflected by Ukraine's military, such as in Marinka in July 2015, the separatists and the Russian government have continued to blame Kiev for violating the Minsk II cease-fire first, thus justifying further attacks by the separatists.

Meanwhile, the threat of a full-scale Russian invasion looms in Kiev, as Russia has amassed tens of thousand of troops at Ukraine's eastern border under the guise of conducting military "exercises." Even while Ukrainian casualties continue to mount, this threat has forced the government of Petro Poroshenko and its Western allies into a political compromise with a foreign power that disclaims any official involvement in a war of its own making but nonetheless demands that war's conclusion on terms of its own choosing.

Appendix OSCE UAV Sightings On Kalmius

APRIL 26:

http://www.osce.org/ukraine-smm/153501

The SMM UAV observed 11 tanks and four APCs, with infantry mounted, moving through Kulykove (DPR-controlled, 15 km north of Shyrokyne). Additionally, over the prior three days, the UAV had sighted 17 tanks, three self-propelled howitzers, and 60 APCs in a DPR-controlled area 50 kilometers north of Shyrokyne.

MAY 6:

http://www.osce.org/ukraine-smm/155756

An SMM UAV—despite being jammed for 10 minutes around a DPR-controlled village—spotted four tanks in DPR-controlled territory and one tank in government-controlled territory, all in or around villages close to the contact line northeast of Mariupol.

MAY 7:

http://www.osce.org/ukraine-smm/156046

An SMM UAV spotted three tanks in government-controlled territory and 30 tanks in DPR-controlled territory, all in or around villages close to the line of contact. Thirteen of these tanks were seen in or around DPR-controlled Sontseve (57 km south of Donetsk). In addition, two mobile 122-mm Grad 9P132 rocket launchers were observed five kilometers west of DPR-controlled Novoazovsk (43 km east of Mariupol).

MAY 13:

http://www.osce.org/ukraine-smm/157661

In the DPR-controlled areas of Oktyabr (26 km east of Mariupol), Michurine (70 km northeast of Mariupol), and Sontseve (18 km east of Mariupol), the UAV observed seven MBTs.

MAY 14:

http://www.osce.org/ukraine-smm/158136

The SMM UAV, operating in a limited area north of Shyrokyne and west of the line of contact (above government-controlled area) in response to weather conditions, observed one tank north of the government-controlled village of Berdyanske (18 km east of Mariupol), two tanks east of the village of Ordzhonikidze (government-controlled, 10 km east of Mariupol), one tank southwest of Hranitne (government-controlled, 50 km northeast of Mariupol, and three tanks near Andriivka (government-controlled, 50 km north of Mariupol). Three previously observed artillery pieces (likely towed 1520mm cannon) near the government-controlled village of Pionerske (13 km east of Mariupol) were no longer there. Numerous APCs were observed across the flight areas, and the UAV also observed two burning houses in Shyrokyne (20 km east of Mariupol).

MAY 18:

http://www.osce.org/ukraine-smm/158871

The SMM UAV observed a total of seven tanks (type unknown) in a DPR-controlled area, approximately 50 kilometers northeast of Mariupol. The SMM UAV also observed one IFV, two military-type trucks, and people in military uniforms in the same area.

JUNE 1:

http://www.osce.org/ukraine-smm/161686

The SMM UAV observed a concentration in DPR-controlled territory, 61 kilometers northeast and 30 kilometers east of Mariupol, of at least 10 MBTs of unknown type.

JUNE 7:

http://www.osce.org/ukraine-smm/162796

An SMM UAV spotted a concentration of 40 military-type trucks in Petrovskyi district (DPR-controlled, 20 km southwest of Donetsk city center).

Of particular note among the weapons observed by SMM UAVs was a concentration at a railway station between the DPR-controlled Komsomolske (45 km southeast of Donetsk) and Andriivka (45 km southeast of Donetsk)of seven MBTs. In the same area, the UAV spotted 35 military trucks and 25 APCs. Also of note was a concentration around DPR-controlled Oktyabr (85 km south of Donetsk) of three artillery pieces and two MBTs.

JUNE 8:

http://www.osce.org/ukraine-smm/163161 In DPR-controlled Rozdolne (47 km southeast of Donetsk) an SMM UAV spotted a concentration of nine MBTs in a residential area, one self-propelled howitzer (2S1), and 16 APCs.

JUNE 9:

http://www.osce.org/ukraine-smm/163441

In DPR-controlled Komsomolske (44 km southeast of central Donetsk), the SMM UAV spotted a concentration of five MBTs, 18 APCs, and more than 25 trucks, including two fuel trucks, 400 to 500 medium to heavy artillery ammunition boxes, and a supply of multiple-launch rocket systems. In DPR-controlled Bezimenne (28 km east of Mariupol), the UAV spotted a concentration of two MBTs, 11 APCs/infantry fighting vehicles (IFVs), seven multipurpose light-armored towing vehicles (MTLBs), and around 30 military trucks. In DPR-controlled Sontseve (18 km east of Mariupol), the UAV spotted eight MBTs.

JUNE 10:

http://www.osce.org/ukraine-smm/163771

Near DPR-controlled Sontseve (57 km south-southeast of Donetsk), the SMM UAV spotted a large concentration of military hardware, including, *inter alia*, a SHORAD (short-range air defense) tracked vehicle, nine military-type trucks, an anti-aircraft system (SA-8), eight MBTs, and 20 APCs. In DPR-controlled Ilovaisk (31 km southeast of Donetsk), an SMM UAV saw 32 military trucks.

JUNE 11:

http://www.osce.org/ukraine-smm/164126

In a number of locations in DPR-controlled areas northeast of Mariupol, an SMM UAV spotted, inter alia, 14 MBTs, 48 APCs, and two engineering vehicles. An SMM ground patrol observed an additional MBT in the same general area.

JUNE 14:

http://www.osce.org/ukraine-smm/164491 SMM UAVs saw seven MBTs (unknown type), 23 APCs, and at least nine trucks and other vehicles in Komsomolske (DPR-controlled, 43 km south of Donetsk); four self-propelled howitzers in Vasylivka (DPR-controlled, 50 km southeast of Donetsk); and one MBT (unknown type), 14 APCs, and six military trucks in Bezimenne (DPR-controlled, 28 km east of Mariupol).

JUNE 16:

http://www.osce.org/ukraine-smm/164961

In DPR-controlled areas, an SMM UAV detected four howitzers and 14 MBTs, including a concentration of 10 MBTs around Michurine (DPR-controlled, 63 km south of Donetsk).

JUNE 18:

http://www.osce.org/ukraine-smm/165461

In DPR-controlled areas, an SMM UAV detected four howitzers, 11 armored personnel carriers, a concentration of 11 MBTs in the area of Michurine (63 km south of Donetsk), and a further 10 MBTs around Komsomolske (43 km south of Donetsk).

JUNE 19:

http://www.osce.org/ukraine-smm/165476

An SMM UAV detected a concentration of 10 MBTs (unknown type) and 27 armored vehicles in Komsomolske (DPR-controlled, 43 km south of Donetsk), as well as four self-propelled artillery pieces (likely 122-mm 2S1 Gvozdika) approximately 1 kilometer west-southwest of Vasylivka (DPR-controlled, 50 km south-southeast of Donetsk).

JUNE 23:

http://www.osce.org/ukraine-smm/166601

In DPR-controlled areas northeast of Mariupol, the SMM UAV observed one MBT, one mortar, and three artillery pieces. In addition, in the area of Komsomolske (43 km south-southeast of Donetsk), the UAV observed seven MBTs and in a quarry nearby 12 APCs being loaded with ammunition, forming a convoy, which proceeded to Vasylivka and farther to Michurine (61 km south of Donetsk). In the same sector, an additional nine MBTs and 10 APCs were also seen.

JULY 1:

http://www.osce.org/ukraine-smm/169016

In DPR-controlled areas, the SMM UAV spotted two MBTs and three artillery pieces in Oktiabr (26 km northeast of Mariupol), four MBTs in Sartana (19 km northeast of Mariupol), four MBTs in Bezimenne (30 km east of Mariupol), and two towed artillery pieces in Zaichenko (25 km northeast of Mariupol).

JULY 2:

http://www.osce.org/ukraine-smm/170121

At a location south of Sontseve (DPR-controlled, 62 km northeast of Mariupol), the SMM UAV spotted ten MBTs during the night between 1 and 2 July. During the day on July 2, an SMM ground patrol dispatched to the same area did not hear or see any tanks, heavy weapons, or armed personnel but notably, the patrol had only limited access to that area. It observed recent tracks from tracked vehicles on a dirt road, which led to an area south of the village that appeared to be a military training area.

JULY 4:

http://www.osce.org/ukraine-smm/170456

On July 4, five MBTs were spotted in DPR-controlled areas east of Shyrokyne. Also in DPR-controlled areas, two MBTs were observed near Michurine (55 km northeast of Mariupol); a concentration of ten MBTs and eight APCs near Sontseve (61 km northeast of Mariupol); four self-propelled howitzers also in the same sector; and a concentration of seven MBTs, 23 APCs, two pontoon bridge layers, and one 240-mm mortar (Tyulpan) near Komsomolske (44 km southeast of Donetsk).

JULY 7-8:

http://www.osce.org/ukraine-smm/171516

The SMM UAV observed concentrations of military hardware in DPR-controlled areas close to the contact line: seven MBTs, 30 APCs, and at least 37 military trucks in and around DPR-controlled Komsomolske (75 km northeast of Mariupol); nine MBTs, eight APCs, and one military truck at a location south of Sontseve (61 km northeast of Mariupol); and four MBTs, 26 APCs, and 34 military trucks in Bezimenne (29 km east of Mariupol). The SMM UAV also spotted three MBTs near Michurine (61 km northeast of Mariupol) and two MBTs near Sakhanka (24 km east of Mariupol).

On July 7 and 8, the SMM UAV was subjected to multiple incidents of jamming around Sakhanka, Zaichenko, Oktiabr, Svobodne (all DPR-controlled, 24, 25, 26, and 49 km northeast of Mariupol, respectively), and Shyrokyne.

JULY 10:

http://www.osce.org/ukraine-smm/171856

SMM UAVs observed concentrations of military hardware in and around DPR-controlled Komsomolske (76 km northeast of Mariupol), noting six MBTs, 41 APCs, and more than 40 military trucks of different types. In DPR-controlled Sakhanka (22 km east of Mariupol), the UAV spotted fresh craters assessed to have been caused by artillery fire. In DPR-controlled Bezimenne (30 km east of Mariupol), the UAV observed three MBTs, 28 APCs, and 30 military trucks.

JULY 11-12:

http://www.osce.org/ukraine-smm/172261

SMM UAVs observed concentrations of military hardware in and around DPR-controlled Komsomolske (45 km southeast of Donetsk, 98 km northeast of Mariupol), noting on July 11–12 at least 14 MBTs, 40 APCs, and more than 40 military-type trucks. In areas adjacent to Komsomolske, SMM UAVs also observed an additional 16 military-type trucks, two MBTs, and one self-propelled howitzer (most likely a 2S1 Gvozdika). On July 11 the UAV observed 5 km south of Komsomolske, in DPR-controlled Vesele (3 km south of Komsomolske, 47 km southeast of Donetsk), one anti-aircraft short-range surface-to-air missile system (9K35 "Strela-10").

JULY 14:

http://www.osce.org/ukraine-smm/172886

SMM UAVs continued to observe concentrations of military hardware in and around DPR-controlled Komsomolske (49 km south of Donetsk), noting five MBTs, 43 APCs, and 100 military-type trucks. Fur-

thermore, in DPR-controlled areas the UAVs spotted the following: in Bezimene (13 km east of Mariupol), three MBTs; in Novolaspa (48 km south of Donetsk), one MBT; and in Bila Kamyanka (54 km south of Donetsk), one MBT and one self-propelled howitzer.

JULY 16:

http://www.osce.org/ukraine-smm/173426

The SMM UAV detected a concentration of military hardware, including six MBTs, at least 35 APCs, and more than 40 military-type trucks near DPR-controlled Komsomolske (45 km southeast of Donetsk).

JULY 17:

http://www.osce.org/ukraine-smm/173446

SMM UAVs continued to observe concentrations of military hardware in DPR-controlled areas: in Komsomolske (49 km south of Donetsk), seven MBTs, 24 APCs, four infantry fighting vehicles (BTRs), and at least 35 military-type trucks. In Bila Kamyanka (52 km south of Donetsk), UAVs spotted two MBTs.

JULY 20:

http://www.osce.org/ukraine-smm/173901

The SMM UAVs observed the following in government-controlled areas: 17 MBTs and several military trucks near Zaporizke (33 km northeast of Mariupol), and an anti-aircraft missile system (SA-8 "OSA") with a towed radar near Shevchenko (46 km north of Mariupol). While monitoring DPR-controlled areas, the SMM UAV was jammed.

JULY 21:

http://www.osce.org/ukraine-smm/174071

The SMM UAV observed a concentration of 11 MBTs, 31 APCs, four towed artillery pieces (probably 122-mm D-30 howitzers), and at least 31 trucks in DPR-controlled Bezimenne (30 km east of Mariupol).

JULY 22:

http://www.osce.org/ukraine-smm/174226

In DPR-controlled areas the SMM UAV detected the following: one MBT in Bila Kamyanka (57 km northeast of Mariupol), one MBT in Novolaspa (58 km northeast of Mariupol), two artillery pieces in Zaichenko (26 km northeast of Mariupol), and three artillery pieces in Oktiabr (30 km northeast of Mariupol). During their operations, the SMM UAVs were exposed to severe and intentional jamming of a military origin that caused one aircraft to crash.

AUGUST 12:

http://www.osce.org/ukraine-smm/177221

On its first day of flying—since a jamming incident on 22 July that caused the destruction of another SMM unmanned aerial vehicle and its camera—an SMM UAV experienced what the SMM assesses as severe military-grade video signal and global positioning system (GPS) jamming in numerous areas east, northeast, north, and west of government-controlled Mariupol (100 km south of Donetsk). Both the camera feed and control over the vehicle were affected.

The SMM UAV did, however, observe shell impacts in an area east of government-controlled Starohnativka (51 km south of Donetsk, 53 km northeast of Mariupol). To the east of DPR-controlled Bila Kamyanka (52 km south of Donetsk, 54 km northeast of Mariupol), the UAV spotted three APCs. One APC was observed by the UAV in DPR-controlled Novolaspa (49 km south of Donetsk, 58 km northeast of Mariupol), and a further two APCs in DPR-controlled Starolaspa (52 km southeast of Donetsk, 61 km northeast of Mariupol). East of government-controlled Starohnativka (53 km south of Donetsk, 53 km northeast of Mariupol), the SMM UAV noted signs of shelling.

AUGUST 13:

http://www.osce.org/ukraine-smm/177581

Although the SMM did not reach Starohnativka, its UAVs spotted military hardware in various locations in the general area: in and around DPR-controlled Bila Kamyanka (52 km southeast of Donetsk, 54 km northeast of Mariupol), seven APCs; in and around DPR-controlled Novolaspa (49 km south of Donetsk, 58 km north-northeast of Mariupol), three APCs and a military-type truck; east of government-controlled Starohnativka (51 km south of Donetsk, 53 km north-northeast of Mariupol), five APCs, an MBT, and a military-type truck; in and around DPR-controlled Komsomolske (40 km southeast of Donetsk; 76 km northeast of Mariupol), four APCs and seven military-type trucks; and in DPR-controlled Michurine (55 km southeast of Donetsk, 54 km northeast of Mariupol), four MBTs and a military-type truck.

AUGUST 15:

http://www.osce.org/ukraine-smm/177826

The SMM UAVs observed in DPR-controlled areas one R-330ZH Zhitel jamming communication station and one MBT in Michurine (54 km east of Mariupol), one MBT in Starolaspa (60 km northeast of Mariupol), and one MBT in the east of Novotroitske (36 km southwest of Donetsk).

AUGUST 19:

http://www.osce.org/ukraine-smm/178131

SMM UAVs spotted in DPR-controlled areas four MBTs in Michurine (54 km east of Mariupol) and two towed heavy artillery pieces in Zaichenko (26 km northeast of Mariupol).

AUGUST 20:

http://www.osce.org/ukraine-smm/178396

In violation of respective withdrawal lines, the SMM UAV observed in DPR-controlled areas the following military equipment: seven MBTs and two APCs west of Starolaspa (59 km northeast of Mariupol), four heavy artillery pieces and four APCs northeast of Bila Kamyanka (58 km northeast of Mariupol), and six MBTs and 24 APCs in Komsomolske (75 km northeast of Mariupol).

AUGUST 21:

http://www.osce.org/ukraine-smm/178411

The SMM—through the use of unmanned aerial vehicles (UAVs)—spotted in DPR-controlled areas three main battle tanks (MBTs) west of Starolaspa (59 km northeast of Mariupol) and two MBTs and ten APCs in Bezimenne (30 km east of Mariupol). While flying over Shyrokyne (20 km east of Mariupol) and government-controlled Volodarske (21 km northwest of Mariupol), the SMM's unmanned aerial vehicle (UAV) was jammed.

AUGUST 23:

http://www.osce.org/ukraine-smm/178481

In "DPR"-controlled areas near Komsomolske (42 km southeast of Donetsk), the SMM observed what appeared to be a concentration point of equipment and armed individuals: five military-type fuel trucks, eight military-type trucks, two "Kamaz" military trucks, three armored combat vehicles (ACV), one armored personnel carrier (APC), one anti-aircraft gun (with ZU-23 mounted), and one "Ural" armored military truck with armed personnel wearing "Spartak" battalion insignia.

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Annex 451

Daniel Romein, MH17 – Potential Suspects and Witnesses from the 53rd Anti-Aircraft Missile Brigade, bell¿ngcat (23 February 2016)

MH17 - Potential Suspects and Witnesses from the 53rd Anti-Aircraft Missile Brigade

A bell; ngcat Investigation

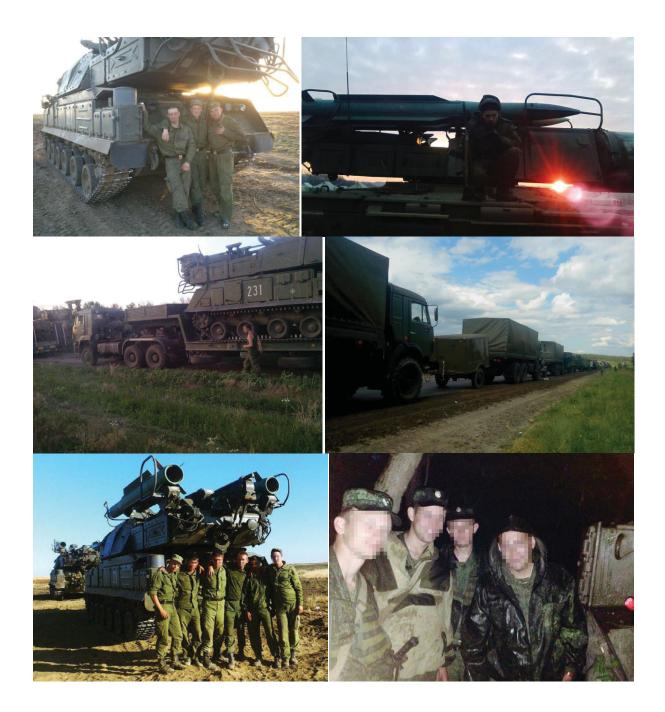


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Introduction

In a previous report, *Origin of the Separatists' Buk*¹ the Bellingcat investigation team described the movements of a Buk-M1 missile launcher in Ukraine, which was filmed and photographed in Donetsk, Zuhres, Torez, Snizhne, and Luhansk on 17 July 2014, the day Malaysia Airlines Flight 17 (MH17) was downed. That report provided evidence supporting the hypothesis that this particular Buk-M1 was likely responsible for downing MH17 for two primary reasons: first, it was in range of MH17 shortly before it was downed; second, a missile was missing from the Buk the morning following the downing.

Origin of the Separatists' Buk also described two separate military convoys filmed and photographed in Russia from 23 to 25 June and from 19 to 21 July 2014. These convoys transported Buk-M1 missile launchers along with numerous other types of military vehicles from an area near Kursk to an area near the Russia-Ukraine border in the Rostov Oblast². One Buk-M1 missile launcher in the 23-25 June 2014 convoy is particularly noteworthy, because it shares many common features with the Buk-M1 that was located within firing range of MH17 and was filmed on 17 July 2014 driving toward the center of an area that was assessed by the Dutch Safety Board to be the launch area of the Buk missile that downed MH17 in Ukraine.³ An examination of the vehicles and license plates of the military convoys in the summer of 2014 reveals that these convoys originated at a military base near Kursk, just west of the village Marshala Zhukova, where the 53rd Anti-Aircraft Missile Brigade (military Unit 32406) is based. Soldiers of the 53rd Anti-Aircraft Missile Brigade posted images of vehicles seen in the June and July 2014 convoys, as well as photographs of the June 2014 convoy itself, on social media sites such as VKontakte⁴ (or VK, a popular Russian social network akin to Facebook), Odnoklassniki⁵ (or OK, a Russian social media site more popular with older generations), and Instagram. In addition to pictures of vehicles, some soldiers posted images of military certificates showing the completion of what can be presumed to be a military exercise that took place between 22 June 2014 and 25 July 2014.

The present report conducts a deeper investigation into the 53rd Anti-Aircraft Missile Brigade, its organizational structure and placement in the Russian army, and the military vehicles involved in the June and July 2014 Buk convoys. This report also describes the results of a thorough investigation of soldiers and officers of the 53rd Anti-Aircraft Missile Brigade related to the convoys and/or other military operations in the summer of 2014. If the Buk crew consisted of Russian soldiers and officers, it is likely that some number of these soldiers and officers knew the crew members of the Buk missile launcher involved in the MH17 tragedy, or were possibly crew members themselves. Additionally, this report confirms that the certificates mentioned above belong to students of a technical university who completed a training course at the base of the 53rd Anti-Aircraft Missile Brigade near Kursk. Some officers can be exculpated from involvement in any of the Buk convoys because cadets from two universities posted pictures of these officers in their photo albums at the base of the 53rd Anti-Aircraft Missile Brigade in the summer of 2014.

¹ <u>http://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation</u>

An 'oblast' is a Russian administrative division similar to a 'region' or 'province' http://www.bbc.com/news/world-europe-34511973

http://www.telegraph.co.uk/news/worldnews/europe/ukraine/11928778/MH17-hit-by-Buk-missile-Ukraine-planecrash-Russia-live.html

http://www.bellingcat.com/news/uk-and-europe/2015/10/17/dsb-launch-site http://www.vk.com

⁵ http://www.ok.ru

An uncensored and more extensive version of this report was sent to the Joint Investigation Team in December 2015. The real names and identities of all soldiers and officers have been shared with the JIT in the uncensored version of this report. Most of the individuals in this report have been censored, to varying degrees. Bellingcat has assigned three tiers of censorship to Russian soldiers and officers:

- No censorship: prominent, public commanders in the Russian military. These individuals, from the commander of the 53rd Anti-Aircraft Missile Brigade up to the Russian President, have previously appeared in Russian media and in official documents. Their full names and uncensored photographs appear in this report.
- Partial censorship: officers of the 53rd Anti-Aircraft Missile Brigade are presented with partial censorship, including their first name and the first letter of their surnames. The faces of these officers are blurred.
- Full censorship: soldiers (contract soldiers, conscripts, and cadets) are fully censored in this report. Bellingcat has assigned each soldier a first-name pseudonym and blurred their faces.

Section One: The 53rd Anti-Aircraft Missile Brigade

Videos and photographs of the 23-25 June 2014 Buk convoy reveal its approximate route from Kursk to Millerovo. One video in particular shows the first location that the convoy was spotted⁶ near Dolgoye, to the east of Kursk. The convoy likely originated from a military base near Kursk, given the presence of military installations there. The part of road A144 (E38) between Podlesnyy and Dolgoye, where the convoy was filmed for the first time, is very close to Marshala Zhukova, where there is a nearby military base.⁷ Wikimapia shows that several military units are based at this location: units 32406, 35535, and 42699.⁸

Researching these unit numbers reveals that Unit 32406 corresponds with the 53rd Anti-Aircraft Missile Brigade (in Russian, **53-я зенитно-ракетная бригада**) and Unit 35535 is the 448th Missile Brigade (**448-я ракетная бригада**). Several sources also reveal that the Buk-M1 system⁹ belongs to the 53rd Anti-Aircraft Missile Brigade, while the 448th Missile Brigade operates Tochka-U.¹⁰ Unit 42699 refers to two different units, both of them likely disbanded a few years ago.



Military base of Units 32306 and 35535, to the west of Marshala Zhukova.

⁶ <u>http://bellingcat-vehicles silk co/page/0001-Kursk%3A-Buk-convoy-seen-from-a-car</u>

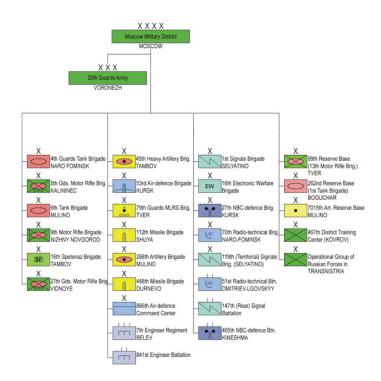
⁷ <u>http://www.google.nl/maps/@51.7159774,36.334901,5316m/data=!3m1!le3</u>

http://wikimapia.org/#lang=en&lat=51.707034&lon=36.309085&z=15&m=b

⁹ <u>http://warfare.be/db/lang/rus/linkid/1690/catid/264/</u> see also: <u>http://en.wikipedia org/wiki/Buk_missile_system</u>

¹⁰ <u>http://warfare.be/db/lang/rus/catid/239/linkid/2239/base/544/</u> see also: <u>http://en.wikipedia.org/wiki/OTR-21_Tochka</u>

Until 2010, both the 53rd Anti-Aircraft Missile Brigade and the 448th Missile Brigade (which were and still are a part of the 20th Army) belonged to the Moscow Military District. On 20 September 2010, the Moscow Military District was merged with the Leningrad Military District, the Northern Fleet, and the Baltic Fleet to form the Western Military District.¹¹



Structure and units of the Moscow Military District in 2010.¹²

In September 2010, the 53rd Anti-Aircraft Missile Brigade also became part of the 20th Army – headquartered in Voronezh – just as the 448th Missile Brigade had done before September 2010.¹³

Like other anti-aircraft missile brigades, the 53rd Anti-Aircraft Missile Brigade consists of battalions further divided into batteries (a military unit similar to a company) with several Buk-M1 anti-aircraft units. In Russia, similar terms are used for certain military units as in English, but with some confusing differences. For example, a battalion of an anti-aircraft missile brigade is a 'divizion' (дивизион), not the Russian word that sounds like battalion (батальон). However, the English equivalent to division in Russian is called diviziya (дивизия), which is a much larger military unit.¹⁴

¹¹ <u>http://eng.mil.ru/en/structure/okruga/west/history.htm</u> see also: <u>http://en.wikipedia.org/wiki/Western Military District</u>

 http://web.archive.org/web/20050309013355/http://www.kommersant.ru/k-vlast/get_page.asp?page_id=2005769-22.htm

see also: <u>http://en.wikipedia.org/wiki/Moscow Military District</u> Image created by Noclador at Wiki Commons:

http://commons.wikimedia.org/wiki/File:Russian_Ground_Forces_-_Moscow_Military_District_Structure.png http://pvo-lenwo.ru/zapvo2008.doc

see also: <u>http://en.wikipedia.org/wiki/20th Guards Army</u>

¹⁴ <u>http://www.nato.int/docu/other/ru/2005/050715/Database.pdf</u> see also: <u>http://ru.wikipedia.org/wiki/Батальон</u> see also: <u>http://ru.wikipedia.org/wiki/Дивизион ПВО</u> see also: <u>http://ru.wikipedia.org/wiki/Дивизия</u>

A complete Buk-M1 (and later generation Buk-M1-2) system consists of 11 vehicles: one command vehicle or command post (9S470M1), one Snow Drift target acquisition radar or target detection station (9S18M1 Kupol-M1; NATO designation Snow Drift), three transporter erector launchers (TEL) or missile loaders (9A39M1), and six transporter erector launcher and radar (TELAR) vehicles or missile launchers (9A310M1).¹⁵ Each battery typically consists of two Buk missile launchers and a Buk missile loader. Each battalion is assigned a command vehicle and a Snow Drift radar vehicle.

Most videos and images from Russian social media of the 53rd Brigade show that vehicles in a Buk-M1 system display three numbers on the side, beginning with a 1, 2, or 3. The last digit of a missile launcher is 1 or 2, while the last digit of a missile loader is 3. These numbers serve as unit designations. The first digit indicates the battalion to which the vehicle belongs, the second digit indicates the battery, and the last digit indicates the specific Buk unit/vehicle. For example, a Buk missile launcher numbered 312 belongs to the 3rd Battalion, 1st Battery, and is the second Buk missile launcher in the system. The two exceptions are the command vehicle, numbered x00, and the Snow Drift radar, numbered x01, where 'x' indicates the battalion to which these vehicles belong. Other air defense brigades with Buk-M1 systems use this number structure as well, although usually with five to six battalions (older images of the 53rd Anti-Aircraft Missile Brigade show this brigade also used to have at least five battalions).



Left: Buk-M1 missile launcher 132; middle: Buk-M1 missile launcher 231; right: Buk-M1 missile loader 313.

Other information provides the number of personnel necessary for each vehicle. These sources show that the number of crew members needed to operate a complete Buk-M1 system are six command vehicle operators, three radar vehicle operators, three missile loader operators, and four missile launcher operators (usually two officers, one operator, and one driver).¹⁶ Another source mentions three crew members and seven passengers for a BTR-80, an armored personnel carrier, visible on several photographs and videos as support vehicle in battalions of the 53rd Anti-Aircraft Missile Brigade.¹⁷

¹⁵ <u>http://pvo.guns.ru/buk/buk.htm</u> <u>http://rbase.new-factoria.ru/missile/wobb/bukm1/bukm1.shtml</u> <u>http://rbase.new-factoria.ru/missile/wobb/bukm1 2/bukm1 2.shtml</u> <u>http://www.niip.ru/index.php?option=com_content&view=article&id=16:-l-1-2r&catid=9:2011-07-06-06-33-50&Itemid=9</u> see also: <u>http://en.wikipedia.org/wiki/Buk_missile_system</u>

¹⁶ <u>http://vpk.name/news/114383_bez_sledov_i_svidetelei.html</u> <u>http://rbase.new-factoria.ru/missile/wobb/buk/buk/shtml</u>

http://www.amz.ru/produktsiya/btr-80
 http://wartools.ru/btr/btr-80
 see also: http://en.wikipedia.org/wiki/BTR-80

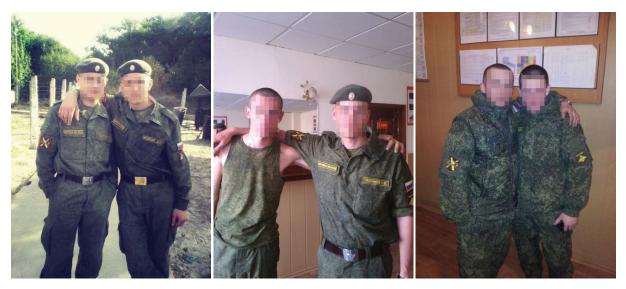
Based on several open sources mentioned above, the organizational structure of the 53^{rd} Anti-Aircraft Missile Brigade appears to be organized as follows:¹⁸

	Combat Weapons			Combat Weapons		
Brigade	1st Battalion	Crew	No.	1st Battalion - 1st Battery	Crew	No.
	Command post (CP) 9S470M1-2	6	100	Missile launcher with radar (TELAR) 9A310M1-2	4	111
	Snow Drift radar (Kupol) 9S18M1-1	3	101	Missile launcher with radar (TELAR) 9A310M1-2	4	112
	BTR 80	3 + 7	993	Missile launcher with crane (TEL) 9A39M1	3	113
Hardware	Hardware System			Combat Weapons		
Mobile	Car maintenance (MTO) 9V884M1			1st Battalion - 2nd Battery	Crew	No.
automated	Workshop maintenance MTO-ATG-M1			Missile launcher with radar (TELAR) 9A310M1-2	4	121
control	Car repair and maintenance (MRTO)			Missile launcher with radar (TELAR) 9A310M1-2	4	122
and test station	Transport machines for Missiles (TM) 9T243	8	Missiles	Missile launcher with crane (TEL) 9A39M1	3	123
ACIS	Transport machines for Missiles (TM) 9T243	8	Missiles	Combat Weapons		
9V930M-1	Transport machines for Missiles (TM) 9T243	8	Missiles	1st Battalion - 3rd Battery	Crew	No.
	Transport machines for Missiles (TM) 9T243	8	Missiles	Missile launcher with radar (TELAR) 9A310M1-2	4	131
	Compressor station UKS - 400V-P4M			Missile launcher with radar (TELAR) 9A310M1-2	4	132
	Mobile power PES - 100-T / 230-B / 400 A1RK1			Missile launcher with crane (TEL) 9A39M1	3	133
	Combat Weapons			Combat Weapons		
	2nd Battalion	Crew	No.	2nd Battalion - 1st Battery	Crew	No.
	Command post (CP) 9S470M1-2	6	200	Missile launcher with radar (TELAR) 9A310M1-2	4	211
	Snow Drift radar (Kupol) 9S18M1-1	3	201	Missile launcher with radar (TELAR) 9A310M1-2	4	212
	BTR 80	3 + 7		Missile launcher with crane (TEL) 9A39M1	3	213
	Hardware System			Combat Weapons		
	Car maintenance (MTO) 9V884M1			2nd Battalion - 2nd Battery	Crew	No.
	Workshop maintenance MTO-ATG-M1			Missile launcher with radar (TELAR) 9A310M1-2	4	221
	Car repair and maintenance (MRTO)			Missile launcher with radar (TELAR) 9A310M1-2	4	222
	Transport machines for Missiles (TM) 9T243	8	Missiles	Missile launcher with crane (TEL) 9A39M1	3	223
	Transport machines for Missiles (TM) 9T243	8	Missiles	Combat Weapons		
	Transport machines for Missiles (TM) 9T243	8	Missiles	2nd Battalion - 3rd Battery	Crew	No.
	Transport machines for Missiles (TM) 9T243	8	Missiles	Missile launcher with radar (TELAR) 9A310M1-2	4	231
	Compressor station UKS - 400V-P4M			Missile launcher with radar (TELAR) 9A310M1-2	4	232
	Mobile power PES - 100-T / 230-B / 400 A1RK1			Missile launcher with crane (TEL) 9A39M1	3	233
	Combat Weapons			Combat Weapons		
	3rd Battalion	Crew	No.	3rd Battalion - 1st Battery	Crew	No.
	Command post (CP) 9S470M1-2	6	300	Missile launcher with radar (TELAR) 9A310M1-2	4	311
	Snow Drift radar (Kupol) 9S18M1-1	3	301	Missile launcher with radar (TELAR) 9A310M1-2	4	312
	BTR 80	3 + 7		Missile launcher with crane (TEL) 9A39M1	3	313
	Hardware System			Combat Weapons		
	Car maintenance (MTO) 9V884M1			3rd Battalion - 2nd Battery	Crew	No.
	Workshop maintenance MTO-ATG-M1			Missile launcher with radar (TELAR) 9A310M1-2	4	321
	Car repair and maintenance (MRTO)			Missile launcher with radar (TELAR) 9A310M1-2	4	322
	Transport machines for Missiles (TM) 9T243	8	Missiles	Missile launcher with crane (TEL) 9A39M1	3	323
	Transport machines for Missiles (TM) 9T243	8	Missiles	Combat Weapons		
	Transport machines for Missiles (TM) 9T243	8	Missiles	3rd Battalion - 3rd Battery	Crew	No.
	Transport machines for Missiles (TM) 9T243	8	Missiles	Missile launcher with radar (TELAR) 9A310M1-2	4	331
					1 1	332
	Compressor station UKS - 400V-P4M;			Missile launcher with radar (TELAR) 9A310M1-2	4	332

Organizational structure of the 53rd Anti-Aircraft Missile Brigade.

¹⁸ A photograph uploaded by a 53rd Brigade soldier indicates that the 53rd Brigade replaced the Buk-M1 system by a Buk-M1-2 system in or before 2010.

To identify soldiers of the 53rd Anti-Aircraft Missile Brigade, the Bellingcat team used photos of badges, patches, emblems, other symbols visible on the soldiers' uniforms as well as flags and other distinguishing objects in order to determine in which unit a soldier was or is currently serving. These symbols are critical in differentiating soldiers of the 53rd Anti-Aircraft Missile Brigade from soldiers in other units (e.g., 448th Missile Brigade). The unit patch – visible on the right arm sleeve of the uniform - is unique to the 53rd Anti-Aircraft Missile Brigade, displaying a cannon intersected diagonally by three arrows, a medieval crown in the middle, and two flails on the side.¹⁹



Soldiers of the 53rd Anti-Aircraft Missile Brigade wearing a unique unit patch on the right arm. The patch on the left arm is a general emblem of the Russian army.



Left: symbol of the 53rd Anti-Aircraft Missile Brigade (on a uniform and a clearer depiction found on a website). Right: symbol of the Russian Armed Forces (on a uniform and a clearer depiction found on a website).²⁰

¹⁹ <u>http://ru-chevron.livejournal.com/33039.html</u> (Near 24 on the second list)

²⁰ http://www.promvishivka.ru/voennaya forma.html



Left: a flag with the symbol of the 53^{rd} Anti-Aircraft Missile Brigade. Middle and right: modern insignia of the 53^{rd} Anti-Aircraft Missile Brigade.



General air defense symbols and badges, left and middle left: flag and symbol²¹ of the PVO (**ПBO**), which stands for 'Air Defense' (**Противовоздушная оборона**),²² with the phrase "we ourselves don't fly and we won't let others" (**сами не летаем и другим не даём**); middle right and right: badge of the Air Defense²³ from a 53rd Anti-Aircraft Missile Brigade commander and large emblem of the Air Defense.²⁴

²¹ http://geraldika.ru/symbols/12091

²² http://structure.mil.ru/structure/forces/ground/structure/vpvo.htm see also: <u>http://ru.wikipedia.org/wiki/Противовоздушная оборона</u>

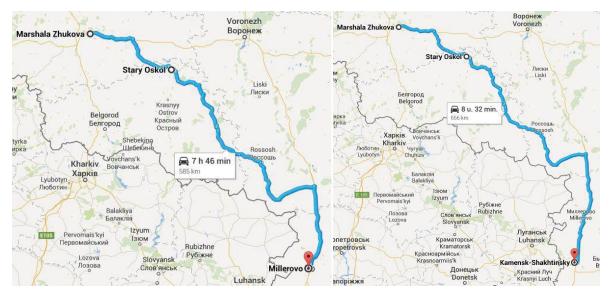
http://www.voentorga.ru/catalog/znaki_petlichnye/emblema_znak_petlichnaya_petlitsa_pvo_nov_obr_zoloto_plastikovaya_2102194
 http://www.goldenkorona.ru/simv_vs_Russia_4_39.html

http://forum.guns.ru/forum_light_message/71/289756-m6508511.html

Section Two: Mobilization of the 53rd Anti-Aircraft Missile Brigade

In two previous reports (*Origin of the Separatists' Buk*²⁵ and *Tracking the Trailers: Investigation of MH17 Buk's Russian Convoy*),²⁶ the Bellingcat team described two separate convoys filmed and photographed in Russia. The first convoy occurred from 23 to 25 June 2014 and the second from 19 to 21 July 2014. The routes of the convoys were partly similar – both convoys originated from the military base of the 53rd Anti-Aircraft Missile Brigade in Marshala Zhukova – but the June 2014 convoy was last filmed on a road to Millerovo, while the July 2014 convoy was last filmed and photographed on a road leading to an area southwest of Kamensk-Shakhtinsky.

Both convoys transported Buk-M1 missile launchers (among other military vehicles); however, the 23-25 June 2014 convoy is particularly remarkable because it was transporting a Buk-M1 missile launcher bearing a striking resemblance to the Buk-M1 missile launcher spotted in Ukraine on 17 July 2014, just a few hours before the downing of MH17. *Origin of the Separatist' Buk* demonstrates the link between the June and July 2014 Buk convoys and the 53rd Anti-Aircraft Missile Brigade. It also shows the link between a Buk-M1 missile launcher in the 23-25 June 2014 convoy and the Buk-M1 missile launcher connected to the downing of MH17 seen in Ukraine. *Tracking the Trailers* shows the link between the June and July 2014 Buk convoys and two different transport units and thoroughly details the routes and destinations of these convoys.



Left: likely route of the 23-25 June 2014 Buk convoy; right: likely route of the 19-21 July 2014 Buk convoy.

This section investigates the mobilization and deployment of the 53rd Anti-Aircraft Missile Brigade in the summer of 2014, shows the relationship between the Buk-M1 vehicles and specific units in the 53rd Anti-Aircraft Missile Brigade, and examines the 23-25 June 2014 Buk convoy with an attempt to estimate the number of soldiers involved in that convoy.

²⁵ <u>http://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation</u>

²⁶ http://www.bellingcat.com/news/uk-and-europe/2015/05/13/tracking-the-trailers-investigation-of-mh17-buks-russianconvoy

The 23-25 June 2014 Buk Convoy Vehicles

As described in Section One, most of the Buk-M1 vehicles visible in the 23-25 June 2014 convoy have numbers on the side serving as unit designation, where the first digit represents the battalion, the second the battery, and the third the specific Buk unit. Each battalion of the 53rd Anti-Aircraft Missile Brigade has six missile launchers (TELAR), three missile loaders (TEL), one Snow Drift radar (Kupol-M1), and one command vehicle. Most Buk-M1 vehicles in the June 2014 convoy have a unit designation starting with 2, meaning these vehicles belong to the 2nd Battalion.

However, the unit designation of at least three Buk-M1 system vehicles do not start with 2. The Buk-M1 missile launcher linked to the downing of MH17 is numbered 3x2 (where 'x' is a scuffed, unreadable number), a Buk-M1 missile loader is numbered x23 ('x' again a scuffed, unreadable number), and one Buk-M1 missile loader has no number at all. We know that Buk x23's unit designation is likely not 2, because videos of the 23-25 June 2014 convoy show another Buk-M1 missile loader numbered 223. However, a closer look at the first digit shows that likely a 2 has been painted over a different number, possibly a 3. The vehicles with 3 as their first digit presumably belong to the 3rd Battalion, although it is noteworthy that both vehicles show partly scuffed numbers, because none of the other Buk unit vehicles of the June 2014 convoy had scuffed numbers. Thus, the two vehicles' unit designations had not been repainted for some time, possibly indicating that they were not used in training missions for some time as well.



Left: unit designation of Buk 3x2; middle and right: unit designation of Buk x23, the image far right shows most clear that likely a 2 has been painted over a different number, possibly a 3.

Videos of the June 2014 Buk convoy also show that it contains a complete Buk-M1 system, consisting of six missile launchers, three missile loaders, one Snow Drift radar, and one command vehicle, as described above. The missile launchers in the convoy had the following numbers: 211, 212, 221, 231, 232 and 3x2. Missile launcher 222 is absent, but it is compensated for by the missile launcher with a partly scuffed number (3x2). There was only one numbered missile loader in the convoy (223), but the missing missile loaders 213 and 233 were compensated for by the missile loader with a partly scuffed number (x23) and the missile loader without a number. The Snow Drift radar is numbered 201 and the command vehicle 200.

A video filmed in Alexeyevka shows nearly all of the Buk-M1 vehicles in the June 2014 Buk convoy, where two parts of the convoy that were previously separated at some point merged back together into a single convoy.²⁷ The only vehicle belonging to the Buk-M1 system not in the video is the command vehicle numbered 200; however, this vehicle is visible in a second video filmed from a slightly different location, where it is seen making a U-turn and driving back in the direction from which it originally came.²⁸

²⁷ http://bellingcat-vehicles silk co/page/0020-Alexeyevka%3A-Buk-convoy-turning-and-merging-1

²⁸ http://bellingcat-vehicles silk co/page/0021-Alexeyevka%3A-Buk-convoy-turning-and-merging-2



Left: Buk-M1 missile launcher 211; middle: Buk-M1 missile launcher 212; right: Buk-M1 missile loader x23 replacing 213.29



Left: Buk-M1 missile launcher 221; middle: Buk-M1 missile launcher 3x2 replacing 222; right: Buk-M1 missile loader 223.



Left: Buk-M1 missile launcher 231; middle: Buk-M1 missile launcher 232. Right: Buk-M1 missile loader (unnumbered) replacing 233.30



Left: Buk-M1 command vehicle 200; right: Buk-M1 Snow Drift radar 201.

 ²⁹ Buk missile loader x23 could also have been the replacement of Buk missile loader 233.
 ³⁰ Buk missile loader (unnumbered) could also have been the replacement of Buk missile loader 213.

As these videos show a complete Buk-M1 system and most Buk unit vehicles originated from the 2nd Battalion of the 53rd Brigade, likely only soldiers and officers of the 2nd Battalion were involved in this convoy. Therefore, it is important to know the number of soldiers involved in the convoy, as this number might confirm that the convoy only transported vehicles, soldiers and officers of the 2nd Battalion.

Beside the fact that these videos show a complete Buk-M1 system, the type and number of all of the vehicles seen in videos of the June 2014 Buk convoy serve to indicate the likely number of individuals involved in the convoy. In addition to eleven KamAZ 65225 trucks hauling the Buk-M1 vehicles,³¹ other trucks can be seen in the convoy: four KrAZ 255B trucks transporting missiles (seen as covered cargo),³² five Ural 4320 trucks,³³ one Ural 4320 truck with a crane, five Gaz-66 trucks,³⁴ fourteen KamAZ 5350 trucks,³⁵ two ZIL 131 trucks,³⁶ one UAZ 452 military ambulance,³⁷ and one PAZ 3205 bus.³⁸

Since the Buk-M1 vehicles were transported by a separate transport unit (the 147th Automobile Battalion), as described in *Tracking the Trailers*, it is not likely that soldiers of the 53rd Anti-Aircraft Missile Brigade were traveling as passengers in the KamAZ 65225 trucks. Information provided in several sources referenced throughout this report state that most trucks have two extra seats in the cabin; notable exceptions are the Gaz-66 truck and the UAZ 452 military ambulance – each having just one extra seat – and the PAZ 3205 bus, which has seats in the bus behind the driver instead of next to the driver. Apart from the PAZ 3205 bus, which has a single accordion door and is capable of transporting a maximum of 28 seated passengers, there are just a few other vehicles able to transport soldiers in the back of the vehicle, although it is not clear exactly how many. The Gaz-66 can transport 21 soldiers in the back, but from video evidence, we see just a few of those trucks with open windows (one might expect more to be opened in June when 21 soldiers are inside). The two videos that show the vehicles of the convoy most clearly were filmed in Alexeyevka (described on the previous page) and near Raskhovets.³⁹ These videos show passengers next to the drivers; no passengers are visible in the eleven KamAZ 65225 trucks hauling the Buk-M1 system vehicles, but one or two passengers are visible next to the drivers in the other vehicles of the convoy.

- see also: <u>http://en.wikipedia.org/wiki/Kamaz</u>
 <u>http://autoinf org/car.php?car_id=581</u>
 see also: <u>http://ru.wikipedia.org/wiki/KpA3-2555</u>
- ³³ <u>http://www.uralaz.ru</u> see also: <u>http://ru.wikipedia.org/wiki/**Урал-4320**</u>
- ³⁴ <u>http://www.sever66.ru/podrazdel/podrazdel2</u> see also: <u>http://ru.wikipedia.org/wiki/**ГАЗ-66**</u>

- ³⁶ <u>http://www.primeportal.net/trucks/egor_kalmykov/zil-131</u> see also: <u>http://ru.wikipedia.org/wiki/3IJJ-131</u>
- ³⁷ <u>http://www.uaz.ru</u>
- see also: <u>http://ru.wikipedia.org/wiki/**YA3-452**</u>
- ³⁸ <u>http://avto-russia.ru/autos/paz/paz_3205.html</u> see also: <u>http://ru.wikipedia.org/wiki/ПА3-3205</u>

³¹ <u>http://www.kamaz.ru/en/production/serial/tractor-units/kamaz-65225-43</u> see also: <u>http://ru.wikipedia.org/wiki/KAMA3-65225</u> assa also: <u>http://ru.wikipedia.org/wiki/KAMA3-65225</u>

³⁵ http://www.kamaz.ru/en/production/serial/high-sided-trucks/kamaz-5350-42 see also: http://ru.wikipedia.org/wiki/KAMA3_5350

³⁹ <u>http://bellingcat-vehicles silk co/page/0019-Raskhovets%3A-Buk-convoy-on-t</u>he-highway

The table below presents an estimate of the number of people visible on the seats next to the drivers in the videos of the 23-25 June 2014 Buk convoy.

Vehicle Type	Number of Vehicles	Number of Drivers	Maximum Number of Passengers	Number of Passengers Visible
KamAZ truck 65225 (trailer with Buk vehicles)	11	11	22	0
Ural 4320 truck with KS-2573 crane	1	1	2	1
KrAZ 255B truck	4	4	8	3
KamAZ 5350 truck (with or without trailer)	14	14	28 + 21 (one vehicle can transport 21 passengers	24
GAZ-66 truck	5	5	10 + 21 (one vehicle can transport 21 passengers in the back)	0
ZIL 131 truck	2	2	4	0
Ural 4320 truck	5	5	10	2
Ural 4320 truck connected to a KamAZ 5350 truck	1	0	0	0
UAZ 452 military ambulance	1	1	1	1
PAZ 3205 bus	1	1	28	28 (full bus)
	45	44	155	59

There are 44 drivers in the convoy, the same number of vehicles in the convoy minus a Ural 4320 truck connected to another truck. Based on the number of passengers visible next to the drivers and in the bus, the estimated minimum number of soldiers transported by this convoy would be 59 (but assuming that the PAZ 3205 bus was full). The estimated maximum number of soldiers transported by the convoy would be 155, including the Gaz-66 and KamAZ 5350 trucks, assuming both contained 21 soldiers. The average estimated number of soldiers then would be 107. Additionally, including the drivers of the trucks – apart from the drivers of the KamAZ 65225 trucks, who were not a part of the 53rd Brigade but the 147th Automobile Battalion yields 140 soldiers and soldier-drivers (33 added to 107).

Apart from these estimations, the Bellingcat team also found roughly 80 soldiers in the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade who served in 2014 (further described in Section Three). This figure is consistent with approximately the same number of soldiers travelling in the 23-25 June 2014 Buk convoy.

One noteworthy video, uploaded 19 July 2014, shows a Buk missile loader that was seen in the 23-25 June 2014 with the unit designation x23 ('x' being a partially scuffed number).⁴⁰ In this video, only Buk x23 is visible, along with a police car (but no other Buk unit vehicles), driving through Kamensk-Shakhtinksy in the direction of Donetsk, Russia. It is not known whether the video was also filmed on 19 July 2014 or earlier, but if it was filmed on 18 or 19 July 2014, it is quite remarkable that this Buk missile loader was driving toward Donetsk, Russia, as it is the same area in which Buk 3x2 (which very likely downed MH17) arrived from Ukraine on 18 July 2014, as indicated by the intercepted phone calls published by the Joint Investigation Team.⁴¹

One could speculate that Buk missile loader x23 headed towards the border to unload the remaining three missiles off of Buk 3x2. In the 23-25 June 2014 Buk convoy, the Buk missile launchers were not loaded with missiles; instead, the missiles were stored on the same Buk missile loader x23. Since the other Buk missile launchers of the 2nd Battalion were likely deployed in an area near Millerovo (as described later in this section), and the Buk vehicles of the 1st Battalion were transported a few days later through Kamensk-Shakhtinsky (also described later in this section). An alternative reason as to why Buk missile loader x23 was driving through Kamensk-Shakhtinsky on or just before 19 July 2014 is not clear; apart from Buk 3x2 there were no other (known) Buk vehicles in the area at or just before 19 July 2014. Buk x23 is visible in the 19 July 2014 video transporting missiles, which might contradict the speculation above that Buk x23 was sent to unload the remaining three missiles from Buk 3x2, but a Buk missile loader can store eight missiles in total. Thus, the missile loader likely would have been able to load additional missiles.⁴²



Buk missile loader x23 driving through Kamensk-Shakhtinsky in the direction of Donetsk, Russia, uploaded 19 July 2014.

⁴⁰ <u>http://bellingcat-vehicles silk co/page/0150-Kamensk-Shakhtinsky%3A-isolated-Buk-TEL</u>

 ⁴¹ http://youtu.be/olQNpTxSnTo?t=436
 ⁴² http://pvo.guns.ru/buk/buk_14.htm

http://rbase.new-factoria.ru/missile/wobb/buk/buk shtml

The 19-21 July 2014 Buk Convoy Vehicles

The 1st Battalion of the 53rd Anti-Aircraft Missile Brigade transported all or nearly all of its Buk-M1 vehicles towards the Russia-Ukraine border from 19 to 21 July 2014. One video shows 10 Buk-M1 vehicles - one Buk short of a complete system. It is possible that the absent vehicle was present in the convoy, but just not visible in any of the found videos. In the videos, most Buk-M1 vehicles are covered with a tarp, except for three missile launchers (numbered 112, 121, and 122), which are sometimes seen without a tarp.⁴³

Since the unit designations of the three visible Buk-M1 missile launchers of this convoy all start with number 1, it is a logical assumption to conclude that the other covered Buk-M1 vehicles have a unit designation starting with 1 as well. Therefore, the videos of the 19-21 July 2014 Buk convoy likely show a nearly complete Buk-M1 system belonging to the 1st Battalion of the 53rd Anti-Aircraft Missile Brigade.

While it may seem remarkable that this convoy was on its way to the border just two days after the downing of MH17, there is no relation between this convoy and the downing. It is also noteworthy that most of the vehicles were covered with tarps; not a single Buk was covered in the 23-25 June 2014 convoy. It is also unusual that not all of the Buk-M1 missile launchers were covered with a tarp, as it might be expected that either all or none of the Buks would be covered.



Left: Buk missile launcher 112; right: Buk missile launcher 121.



Buk missile launcher 122.

⁴³ <u>http://bellingcat-vehicles silk co/page/0201-Fedoseevka%3A-Buk-convoy-on-P189-road-2</u> <u>http://bellingcat-vehicles silk.co/page/0204-Stary-Oskol%3A-Buk-convoy-in-the-center-before-traffic-light</u> <u>http://bellingcat-vehicles silk co/page/0213-Kamensk-Shakhtisnky%3A-Buk-convoy-driving-to-the-border</u>

Satellite imagery from 18 July 2014 shows some vehicles just outside the 53rd Anti-Aircraft Missile Brigade base.⁴⁴ These vehicles resemble the KamAZ trucks with trailers filmed hauling Buk vehicles covered with tarps. It might seem odd to see these vehicles just outside of Marshala Zhukova, a small village to the east of the military base where the 53rd Anti-Aircraft Missile Brigade is located. However, the village Marshala Zhukova is mainly a military garrison with apartments for soldiers, officers, and their families.⁴⁵ Visible vehicle tracks lead across the road separating Marshala Zhukova from the military base, and satellite imagery from 2015 shows that these tracks lead to the 53rd Anti-Aircraft Missile Brigade base. In the satellite imagery of 18 July 2014, exactly 10 vehicles are visible, the same number of vehicles in the 19-21 July 2014 Buk convoy. However, some of the vehicles are not on trailers and might be different vehicles that were not part of the convoy.



Left: Satellite imagery of 18 July 2014, showing seven vehicles that resemble the vehicles filmed in a convoy of Buks covered by tarps on trailers hauled by KamAZ trucks and three other vehicles (in red circles); Right: Zoomed part of the 18 July 2014 satellite imagery and comparison between one of the visible vehicles and an image of a KamAZ truck hauling a trailer with a covered Buk (the image is a screenshot of one of the 19-21 July 2014 Buk convoy videos); the square on the left down side shows trails leading across the road.

⁴⁴ <u>http://www.google.com/maps/@51.7182761,36.3278558,702m/data=!3m1!1e3</u>

⁴⁵ <u>http://wikimapia.org/3557281/ru/Имени Маршала Жукова</u>

The 16 August 2014 Missile Transport

On 16 August 2014, Reuters published an article featuring two photographs of several military vehicles transporting Buk-M1 missile containers.⁴⁶ Neither the photographs nor the article reveal whether the containers are filled with missiles or empty. According to the article, the images were taken on 16 August 2014 on a road outside Kamensk-Shakhtinsky in the Rostov Oblast. The Bellingcat team was able to verify that the photos were indeed taken near Kamensk-Shakhtinsky on the M21 road southwest of the town.⁴⁷ Due to the powerful zoom that the photographer was using, the perspective of the photo is distorted, and therefore many of the landmarks and signs in the photos appear much closer than they actually are.



Above: Reuters' 16 August 2014 photograph of trucks transporting missile containers and a truck with a crane; Below: M21 road visible on the photograph, near Kamensk-Shakhtinsky.

http://uk.reuters.com/article/2014/08/16/uk-ukraine-crisis-west-idUKKBN0GG06M20140816
 http://www.google.com/maps/@48.280991.40.263288.3a,75y,321.5h,81.79t/data=!3m6!1e1!3m4!1sV91ue8jmEfKTGy76oVMp-A!2e0!7i13312!8i6656
 http://www.google.com/maps/@48.2926149.40.2505503,3a,90y,316.57h,82.6t/data=!3m6!1e1!3m4!1sIBpEOo5by1V7jd-dcHIHg!2e0!7i13312!8i6656

In addition to the location, Bellingcat was also able to confirm that these vehicles belong to the 53rd Anti-Aircraft Missile Brigade; two license plates on the vehicles visible in one of Reuters' 16 August 2014 photographs match license plates of vehicles in the 23-25 June 2014 Buk convoy. One of the KrAZ 255B trucks transporting missiles has a license plate 8564 HC 50 and the Ural 4320 truck with the KS-2573 crane has a license plate 0502 HC 50. Both vehicles were also part of the June 2014 Buk convoy.⁴⁸ The license plate of the other KrAZ 255B truck, 8568 HC 50, matches the license plate of a similar truck found in a 2012 album of a 53rd Brigade soldier.⁴⁹



Left: KrAZ 255B truck with license 8564 HC 50 transporting missile containers from Reuters first 16 August 2014 picture; Right: KrAZ 255B truck with license 8564 HC 50 probably transporting missiles covered under a tarp from the 23-25 June 2014 Buk convoy, video uploaded 24 June 2014.



Left: KrAZ 255B truck with license 8568 HC 50 transporting missile containers from Reuters' second 16 August 2014 picture; Right: KrAZ 255B truck with license 8568 HC 50, uploaded by a 53rd Brigade soldier, 19 December 2012.

^{48 &}lt;u>http://bellingcat-vehicles silk co/page/0019-Raskhovets%3A-Buk-convoy-on-the-highway http://youtu.be/aLtzYEHolmg?t=76</u>

http://bellingcat-vehicles.silk.co/page/0502-HC-50 http://archive.is/FffAK



Left: Ural 4320 truck with KS-2573 crane with license plate 0502 HC 50 from one of Reuters' 16 August 2014 photographs; Right: Ural 4320 truck with KS-2573 crane with license plate 0502 HC 50 from the 23-25 June 2014 Buk convoy, video uploaded 23 June 2014.

Bellingcat also established that the missiles transported were 9M38M1 missiles for a Buk-M1 or Buk-M1-2 missile launcher.⁵⁰ Almaz-Antey, the manufacturer of the Buk systems and missiles, claims these missiles have not been in production since 1999 and that all 9M38M1 missiles were passed on to international clients.⁵¹ The Bellingcat team, however, has found numerous recent images and videos that clearly show 9M38M1 missiles, among them a video of the 23-25 June 2014 Buk convoy, where a Buk-M1 missile loader can be seen transporting this type of missile.⁵²



Above and below: zoomed-in images of the containers with missiles from one of Reuters' 16 August 2014 photographs shows the transport of 9M38M1 missiles for a Buk-M1 or Buk-M1-2 system.

⁵⁰ <u>http://www.bellingcat.com/news/uk-and-europe/2015/06/03/evidence-the-russian-military-supplied-the-type-of-missile-used-to-shoot-down-mh17/ http://rbase.new-factoria.ru/missile/wobb/bukm1/bukm1.shtml http://rbase.new-factoria.ru/missile/wobb/bukm1_2/bukm1_2.shtml see also: <u>http://en.wikipedia.org/wiki/Buk_missile_system#Comparison</u></u>

⁵¹ http://www.rt.com/news/264421-buk-missile-manufacturer-investigation/ http://www.almaz-antey.ru/about/press/news/1975.html

http://www.aimaz-antey.ru/about/press
 http://youtu.be/OJPxt7XrG6Q?t=77

Deployment of the 53rd Anti-Aircraft Missile Brigade in the Summer of 2014

As mentioned in the beginning of this section, a previous Bellingcat report (*Tracking the Trailers: Investigation of MH17 Buk's Russian Convoy*)⁵³ describes the routes and destinations of the June and July 2014 Buk convoys. The 23-25 June 2014 Buk convoy was last filmed on a road southeast of Millerovo, about 4.5 kilometers from the center of the town.⁵⁴ The video does not show whether the convoy drives into the town (to do so, it has to turn right at the first crossing), or drives straight ahead, in the direction of the Russia-Ukraine border. As *Tracking the Trailers* describes, there is a strong possibility that the convoy went to the Millerovo military airbase. Satellite imagery of this airbase shows military camps and an increase of military equipment during the summer of 2014, a decrease in 2015, and most of the camps and equipment gone in the summer of 2015.⁵⁵



Left: a part of Millerovo military airbase, 29 September 2014; right: the same area, 24 August 2015.

As *Tracking the Trailers* points out, the Buks in the June 2014 Buk convoy were likely meant for deployment along the Russia-Ukraine border, therefore the Millerovo military airbase was likely not the final destination. Photographs of Buk missile launchers geolocated near Kuybyshevo and Voloshino, two towns close the Russia-Ukraine border (see *Tracking the Trailers*) support this theory. Section Three shows photographs of 2nd Battalion soldiers of the 53rd Anti-Aircraft Missile Brigade in a rural area, some of them geotagged to the west and southwest of Millerovo.

In the autumn of 2015, Google updated its satellite imagery for the rural area southwest of Millerovo. Before that update, most of the area was covered by imagery from May 2014, but the updated imagery of September 2014 revealed several remarkable details. An area with military vehicles is visible between two parts of a small forest near a village named Duby.⁵⁶ A close view into the imagery reveals at least one vehicle that resembles a Buk missile launcher, as the visible vehicle seems to have a rotated upper component. More military equipment is visible in the same area, as well as a small military convoy.⁵⁷

⁵³ http://www.bellingcat.com/news/uk-and-europe/2015/05/13/tracking-the-trailers-investigation-of-mh17-buks-russianconvoy

⁵⁴ http://bellingcat-vehicles silk co/page/0024-Millerovo%3A-Buk-convoy-on-a-rainy-day

⁵⁵ <u>http://www.google.com/maps/@48.9490795,40.2963376,2987m/data=!3m1!1e3</u>

⁵⁶ http://www.google.com/maps/@48.6359505,39.8861371,729m/data=l3m1!1e3

⁵⁷ http://www.google.com/maps/@48.6317768,39.9071954,748m/data=!3m1!1e3 http://www.google.com/maps/@48.6593747,39.88974,377m/data=!3m1!1e3



Left: military vehicles in an open area between two parts of a small forest near Duby (Rostov Oblast, Russia); Right: four vehicles, possibly Buk missile launchers, one of which seems to have a rotated upper component.



Left: more military equipment near Duby; right: a small military convoy to the north of Duby.

It is worth noting that the location where a Ukrainian AN-26 was shot down and crashed on 14 July 2014 (near the village Davydo-Mykil's'ke, very close to the Russia-Ukraine border)⁵⁸ is just 16 kilometers from the military camp near Duby. It is still unclear what kind of missile downed the AN-26; one of the possibilities seemed to be a Buk missile. However, a recent study published in the Dutch newspaper NRC claims that the AN-26 was downed by an air-to-air missile and not by a Buk missile.⁵⁹

Section Three shows that the 2nd Battalion was deployed in this area for about three months and then returned to Kursk in mid-September 2014. The satellite imagery likely confirms the continued presence of Buk missile launchers on 6 September 2014 and corresponds with the three months that the 2nd Battalion was deployed in this area.

⁵⁸ http://www.bbc.com/news/world-europe-28299334

http://www.google.com/maps/@48.4975936,39.8291918,378m/data=!3m1!1e3

⁵⁹ http://www.nrc.nl/handelsblad/2015/11/14/waar-was-de-antonov-toen-de-rus-hem-raakte-1556170

In addition, the destination of the 19-21 July 2014 Buk convoy also is described in *Tracking the Trailers*. That convoy was last filmed on 21 July 2014 on a road in a southern area of Kamensk-Shakhtinsky, driving in the direction of the Russia-Ukraine border,⁶⁰ and last photographed 21 July 2014 near Volchenskiy, to the southwest of Kamensk-Shakhtinksy.⁶¹

Buk missile loader x23 from the June 2014 Buk convoy was filmed on or just before 19 July 2014 being transported on the same road through the southern part of Kamensk-Shakhtinsky and going in the same direction, as described earlier in this section. While the destination of Buk missile loader x23 is not clear, the destination of the 19-21 July 2014 Buk convoy is likely discernible, as the photograph near Volchenskiy indicates that the road where the convoy was photographed leads to a rural area with only small villages, including Anikin, Berezka, and Uglerodovskiy.⁶²

Satellite imagery from 8 August 2014 shows a few military camps in fields near these villages, where military vehicles are visible inside of pits.⁶³ Satellite imagery from 22 August 2014 shows the vehicles are all gone, but the pits are still there.



Left: military vehicles inside pits, 8 August 2014; right: empty pits, 22 August 2014.

The Buk vehicles are not visible on the satellite images from 8 August 2014 and likely were deployed closer to the Russia-Ukraine border. As Section Three describes, the 1st Battalion was deployed for about a month in the Rostov Oblast and left the area in mid-August, corresponding with the August 2014 satellite imagery. It remains unclear why the 53rd Anti-Aircraft Missile Brigade continued transporting missile containers in the direction of this area on 16 August 2014.

⁶⁰ http://bellingcat-vehicles.silk.co/page/0213-Kamensk-Shakhtisnky%3A-Buk-convoy-driving-to-the-border

⁶¹ http://bellingcat-vehicles silk co/page/0214-Kamensk-Shakhtinsky%3A-Buk-on-a-trailer

⁶² http://www.google.com/maps/@48.1652878,40.0224236,11773m/data=!3m1!1e3

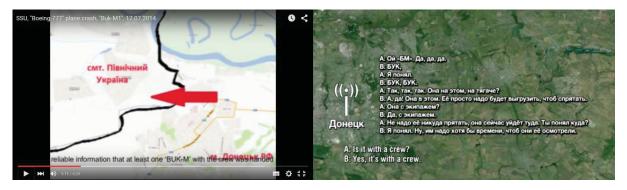
⁶³ http://www.google.com/maps/@48.1758464,40.0513883,3040m/data=!3m1!1e3

Section Three: Soldiers of the 53rd Anti-Aircraft Missile Brigade

Introduction

This section describes the results of a deep investigation into the battalions of the 53rd Anti-Aircraft Missile Brigade and soldiers who served in these battalions in 2013 and 2014. The first part provides an overview of soldiers of the 2nd Battalion in 2013, based on two attendance lists and the social network connections among these soldiers on VK. The second part describes the 3rd Battalion in 2014, based on an attendance list and the soldiers' VK connections. The third part gives an overview of several soldiers of the 2nd Battalion in 2014, the first few of whom were found via a forum for mothers and wives of soldiers. Some of these soldiers posted images of the 23-25 June 2014 convoy and of locations near the Russia-Ukraine border on their VK profiles, while images found in albums of soldiers of the 2nd battalion in 2013 and the 3rd Battalion in 2014 do not show any relation to the June or July 2014 Buk convoys.

There is no direct evidence that soldiers or officers of the 53rd Anti-Aircraft Missile Brigade were part of the crew of the Buk-M1 that likely downed MH17 on 17 July 2014; however, there are several indications that a crew was transported together with this Buk-M1 from Russia across the border to Ukraine. A video published by the Security Service of Ukraine (SBU) states (at 1:10) that there is reliable information that at least one Buk-M1 missile launcher was transported with a crew from Russia to Ukraine.⁶⁴ An intercepted phone conversation between two separatists, 'Khmuryi' and 'Buryat,' shown in the same video and partly in a video from the Joint Investigation Team⁶⁵ makes clear that the Buk came with a crew (at 2:02) to Donetsk and crossed the border between Russia and Ukraine driving under its own power (at 2:16). It is possible that a separatist crew was added to the Buk immediately after crossing the border into Ukraine and before driving to Donetsk, and that the person who drove the Buk under its own power across the border went back to Russia after delivering the Buk in Ukraine. This scenario, however, seems unlikely, mainly because a Buk missile launcher is a very sophisticated and expensive weapon and it is very unlikely that Russia would turn it over unsupervised to a group of separatists without having adequate training. According to a high officer of the Russian Air Defense, training is not enough, as the crew also needs adequate experience.66



Screenshots of videos from the SBU and the Joint Investigation Team that show a Buk-M1 was delivered in Donetsk with a crew.

⁶⁴ <u>http://www.youtube.com/watch?v=MVAOTWPmMM4</u>

⁶⁵ <u>http://www.youtube.com/watch?v=olQNpTxSnTo</u>

⁶⁶ <u>http://vpk.name/news/114383 bez sledov i svidetelei.html</u>



Screenshots of an SBU showing that the Buk-M1 crossed the border between Russia and Ukraine under its own power.

Additional information indicating that the crew came from Russia has been provided by journalists with the Associated Press (AP)⁶⁷ and an anonymous witness from Torez, interviewed by John Sweeney from BBC Panorama.⁶⁸

The AP article describes a meeting between AP journalists and the Buk-M1 and crew transported through Snizhne on 17 July 2014. Parts of this article make clear that the uniform of one member of the Buk-M1 crew was different than those of the separatists and that the accent of this man was more typical of Russian citizens than Russian speakers in eastern Ukraine:

Snizhne, Ukraine (AP) — It was lunchtime when a tracked launcher with four SA-11 surface-toair missiles rolled into town and parked on Karapetyan Street.

It had been a noisy day in this eastern Ukrainian town, residents recounted. Plenty of military equipment was moving through. But still it was hard to miss the bulky missile system, also known as a Buk M-1. It left deep tread marks in the asphalt as it rumbled by in a small convoy.

The vehicles stopped in front of journalists from The Associated Press. A man wearing unfamiliar fatigues, speaking with a distinctive Russian accent, checked to make sure they weren't filming. The convoy then moved on, destination unknown in the heart of eastern Ukraine's pro-Russia rebellion.

AP journalists saw the Buk moving through town at 1:05 p.m. The vehicle, which carried four 18-foot (5.5-meter) missiles, was in a convoy with two civilian cars.

The convoy stopped. A man in sand-colored camouflage without identifying insignia — different from the green camouflage the rebels normally wear — approached the journalists. The man wanted to make sure they had not recorded any images of the missile launcher. Satisfied that they hadn't, the convoy moved on.

⁶⁷ <u>http://bigstory.ap.org/article/what-happened-day-flight-17-was-downed</u>

⁶⁸ http://www.bbc.co.uk/news/world-europe-29109398

A BBC article by John Sweeney mentions three eyewitnesses who saw the Buk missile launcher in Snizhne on 17 July 2014, stating the Buk crew resembled Russian soldiers and spoke Russian with a Moscow accent:

The eyewitness told the BBC that the crew struck him as Russian soldiers: "Well-disciplined, unlike the rebels, and not wearing the standard Ukrainian camouflage uniform sported by government and rebel troops alike."

They had pure Russian accents. "They say the letter 'g' differently to us," he said.

In eastern Ukraine, most people speak Russian but the BUK crew did not speak Russian with a local accent.

His testimony was confirmed by a second eyewitness, who added that an officer in a military jeep escorting the BUK spoke with a Muscovite accent.

The article contains a video that displays a reconstructed interview of one of the eyewitnesses in a car with John Sweeney. The eyewitness says in the video that "A soldier spoke with a Moscow accent."

The fact that the Buk crew spoke with a Russian or "Moscow" accent does not confirm that the crew consisted of Russian soldiers and/or officers since many separatists and separatist leaders are Russian citizens and speak Russian with a "Moscow" accent too. But taking into account Russia would very likely not hand over such a sophisticated weapon to separatists untrained and inexperienced with the Buk-M1 system, it is likely that the crew consisted or at least partially consisted of Russian soldiers and/or officers.

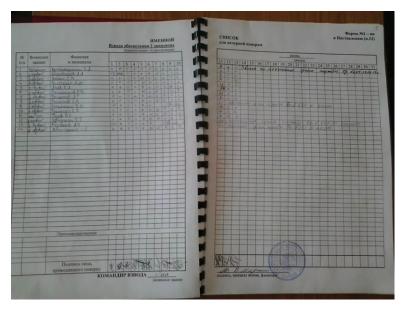
This section describes several battalions and shows which soldiers took part in the 23-25 June 2014 Buk convoy. If the crew of the Buk that downed MH17 came from Russia, they very likely were transported together with Buk 3x2 in the 23-25 June 2014 Buk convoy and were most likely soldiers of the 2nd Battalion. Thus, soldiers who were not in the 2nd Battalion and were not in the June 2014 Buk convoy very likely can be excluded from any involvement in the MH17 tragedy, unless the crew consisted of reservists or soldiers and officers outside of the 53rd Brigade. Since operating a Buk system requires fairly extensive training, conscript soldiers who started their military service late 2013 or early 2014 are very likely excluded from involvement in the tragedy. By narrowing down the scope of the search, only a relatively small group of contract soldiers and reservists who were in service in the 2nd Battalion in 2014 remain as potential suspects involved in the downing of MH17.

In addition to contract soldiers and/or reservists, the Buk crew also had two officers: one sergeant and one lieutenant (as mentioned in Section One). Section Five describes Bellingcat's investigation into the officers of the 53rd Brigade and highlights the 2nd Battalion commanders in particular.

It should be noted that in the public version, all of the identities of the soldiers and officers are censored because it might disturb the official police investigation should these identities be revealed. Apart from that, the privacy of these soldiers and officers has to be respected in case there is no relation between them and the MH17 tragedy or any other military activities in Ukraine.

2nd Battalion of the 53rd Brigade in 2013

Early into the MH17 investigation, a sergeant named Ivan Krasnoproshin was identified, and photos he had published were used to help tie the convoy transporting Buk 3x2 to the 53rd Anti-Aircraft Missile Brigade. Krasnoproshin deleted his VK profile soon after the publication of Bellingcat's first article about the involvement of the Russian army in the downing of MH17. Despite the connection between Ivan Krasnoproshin and the 53rd Anti-Aircraft Missile Brigade, it should be explicitly noted that there is no evidence at all that Krasnoproshin was in the 23-25 June 2014 Buk convoy, let alone involved in the MH17 tragedy. Some of the photos he had uploaded revealed interesting information, such as an attendance list – a good starting point for research. The attendance list shows a list of names in the third column, a list of dates in first row, and markings indicating who was present on which date. The attendance list shows the month of June, and a sentence at the top of the attendance list in the first row (with the name 'Krasnoproshin, I.A.') makes clear that this attendance list is from the year 2013 and was photographed on 13 or 14 June 2013. The attendance list also displays the battalion that the soldiers were part of: "2nd Battalion" ("2 дивизиона"). Since a battalion consists of many more soldiers than just fourteen, as written in the attendance list, this attendance list possibly shows a battery within this battalion.



Attendance list of Krasnoproshin's unit from June 2013.

The Bellingcat investigation team managed to find the profiles of 9 out of 14 soldiers whose names are on this attendance list by searching VK and by a thorough examination of the contacts (friends) list of each soldier. This revealed that most soldiers know at least five other soldiers, a strong indication that the right profile was found. Uploaded photographs in the soldiers' photo albums show an exercise mission in a training field near Kapustin Yar – a small village to the east of Volgograd – close to the border between Russia and Kazakhstan. These images, dating between March and July 2013, show numerous Buk missile launchers and a few loaders with numbers on the side similar to those in the videos of the June 2014 Buk convoy. For example, one of those numbers is '211.' As mentioned in Section One, the first number is the battalion, the second number the battery, and the third number the specific vehicle (Buk unit). The number of the battalion displayed on the Buk missile launchers indeed matches the number of the battalion mentioned at the top of the attendance list. Many soldiers have Buk missile launchers in their photo album starting with '21,' an indication they were in the 1st Battery.

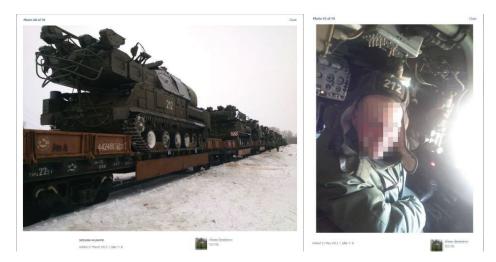
Via the soldiers' VK connections, more soldiers of the same unit were found; these soldiers uploaded photographs of Buk system units, displaying a number that starts with 2. One soldier uploaded many photographs of military vehicles, as well as a picture with a different attendance list on 23 June 2013, clearly stating his own name on that attendance list. It is probable that he moved from one battery to another since he can be seen in many pictures together with soldiers of the preceding attendance list (2nd Battalion, 1st Battery) and has some of the same pictures in his album as soldiers of the preceding list. From this attendance list, almost all names are legible and nine out of twelve names could be found on VK.

One photograph uploaded on 18 July 2013 by this soldier shows a Buk missile launcher with the number 211 on the side and three soldiers (including himself) standing in front of the launcher. A geotag shows the image was taken in the area of Kapustin Yar.



Picture of Buk missile launcher 211, photographed on a training field near Kapustin Yar, 18 July 2013.

More pictures show the relation between the June 2014 Buk convoy and this particular battery of the 53rd Anti-Aircraft Missile Brigade. Apart from pictures of Buk missile launcher 211, images of Buk missile launcher 212 are also in photo albums of these soldiers, another indication that the soldiers were in the 2nd Battalion, 1st Battery of the 53rd Anti-Aircraft Missile Brigade.



Left: Buk missile launcher 212, uploaded 17 March 2013; right: a soldier operating the same vehicle, uploaded 11 May 2013.

Photographs uploaded by soldiers connected to those on the attendance lists show a Buk missile launcher 221 and a Buk control unit 200. Thus, these soldiers apparently served in the same battalion, but in a different battery.



Left: Buk missile launcher 221, uploaded 14 July 2013; right: Buk control unit 200, uploaded 26 September 2012.

In addition to the connections between the soldiers on VK, many pictures found in photo albums of the soldiers are a strong indication that these soldiers were in the same military unit: pictures where the soldiers are together, often with their names written as a description under these pictures.



Left: a picture of five soldiers with their names tagged, uploaded 23 February 2015, the same picture was uploaded on 12 May 2013 by another soldier with the description "1-**μ sp6arp**" (1st Battery). Right: a picture of five other soldiers with their names tagged, uploaded 27 June 2013.

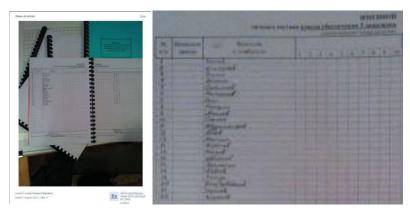
After examining many pictures of these soldiers, their faces become recognizable, making it possible to identify several and often even all soldiers within a photograph:



Left: a picture of Ivan Krasnoproshin (middle) and four other soldiers, uploaded 12 May 2013. Right: a picture inside Buk control unit 200 with three soldiers, uploaded 27 June 2013.

3rd Battalion of the 53rd Brigade in 2014

The Bellingcat team found another attendance list, uploaded in August 2014, in a photo album of a VK community of students from a technical university that carried out a traineeship and practical exam at the base of the 53rd Anti-Aircraft Missile Brigade (Section Five describes an investigation into these students). The 3rd Battalion of the 53rd Anti-Aircraft Missile Brigade is specifically mentioned at the top of this attendance list. Out of 22 soldiers on this list, 14 profiles on VK were found and, again, the number of connections between the soldiers show these soldiers were in the same military unit.

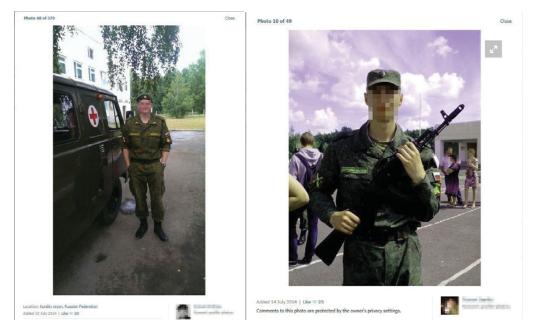


Left: the attendance list of a unit of the 3rd Battalion in 2014; right: a close up of the page with names.

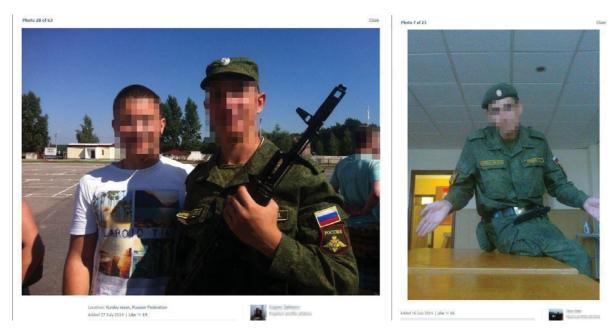
As described in Section Two, videos and photographs of the 23-25 June 2014 Buk convoy mainly show vehicles of the 2nd Battalion; the few missing vehicles were replaced by two (likely) 3rd Battalion vehicles and one vehicle without any unit designation. Since the convoy was clearly a complete Buk-M1 system mainly consisting of 2nd Battalion Buk-M1 vehicles, it seems most likely that 3rd Battalion soldiers were not involved in this convoy and the 2nd Battalion "borrowed" a few 3rd Battalion Buk system vehicles. In addition, the estimated number of soldiers in the June 2014 convoy (around 100) seems to equal the number of soldiers in a single battalion, as described in Section Two.

The 3rd Battalion vehicles visible in the videos of the June 2014 convoy look as if they were no longer in regular service, with two vehicles having a degraded appearance. As evidenced by the social media profiles and photo albums of 53rd Brigade members, it seems very likely that the Buk system vehicles of the 3rd Battalion were not used in exercises near Kapustin Yar after 2011, giving the impression that the 3rd Battalion was disbanded after 2011. A comment dated 24 June 2012 in an Odnoklassniki group dedicated to the 53rd Brigade suggests that the 3rd Battalion may have been disbanded, but other members of the group dispute this. In August 2013, someone who served at the 53rd Brigade in 2012-2013 wrote that the 3rd Battalion only had some officers, but no conscript soldiers, which indicates the 3rd Battalion still existed in the 2012-2013 timeframe.

Another indication that the 3rd Battalion was not part of the 23-25 June 2014 Buk convoy is that photographs uploaded by soldiers of the 3rd Battalion in 2014 do not show any involvement in the June 2014 convoy or participation in a training camp near the Russia-Ukraine border. Many soldiers posted pictures of themselves at the base near Kursk in early and mid-July 2014. Those photographs could have been taken earlier and uploaded later, but this does not seem very likely considering the number of photographs at the base posted by 3rd Battalion soldiers in July 2014.



Left: a soldier near a military ambulance on the base of the 53rd Brigade near Kursk, geotagged Kurskiy rayon, uploaded 10 July 2014; Right: a soldier on the base of the 53rd Brigade, uploaded 14 July 2014.



Left: a soldier at the base of the 53rd Brigade, geotagged Kurskiy rayon, uploaded 27 July 2014; Right: a soldier at the base of the 53rd Brigade, uploaded 16 July 2014.

Only two soldiers of the 3rd Battalion posted pictures of a Buk missile launcher; these were uploaded November 2014 (likely taken much earlier, considering the weather conditions in the photo) and March 2015. The soldiers in the previously mentioned attendance list were not the only ones examined; among their connections are many more soldiers of the 3rd Battalion. None of the soldiers posted any photographs of a convoy, training camp, or an area resembling the Rostov border area in 2014.



Left: four soldiers and a Buk missile launcher, uploaded by a soldier on 9 November 2014; Right: a soldier sitting on a Buk missile launcher, uploaded 22 March 2015.

Recommissioning of the 3rd Battalion

Evidence from 2015 shows that the 3rd Battalion of the 53rd Anti-Aircraft Missile Brigade was restored in 2014. First, a photograph published by Censor.net, a Ukrainian news site, on 30 January 2015 showed a Buk missile launcher without a unit number.⁶⁹ The article claims that the Buk missile launcher visible on the picture is Buk 3x2 (the Buk related to the downing of MH17), but then repainted and repaired. However, the Bellingcat investigation team came to the conclusion that there is no evidence that this is the same Buk. The "repainted" Buk has different wheels than Buk 3x2, no similar side skirt damage, and no other unique similarities. Another conclusion is that this Buk has been photographed at the base of the 53rd Anti-Aircraft Missile Brigade⁷⁰ and, after comparing the area of the photograph with historical satellite images, it was taken between 27 July and 2 October 2014; by looking at the weather conditions in the photograph, it was likely in the summer. Unfortunately, the photograph was removed from the soldier's photo album before the upload date could be established. Historical satellite imagery shows the number of military vehicles on 2 October 2014 was greater than on 27 July 2014, an indication that many of the Buk vehicles returned from the border area.



Left: picture of a soldier in front of a Buk missile launcher without unit designation; right: geolocation of the photograph at the base of the 53rd Anti-Aircraft Missile Brigade (the Buk located on the red square, view lines in blue).



Comparison between Google Earth satellite imagery of 18 July and 2 October 2014 (vehicles that returned to the base in red circles, location of vehicles missing in blue circles).

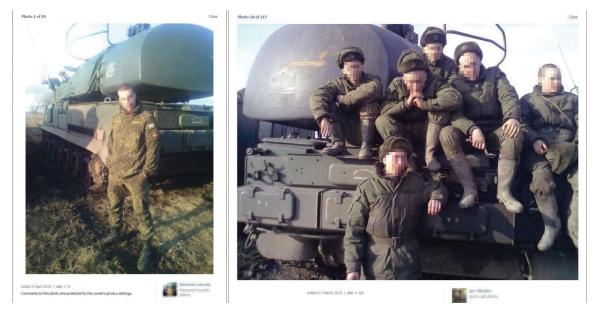
 ⁶⁹ http://censor.net.ua/forum/753625/novye_podrobnosti_s_bukom_rf_posle_vyvozki_v_rossiyu_buk_perekrasili
 ⁷⁰ http://postimg.org/image/80v6aqonx/

http://www.google.nl/maps/@51.7140849,36.3144433,332m/data=!3m1!1e3

After the publication of the Censor.net article, the Bellingcat team found more photographs of soldiers from the 3rd Battalion of the 53rd Anti-Aircraft Missile Brigade displaying Buk missile launchers without unit designations.



Left: a Buk missile launcher without a unit number, uploaded 6 December 2014; Right: two Buk missile launchers and two Buk missile loaders in a field, uploaded 11 March 2015.

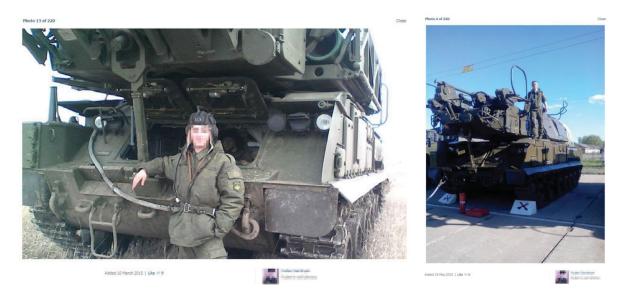


Left: a soldier in front of a Buk missile launcher without a unit number, uploaded 5 April 2015; Right: a group of soldiers sitting on a Buk missile launcher, uploaded 11 March 2015.

Other photographs show soldiers wearing the helmets of the 3rd Battalion with the number 332, some photographs of an officer wearing a helmet with the number 323, and a Buk missile launcher without a unit number.



Left: a soldier with helmet 332; right: another soldier with helmet 332; both inside Buk missile launchers; both pictures uploaded 14 March 2015.



Left: an officer wearing helmet 323 in front of a Buk missile loader; Right: the same officer standing on a Buk missile launcher without a unit number.

However, the link between the unnumbered Buks and the numbers on the helmets these soldiers are wearing in their pictures is not clear. There is no evidence the Buk vehicles without numbers are from the 3rd Battalion since Buks of the 1st and/or 2nd Battalion could have had the numbers removed as well, although the numbers on the helmets indicate that the vehicles are 3rd Battalion Buk units.

2nd Battalion of the 53rd Brigade in 2014

In search of information about 53rd Brigade members who might have been involved in the 2014 Buk convoys, the Bellingcat investigation team found a forum where mothers and wives of soldiers communicate with each other about their soldiers. This forum contains a topic about Unit 32406, or the 53rd Anti-Aircraft Missile Brigade. A few of these women wrote that their son or husband went to a training camp in the Rostov Oblast, near the Russian-Ukrainian border, and complained about the fact that they are so difficult to reach since they were not allowed to use their mobile phones. Some of the women described their son or husband as being in the 2nd Battalion and complained about the lack of discipline. One mother reveals enough information about herself and her son to find them on VK, and one wife mentioned the full name of her husband, which was removed soon after.

The conversation on the forum's Unit 32406 topic starts on 6 June 2014 and mainly consists of worried mothers and wives discussing their troubles in contacting their soldiers. One woman with the nickname 'lvanka' was still able to contact her son quite often and gave information about the situation on the base to other women. Some highlights of the conversation and the information they reveal are listed below:

- A woman called 'Simona' starts with her soldier being in Unit 32406, in the 1st Battalion, 2nd Battery.
- 'Ivanka' answers and says she has a son named Aleksey. and 'Simona' asks for the address of the unit.
- 'Ivanka' again answers that Igor (apparently the soldier of 'Simona') is in the 2nd Battalion, 2nd Battery (and her own son is in the 3rd Battery).
- In later messages, it becomes clear 'Simona' is named Lara; it turns out both soldiers come from Orenburg and they actually ended up in the same unit together.
- Another woman joins the conversation and asks how the discipline is at the unit in Kursk, and 'Ivanka' answers that she does not know because her son started in Orenburg, went to the unit in Kursk in June 2014, and, in the end of June, the 2nd Battalion was sent to the Rostov region near the border of Ukraine.
- It is mentioned that 280 soldiers are conducting exercises in the Rostov region and 'Simona' (Lara) says that her husband is serving in a unit of 100 soldiers.
- Between 9 July and 4 August 2014, no messages were posted in the forum, or they had been deleted soon after. Afterward, messages are posted by the women complaining that the soldiers near the border have already been there for a long time and that they are difficult to reach.
- 'Simona' (Lara) writes on 16 August 2014 that the 1st and 2nd Battalions are in the Rostov region and that the 3rd Battalion will go to Kapustin Yar (a training area to the east of Volgograd near the Kazakhstan border).
- A woman who calls herself 'Elena' writes that her son is called Sergey; this name was deleted soon after, but the profile was found on VK. She also writes that 26 soldiers were sent from Orenburg to Kursk.
- When 'Elena' is worried about her son, 'Ivanka' writes her VK profile on the forum and her name seems to be Ivana and a second profile she has makes it clear that her real name is Ivana S., and her son is named Aleksey S.
- Through Ivana's profile, the profile and real name of 'Simona' (Lara) can also be found. In November 2014, she writes that the soldiers were at the border for three months.

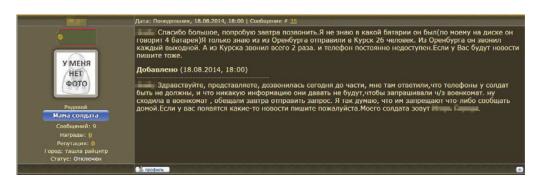
The same forum has a topic about the unit in Orenburg as well (Unit 33860), where posts can be found from the same mothers, 'Ivanka' and 'Simona.' 'Ivanka' wrote on 23 June 2014 (the date the June 2014 Buk convoy was first seen) that she accidently found out her son was sent to the Rostov region near Ukraine instead of Kapustin Yar (as her son apparently mentioned before as destination), and that her son was in an area near Millerovo at the border close to Luhansk a day later.



Simona's first post about her husband being in Unit 32406 (53rd Anti-Aircraft Missile Brigade) in the 1st Battalion, 2nd Battery, arrived on May 30th 2014.



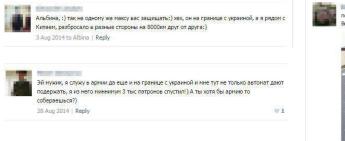
Ivanka's post on 23rd June 2014, where she writes she accidently found out her son was sent to Rostov Oblast near the border of Ukraine.



Elena's post about 26 soldiers having been sent from Orenburg to Kursk and her son named Sergey August 18th 2014.

bell;ngcat

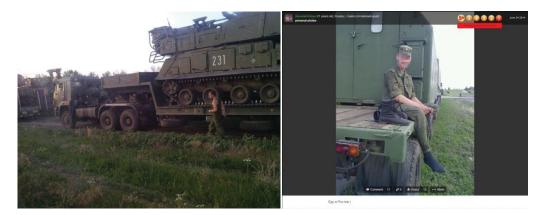
On his profile wall, Aleksey S. (the son of 'Ivanka') commented on a photo of himself that he was serving on the border of Ukraine. A friend of Aleksey, who also was in the army, commented Aleksey was near the border of Ukraine, and he himself close to China. His mother posted two pictures of her son and other soldiers (one picture of him sitting next to another soldier in what looks like a bus) with the text "on the road to the Rostov Oblast."





Left: Aleksey writes "... I served in the army and even on the border with Ukraine...", 28 August 2014. A friend of Aleksey writes "...he is on the border with Ukraine, I am close to China...", 3 August 2014. Right: his mother posted pictures on his wall of her son and writes "on the road to the Rostov Oblast," 28 June 2014.

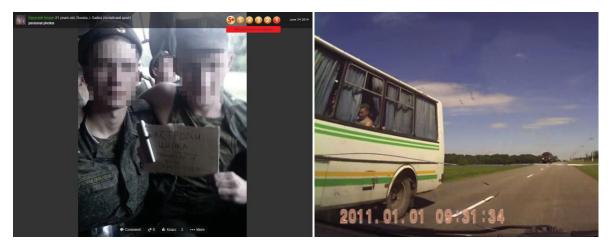
Via Aleksey, another soldier named Vitaly was found. He posted photographs of the 23-25 June 2014 Buk convoy on his profile, one of which was published in Bellingcat's *Origin of the Separatists' Buk* report, showing a Buk missile launcher on a trailer. This resulted in the removal of that picture, as well as other pictures, and Vitaly changed his name on VK. However, all of the photographs were archived. Another profile of the soldier was found on Odnoklassniki, where his name is still Vitaly. Some of the photographs deleted from the VK account remained there. One of these pictures (uploaded 24 June 2014) shows the soldier sitting on a truck with the caption, "I am going to Rostov." The image was geolocated on the side of a road in a village called Varvarovka,⁷¹ which was on the route of the 23-25 June 2014 Buk convoy.



Left: picture of Buk missile launcher 231 found in Vitaly's photo album on VK; right: a picture of Vitaly sitting on a truck of the June convoy, uploaded 24 June 2014, with a subscript "I am going to Rostov," geolocated in Varvarovka.

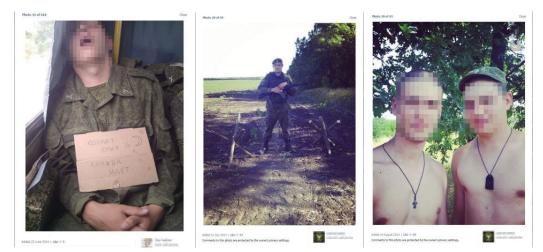
⁷¹ http://www.google.com/maps/@50.381786,38.831029,3a,37.5y,144.06h,85.29t/data=!3m4!1e1!3m2!1s2LTcCG_XNj1vorGlo1w7Q!2e0

In addition to these pictures, which already prove that Vitaly took part in the June 2014 Buk convoy, an image that was found on Aleksey's profile wall can also be found in Vitaly's album. In this photograph, the two soldiers are sitting next to each other in what appears to be a bus. Behind them, we see other soldiers, one of them sitting next to the window with his eyes closed. In one of the uploaded videos of the June 2014 Buk convoy, a soldier can be seen sitting next to the window on the same side of the bus and in the same position.⁷² The soldier in the video is also sleeping, wearing a similar hat and t-shirt, and appears to be sitting behind a soldier that is taller than himself (in several photographs, Vitaly seems quite tall) – another indication that Vitaly and Aleksey were indeed in the bus taking part in the 23-25 June 2014 Buk convoy.



Left: Vitaly and Aleksey sitting next to each other in a bus, picture uploaded 24 June 2014; Right: a screenshot of the bus that was in the 23-25 June 2014 Buk convoy.

A few more photographs were found in the photo albums of Vitaly and Aleksey, where other soldiers are visible; these soldiers' profiles have been found between their connections. One picture shows another soldier sitting in the bus named Evgeny. Other pictures show him in a field on 31 July 2014 and together with Aleksey on 14 August 2014.



Left: Evgeny sleeps in the bus (25 June 2014); middle: in a field (31 July 2014); right: together with Aleksey. (14 August 2014).

⁷² <u>http://www.youtube.com/watch?v=aLtzYEHolmg&t=194</u>

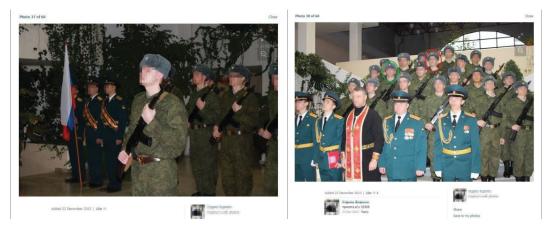
More photographs of soldiers, connected directly or indirectly to Aleksey, Vitaly, or Evgeny, show them in wooded areas or in fields in the summer of 2014. Since these soldiers are not only connected to the soldiers mentioned above, but also to each other, they likely all belong to the same unit, the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade.

A father of one of these soldiers posted pictures with descriptions that make it clear that these images were taken in the Rostov Oblast. One picture with the caption, "2014-**граница**" (2014-border), uploaded 4 July 2014, shows his son Denis in front of a truck partly camouflaged by leaves. Another picture in this album shows Denis standing in front of a road sign saying "**Миллерово**" (Millerovo) – the last place the June 2014 Buk convoy was seen – but that picture was soon removed from his album. After the first picture was published in the media,⁷³ the whole profile was removed in June 2015 after someone in a forum posted the link to that profile.



Left: a picture with caption "2014-border" and Denis in front of a camouflaged truck, uploaded 4 July 2014; Right: a picture of Denis standing in front of a road sign "Millerovo," uploaded 4 July 2014.

Other photographs in the album show him taking an oath at the 53rd Anti-Aircraft Missile Brigade base along with a group of soldiers standing behind officers at the same occasion on 23 December 2013. After close examination of the group picture, another soldier, Vitaly, can be recognized.

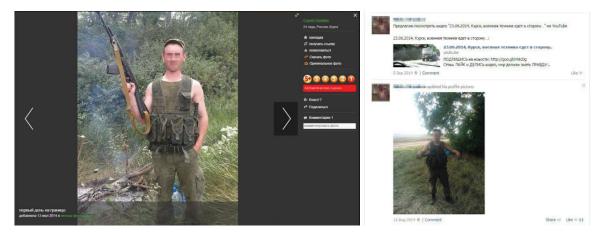


Left: Denis taking the oath, 23 December 2013; right: group picture with Denis (green) and Vitaly (red), 23 December 2013.

⁷³ <u>http://www.bild.de/bild-plus/politik/ausland/flug-mh-17/bericht-enthuellt-die-taeter-des-flugzeug-abschusses-41362040</u>

These photographs show that a group of soldiers in the 2nd Battalion of 2014 started their military service at the end of 2013, so these conscript soldiers were serving in the military for just half a year before MH17 was downed. Since the operation of a Buk missile launcher needs a training for at least half a year and a lot of experience in difficult circumstances (such as operating a Buk missile launcher without a control unit and/or Snow Drift radar in a real war situation), it is very unlikely that these or other conscript soldiers were involved in the downing of MH17. However, it might be possible that these soldiers know which experienced soldiers (contracted soldiers or reservists) were part of the Buk crew that downed MH17.

More photographs uploaded by soldiers of the 2nd Battalion in 2014 show their presence in the border area. One soldier posted a photograph on Odnoklassniki with the description "первый день на **границе**" (first day at the border). One of his connections posted a photograph of himself in a field on 12 August 2014 and a link to one of the videos of the 23-25 June 2014 Buk convoy, apparently aware of the fact that videos of the June 2014 Buk convoy they took part in were posted online.



Left: a soldier posts on 13 July 2014 a photograph with the description "first day at the border"; right: another soldier posts a photograph in a border area on 12 August 2014 and a link to a YouTube video of the 23-25 June 2014 Buk convoy.

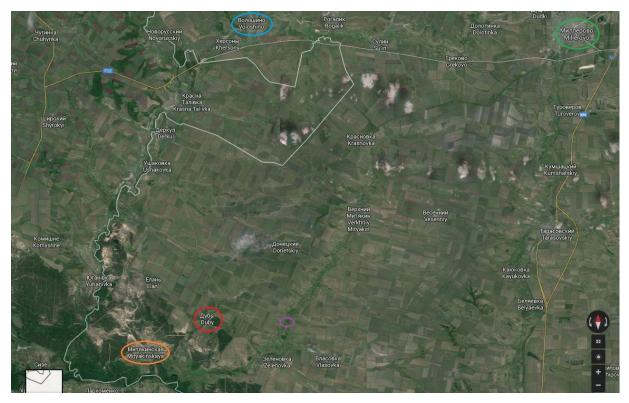
Many more photographs were found of soldiers in remote areas or unrecognizable fields, some of them showing a path next to the fields and woods on the other side of the path. All of these images raise the question of where the photographs were taken. The 23-25 June 2014 Buk convoy was last seen on its way to Millerovo and, for a long time, it was not clear where the soldiers and vehicles of that convoy went afterward.

Many images of soldiers in an area southwest of Millerovo were found with Yomapic,⁷⁴ a tool that searches for geotagged images on VK and Instagram, mainly in the area around Duby, Elan, Zelenovka, Chebotovka, and Mityakinskaya – a remote area in the Rostov Oblast close to the Russia-Ukraine border.⁷⁵ Another image geotagged near Voloshino,⁷⁶ to the west of Millerovo, was also found, showing a soldier sitting on a Buk missile launcher.

⁷⁴ <u>http://www.yomapic.com</u>

⁷⁵ http://www.google.com/maps/@48.6355003,39.8305748,22703m/data=!3m1!1e3?hl=en

⁷⁶ http://www.google.com/maps/@48.9166953,39.9303009,11281m/data=!3m1!1e3?hl=en



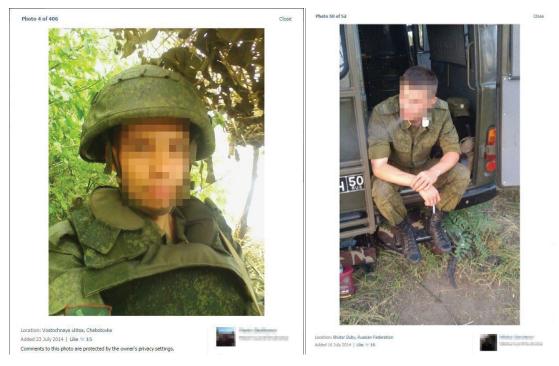
Google Map of the area southwest of Millerovo (green circle) with Duby (red circle), Mityakinskaya (orange circle), Chebotovka (purple circle), and Voloshino (blue circle).

In a previous Bellingcat report, *Tracking the Trailers: Investigation of MH17 Buk's Russian Convoy*, ⁷⁷ several drivers of military convoys posted images taken in the area of Mityakinskaya as well – an indication that military equipment was transported close to the border with Ukraine.

A soldier named Roman, a member of the 53rd Anti-Aircraft Missile Brigade, posted a picture on 23 July 2014 geotagged in Chebotovka, a village in the Rostov Oblast to the southwest of Millerovo, close to the Russian-Ukrainian border. Another soldier, Artur, of Unit 64055 or the 16th Separate Electronic Warfare Brigade (another unit from Kursk),⁷⁸ posted a picture of himself sitting on a truck in the area of Duby on 16 July 2014, and another 53rd Anti-Aircraft Missile Brigade soldier, Ruslan, posted a picture of himself sitting on a Buk missile launcher on 4 July 2014 near Voloshino, to the west of Millerovo.

⁷⁷ http://www.bellingcat.com/news/uk-and-europe/2015/05/13/tracking-the-trailers-investigation-of-mh17-buks-russianconvoy

⁷⁸ <u>http://warfare.be/db/lang/rus/catid/239/linkid/2223/base/1592/</u>



Left: Roman in Chebotovka on 23 July 2014; right: Artur near Duby on 16 July 2014.

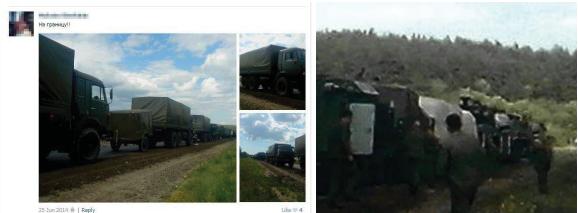


Location: sloboda Voloshino, Russian Federation Added 5 July 2014 | Like @ 8

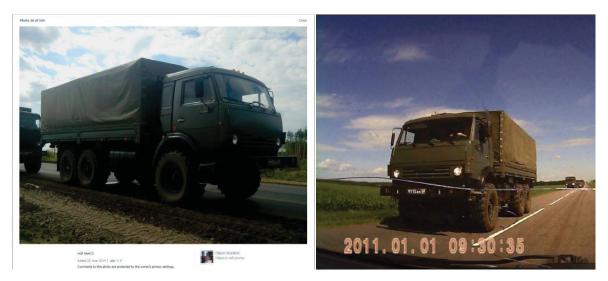
Normalian State

Ruslan on a Buk missile launcher near Voloshino on 4 July 2014.

Further investigation into the connections of the 2nd Battalion members reveals additional images of the 23-25 June 2014 Buk convoy, photographs taken by soldier-drivers of the convoy, and their own trucks. A soldier-driver named Pavel uploaded pictures of his own truck with the license plate '9115 AH 50' (a truck that was also part of the June 2014 Buk convoy)⁷⁹ on 25 June 2014, the day the convoy was filmed in the area of Millerovo. Part of that convoy is visible in two other pictures. In one, a trailer with what seems to be a Buk unit vehicle is visible in the distance. A post on his VK wall shows the same three pictures with the text "Ha границу" (to the border) and another wall post of 24 August shows a rifle hanging on a tree and the text "Что то из Ростова" (something from Rostov).



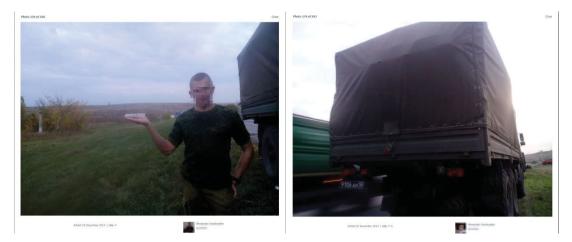
Left: post on Pavel's wall with three pictures of the June 2014 Buk convoy; Right: a zoom of a convoy picture where a Buk unit vehicle is visible on a trailer.



Left: picture taken of Pavel's truck "9115 AH 50" of the June 2014 Buk convoy, uploaded 25 June 2014; Right: truck "9115 AH 50" from a screenshot of a video of the 23-25 June 2014 Buk convoy.

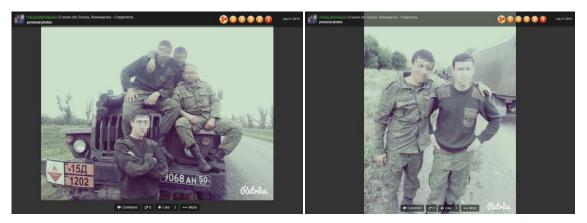
⁷⁹ http://youtu.be/aLtzYEHolmg?t=135

A soldier connected to Pavel named Dmitry is photographed standing by a truck near Alexeyevka with a sign displaying the town name in the background; it is on the route of the June 2014 Buk convoy. Another picture shows a truck with the license plate '9106 AH 50,' another truck visible in the June 2014 Buk convoy. Both pictures were uploaded 29 December 2014, but since Dmitry also uploaded Pavel's convoy pictures (in March 2015), the weather conditions in the photographs do not match with those in winter, and given that one of the pictures shows a vehicle from the June 2014 Buk convoy, it is very likely that these pictures were taken in June 2014.



Left: picture taken of a truck of the June 2014 Buk convoy near Alexeyevka, uploaded by Dmitry; Right: picture of truck "9106 AH 50," another truck of the June 2014 Buk convoy, uploaded by Dmitry.

Another soldier, Marat, posted pictures of a part of the June 2014 Buk convoy and a vehicle with the same license plate (9068 AH 50) seen in the June 2014 Buk convoy. He is connected to other soldiers of the 53rd Anti-Aircraft Missile Brigade, but he also reacted to a post about the 2nd Battalion in a VK community about Unit 32406 (53rd Brigade).



Left: Marat and three other soldiers on truck '9068 AH 50'; Right: Marat and another soldier in front of a part of the June 2014 Buk convoy.

A soldier who gives additional information about the June 2014 convoy is Ivan, a contract soldier since 2011 as pictures on his VK profile make clear. One of his connections is Vladimir, a contract soldier or reservist whose VK profile provides his military background since 2010, including service with a unit in Armenia. Vladimir posted some remarkable pictures of what seems to be a border area, uploaded in October 2014, one of them showing Ivan and Vladimir together along with a leg of a soldier named Anton, who is tagged in the photograph.

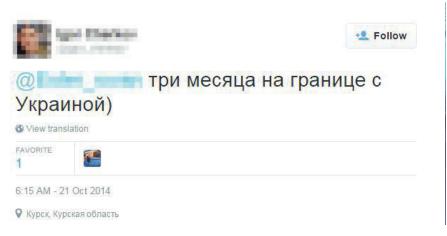


Ivan, Vladimir, and Anton, uploaded by Vladimir on VK, 27 October 2014.

Ivan's VK profile provides no information about the June 2014 convoy, but posts on his Twitter account reveal he did, in fact, take part in that convoy. On 20 June 2014, he posted a message saying that he would be sent to the border. When someone else asked if he was going to the Rostov Oblast, he responded on 24 June 2014, saying that they just passed Alexeyevka. The June 2014 Buk convoy indeed moved through Alexeyevka on 24 June 2014.⁸⁰ A Twitter and VK message on 11 August 2014 makes clear that he missed his girlfriend. On 20 October, he posted a message saying that he is back on Twitter again and responded to a post from someone else saying that he was not there for a long time, and that he could not use Twitter during his business trip. When the other person asked if it was a long trip, he answered saying he was at the border with Ukraine for three months, which corresponds with what was written in the forum of soldiers' mothers and wives.

A Twitter post from 15 March 2013 indicates that Ivan trained in Kapustin Yar for two months, and another post from 29 March 2013 shows Buk missile launchers in the snow in the Astrakhan region, where Kapustin Yar is located.

⁸⁰ <u>http://bellingcat-vehicles silk co/page/0020-Alexeyevka%3A-Buk-convoy-turning-and-merging-1</u>



Ivan's Twitter post where he wrote that he was at the border with Ukraine for three months, 21 October 2014.



Ivan's Twitter post of 29 March 2013 with images of Buk missile launchers 222, 232, and a third one with an unreadable number in the Astrakhan region, Kapustin Yar training field.

On 22 October 2014 Anton Korobkov-Zemlyansky, a journalist, media producer, TV/radio host and member of the Public Chamber of the Russian Federation (and clearly on the side of the pro-Russian separatists in Ukraine), reacted to Ivan's tweet saying he had been in the area near the border with Ukraine for three months. When Anton asked on 22 October 2014 "How is it there?", Ivan answered on 23 October 2014, "It is terrible there..." Then Anton asked, "They're shooting?" and Ivan answered, "They are shooting))) I won't say anything more... I don't have the right)." And when Anton wrote "yes correct ;)," Ivan responded on 23 October 2014 with "the only thing I can say is that on TV they do not show everything... (and thank God!)."



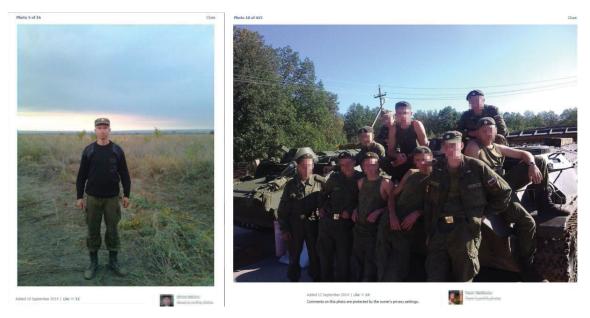
Twitter conversation between Anton and Ivan about "shooting" near the border with Ukraine.

Apparently Ivan was aware of shooting near the border with Ukraine. It is not clear what type of shooting he was referring to (e.g., gunfire, artillery fire, Grad missiles) or by whom (i.e., the pro-Russian separatists, the Ukrainian army, or the Russian army). These messages do not prove that Ivan himself was involved in the shooting or that he was in Ukraine, but they at minimum indicate that he was near the conflict and therefore near the border.

Anton, whose leg was tagged in Vladimir's photograph, was first believed by Bellingcat to be in the 1st Battalion, because he uploaded a photograph on 6 January 2015 of himself inside a Buk missile launcher wearing a helmet with the number 121. However, since he was tagged in a photograph that likely was taken in the summer of 2014 together with Ivan and Vladimir, who were in the 2nd Battalion, Anton likely moved to the 2nd Battalion later. Another photograph in his album, in which he can be seen standing in a field, confirms he was in the 2nd Battalion in the summer of 2014, because one of his connections who also was in the 2nd Battalion, named Sergey uploaded a photograph of the same field on 10 September 2014. Sergey is connected to and photographed together with Pavel (see earlier this Section).



Left: Anton inside a Buk, wearing a 121 helmet, uploaded 6 January 2015; right: Anton , standing in a field, uploaded 6 January 2015 (Anton deleted all his military images sometime in March/April 2015).



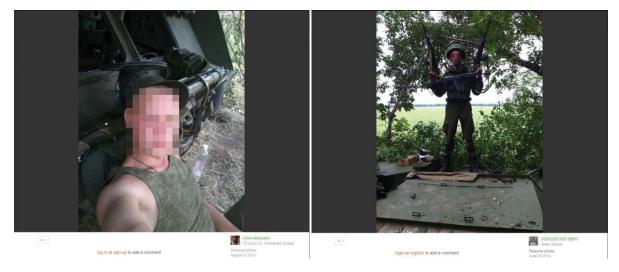
Left: Sergey in a field, uploaded 10 September 2014; right: Sergey, Pavel and other 2nd Battalion soldiers, uploaded by Pavel on 12 September 2014 and Sergey on 18 February 2015.

Other notable photographs were uploaded 8 August 2014 by another soldier of the 2nd Battalion. In these photographs, vehicles likely from the June 2014 convoy can be seen camouflaged in a wooded area.



Left: a truck with a camouflage net behind it in a wooded area; Right: camouflaged trucks near a wood area. Both images were uploaded 8 August 2014.

Two more 2nd Battalion soldiers posted images of partly visible military vehicles in a rural area during the summer of 2014. One photograph uploaded on 12 August 2014 shows a soldier sitting in front of a Buk missile launcher. The other photograph shows a different soldier standing on top of an unidentified military vehicle, uploaded 26 June 2014. Another photograph uploaded by this soldier on 26 June 2014 confirms he took part in the June 2014 convoy, as a monument near Stary Oskol is visible, a town the convoy went through.



Left: a soldier sitting in front of a Buk missile launcher, 12 August 2014; Right: another soldier standing on top of an unidentified military vehicle, 26 June 2014.

The Bellingcat team found many more images of soldiers in uniforms and with military equipment in a remote area or in the woods. Remarkably, many of these soldiers are photographed in uniforms without the recognizable 53rd Brigade logo and without name badges. The badges that they are wearing are not black and red like usual, but camouflaged in different shades of green to blend in with the uniform.

A complete overview of all these soldiers would render this report too lengthy; the examples above are the best, unambiguous examples of soldiers who were undoubtedly in the 23-25 June 2014 Buk convoy. It should be noted that there is no direct evidence that any of these soldiers were involved in the downing of MH17. However, there is a chance that some of these soldiers know which soldiers and officers were part of the Buk crew of Buk 3x2, which was transported to Ukraine and very likely responsible for the downing of MH17. Since the mission in Ukraine was likely a highly secret operation, most of the soldiers – especially the conscript soldiers – probably have no idea who were involved. Some of the soldiers of the 2nd Battalion who were in the June 2014 Buk convoy could possibly have been involved, but this conclusion is mainly based on their military experience and their long military history.

However, for some soldiers mentioned earlier this section (i.e., Ivan, Vladimir, and Anton) there is one more reason why they may been involved in the MH17 tragedy. The photograph that Ivan uploaded in 2013 mainly shows Buk 222, an indication he might have been the operator of that Buk missile launcher in 2013 or at least that he served in the 2nd Battery of the 2nd Battalion. Additionally, the aforementioned soldiers are connected to another 2nd Battalion soldier, Dmitry, who explicitly described himself as part of the 2nd Battery of the 2nd Battalion in May 2014. It is important to know that these soldiers were in the 2nd Battery of the 2nd Battalion because Buk 222 was replaced in the 23-25 June 2014 convoy by Buk 3x2. Therefore, it is a possibility that the soldiers who usually were connected with Buk 222 later operated Buk 3x2 on 17 July 2014. However, this is only a theory; there is no evidence to support it. Section Five describes an officer who might have been in control of Buk 222 in 2014, and, based on the same logic, in control of Buk 3x2 in the summer of 2014.

It must be again clearly noted that for all of the aforementioned soldiers, there is no direct evidence that they were part of the Buk crew that downed MH17.

1st Battalion of the 53rd Brigade in 2014

In Section Two, the 19-21 July 2014 Buk convoy is described as containing three vehicles belonging to the 1st Battalion of the 53rd Anti-Aircraft Missile Brigade (Buk missile launchers 112, 121, and 122). Since the convoy shows a nearly complete Buk system, it is very likely that this convoy consisted entirely of 1st Battalion vehicles, especially taking into account that the 2nd Battalion and some 3rd Battalion vehicles had already been transported to the border three weeks before. This convoy left just two days after the downing of MH17, which may explain why most of the vehicles were covered with tarps.

In addition, the soldiers of the 1st Battalion of the 53rd Anti-Aircraft Missile Brigade were apparently more careful with photographing and did not take or did not post images of the convoy on their VK profiles. The Bellingcat team was not able to find photographs of the 19-21 July 2014 Buk convoy, taken by the soldiers or drivers themselves, but did uncover images of 1st Battalion soldiers, uploaded in the summer of 2014, in which they can be seen posing in a field or with Buk vehicles from the 1st Battalion.

<image><text><image><text>

One soldier uploaded a picture of himself standing in front of Buk 121, camouflaged by leaves, on 28 August 2014, more than a month after the convoy departed from Kursk.

A soldier with a 121 helmet in front of a camouflaged Buk unit vehicle, 28 August 2014.

Two soldiers could be identified as 53rd Brigade soldiers because of photographs of a BTR numbered 993, the same BTR visible in the 19-21 July 2014 Buk convoy. A short post by one of the soldier's wife on a 53rd Brigade community on Odnoklassniki makes clear that he was in the 1st Battalion of the 53rd Brigade.



Two soldiers in front of BTR 993, a vehicle that was part of the 19-21 July 2014 Buk convoy, photograph uploaded 22 June 2014.

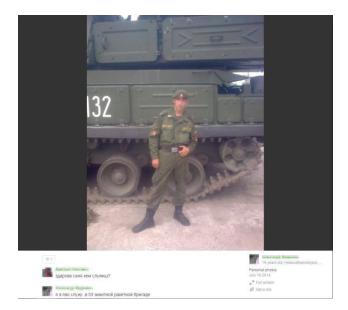
Another soldier of the 1st Battalion provided additional information about the time spent in the border area and the next destination after the Rostov Oblast. He wrote on the wall of his Odnoklassniki profile that he was in the 53rd Anti-Aircraft Missile Brigade on 8 June 2014 and that he was in the 1st Battalion, 2nd Battery on 18 June 2014. He also divulged that "on the 10th he would leave for 2 months for Kapustin Yar (Astrakhanskaya Oblast) after Rostov." Given that he wrote this on 30 July 2014, his reference to 'the 10th' is very likely in reference to 10 August 2014.

Distances True Line	18 Jun 201
1 дивизион 2 зрбатр	
♥ Comment 0 0 0 6 2	

Post on the soldier's Odnoklassniki wall about being in the 1st Battalion, 2nd Battery, 18 June 2014.

and the	30 Jul 20	14
	10 числа уезжаю на 2 месяца на боевые учения в КАПяр(Астраханская обл.), после в Ростов	
	Comment 0 ∂ 0 6 1	

Post on the soldier's wall where he wrote he would leave on the 10th for 2 months for Kapustin Yar after Rostov, 30 July 2014.



Picture of the soldier in front of Buk missile launcher 132, uploaded 10 July 2014.

However, according to another post on his wall, they had already returned from Kapustin Yar on 10 September 2014, so they were there one month instead of two months.





Post on the soldier's wall where he wrote, "Returning, I am now in Saratov," 10 September 2014.

командный пункт, временная замена 2зрбатр

19 years old, Hosocuðwpcxky Personal photos September 11 2014

Picture of a group of soldiers, in front of the military base of the 53rd Anti-Aircraft Missile Brigade, with the caption, "command post, temporary replacement of the 2nd Battery," uploaded 11 September 2014.

bell;ngcat

Another soldier who very likely was in the 1st Battalion uploaded a photograph of himself sitting on a BTR numbered 993, the same BTR that was in the 19-21 July 2014 convoy and displayed in the photograph of two other soldiers, that was uploaded 22 June 2014. This photograph was uploaded on 13 July 2014, when the 2nd Battalion had already been in the Rostov Oblast for two weeks, and six days before the 1st Battalion would depart for the Rostov Oblast as well.

In addition to the attendance list of 3rd Battalion soldiers, a photograph of an officer was found in the photo album of students of a technical university (see Section Four). This officer, named Alexander, was probably in the 1st Battalion as well, because he provided training to a cadet wearing a helmet numbered 131 inside of a Buk missile launcher. Another possibility is that he was an officer who specialized in training cadets, and a Buk missile launcher from the 1st Battalion was temporarily used for training. Regardless, Alexander was likely not in the 2nd Battalion. Section Five describes the results of a thorough investigation into commanders and officers of mainly the 2nd Battalion.



Left: a soldier sitting on BTR 993, which was part of the 19-21 July 2014 convoy (1st Battalion), uploaded 13 July 2014; Right: Lieutenant Alexander N. inside of Buk missile launcher 131, as the number on the helmet of the cadet indicates, photograph uploaded 3 August 2014, but taken earlier, as the 1st Battalion vehicles left the base on 19 July 2014 (Section Four further shows that this photograph was taken earlier, in July 2014).

The identification of 1st Battalion soldiers might seem less important, as they were not part of the 23-25 June 2014 Buk convoy that transported Buk 3x2. But it is important to rule these individuals out as being culpable for the downing of MH17. Because these soldiers were part of the 19-21 July 2014 Buk convoy that transported the 1st Battalion Buk vehicles, it can be established with certainty that they were not involved in the MH17 tragedy.

Section Four: Cadets at the 53rd Anti-Aircraft Missile Brigade

MATI Cadets

During the first few months of Bellingcat's investigation into the 53rd Anti-Aircraft Missile Brigade, a VK community was found of technical university students who participated in a training event at the 53rd Brigade's base in the summer of 2014.

This technical university was originally called the Moscow Aviation Technology Institute (MATI); later, the name Russian State Technical University (short for 'Russian State Technological University,' named after K.E. Tsiolkovsky) was added.⁸¹ This university primarily focuses on engineering and other technical subjects, particularly those related to aerospace and aeronautics.

MATI also has an Institute of Military Training (Институт военной подготовки),⁸² which is tasked with preparing its students for roles as officers and reserve officers in the Russian military. As we show below, some students are selected to travel to Russian military bases with anti-aircraft systems and spend approximately one month training on the systems and conducting military drills as a part of its curriculum.

One of the web pages for the Institute of Military Training at MATI states that it prepares reserve officers to become "detachment commanders of the self-propelled missile launcher (SDA) AAMS Buk-M1" (начальник расчёта самоходной огневой установки (СОУ) 3PK «БУК-М1»).⁸³ With tragic irony, the MATI website also boasts Boeing as a partner.⁸⁴

MATI – mainly located in Moscow – consists of four branches: three in Moscow and one in Stupino, about 100 kilometers south of Moscow.⁸⁵ The VK community of MATI students who trained at the 53rd Anti-Aircraft Missile Brigade shows members who seem to live mostly in Moscow and Stupino. It is unknown whether it was mostly cadets from the Stupino branch of MATI who traveled to Kursk in 2014; however, this is most likely the case since the majority of the images were uploaded by cadets from Stupino.

The images in the VK community were all uploaded in early August 2014, but it can be established that MATI cadets were in Kursk in June and July 2014 based on images and posts from their own VK profiles and some Instagram posts. The most obvious evidence that shows exactly when these cadets trained at the 53rd Brigade are two images of certificates, uploaded 25 July 2014 by two different cadets. These certificates note that "Training sessions took place from June 22 to July 25, 2014, at military Unit 32406 for the position of detachment commander" (Учебные сборы прошел с 22 июня по 25 июля 2014 года при войсковой части 32406 в должности начальника расчета). They also show that the cadets were promoted to the rank of lieutenant and the certificates were signed by the commander of military Unit 32406 (the 53rd Anti-Air Missile Brigade), Colonel S. Muchkaev, and the head of the faculty of military training, Colonel A. Sagula.

⁸¹ <u>http://eng.mati.ru</u> <u>http://eng.mati.ru/index.php/university-history.html</u> see also: http://en.wikinedia.org/wiki/Moscow_State_Aviat

see also: <u>http://en.wikipedia.org/wiki/Moscow_State_Aviation_Technological_University</u>

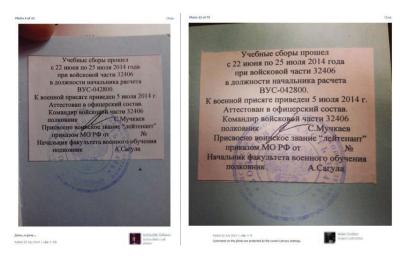
^{82 &}lt;u>http://mati.ru/index.php/instituty/institut-voennogo-obucheniya</u>

⁸³ <u>http://voenkaf.ru/fvo</u>

⁸⁴ <u>http://eng.mati.ru/index.php/partners.html</u>

⁸⁵ <u>http://mati.ru/index.php/o-mati</u> <u>http://www.sfmati.ru</u>

One more interesting detail about the certificates is the code '**вус-042800**,' where '**вус**' stands for "Военно-учётная специальность," which translates to "military occupation specialty." The whole code refers to "вооруженных зенитными ракетными комплексами средней дальности," which translates to "medium range systems armed with anti-aircraft missiles."⁸⁶



Left: certificate posted by a MATI cadet, 25 July 2014; right: certificate posted by another MATI cadet, 25 July 2014.

Photographs uploaded to the VK community and individual cadets' own albums illustrate the cadets' month-long training endeavor at the base of the 53rd Brigade in great detail. Many photographs show the cadets next to or inside Buk missile launchers; others show cadets performing shooting exercises, taking an exam, eating lunch, playing games, etc.



Left: MATI cadets and an officer next to a Buk missile launcher, from the MATI VK community album, 3 August 2014; Right: a MATI cadet next to an unnumbered Buk missile launcher, 17 July 2014.

⁸⁶ <u>http://www.ulstu.ru/main?cmd=file&object=11425</u> <u>http://archive.is/FIUga</u>

Some of the photographs show vehicles such as the Buk missile launchers 132 and 122 and the BTR 80 (numbered 993) connected to the first battalion and visible in the 19-21 July 2014 Buk convoy. Another notable vehicle is Buk Control Unit 300, that belongs to the 3rd Battalion, which was partially disbanded in 2014. A photograph of two cadets wearing helmets with the number 300 is particularly noteworthy, as both photographs provide evidence that most Buk unit vehicles of the 3rd Battalion remained at the base of the 53rd Brigade during the summer of 2014.



Left: a MATI cadet, on the background Buk missile launcher 122 and Buk control unit 300; right: a MATI cadet in front of BTR 80 with number 993. Both images uploaded 3 August 2014, but taken earlier in June or July 2014.



Left: a MATI cadet in front of Buk missile launcher 132, uploaded 12 July 2014; Right: MATI cadets, wearing helmets with number 300, uploaded 17 July 2014.

Closer examination of the MATI students' photographs on the 2014 MATI Kursk VK community reveals interesting details related to conscript soldiers and both of the 2014 Buk convoys. The first photograph, already described in full detail in Section Three, shows an attendance list of conscript soldiers belonging to the 3rd Battalion in 2014. The second and third photographs show some soldiers covering a Buk missile launcher under a tarp. Further examination of these photographs shows these soldiers have a badge with the symbol of the 53rd Brigade on their right sleeve, which is common for soldiers of the 53rd Brigade, but not for MATI cadets, who would only wear the letter "K" (from the Russian word "**курсант**," which means "cadet") on their sleeve. It is very possible the MATI cadets witnessed first battalion soldiers putting tarps on Buk unit vehicles before they left on 19 July 2014. A fourth remarkable photograph found in an album of one of the MATI cadets shows trucks and a 53rd Brigade officer, recognizable by a few stars and a badge with the symbol of the brigade visible on his uniform. In fact, that officer is a senior lieutenant named Alexander N., who is described in Section Three (with regard to the 2014 first battalion) and who will be described in Section Five too. A MATI cadet also photographed Alexander N. inside of Buk missile launcher 131 sitting next to another MATI cadet. Since the MATI cadets were at the 53rd Brigade base from 22 June to 25 July 2014, these two photographs provide evidence that Alexander N. was either in the 3rd Battalion in the summer of 2014 to train the MATI cadets or was in the 1st Battalion and left the base on 19 July 2014. That is, unless both photographs were taken on 22 June or the morning of 23 June. It is guite remarkable that one of the vehicles visible in the fourth photograph has a license plate that starts with 6757, since one of the 23-25 June 2014 Buk convoy vehicles has license plate '6757 AT 50,'87 very likely the same vehicle. Therefore, either this vehicle just returned to the base of the 53rd Brigade, or this MATI cadet witnessed the departure of the 2nd Battalion on 23 June 2014.



Left: 53rd Brigade soldiers covering a Buk missile launcher, from MATI VK community, taken in June or July 2014; Right: Senior Lieutenant Alexander N. and some trucks, one of them having a license starting with '6757,' photograph uploaded 12 January 2015, but taken in June or July 2014.

⁸⁷ http://bellingcat-vehicles silk co/page/0019-Raskhovets%3A-Buk-convoy-on-the-highway http://youtu.be/aLtzYEHolmg?t=146

MIET Cadets

Another technical university, which is now called the National Research University of Electronic Technology, but was originally called the Moscow Institute of Electronic Technology (MIET),⁸⁸ also has a military component as a part of its academic curriculum.⁸⁹ This university is located in Zelenograd, 40 kilometers northwest of Moscow. Similarly, MIET has its own cadets that conduct training missions with active military units.

Some of these cadets traveled to the 53rd Anti-Aircraft Brigade's base in the summer of 2014, which becomes clear upon examination of photographs uploaded by cadets who are members of a VK community dedicated to their visit of the 53rd Brigade in 2014. Given the upload dates on several photos posted by MIET cadets, it appears the cadets visited the 53rd Brigade in July and August 2014. The precise date that MIET cadets started their training with the 53rd Anti-Aircraft Brigade is not known; however, they took their oaths on July 19, 2014.⁹⁰



"Taking the oath, 19 July 2014, Kursk," photograph uploaded 24 August 2014 by a MIET cadet.

Because the MIET students visited during the summer of 2014, photographs and other information from their trip also helps shed light on the 53rd Anti-Aircraft Missile Brigade's summer mobilization, since we can see personnel from the 53rd Brigade interacting with MIET cadets. The MIET website depicts the insignia for its military program, which can be used to identify MIET cadets since they wear this insignia on the right arm of their uniforms.

⁸⁸ <u>http://eng.miet.ru/content/e/10319</u>

⁸⁹ <u>http://www.miet.ru/structure/s/270</u>

 <u>http://vk.miet.ru</u>
 <u>http://archive.is/9R40</u>6



Left: MIET military insignia, as seen on the university's website;⁹¹ Right: A MIET cadet wearing the unit patch (circled) on his uniform.

The majority of known MIET cadets who were at the 53rd Brigade base in the summer of 2014 did not post many photos of the base, but a few of the photos that were posted reveal some additional information. For example, Buk missile loader 333 is unlikely to have moved from the 53rd Brigade's base because it was photographed by a MIET cadet and uploaded to his social media account in November 2014. It should be noted, however, that this photograph was taken much earlier than it was uploaded, since MIET students were at the base in July and August 2014.



Buk missile loader 333 at the 53rd Brigade base, uploaded 6 November 2014, but taken in July or August 2014.

⁹¹ <u>http://www.miet.ru/structure/s/270</u>

A photograph in the album of the same MIET cadet shows two officers, who can be identified as Grigory M., a senior lieutenant, and Marat Y., a captain. These officers were very likely not in the 1st or 2nd Battalion, since they were at the base of the 53rd Brigade training MIET cadets in the summer of 2014.



Captain Marat Y. (left) and senior lieutenant Grigory M , uploaded 6 November 2014, but the photograph was taken in July or August 2014.

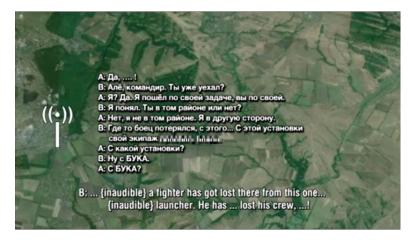
The fact that the aforementioned officers stayed at the 53rd Brigade's base near Kursk is important to know, because only officers in the 1st and 2nd Battalions left the base with the June and July 2014 Buk convoys.

The next section describes commanders of the 53 Brigade who were possibly involved in the June and July 2014 Buk convoys.

Section Five: Commanders of the 53rd Anti-Aircraft Missile Brigade

Introduction

The required number of crew members required to operate a Buk-M1 missile launcher is four, as described in Section One. The crew consists of two officers: one detachment commander (начальник pacчera),⁹² who is a lieutenant (a commissioned officer) and a sergeant (a non-commissioned officer). ⁹³ The two other crew members are an operator, who is a common soldier, and a driver, who is also a soldier. Since the number of crew members operating the Buk missile launcher related to the downing of MH17 is not known, it is difficult to determine whether the ranks of the crew members were exactly as mentioned above. It could be that there were fewer crew members, but it is very unlikely that the crew consisted of only one or two members, as operating a Buk missile launcher with only one person is very difficult and requires more than one year of experience in operating the system,⁹⁴ as described in an interview with a high officer of the Air Defense of the Russian Army. Also, if the missile launcher was manned with Russian soldiers, it is very unlikely that the crew had no commissioned officer because a non-commissioned officer does not have the decision-making authority to fire a missile. An intercepted phone conversation published in a Joint Investigation Team (JIT) video makes it clear that the crew consisted of several members, since one of the members was separated from his crew and was accidently left behind in Snizhne.⁹⁵



Screenshot from the JIT video showing a conversation between two separatists about a crew member who lost his crew.

The lieutenant – the commissioned officer of the Buk missile launcher –makes the decision to fire a missile; in the case of the downing of MH17, he would be more to blame than the operator who pressed the button. The lieutenant, however, receives his instructions from the battery commander, who would be a major or a captain. The battery commander receives instructions from the battalion commander, a lieutenant colonel; the highest rank within the brigade is the brigade commander, a colonel.⁹⁶

⁹² <u>http://recrut.mil.ru/career/conscription/post/position/info.htm?id=591@BasePost</u>

⁹³ http://army-vt.mitm.ru/zakon.files/ovp/charter/uvs/pril 3.htm see also: http://en.wikipedia.org/wiki/Officer_(armed_forces) see also: http://en.wikipedia.org/wiki/Non-commissioned_officer

⁹⁴ http://vpk.name/news/114383 bez sledov i svidetelei.html

⁹⁵ http://youtu.be/olQNpTxSnTo?t=332

⁹⁶ http://www.hierarchystructure.com/russian-military-hierarchy http://www.soldiering.ru/other/regulations/russia/vnutr/html05.php

On 30 January 2015, the Ukrainian news site Censor.net published a photograph of a repainted Buk missile launcher, as well as a list of names of commanders of the 53rd Anti-Aircraft Missile Brigade.⁹⁷ These names were found in a VK community of the 53rd Anti-Aircraft Missile Brigade. The article mentions that the previous commander of the 53rd Anti-Aircraft Missile Brigade, Aleksey Yuryevich Zolotov, became Chief of Air Defense Forces; the commander of the 53rd Anti-Aircraft Missile Brigade in 2014 was Sergey Borisovich Muchkaev; and the surname of the commander of the 2nd Battalion in 2014 was Agibalov. On 9 February 2015, Censor.net added the full name of this commander, Artyom Agibalov, and the name of the commander of the 3rd Battalion, Roman Ivanovich Gorlatykh.⁹⁸ This information was found in another VK community about the 53rd Anti-Aircraft Missile Brigade.

These names do not only appear in VK communities; later in this section, we describe how they are also mentioned on more official sources, such as television interviews, sbis.ru,⁹⁹ which claims that the information is obtained from official sources, and adm.rkursk.ru,¹⁰⁰ the official site of administration for the Kursk region. Posts in VK communities and in an Odnoklassniki group about the 53rd Anti-Aircraft Missile Brigade reveal many more names of officers, described in this section. It should be noted that many officers were apparently no longer part of the 53rd Anti-Aircraft Missile Brigade in 2014; when asked on one of these online communities if, for example, a certain officer was still there, soldiers often answered that the officer in question had moved to another unit.

The Bellingcat team has found many profiles of commanders and junior officers from the 53rd Anti-Aircraft Missile Brigade; some because their names were mentioned in VK communities or the Odnoklassniki group, others because they are members of these groups themselves, and most via the profiles of soldiers who were in the 53rd Anti-Aircraft Missile Brigade in 2013 and 2014 (see Section Three). During the search process for soldiers of the 53rd Brigade, profiles were found of officers, made recognizable by their uniforms. The uniforms of the Russian Army display, like military uniforms of other countries, stars and stripes with the rank of the officer noted by the amount of stars and stripes. The non-commissioned officers (sergeants and warrant officers) have no stripes, only stars; the junior officers (lieutenants and captains) have one stripe and a set of stars; the senior officers (majors, lieutenant colonels, and colonels) have two stripes and stars; and the supreme officers have a decorated pattern and bigger, gold-colored stars.¹⁰¹ However, the 53rd Anti-Aircraft Missile Brigade does not have supreme officers since the highest rank is a colonel; therefore, these types of shoulder straps were not found on images of uniforms of officers from the 53rd Brigade. Apart from stars and stripes, the officers have three types of uniforms with different looking shoulder straps: a parade uniform (usually blue with yellow shoulder straps), an everyday uniform (green with green shoulder straps, red stripes, and yellow stars), and a field uniform (camouflaged green, no shoulder straps, no stripes, smaller grey stars). The difference between non-commissioned officers and junior officers can be seen by the way the stars are ordered on the uniform.

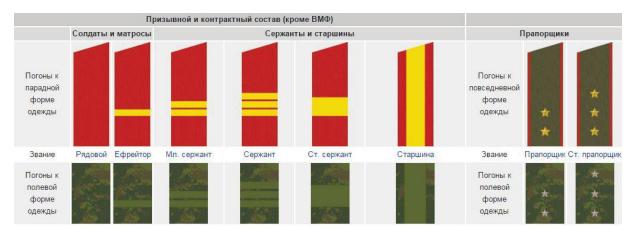
⁹⁷ http://censor.net.ua/forum/753625/novye_podrobnosti_s_bukom_rf_posle_vyvozki_v_rossiyu_buk_perekrasili

⁹⁸ http://censor.net.ua/forum/755432/buk_pod_nomerom_322

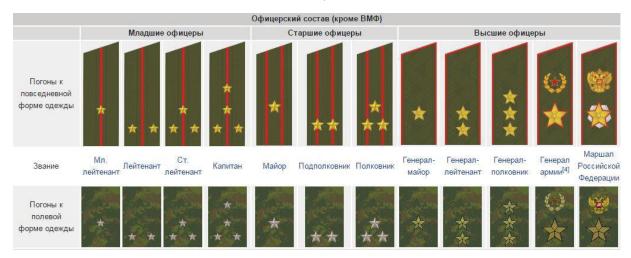
⁹⁹ <u>http://www.sbis.ru/</u>

¹⁰⁰ http://adm.rkursk.ru

 ¹⁰¹ http://goup32441.narod.ru/files/ovu/forma/prikaz-1500.htm http://21stcenturywarfare.forumotion com/t81-russian-army-ranks http://www.rg.ru/2010/03/12/forma-dok.html http://dic.academic.ru/dic.nsf/ruwiki/156492 see also: http://en.wikipedia.org/wiki/Army_ranks_and_insignia_of_the_Russian_Federation see also: http://ru.wikipedia.org/wiki/Воинские звания в Вооружённых Силах Российской Федерации



Army ranks and insignia of the Russian army (except navy) from the Russian version of the page on Wikipedia (information confirmed with help of government sources, see footnotes): in the left column are soldiers (private and private first class), in the middle column are sergeants (junior sergeant, sergeant, senior sergeant, master sergeant), and in the right are column warrant officers (warrant officer, senior warrant officer). The ranks and insignia are above the shoulder straps for everyday uniforms, under the shoulder straps for field uniforms.



Army ranks and insignia of the Russian army (except Navy) from the Russian version of the page on Wikipedia (information confirmed with government sources, see footnotes): in the left column are junior officers (junior lieutenant, lieutenant, senior lieutenant, captain), in the middle column are senior officers (major, lieutenant-colonel, colonel), and in the right column are supreme officers (major general, lieutenant general, colonel general, army general and marshal of the Russian Federation). The ranks and insignia are above the shoulder straps for every day uniforms, under the shoulder straps for field uniforms.



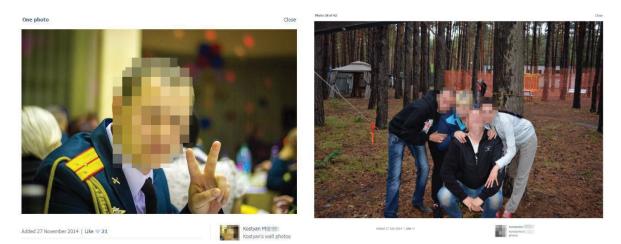
Shoulder straps of a lieutenant-colonel from a parade uniform (left), an everyday uniform (middle), and a field uniform.

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Buk Unit Commanders of the 2nd Battalion in 2014

The first officers the Bellingcat team found on VK are those connected to soldiers of the 2nd Battalion who were in service in 2013 – the soldiers on the two attendance lists (see Section Two). Konstantin M. was photographed together with soldiers of the 2nd Battalion in 2013 (see Section Three). A photograph, uploaded 28 November 2014 on his own profile, shows that he was still a commander by the end of 2014, and that he was then a senior lieutenant. Some of the soldiers he is connected to on VK were in the 1st Battery and have uploaded photographs of Buk missile launcher 211, so it is likely that he was a commander in the 1st Battery of the 2nd Battalion, at least in 2013.

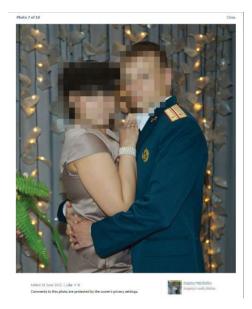
In Konstantin's saved photos album, a few photographs are dated 17 July 2014. In these photographs, Konstantin M. is visible with his wife, another officer identified as Sergey P., who will be described later this section, and another woman (Sergey P.'s wife). Since Konstantin M. was commander in the 2nd Battalion in 2014, it is very likely he took part in the June 2014 Buk convoy and was in the Rostov Oblast in the summer of 2014. The 17 July 2014 photographs, however, seem not to be have taken in the Rostov Oblast on or around July 17, 2014. This is because the officers are not wearing their uniforms and Konstantin's wife, who very likely also works for the 53rd Brigade, did not go to the Rostov Oblast, as images she uploaded in her VK album on 26 June 2014 from Belgorod make clear. Additionally, the clothes worn by the people in the photograph indicate that it is not summer, as the temperature in Kursk on 17 July 2014 was around 30 degrees Celsius.¹⁰² It seems more likely that photographs were taken in spring or autumn and uploaded on the day of the MH17 tragedy.



Left: Konstantin M , a senior lieutenant of the 2nd Battalion of the 53rd Brigade, image uploaded 28 November 2014 and since deleted (Konstantin M. deleted all of his military photographs in January 2016). Right: Sergey P , Sergey P , swife, Konstantin M. and Konstantin M.'s wife, uploaded 17 July 2014.

Via Konstantin M.'s profile and searching elsewhere on VK, other officers were found, including Evgeny M., who describes himself as being in Unit 32406 (the 53rd Anti-Aircraft Missile Brigade) and who categorizes eleven of his contacts as co-workers. On his profile, a photograph uploaded in 2012 of himself in uniform and his wife, makes it clear that he was a lieutenant at that time. While he does not share information about himself being in the military in social media, photographs from his connections make clear that he was an officer in the 2nd Battalion in July 2014. What is noteworthy is that he is connected to a soldier of the 2nd Battery of the 2nd Battalion who was certainly in the 23-25 June 2014 Buk convoy and Rostov oblast in the summer of 2014 (see Section Three).

¹⁰² <u>http://archive.is/jbEYz</u>



Evgeney M., a lieutenant of the 2nd Battalion of the 53rd Brigade, image uploaded 18 June 2012.

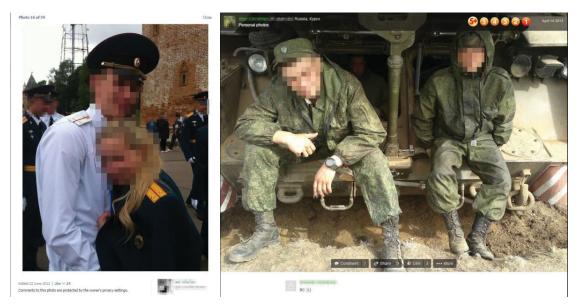
в/ч	xander N 32406 workers	Send a message Browse friends	Grigory M e/4 32406, 53 зенитная ракетная бригада Co-workers	Send a message Browse friends
BA	dim M BNBO BC PΦ -workers	Send a message Browse friends	Kostyan M BA BIBO BC PΦ Co-workers	Send a message Browse friends
ВА	ыr S В ПВО ВС РФ workers	Send a message Browse friends	Sergey O 53 3P6P r.Kypck,e/4 32406	Send a message Browse friends
A DECK	epa A	Send a message Browse friends	Co-workers Rafael A	Send a message
в/ч	aly K 32406 workers	Send a message Browse friends	ОВЗРУ (ВИ) Co-workers	Browse friends
STATE OF STREET, STREE	Jeny G	Send a message Browse friends	Pavel S Co-workers	Send a message Browse friends

Eleven 'co-workers' from Evgeny M.'s VK contacts list, four of them describe themselves as being in Unit 32406 (the 53rd Anti-Aircraft Missile Brigade).

Most of the profiles of Evgeny's eleven co-workers do not display any military activities in 2014, and, from their photographs, it is not immediately clear whether they are or were in service with the 53rd Anti-Aircraft Missile Brigade.

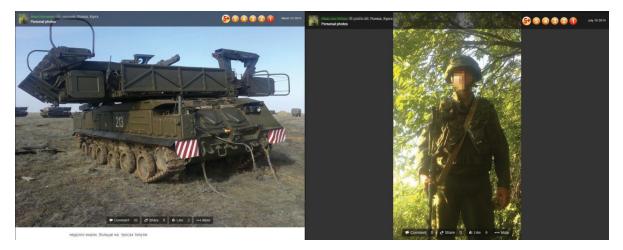
One co-worker's profile (Stepa A.) does not display any military photographs at all. Via Evgeny's profile on Odnoklassniki, we find the same co-worker listed as 'Stepan S. A.'; a photograph on his mother's profile shows he became a lieutenant in 2011. His connections, both on Odnoklassniki and on VK, indicate that he is an officer in the 53rd Anti-Aircraft Missile Brigade. However, photographs found on profiles of other officers made it clear that Stepan's wedding was on or just before 20 July 2014, so he very likely was not in the 2nd Battalion and did not take part in the June 2014 Buk convoy. The profile of another co-worker, Pavel S., does not give information about the unit he is in. Also Pavel S.'s profile and his photographs do not show any connection to the 2nd Battalion, any other battalion or Buk unit vehicles in general.

Igor S. uploaded images of himself in uniform in 2012 and 2013, showing the rank of lieutenant. His profile picture on Odnoklassniki shows him and an unidentified soldier or officer sitting on a Buk unit vehicle. That photograph was probably taken by another officer, Ivan B., to whom Igor S. was connected both on VK and Odnoklassniki, because the same photograph was found on the Odnoklassniki profile of Ivan B.



Left: Igor S., a lieutenant, image uploaded 22 June 2012; right: Igor S. (left side) and another unidentified soldier/officer (right side), photograph uploaded by Ivan B., 14 April 2013.

Other photographs from Ivan's album show that the Buk unit vehicle on which Igor S. is sitting might be Buk missile loader 213, a vehicle visible in three images from Ivan's album. Two remarkable photographs on both Ivan's VK and Odnoklassniki profile (uploaded 15 July 2014 but later removed from his VK profile) show Ivan B. in uniform without insignia in a wooded area, an indication that he might have been in the Rostov Oblast as well. He is connected with a few soldiers who were in the Rostov Oblast in the summer of 2014. One photograph of Ivan in an officer's uniform indicates that he became an officer in 2013 or 2014, but his rank is unclear. Igor S. became a lieutenant in 2012 and was likely the commander of Buk missile loader 213 in 2013. It is noteworthy that Buk missile loader 213 was not in the 23-25 June 2014 convoy and was replaced by a different Buk missile loader. Also noteworthy is that Igor S.'s wife did a post on 21 July 2014 on her VK profile saying "He who has the sun shining in his soul will be able to see the sun even in the gloomiest day...", and that Igor S. gave a like to this post, while he rarely responds to her posts with a 'like'.



Left: Buk missile loader 213, from Ivan B.'s Odnoklassniki profile, 23 March 2013; right: Ivan B , 15 July 2014.

Two other co-workers of Evegeny M., Alexander N. and Grigory M., both describe themselves as being in Unit 32406, and have a military history dating as far back as 2008. Alexander N. became a lieutenant in 2011, evidenced by photographs in which he was tagged and a photograph in his own album; later, he became a senior lieutenant, as shown in a 2014 photograph, although the exact year he was promoted is unknown. In Section Three, Alexander N. was described as an officer who was probably in the 1st Battalion since he is visible on a 2014 photograph sitting inside Buk missile launcher 131. In the photograph, he is next to a cadet who trained at the 53rd Brigade in the summer of 2014, as described in Section Four. Grigory M. does not provide any images on his own profile displaying his military rank, but images in an album on his and his wife's shared profile show that he was a lieutenant in 2010. Grigory's album does not show any military pictures after 2013. As the previous section made clear, he was still serving in 2014, but was not in the 2nd Battalion.



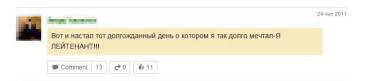
Left: Alexander N., lieutenant, 26 June 2011; right: Grigory M., lieutenant, 13 August 2010.

One noteworthy co-worker of Evgeny M. is Sergey O., who has affiliated himself with the 53rd Anti-Aircraft Missile Brigade in Kursk, Unit 32406, since 2011 and describes himself as a "Начальник расчета СОУ" ("СОУ" stands for "Самоходная огневой установка," or "Self-propelled missile launcher"), meaning he is a detachment commander of a self-propelled missile launcher, a term often used for a Buk missile launcher.¹⁰³ A photograph uploaded on 18 September 2011 on his VK profile shows that he was a lieutenant, and posts on his Odnoklassniki profile demonstrate that he became a lieutenant in 2011 and a senior lieutenant in 2013.

Another photograph shows a Buk missile launcher from the 3rd Battalion, an indication he was in the 3rd Battalion in 2011. The photograph was uploaded in September 2011, but clearly taken much earlier, since there is snow near Kapustin Yar where the photograph was probably taken. It is possible, though, that this photograph is much older, when he was not yet in the 53rd Brigade. Before 2011, Sergey O. was a detachment commander in the 49th Anti-Aircraft Missile Brigade in Yelnya, near Smolensk.



Left: Sergey O., 18 September 2011; right: A 3rd Battalion Buk missile launcher (right side), 18 September 2011.



A post on Sergey's wall on his Odnoklassniki profile where he wrote on 24 June 2011 he became a lieutenant.

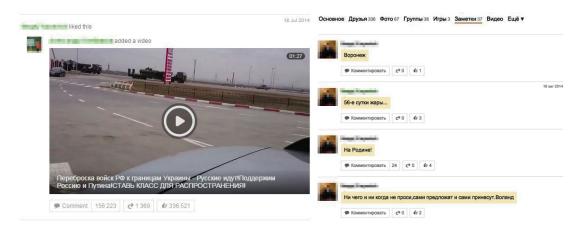
Rouge Korpeckie	22 Jul
Получил старшего лейтенанта!	
● Comment 17 🔿 0 🕼 13	

A post on Sergey's wall on his Odnoklassniki profile where he wrote on 22 July 2013 he became a senior lieutenant.

¹⁰³ <u>http://pvo.guns.ru/buk/buk_13.htm</u> see also: <u>http://ru.wikipedia.org/wiki/9A310</u>

What is notable about his Odnoklassniki profile is that he is very clearly siding with the pro-Russian separatists in the eastern Ukraine conflict. On his wall are several likes of posts about 'Novorossiya' and 'Anti-Maidan,'¹⁰⁴ and about transport of military equipment to the Russia-Ukraine border (a 'like' posted on 18 July 2014, the day after MH17 was shot down). Two Odnoklassniki groups that he is a member of are a group dedicated to the Luhansk Peoples' Republic and a group that supports 'Anti-Maidan'.

One post from 16 August 2014 where he wrote "56th day of heat" suggests that there was a heat wave in the surrounding area. Though it was quite hot near Luhansk and near the border on these days,¹⁰⁵ it is more likely that he wrote this message because the 2nd Battalion was deployed 56 days at that moment, or he referred to the number of days that military tension was going on in the area. 56 days before 16 August 2014 was 22 June 2014, just one day before the June 2014 Buk convoy departed to the Rostov Oblast days. Sergey O., as seen later in this section, was in the 2nd Battalion in 2014.



Left: a like of a video of a military transport to the Russia-Ukraine border, 18 July 2014; right: posts of 2014 that Sergey removed from his Odnoklassniki profile; one post mentions the 56th day of heat on 16 August 2014.

A 28 July 2015 photograph showing five officers in front of an unnumbered Buk missile launcher provides additional information. The officer wearing a helmet with the number 222 (likely indicating that he was responsible for the Buk missile launcher numbered as such) is Sergey O., as evidenced in photographs he uploaded on a new VK profile in October 2015.

¹⁰⁴ Anti-Maidan protests arose in response to the proposed action of a European Union association agreement and the subsequent Euromaidan protests, starting in November 2013. The Anti-Maidan movement supported the Yanukovych government and Russia, while being opposed to the Euromaidan movement, the European Union, and the eventual Poroshenko government.

¹⁰⁵ <u>http://archive.is/WVabB</u>



A photograph of five commanders standing in front of an unnumbered Buk missile launcher, including one commander wearing a 222 helmet, 28 July 2015.



Left: Sergey O, 28 July 2015; right: Sergey O., 5 October 2015.

It is important to know who the commander was of Buk missile launcher 222 in 2014 because this missile launcher was replaced by Buk missile launcher 3x2 in the 23-25 June 2014 Buk convoy. It is likely, but not certain, that the commander who would normally be responsible for Buk 222 was the commander of its replacement, Buk 3x2, in the summer of 2014. However, this theory is not supported by evidence; rather, it must be taken as a plausible hypothesis. Also, it must be noted that a contract soldier (see Section Three about the 2nd Battalion of 2014) posted an image of Buk 222 on Twitter in March 2013, possibly indicating that he was the operator of Buk 222 in 2013, but there is no clear evidence supporting this theory either.

The profiles of Vitaly K. and Evgeny G. do not give any information about the battalion they are in, and only Vitaly's profile shows he is a member of Unit 32406 (53rd Anti-Aircraft Missile Brigade). Photographs uploaded in the albums of Vitaly and Evgeney G.'s wife make clear that both men were lieutenants in the 53rd Anti-Aircraft Missile Brigade as early as 2012/2013. As demonstrated later in this section, both men were officers in the 2nd Battalion in 2013.

One photograph of Evgeny G. and his wife, uploaded 28 December 2014, was taken inside a building of the 53rd Anti-Aircraft Missile Brigade, a location commonly seen in official military photographs. This indicates that Evgeny G. was still an officer with the 53rd Brigade in 2014, but it is not certain he was still in the 2nd Battalion in 2014.

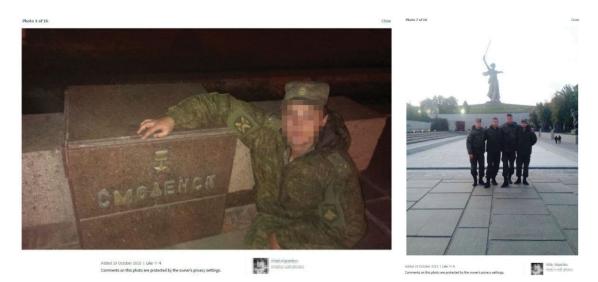


Left: Evgeny G., sergeant, 26 May 2012; middle: Evgeny G., lieutenant, 23 June 2012; Right: Evgeny G. inside a building of the 53rd Anti-Aircraft Missile Brigade, 28 December 2014.

Among other photographs from the same time, an October 2015 photograph of Vitaly K. shows he became a senior lieutenant after March 2013, and shows how Vitaly K. made a 2015 trip to Volgograd with other officers of the 53rd Brigade. The identity of one of these officers is still unclear, but two other officers were Sergey O. (see earlier this section) and Vladimir P. (described later this section). Both of these officers were in the 2nd Battalion of the 53rd Brigade in 2013/2014, as shown later in this section. The next subsection shows how additional officers made the Volgograd trip in October 2015, during training in nearby Kapustin Yar.

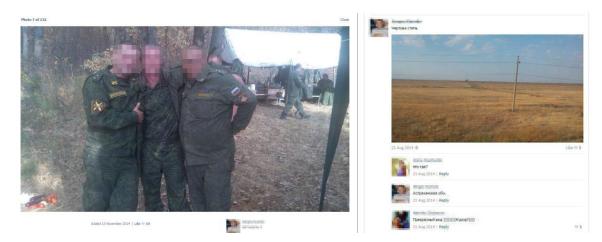


Left: Vitaly K., lieutenant, 31 March 2013; middle: Vitaly K. with emblem of the Air Defense, 4 February 2015; Right: unidentified officer (left) and Vitaly K. (right) in Volgograd, 19 October 2015.



Left: Vitaly K., senior lieutenant, 19 October 2015; Right: Vladimir P , Sergey O., an unidentified officer and Vitaly K. in Volgograd, 19 October 2015.

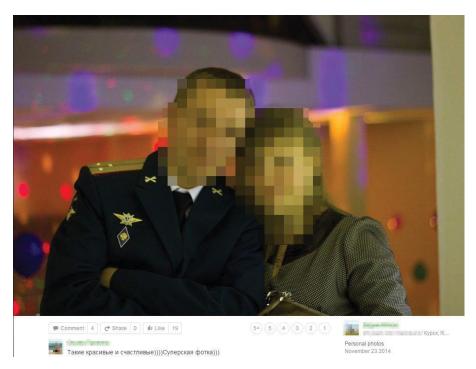
The profile of another officer was found, Sergey K., via profiles of some of the aforementioned commanders. Sergey K., an officer who was in the 53rd Brigade but very likely not in the 2nd Battalion, became a lieutenant in 2010 and later a senior lieutenant (exact time unknown). Two images in his VK photo album – both uploaded in November 2014 – show him barbecuing in a wooded area with other officers. Another photograph, uploaded 21 August 2014, shows a field and the comments under this photograph explain that it was taken in the Astrakhan Oblast, the region where the Kapustin Yar exercises are held. Section Three shows that the 1st Battalion left the Rostov Oblast and went to Kapustin Yar on 10 August 2014; therefore, it is likely Sergey K. was in the 1st Battalion in the summer of 2014.



Left: Sergey K., senior lieutenant (on the left side) with two other identified officers (Ivan I. and Igor D), barbecuing in a wooded area, 13 November 2014; Right: Sergey K. comments on a photograph that it was taken in the Astrakhan Oblast, 21 August 2014.

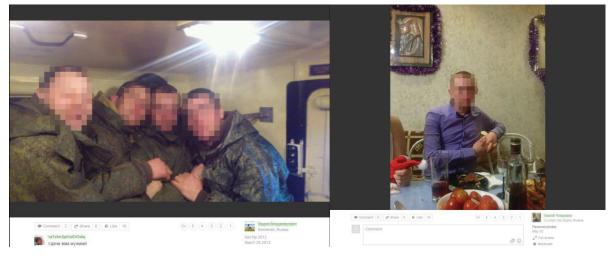
Evgeny M.'s two remaining co-workers provided valuable information in the photo albums on their VK and Odnoklassniki profiles. The first, Rafael A., has been a captain since 2014. This means he was not a Buk unit officer, but rather a battery officer; he is further profiled in the next subsection about battery officers.

Evgeny's last co-worker to be described is Vadim M. From photographs in albums both on his VK and Odnoklassniki profiles, it becomes clear he has been in the army since at least 2008 and joined the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade in 2010. His photo album on Odnoklassniki shows many 2nd Battalion Buk unit vehicles, including Buk command vehicle 200, Buk Snow Drift radar 201, and Buk missile launchers 211 and 221. In four photographs of missile launchers, a group of soldiers and/or officers standing in front of the missile launchers is visible, and on three the soldiers are tagged, revealing their names.



Vadim M , senior lieutenant, 23 November 2014.

Another image from Vadim M.'s album shows some of his co-workers more clearly. In this photograph, Konstantin M. and Sergey O. are clearly recognizable. A third officer, identified as Sergey P., who is a connection of some of the aforementioned commanders, is also visible in the photograph. He has been an officer since at least 2009, and later in this section evidence will establish that he was also part of the 2nd Battalion in 2014.



Left: Konstantin M , Sergey O., Sergey P. and Vladimir P., 28 March 2013; Right: photograph of Sergey P. from his own profile, 10 May 2015.

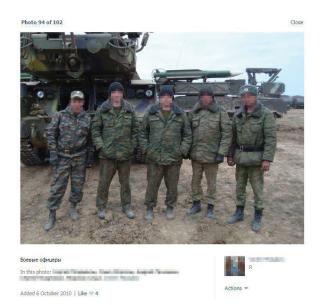
The fourth officer is named Vladimir P., also a connection of aforementioned officers, who was clearly recognizable in a family photograph and on a photograph of another Odnoklassniki profile.



Vladimir P., from his other Odnoklassniki profile.

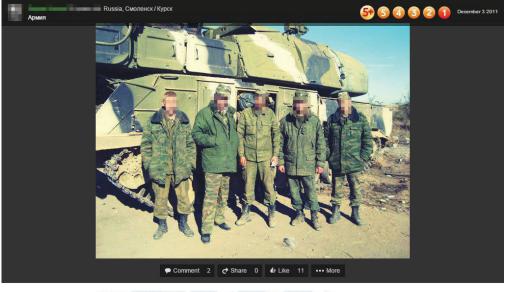
Further circumstantial evidence that shows that Vladimir P. was in the June 23-25 convoy is from posts from his wife. On 23 June 2014, she posted on her OK profile that she felt lonely, and on 17 July 2014, she posted a poem commonly shared by officers' wives, about the difficulty of the husband/officer being away from his family.

The first tagged image in Vadim M.'s album is dated 6 October 2010, which shows Vadim M. and four other officers, three of whom are tagged as Sergey P., Sasha M. and Andrey P. The officer named Sergey P. is the same officer in the previous image of four officers.



"Military officers," with the following officers tagged: Vadim M. (second from left), Sasha M. (middle), Andrey P. (second from right), and Sergey P. (right).

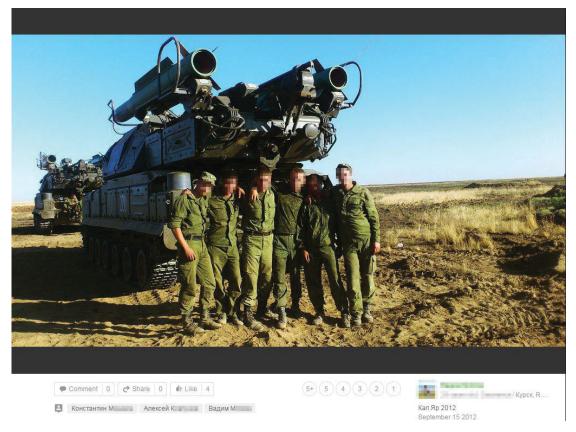
The second tagged image is from 3 December 2011, in which Vadim M. and other soldiers or officers are visible, including Aleksey K., Dmitry K., and Sergey O. (a different one than the one described earlier in this section). The tags of the last two names did not link to their profiles, but the link to Aleksey K.'s name reveals the profile of someone who was a major in 2008 (Aleksey K. is described in the next subsection). The other two profiles were found via connections to commanders.



In this photo Алексей К Вадим М Коюков Д Орехов С

The third tagged image is from 15 September 2012, in which three officers are standing in front of Buk missile launcher 221. The three tagged officers are Vadim M., Konstantin M. (see the beginning of this subsection), and Aleksey K. (the major also tagged in the previous 2011 image. Three additional officers are in this photograph: Evgeny M., Vladimir P. and Sergey O., who were apparently in the 2nd Battalion in September 2012. It is likely that of the five lieutenants (the sixth individual is a captain) standing in front of Buk missile launcher 221, one of them was the commander of that missile launcher.

Vadim M. (second from left) in front of a Buk missile launcher, together with other officers, tagged Aleksey K. (middle), Dmitry K. (second from right), and Sergey O. (right), 3 December 2011.



Buk missile launcher 221 and six officers: Evgeny M. (left), Vladimir P. (2nd from left), Sergey O. (3rd from left), Vadim M. (3rd from right), Aleksey K. (2nd from right), and Konstantin M. (right).

A fourth image from 22 March 2013 shows Buk missile launcher 211 with six officers standing in front of it. None of them are tagged, but four of the officers are identifiable as Evgeny G., Igor S., Vitaly K. and Konstantin M. A fifth officer is likely Dmitry K. Because a woman with the surname K. commented "Handsome!" under the image, an officer with surname K. might be visible in this image as well, and might be the same officer as Dmitry K. in the previous image. The woman's profile shows a major who looks similar to the man sitting on his knees in the photograph below. Major Dmitry K. will be described in the next subsection.



Buk missile launcher 211 and six officers: Evgeny G. (left), unidentified officer (second from left), Igor S. (middle), Vitaly K. (second from right), Konstantin M. (right), and major Dmitry K. (crouching).

Two now-deleted photographs show Vadim M. with a 201 helmet in front of and on a Buk unit vehicle, which on a 2014 VK photograph is very likely a Buk Snow Drift radar. This is a strong indication Vadim M. was a detachment commander of Buk Snow Drift radar 201 in 2014.



Left: Vadim M. with a 201 helmet on top of a vehicle similar to a Buk Snow Drift radar, uploaded 26 February 2014 (image deleted as of 6 January 2016); Right: Vadim M. with a 201 helmet in front of a Buk unit vehicle, uploaded on Instagram, but since deleted.

Pavel K., a likely Buk unit commander of the 2nd Battalion in 2014, was discovered through common connections of other 2nd Battalion commanders. His own social media profiles are restricted and/or not updated since 2011, but photographs in his wife's photo album show he was a senior lieutenant in air defense at 22 February 2014 and in air defense since at least 2013. This is best seen in a photograph of Pavel K. walking in between other air defense officers at the 70th Anniversary Parade for the Victory in the Battle of Kursk.¹⁰⁶ 29 December 2014 and 30 December 2013 photographs show him and his wife inside a building of the 53rd Brigade. Another 2013 photograph shows him together with Vladimir P. and Evgeny G., and a 2016 photograph shows him together with Vladimir P. A 9 May 2015 photograph, taken on Victory Day in Kursk, shows his wife and a child in front of a Buk missile launcher, and a post on his wife's profile of 18 July 2014 makes clear that she is an officer's wife and misses her husband, who was at that time likely serving far from home. Considering all of these factors, it is very likely that Pavel K. was a Buk unit commander in the 2nd Battalion in 2014. Additional evidence to this conclusion will be shown later in this section in the form of an October 2015 photograph.



Top: Pavel K, senior lieutenant in air defense, 22 February 2014; bottom: Pavel K. in a military parade in Kursk, 24 August 2013.

¹⁰⁶ <u>http://www.youtube.com/watch?v=IFt1kmsQHmg</u>

Commanders of the 1st and 3rd Battalions in 2014

In addition to the 2nd Battalion, commanders from the 1st Battalion in 2014 have also been identified. While the previous subsection on 2nd Battalion officers presented several individuals who may have knowledge or direct connections regarding the MH17 tragedy, this subsection will present individuals who likely have no connection to the tragedy, due to their lack of involvement in the 23-25 June 2014 Buk convoy. A 31 January 2014 post in an Odnoklassniki group mentions three names of officers in the 1st Battalion, 3rd Battery: Alexander C., Sergey K., and Nikolay M. In the same discussion, another officer, named Andrey Z., is mentioned; he is apparently in the 1st Battalion, 2nd Battery. A photograph Sergey K. uploaded on VK makes clear that he was the commander of Buk missile launcher 131 in 2012. According to an official source, Nikolay M. was a battery officer in February 2014 and held the rank of captain.



Left: Sergey K., commander of Buk 131, 8 July 2012; right: Alexander C., 20 March 2012.

This report's introduction mentioned the name of a 3rd Battalion officer published by the Ukrainian news site Censor.net. This officer is named Roman Ivanovich Gorlatykh; he was the commander of the 3rd Battalion, according to Censor.net.¹⁰⁷ A few posts on VK communities mention the same name, one makes it clear that he was the officer of the 3rd Battery in the 3rd Battalion in 2013.

A post on a VK community reveals names of officers that who used to be in the 3rd Battalion, including Alexander N. (see previous sections and subsection) and Evgeny S., a captain who has been with the 53rd Brigade since 2004. Because the 3rd Battalion was partially disbanded some time before 2014, it is not completely clear whether Alexander N. and Evgeny S. moved to another battalion or stayed at the 3rd to train cadets and conscript soldiers, although Alexander N. was photographed with a cadet in 2014.

¹⁰⁷ <u>http://censor.net.ua/forum/755432/buk pod nomerom 322</u>

Battery Commanders of the 2nd Battalion in 2014

The subsection about the Buk unit commanders of the 2nd Battalion describes two officers with higher ranks who were very likely in the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade: Captain Rafael A. and Major Aleksey K. Looking back to the previous subsections, Rafael A. was one of the listed co-workers of Evgeny M. and Aleksey K. was visible in two of Vadim M.'s photographs.

Aleksey K. has been a major since at least 2008 according to photographs on his Odnoklassniki profile and, according to his profile, was still serving in the 53rd Brigade in 2014. He is visible in two of Vadim M.'s photographs from 2011 and 2012 (see previous subsection) in the company of 2nd Battalion lieutenants of the 53rd Brigade. In one of these photographs, Aleksey K. poses with lieutenants in front of Buk missile launcher 221, likely indicating that he was a commander of the 2nd Battery in the 2nd Battalion in 2012. Earlier in this section, we mentioned that a battery officer has the rank of captain or major. This does not necessarily mean that every captain or major is a battery officer, but since Aleksey K. is visible in photographs together with Buk unit officers (lieutenants), it is very likely that he was a battery commander in the 2nd Battalion of the 53rd Brigade in 2011 and 2012.

A 2014 VK community post about the 2nd Battalion of the 53rd Brigade also mentions the name of Major Aleksey K., and another post, dated 11 December 2014, shows that Aleksey K. was still an officer in the 2nd Battalion in 2014.

On his profile, he commented "что творят нелюди" ("see what these inhumans do") on a since-deleted video of an Antimaidan group (the same group Sergey O. was a member of).



Alexey K., major, photograph uploaded in 2008 (a military parade in Moscow).

A captain named Rafael A. provided more information on his VK and Odnoklassniki profiles. Both profiles were removed shortly before 24 June 2015, but apparently the VK profile was just temporarily disabled because it was back online in July 2015; the Odnoklassniki profile was not reactivated. These profiles were removed shortly after *Bild's* publication about an upcoming Bellingcat report.¹⁰⁸ Unfortunately, only one image has been saved from Rafael A.'s now-deleted Odnoklassniki profile, but that particular image yields important information.

¹⁰⁸ <u>http://www.bild.de/bild-plus/politik/ausland/flug-mh-17/bericht-enthuellt-die-taeter-des-flugzeug-abschusses-41362040,var=x,view=conversionToLogin.bild.html</u>

First, the wall posts and images from Rafael A.'s VK profile will be examined. Two notable wall posts were made by Rafael A. on 16 September 2014 and 2 October 2014, where, in both cases, collections of pictures are posted at once. The collection of pictures posted on 16 September shows photographs that were obviously not taken in the same location or on the same date. Four photographs are geotagged, with two of them in or near Kursk, one pointing to the exercise fields near Kapustin Yar in the "Akhtubinskiy rayon," and, strangely enough, one in Wisconsin in the United States, which clearly is either a mistake or was deliberately changed. Clicking on the location shows a part of the Atlantic Ocean near Africa, a location that corresponds with Google coordinates 0°00'00.0"N 0°00'00.0"E. At the very least, it is clear that these photographs were not taken on the same day nor at the same location. The uploaded images are ordered left to right, starting with officers standing near the train station in Kursk and ending with Rafael A. inside a Buk unit vehicle wearing a helmet that is difficult to read showing either a number 524 or 324 on the helmet.



Rafael A.'s wall post on his VK profile from 16 September 2014 with a series of images.

In the first image, Rafael A. is the second man from the left; besides the officer standing on the right side, named Marat Y. (see Section Four), no other officers have been identified. The second image shows Rafael A. with lieutenant Sergey O. (see previous subsection), who was very likely in the 2nd Battalion in 2014. The same image was found in a 53rd Brigade Odnoklassniki group, uploaded on 21 July 2014. The third image shows Rafael A. with a major named I. L. (described further in this section) in the Akhtubinskiy rayon. The fourth image shows Rafael A. in a wooded area; this photograph is unlikely to have been taken in the area of the exercise fields near Kapustin Yar.

The fifth image, which was geotagged in Wisconsin, is a quite remarkable image because it shows the three officers in previous photographs of the 2nd Battalion: Evgeny M. (left), Sergey O. (middle left), Sergey P. (middle right), and Rafael A. (right).

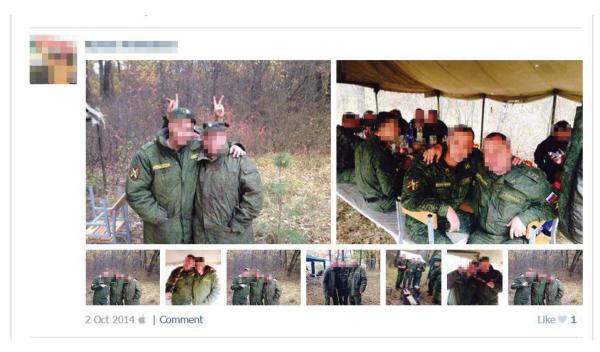
The one image that was saved from Rafael A.'s Odnoklassniki profile is this photograph depicting these four officers, uploaded on 21 July 2014. The photograph could not have been taken in the Kapustin Yar area because the 1st Battalion went there on 10 August 2014, the 2nd Battalion was in the Rostov Oblast in the summer of 2014, and the 3rd Battalion stayed at the base in the summer of 2014. On 21 July 2014, the 1st Battalion arrived in an area southwest of Kamensk-Shakhtinksy, while units of the 2nd Battalion were in an area to the west and southwest of Millerovo. Judging by the likely location of the battalions, the presence of 2nd Battalion officers, the visible uniforms, and the upload date of the photograph, this image indicates that Rafael A. was a captain in the 2nd Battalion in 2014. However, unless Rafael A. moved from one battalion to another in July 2014 or the photographs in Kapustin Yar were taken earlier – for example in May or June 2014 – this does not fully explain the Kapustin Yar photographs.



Evgeny M. (left), Sergey O. (second from left), Sergey P. (second from right), and Rafael A. (right), photograph uploaded 21 July 2014.

The sixth image of the 16 September 2014 collection on Rafael A.'s VK wall post shows Rafael A. and other officers with unnumbered Buks in a big, empty field similar to the Kapustin Yar training fields. The area visible in the image is not similar to the area of the Rostov Oblast where the 2nd Battalion was deployed, which is more of a green, wooded area than the steppe around Kaputin Yar. Since most of the Buks transported to the Rostov Oblast were numbered, this photograph was likely taken near Kapustin Yar. The seventh and last image shows Rafael A. inside a Buk vehicle wearing a 324 or 524 helmet; numbers that do not correspond with any 53rd Brigade Buk vehicle in 2014.

It is unclear if the photographs uploaded by Rafael A. on 16 September 2014 were uploaded in chronological order or if they were all taken in the same month or year. Another series of images was uploaded by Rafael A. on 2 October 2014. These photographs – where we see officers barbecuing and eating – were apparently taken on the same day, very likely sometime between 16 September 2014 and 2 October 2014. After 16 September 2014, all three battalions had returned to the base near Kursk (the 1st Battalion returned 10 or 11 September 2014, the 2nd Battalion just before or on 12 September 2014 after almost three months in the Rostov Oblast, and the 3rd Battalion never left the base of the 53rd Brigade).



Rafael A.'s wall post on his VK profile from 2 October 2014 with a series of images.

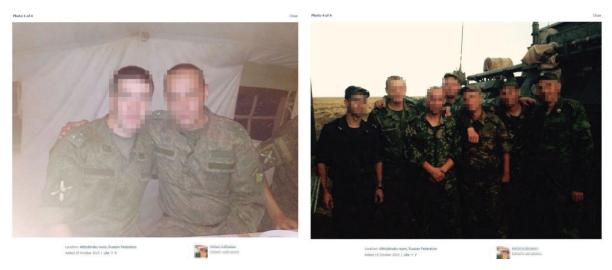
The first image shows Rafael A. with an officer named Evgeny S., who used to be in the 3rd Battalion. The second image shows Rafael A. sitting next to a captain named Alexander L; on the other side of Rafael A. is Grigory M. (one of Evgeney M.'s co-workers from the previous subsection). The next images show Sergey K. (a senior lieutenant, see previous subsection); comparing Sergey K.'s barbecue photographs to these makes it clear that it is the same event. Since Sergey K. was very likely in the 1st Battalion, it becomes clear these photographs were taken after 10 September 2014. Major I. L. is visible again in two images, as is an officer named Ivan I, who is also visible on a 2012 photograph of 2nd Battalion officers and soldiers on Vadim M.'s OK profile (see previous subsection).

Besides the two wall posts comprising a series of photographs, Rafael A. posted an interesting photograph on 1 March 2014, depicting himself and three other officers inside a building of the 53 rd Brigade. Among these officers is Major I. L. and a senior warrant officer, Igor D. The major on the left has not yet been identified.



Four officers inside a building of the 53rd Brigade, 1 March 2014: an unidentified major (left), major I. L , captain Rafael A., and senior warrant officer Igor D.

In October 2015, Rafael A. posted new images on his VK profile of himself and other 53rd Brigade officers, just as Vitaly K. did (see previous subsection). These images clarify that a part of the 53rd Brigade returned to Kapustin Yar in the summer/autumn of 2015. Some of the officers in the photographs are Sergey O., Vladimir P., Konstantin M., Pavel K. and Alexander C. Most of these officers were in the 2nd Battalion in 2014, with the exception of Alexander C., who was in the 1st Battalion in January 2014, but he apparently moved to the 2nd Battalion in 2014 or 2015.



Left: Vladimir P. (left) and Rafael A. (right) in the Akthubinskiy rayon, 15 October 2015; Right: Alexander C. (left), Konstantin M. (2nd from left), Rafael A. (3rd from left), Pavel K. (middle up), an unidentified officer (3rd from right), Sergey O. (2nd from right), and an unidentified officer (right).



Left: Rafael A. (left), Sergey O. (middle), Vladimir P. (right), 23 October 2015. Right: an unidentified officer (left), Rafael A. (2nd from left), Vladimir P. (2nd from right), and Sergey O. (right), train station Kursk, 23 October 2015.

The previous subsection described a major named Dmitry K., who is visible in several images uploaded by Vadim M (see previous subsection). A 2013 photograph shows Buk 211 and six officers, including Dmitry K. The profile of his wife, Elena K., the woman who gave a comment to the Buk 211 photograph, shows a photograph of major Dmitry K. Two other photographs from a social media connection of Dmitry K. show two 2nd Battalion Buk unit commanders, Konstantin M. and Sergey P., with Dmitry K. While Dmitry K. was an officer of the 2nd Battalion in 2013, there is no direct evidence indicating that he was still an officer in this battalion in 2014.



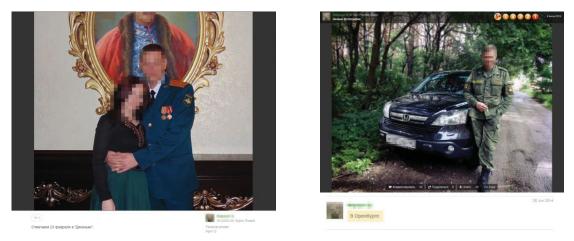
Left: major Dmitry K. and his wife; right: Dmitry K, Sergey P., and Konstantin M., 8 January 2013.



Left: major Dmitry K. on Vadim M.'s profile 23 March 2013 (the photograph was not archived); Right: major Dmitry K., on Vadim M's profile, 2 April 2013.

Other Commanders in the 53rd Anti-Aircraft Missile Brigade in 2014

One commander connected to several 2nd Battalion officers is Denis S., a major of the 53rd Brigade who calls himself 'Fedor' on social media A closer examination of his profile reveals that he was not in the 2nd Battalion in 2014. A photograph posted 4 July 2014 shows him in front of what is described in a comment as his new car with a Kursk oblast region code on its license plate (46), but the photograph could have been taken earlier. More concrete indications as to his whereabouts in June-July 2014 are found in other posts, including a wall post on 25 June 2014 in which he writes he is in Orenburg at the moment and a photo album, uploaded 10 July 2014, showing photographs from Orenburg as well.



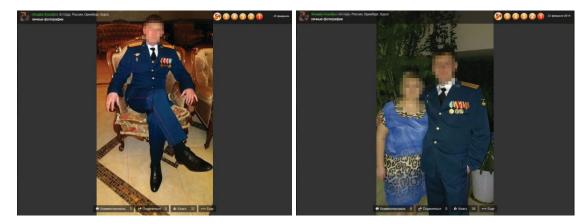
Left: Major Denis S. of the 53rd Brigade (with his wife); right: Denis S. in front of his car, 4 July 2014, and Denis S.'s location on or around 25 June 2014, where he writes "в Оренбурге" (in Orenburg).

A photograph uploaded to a 53rd Brigade album of an Air Defense Odnoklassniki group shows Denis S. in front of a 2014 week schedule or 'plan', where on the top of the columns the days of the week are displayed, while the rows display the three battalions, divided into three batteries, but also a command unit and some other units. Numbers are displayed in the second column, and a number 3 is apparently displayed for each battery for the amount of officers and the number 12 of total personal, which means one (commissioned) officer for each Buk unit vehicle and four crew members for each vehicle. This information corresponds with the number of crew members mentioned in Section One.



Denis S. in front of a week schedule or 'plan,' image uploaded 20 September 2014.

Ilmir K. is a commander who started in Orenburg and was already an officer in 2009; he later became a captain and, in 2013, a major. His name is mentioned as a captain of command vehicle on an information page about Unit 32406 (the 53rd Brigade); the page also describes that Ilmir K. has been with the 53rd Brigade since at least 2010. He is a member of a 53rd Brigade group on Odnoklassniki and is connected to several 2nd Battalion officers, but it is not clear if he was in the 2nd Battalion in 2014.



Left: Ilmir K., a major of the 53rd Brigade, 23 February 2015; right: Major Ilmir K. and his wife, 23 February 2014.

One of Ilmir K's colleagues is a commander named Alexey V.; he is also a major, but it is unknown when he received that rank. Photographs from 2013 show him as a major, and photos from 2011 show him as a member of the 53rd Brigade, evidenced by a photograph in his own album and a photograph in Vadim M.'s album (see previous subsection). According to an official source, Alexey V. is the head of a radar command post (Snow Drift radar), but it is not clear in which battalion. Since he is visible in a 2011 photograph in Vadim M.'s album together with Vadim M. and another 2nd Battalion officer, and he is connected on Odnoklassniki to a commander who used to be the commander of the 2nd Battalion, it is plausible he was in the 2nd Battalion, at least in 2011.



Left: Major Alexey V. and his wife, 5 January 2015; Right: Major Alexey V. (2nd from left), Major Oleg C. (middle), and Major Denis S. ('Fedor,' second from right).

One officer who was clearly in the 2nd Battalion, at least in 2013, is Anatoly K. While his profile does not show his rank in the army, two photographs in his album where he is wearing a helmet with the number 200 indicate that he is an officer with the Buk command vehicle 200. His age, which appears to be 52 years old, is an indication that he is an officer, though it is not conclusive. Anatoly K.'s profile does not show any military activity in 2014. It is noteworthy that he 'liked' some pro-Novorossiya images in 2014 and that he replied to a comment posted on 25 December 2014 by a Ukrainian woman under a photograph of his where he is wearing a 200 helmet: 'If you take missiles to Ukraine, you will be knocked out, number two hundred on the helmet. cargo 200" ("Якщо ти поставив ці ракети на Україну то вже тобі вибила цифра двохсотий на шоломі. груз 200"). Cargo 200 is the Russian codename for a killed soldier returning from a warzone.¹⁰⁹ While she writes in Ukrainian, he answers in Russian, ironically: "I talked to her about beauty and she to me about politics" ("Я ей про красату а она мне про политику").



An officer named Anatoly K., rank unknown, wearing a helmet with the number 200, 16 February 2013.

The Bellingcat team found several more profiles of captains and majors with the 53rd Anti-Aircraft Missile Brigade, but it was not clear whether they were still in service in 2014, what battalion they were connected with, or what their specific function within the brigade was.

¹⁰⁹ <u>http://www.bbc.com/news/world-europe-30039004</u> see also: <u>http://en.wikipedia.org/wiki/Cargo 200 (code name)</u>

Commander of the 2nd Battalion in 2014

In the introduction, a name of a possible 2014 2nd Battalion commander was mentioned: Artyom Agibalov, whose name was in the Censor.net article and in two VK communities, along with a commander named Alexey S.

According to posts in these communities, Artyom Agibalov was a lieutenant in the 1st Battalion in 2009 and was transferred to the 2nd Battery of the 2nd Battalion in 2010. He was an officer in the 2nd Battalion on 23 May 2014, but it was not specified what type of officer he was nor whether he was a battalion commander. If he was a lieutenant in 2009, he must have made rapid progress to become a lieutenant colonel in 2014, so it is more likely that he was promoted to captain, maybe later even to major, and was a battery commander in 2014. Hardly any information could be found about Artyom Agibalov; social media profiles did not seem to fit. His name is mentioned on a team competition sheet, but it is not even clear if this is the same person.

Alexey S., who was the 2nd Battalion commander of the 53rd Brigade, has a profile on Odnoklassniki, but there is little information on it indicating that he was still a member of the 53rd Brigade. According to posts on the aforementioned VK communities, he was in the 2nd Battalion in 2010, but was no longer there in 2013. These posts, however, do not clarify whether he was transferred to another battalion or if he left the 53rd Brigade altogether. A post in one of the above VK communities (but in a different topic) says Alexey S. moved to a different military unit far away from Kursk. But, in conflicting information, a post made on 9 May 2014 says he was at that year's Victory Day parade and introduced as a lieutenant colonel of the 2nd Battalion. It is possible the person who posted this misunderstood the introduction because Alexey S. may have been introduced as a former commander of the 2nd Battalion. Apart from that last post, no other indication was found to establish that Alexey S. was still part of the 53rd Brigade in 2014.



Profile picture of Alexey S., uploaded July 2011.

A photograph posted on Odnoklassniki in 2014 identifies Dmitry T., who was very likely the 2nd Battalion commander of the 53rd Brigade in 2014. The photograph uploaded on 21 February 2014 by a 2nd Battalion soldier on Odnoklassniki shows a group of soldiers, several of whom can be identified as 2nd Battalion soldiers, and an officer. A comment under the photograph makes it clear that the officer in the image is Lieutenant Colonel Dmitry T., commander of the 2nd Battalion. A post from 31 March 2014 on a VK community of the 53rd Brigade, previously mentioned in this section, notes that Dmitry T. has been the commander since 2012. A post on a forum for soldiers' mothers (see Section Three)¹¹⁰ made on 5 December 2014 says that the commander of the 2nd Battalion is Dmitry T.



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 Дмитрий
 Personal photos
 February 212014

Group photograph showing commander of the 2nd Battalion Dmitry T. (the officer standing behind the table marked by a red circle), uploaded 21 February 2014.

Dmitry T., 39 years old and from Kursk, had profiles on Mail.ru and Odnoklassniki. It is clear that these profiles do not belong to another individual who coincidently has the same name and lives in Kursk, as the profiles are connected to multiple profiles of another 53rd Brigade officer. In January 2016, soon after the publication at NOS (Dutch news) about Bellingcat's upcoming report, both profiles were removed. Before the profile deletions, the surnames on the accounts were changed.¹¹¹

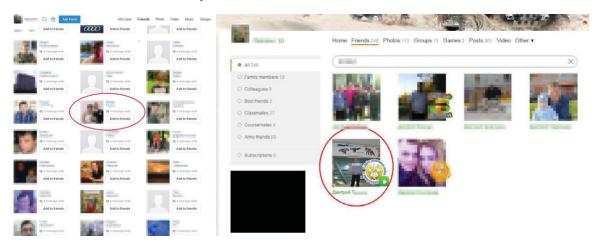
¹¹⁰ <u>http://prizyvnikmoy.ru</u>

¹¹¹ <u>http://nos.nl/artikel/2078421-onderzoeksgroep-twintig-russen-in-beeld-voor-neerhalen-mh17.html</u>



Left: Dmitry T. and his wife, Mail.ru, 2011; middle: Dmitry T. in front of Korrenaya Hermitage in Svoboda near Kursk, Mail.ru, 2012; ¹¹² right: Dmitry T , on his Odnoklassniki profile.

One of Dmitry T.'s connections on both Mail.ru as Odnoklassniki is Denis 'Fedor' S. (see previous subsection), who has added Dmitry T. as friend on both social media networks.



Left: Dmitry T. in Denis S.'s Mail.ru contact list; right: Dmitry T. in Denis S.'s Odnoklassniki contact list.

Bellingcat has come to the conclusion that Dmitry T. was very likely the commander of the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade between February and December 2014. He was therefore responsible for the 2nd Battalion in July 2014 when MH17 was downed by, very likely, Buk 3x2, a missile launcher part of the 53rd Anti-Aircraft Missile Brigade. Despite the fact that Dmitry T. likely stayed in the Rostov Oblast with the rest of the 2nd Battalion, he was the commander of the 2nd Battalion and therefore of the 23-25 June 2014 Buk convoy. Among all of the commanders in the 53rd Brigade, Dmitry T. would be one of the officers most likely to know the identities of the crew of Buk 3x2, in the likely case that Russian soldiers were part of the Buk's crew. If the Buk crew consisted of Russian soldiers and officers, Dmitry T. very likely has a shared responsibility with other 53rd Brigade officers in the MH17 tragedy due to his battalion's transport of Buk 3x2 to the Russia-Ukraine border and, likely, across the border.

¹¹² <u>http://www.kurskroot.com/korennaya_hermitage_home.html</u> <u>http://www.panoramio.com/photo/59618608</u>

Commander of the 53rd Anti-Aircraft Missile Brigade in 2014

The introduction mentions Sergey Borisovich Muchkaev (found by Censor.net) as the commander of the 53rd Anti-Aircraft Missile Brigade in 2014. Bellingcat also found Muchkaev in 2014 and mentioned him in their first full report, *Origin of the Separatist's Buk*.¹¹³ Two photographs of certificates from cadets (students of a technical university) were included in the report. These certificates were signed by "S. Muchkaev" and "A. Sagula." Muchkaev is designated in writing as the commander of Unit 32406, the 53rd Anti-Aircraft Missile Brigade. The certificates were signed on or before 25 July 2014, as both cadets uploaded them on their VK profiles on 25 July 2014. Section Four describes the significance of these certificates and the activities these cadets participated in with the 53rd Brigade in full detail.

Учебные сборы прошел Учебные сборы прошел с 22 июня по 25 июля 2014 года с 22 июня по 25 июля 2014 года при войсковой части 32406 при войсковой части 32406 в должности начальника расчета в должности начальника расчета ВУС-042800. BVC-042800. К военной присяге приведен 5 июля 2014 г. К военной присяге приведен 5 июля 2014 г. Аттестован в офицерский состав. Аттестован в офицерский состав. Командир войсковой части 32406 Командир войсковой части 32406 полковник С.Мучкаев Присвоено воинское звание "лейтенант" полковник С.Мучкаев Присвоено воинское звание "лейтенант" приказом МО РФ от № приказом МО РФ от J 2 No Начальник факультета военного обучения Начальник факультета военного обучения полковник А.Сагула полковник А.Сагула

Two photographs of certificates from cadets included in the full report, Origin of the Separatist's Buk.

Apart from an April 2014 post in a 53rd Brigade VK community (as mentioned in the introduction) where Muchkaev is described as the brigade commander, two more posts in another 53rd Brigade VK community make clear Muchkaev still was the brigade commander in July 2015. According to official sources, Sergey Borisovich Muchkaev was indeed the commander of the 53rd Anti-Aircraft Missile Brigade (Unit 32406) in 2014.¹¹⁴ After investigating websites for images and videos of the annual military parade in Kursk, Muchkaev was found in two YouTube videos from 2014.¹¹⁵ and one photograph from 2015. Four names are read aloud (at 4:30) in this video¹¹⁶: Alexander Vladinovich Rodionov (commander of the 27th NBC-defense brigade, where NBC stands for Nuclear, Biological and Chemical),¹¹⁷ Vladimir Alexandrovich Rodionov (military commissar of Kursk),¹¹⁸ Andrey Viktorovich Avdeev (head of the Electronic Warfare Unit of the Western Military District),¹¹⁹ and Sergey Borisovich Muchkaev (commander of the 53rd Anti-Aircraft Missile Brigade).

http://www.bellingcat.com/news/uk-and-europe/2014/11/08/origin-of-the-separatists-buk-a-bellingcat-investigation
 http://sbis.ru/contragents/4611010810/461101001#msid=s1427711196758

http://www.prima-inform.ru/cat/cc/fbu-voyskovaya-chast-32406-1094611000990-4611010810

¹¹⁵ http://www.youtube.com/watch?v=pHJ1jnKsVH0 http://www.youtube.com/watch?v=rkMnzuWNM50

¹¹⁶ http://youtu.be/pHJ1jnKsVH0?t=270

¹¹⁷ <u>http://www.kpravda.ru/article/society/027263/</u> <u>http://warfare.be/db/lang/rus/catid/321/linkid/2225/base/583/</u>

¹¹⁸ http://www.dddkursk.ru/number/818/new/006811/

¹¹⁹ <u>http://www.gikursk.ru/news/3414/</u>

After the names have been read aloud, four officers step forward to the Memorial Complex, and the officer to the far left appears to wear a badge on his left sleeve worn by members of the 53rd Anti-Aircraft Missile Brigade. Later, when he turns, the medals on his uniform are visible, and, at the end of the video, he is visible standing between other officers waiting for the parade.



Left: Sergey Borisovich Muchkaev with the 53rd Anti-Aircraft Missile Brigade emblem on his left sleeve; Right: Sergey Borisovich Muchkaev standing on the left, his insignia visible.

The 53rd Brigade has only one supreme commander, a colonel, as described earlier in this section. In addition to the unique badge that specifies the unit of a soldier or officer, the rank is also displayed on the uniform, with stripes and stars on the shoulders. As described above, a colonel – a senior officer – has two red vertical stripes and three stars.

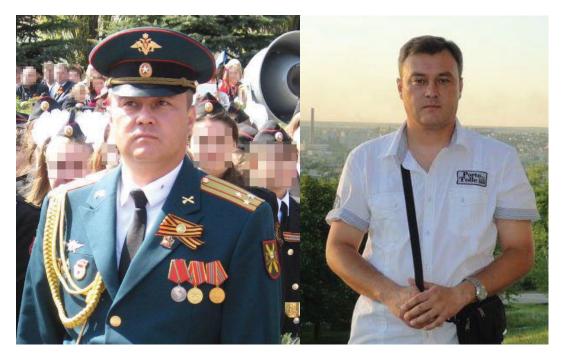
The photograph of Sergey Borisovich Muchkaev shows the shoulder patch with the symbol of the 53rd Brigade, two stripes, and three stars on the uniform; the position of the medals and the yellow rope on the uniform also match the uniform that Muchkaev wears in the 2014 Kursk parade video.



Colonel Sergey Borisovich Muchkaev, the officer in the middle, commander of the 53rd Anti-Aircraft Missile Brigade, 9 May 2015 (to his right possibly Colonel Yury G., the commander of Unit 35535, the 448th Missile Brigade).



The Bellingcat team also found social media profiles of Sergey Muchkaev on Odnoklassniki and Facebook. Photographs from his social media profiles confirm that the colonel visible in the photograph above is indeed Sergey Borisovich Muchkaev. One photograph in particular from his Odnoklassniki profile shows a striking similarity.



Left: Colonel Sergey Borisovich Muchkaev, 9 May 2015; right: Sergey Muchkaev on his Odnoklassniki profile.

Despite the fact the men in these photographs look identical and have the same name, this is no absolute guarantee that the social media profiles of Sergey Muchkaev belong to the same man that is Colonel of the 53rd Anti-Aircraft Missile Brigade. However, especially the Odnoklassniki profile shows enough details to be certain that it is the same person.

His Odnoklassniki profile does not mention anything about the 53rd Anti-Aircraft Missile Brigade, instead he describes himself being in military unit 48422, which is the 1143th Anti-Aircraft Missile Regiment in Nizhny Novgorod,¹²⁰ a military unit that operates Tor-M1.¹²¹ His profile also gives the information he used to be in military unit 30274, which is the 282th Anti-Aircraft Missile Regiment in Chebarkul, ¹²² the place that Muchkaev on his Odnoklassniki profile also describes as his town of birth. A post on one of the 53rd Brigade VK communities where Muchkaev's name was mentioned before, says that Muchkaev was a senior lieutenant in a TOR-M1 unit in Chebarkul. The person who posted this, is connected via Odnoklassniki to the profile of Sergey Muchkaev.

¹²⁰ http://sbis.ru/contragents/5263031720/526301001 http://vk.com/m48422 http://www.gk.ru/croup/d4452625700717

http://www.ok.ru/group/44453625790717 121 http://defense-update.com/products/t/tor.htm

see also: <u>http://en.wikipedia.org/wiki/Tor_missile_system</u> http://vk.com/club11696588

Сергей Мучкаев	Home Friends 204 Photos 21 Groups 33 Games 5 Posts 2 Video Other
	About Me
	Born on December 22. Place of birth: r. Чебаркуль (Чебаркульский район), Россия. Current location: r. Наро-Фомин (Наро-Фоминский район), Россия.
	🧶 4 школа 1982—1993
	🧶 1 школа 1983—1987
	🧶 №1ЦГВ 1987—1990
	👰 1 школа 2007—2007
	🎐 2 школа 2007—2007
	👰 3 школа 2007—2007
	👰 4 школа 2007—2007
	🁰 1 школа 2007—2007
	📓 СПВЗРКУ 1993—1997
	30274 1997—2004
	📱 Горьковское высшее зенитное ракетное командное училище ПВО 2000—2007
	BA B RBO BC P¢ 2004—2006
	48422 2006—2008

Personal information from Muchkaev's Odnoklassniki profile, where his birth date is mentioned (22 December 1976), the military units where he served: 30274 (from 1997 to 2004) and 48422 (from 2006 to 2008), but also about education he completed at an Anti-Aircraft Missile Command Academy (from 2000 to 2007).

The patronym 'Borisovich', which means that the first name of his father is Boris, is not mentioned on Muchkaev's Odonoklasniki profile. A post and photograph on his mother's profile confirm that his father is named Boris Muchkaev.

His profile is not connected to profiles of other officers or soldiers of the 53rd Brigade, but one noteworthy contact in his friends list (and to be more specific in his list of colleagues) is the father of Aleksander Donets, who was the commander of the 53rd Brigade from 2005 until 2009.

In January 2016 the Ukrainian group Inform Napalm¹²³ also found Muchkaev's profile after the Ministry of Defense of the Russian Federation published information on 24 December 2015 about the Air Defense Forces, because of the 100-year anniversary of the Air Defense.¹²⁴ This publication also includes an overview of commanders of all anti-aircraft missile brigades, among them Colonel Sergey Borisovich Muchkaev, who became the commander of the 53rd Anti-Aircraft Missile Brigade in 2013.¹²⁵ Within a few hours after InformNapalm's publication, the Odnoklassniki and Facebook profiles of Sergey Muchkaev were deleted.

^{123 &}lt;u>http://www.informnapalm.org</u>

http://mil.ru/files/files/pvo100/

¹²⁵ <u>http://mil.ru/files/files/pvo100/page80289.html#rec3447023</u> <u>http://archive.is/p3JnL</u>

53 зенитная ракетная бригада Западного военного округа

53 зенитная ракетная бригада сформирована 1 октября 1967 года на базе 268 отдельного зенитного ракетного полка на основании Директивы Генерального штаба от 13 июля 1967 года с дислокацией в городе Артик Армянской ССР. В состав бригады вошли 667, 679, 682 озрдн.

С 20 декабря 1968 года по 7 января 1969 года 53 бригада была передислоцирована из в Германскую Демократическую Республику, где вошла в состав 1 гвардейской танковой Армии ГСВГ с дислокацией: управление бригады и 682 озрдн — г. Альтенбург; 677 озрдн — г. Мерзенбург; 679 озрдн — г. Цейп;

С 1 октября 1970 года 53 зенитная ракетная бригада была передана в состав 20 гвардейской общевойсковой армии ГСВГ.

С 1 ноября 1986 года бригада перевооружена на ЗРК «Бук». В В составе бригады был дополнительно сформирован 1578 озрдн, дислоцированный в г. Ошац.

Контрольные стрельбы бригады на полигоне «Эмба» были оценены на «хорошо». В 1992 году бригада выведена к новому месту дислокации — в Курскую область, где была передана в состав войск ПВО ордена Ленина Московского военного округа.

Бригада неоднократно выполняла боевые стрельбы на государственном полигоне Капустин Яр и полигоне Ашулук, показав достаточно высокий уровень знаний и мастерства личного состава, эксплуатации техники и вооружения, умения сберегать вверенные материально-технические средства, а также кокий уровень морально-психологической подготовки.



Мучкаев Сергей Борисович командир 53 зенитной ракетной бригады,

Information about the history of the 53rd Anti-Aircraft Missile Brigade and a photograph of Colonel Sergey Borisovich Muchkaev, from the website of the Ministry of Defense of the Russian Federation, 24 December 2015.

Командиры 53 зенитной ракетной бригады: полковник Попов И. П. (1967 – 1973), полковник Самойленко А. С. (1973 – 1977), полковник Дудченко Е. С. (1977 – 1983), полковник Ярчак Ю. А. (1983 – 1985), полковник Фильков Ю. В. (1985 – 1991), полковник Кондрашов И. П. (1991 – 1992), полковник Чернов Г. Н. (1992 – 2004), полковник Донец А. В. (2005 – 2009), полковник Кукушкин В. В. (2009 – 2011), полковник Золотов А. Ю. (2011 – 2013), полковник Мучкаев С. Б. (с 2013 по н.в.).

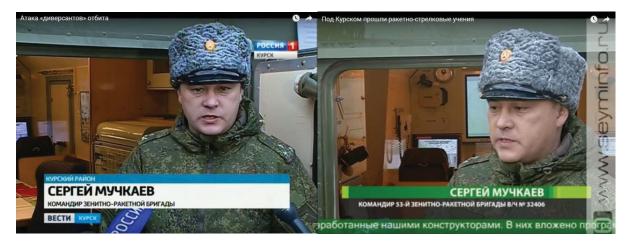
Names of all commanders of the 53rd Brigade since 1967, where Colonel Sergey Borisovich Muchkaev is mentioned from 2013. It is also noteworthy to mention the name Aleksey Yuryevich Zolotov, who had been commander of the 53rd Brigade from 2011 to 2013, and who will be described later in this section, since he promoted to a higher position in the army.

Also published on 24 December 2015 was an interview with Colonel Sergey Muchkaev, recorded by two different television stations. Apart from two articles published by both stations,¹²⁶ in which Muchkaev's name is mentioned, videos of an interview are available on youTube, in which Muchkaev explains information about the exercises and system improvements within the brigade.¹²⁷ The videos also show another commander being interviewed, Andrey Kokhanov, apparently the head of the Air Defense of the Western Military District. This officer talks about software to spot airplanes that has been improved. Andrey Kokhanov will be described later this section.

¹²⁶ http://gtrkkursk.ru/lenta-novostei/24122015085234 l.html

http://seyminfo.ru/pod-kurskom-proshli-raketno-strelkovie-ucheniya.html http://www.youtube.com/watch?v=WlfxcXg5-GU&t=69

http://www.youtube.com/watch?v=1bmnQkEA92I&t=68



Left: Colonel Sergey Borisovich Muchkaev, interview recorded by 'Rossiya 1 Kursk', video uploaded 24 December 2015; Right: Colonel Sergey Borisovich Muchkaev, interview recorded by 'Seym', video uploaded 24 December 2015.

Sergey Muchkaev was the supreme commander of the 53rd Brigade in 2014 (and still is, as of this report's publication), and very likely the officer who decided to replace Buk 222 with Buk 3x2 (a 3rd Battalion Buk) in the 23-25 June 2014 Buk convoy of the 2nd Battalion. Because of his position, Colonel Sergey Borisovich Muchkaev is one of the officers in the chain of command responsible for the downing of MH17 in the case that Buk 3x2 downed MH17, as argued in previous Bellingcat publications. Even if the Buk crew did not consist of Russian soldiers and officers, Muchkaev was very likely responsible for the decision to send Buk 3x2 to the Russia-Ukraine border. However, he was not the officer who initially decided to send a Buk missile launcher to Ukraine. That decision was made at an even higher level: the level of the Air Defense in general, the Air Defense of the Western Military District, or the Air Defense of the 20th Army of the Western Military District, since the 53rd Anti-Aircraft Missile Brigade is a part of that military unit (see Section One).

Air Defense and Supreme Commanders in 2014

The decision to send a Buk missile launcher to Ukraine was certainly not made by the commander of the 53rd Anti-Aircraft Missile Brigade because the 53rd Brigade has no other air defense systems apart from the Buk system. That decision must have been made at a higher level of command, likely the level of the Air Defense of the 20th Army, the Air Defense of the Western Military District or the Air Defense in general. Other air defense brigades use other systems such as TOR-M1¹²⁸ and Strela-10,¹²⁹ with the latter being unable to hit a target higher than five kilometers (Russia did use 9M333 missiles for Strela-10 in 2014 that do not go higher than five kilometers). However, TOR-M1 is able to reach targets at a maximum height of 10 kilometers. The 49th Anti-Aircraft Missile Brigade, located in Yelyna near Smolensk, also uses the Buk-M1 system.

The decision to send a Buk missile launcher instead of another air defense system must have been made at a higher level. Section One, described how the 53rd Brigade is part of the 20th (Guards) Army that belongs to the Western Military District. In general, the Air Defense has a supreme commander, but the 20th Army and the Western Military District have commanders of their air defense too.

The introduction mentions Aleksey Yuryevich Zolotov (found by Censor.net), the former commander of the 53rd Brigade who, according to the article, became head of the air defense forces. Censor.net based their conclusion on a 23 May 2014 post in a VK community that says Zolotov was promoted to Chief of the Air Defense Forces. Official sources indeed mention him in October 2013 as commander of the 53rd Brigade,¹³⁰ and he can also be seen being interviewed in a 2012 YouTube video about the 53rd Anti-Aircraft Missile Brigade¹³¹ and in a YouTube video about air defense missile brigades in general and the development of Buk-M2.¹³² A more recent official source from 17 February 2014 makes it clear that Colonel Aleksey Zolotov was promoted to Chief of the Air Defense Forces of the 20th Army sometime between October 2013 and February 2014.¹³³ In the previous subsection, it is described that Zolotov was Commander of the 53rd Anti-Aircraft Missile Brigade until 2013, so he likely became Chief of the Air Defense Forces of the 20th Army in 2013 as well.



Colonel Aleksey Yuryevich Zolotov, previous commander of the 53rd Anti-Aircraft Missile Brigade, promoted to head of the Air Defense Forces of the 20th Army in 2013.

¹²⁸ <u>http://warfare.be/db/catid/264/linkid/1691/</u>

see also: <u>http://en.wikipedia.org/wiki/Tor missile system</u>
 <u>http://rbase.new-factoria.ru/missile/wobb/strela10m/strela10m.shtml</u>

see also: <u>http://en.wikipedia.org/wiki/9K35_Strela-10</u> ¹³⁰ <u>http://www.gikursk.ru/news/835/</u>

http://adm.rkursk.ru/index.php?id=955&mat_id=27237

¹³¹ <u>http://youtu.be/dLb3Y2pBCYo?t=71</u>

¹³² http://www.youtube.com/watch?v=ITKXXogGb4s&t=586

¹³³ http://adm.rkursk.ru/index.php?id=741&mat_id=30636

Other images and videos where Zolotov is visible, albeit from a distance, are photographs and videos of the 70th anniversary of the victory of the Soviet Army in the Battle of Kursk, held on 23 August 2013, where Colonel Zolotov was one of the parade commanders (together with Major General Alexander Lapin, commander of the 20th Army of the Western Military District at that time, see later this subsection).¹³⁴

Although Zolotov is difficult to recognize in these photographs and videos, in one video three stars on the shoulder of his uniform are visible, confirming the person in the video is a Colonel.¹³⁵ The same video earlier shows this person making a short speech in front of another officer, probably Major General Alexander Lapin.¹³⁶ Another video uploaded on YouTube shows the same person standing in a car with license 'парад 02' ('parade 02')¹³⁷. Only one photograph from an album of this 2013 parade¹³⁸ shows his face,¹³⁹ but still from quite a distance, and it cannot be said with absolute certainty it is the same person visible in the 2012 videos where Colonel Alexey Zolotov is interviewed.



A photograph of the 70th anniversary of the victory of the Soviet Army in the Battle of Kursk military parade, 23 August 2013, the officer visible standing in a jeep facing the camera likely is Colonel Alexey Zolotov.

It is not certain that the apparent decision to send a Buk missile launcher to Ukraine was made by Zolotov, and if it was, the decision was certainly not made by Zolotov alone. This decision may have been made at an even higher level, by the Commander of the 20th Army, the Commander of the Air Defense of the Western Military District or the Commander of the Western Military District, combined with the Commander of the Air Defense troops of the Ground Forces and the Commander-in-Chief of the Ground Forces.

¹³⁴ http://regnum.ru/news/1698397.html http://mil.ru/elections/news/more.htm?id=11826772 http://www.kp.ru/online/news/1518163

¹³⁵ http://youtu.be/D1I48Rz0PY0?t=605

¹³⁶ http://youtu.be/D1I48Rz0PY0?t=132

¹³⁷ <u>http://youtu.be/Y1p9My_rWOo?t=82</u>

¹³⁸ <u>http://astrokursk.ru/fotografii-kurska/foto-reportazhi/2013/voennyy-parad-v-kurske-photo-1.html</u>

¹³⁹ <u>http://archive.is/yXhWv</u>

A news article from 18 September 2013 says that the head of the 20th Army (officially called the 20th Guards Combined Armed Forces) is Alexander Pavlovich Lapin, with the rank of major general.¹⁴⁰ He became head of the 20th Army on 2 April 2012¹⁴¹ and is the same person visible in the 70th anniversary of the victory of the Soviet Army in the Battle of Kursk video with Colonel Alexey Zolotov. However, an official article on the website of the Russian Ministry of Defense makes it clear that Lapin was succeeded by Major General Alexander Yuryevich Chaiko on 8 July 2014.¹⁴² A photograph in the article shows Chaiko on the left, Lieutenant General Viktor Astapov in the middle, and Alexander Lapin on the right. Lapin was eventually promoted to lieutenant general and became head of the Eastern Military District. Other sources confirm these changes in the Russian Army on 8 July 2014.¹⁴³



Left: Major General Alexander Pavlovich Lapin, head of the 20th Army until 8 July 2014; Right: Major General Alexander Yuryevich Chaiko, head of the 20th Army since 8 July 2014.



Succession of Lapin (right) by Chaiko (left) under supervision of Astapov (middle).

¹⁴⁰ <u>http://www.novayagazeta.ru/society/60047.html</u>

¹⁴¹ http://mil.ru/elections/news/more.htm?id=11054402@egNews

¹⁴² <u>http://function.mil.ru/news_page/country/more.htm?id=11968356@egNews</u>

http://okp.mil.ru/separated_commandant_regiment/honour_book/info.htm?id=11122663@SD_Employee

¹⁴³ <u>http://www.niann.ru/?id=456290</u> <u>http://newsnn.ru/news/123282</u>

As mentioned earlier this section, published articles¹⁴⁴ and uploaded videos on 24 December 2015¹⁴⁵ showing an interview with Colonel Sergey Muchkaev also show an interview with Major general Andrey Anatolyevich Kokhanov, head of the Air Defense of the Western Military District, as he is described in an article on the Ministry of Defense website.¹⁴⁶ Another article on this website, about the history of Air Defense of the different military District, describes him as a colonel and head of the Air Defense and aviation of the Western Military District,¹⁴⁷ thus he was likely promoted to major general recently. It is unknown exactly when Kokhanov was promoted to this position and rank. In December 2011, an official source¹⁴⁸ mentions Major General Kirill Vladimirovich Makarov as head of the Air Defense of the Western Military District. He became the deputy commander of the Aerospace Defense Forces in February 2013.¹⁴⁹ It is likely Kokhanov took the position of head of the Air Defense and aviation of the Western Military District in 2013, but an official source to confirm this conclusion has not been found.



Major general Andrey Anatolyevich Kokhanov, head of the Air Defense of the Western Military District, 24 December 2015.

Kokhanov's profile on Odnoklassniki does not provide this information, but it displays his military history since 1987 and an anti-aircraft missile regiment history since 1990. A photograph uploaded to his profile shows several anti-aircraft missile brigade commanders, including Sergey Muchkaev.



Left: Andrey Anatolyevich Kokhanov, then still a colonel; right: Kokhanov (4th from left) on his OK profile with Muchkaev (left).

http://gtrkkursk.ru/lenta-novostei/24122015085234 l.html
 http://seyminfo.ru/pod-kurskom-proshli-raketno-strelkovie-ucheniya.html
 http://www.voutuba.com/watch2v=WlfvcXa5-CLU8t=112

¹⁴⁵ <u>http://www.youtube.com/watch?v=WlfxcXg5-GU&t=113</u> <u>http://www.youtube.com/watch?v=1bmnQkEA92l&t=39</u>

¹⁴⁶ <u>http://function.mil.ru/news_page/country/more.htm?id=12072297@egNews</u>

¹⁴⁷ http://mil.ru/files/files/pvo100/page80286.html

¹⁴⁸ <u>http://www.spmi.ru/node/3550</u>

¹⁴⁹ <u>http://syria.mil.ru/news/more.htm?id=11654052@egNews</u>

Official sources state that the Commander of the Western Military District in 2014 was a man named Anatoliy Alekseyevich Sidorov, who ascended to this position on 24 December 2012 and reached the rank of colonel general on 20 February 2013.¹⁵⁰ In November 2015 Sidorov was succeeded by Colonel General Andrey Valeryevich Kartapolov, who had been chief of staff or deputy commander of the Western Military District until June 2014.¹⁵¹ The position of chief of staff or deputy commander was taken over by Lieutenant General Viktor Borisovich Astapov on 21 June 2014.¹⁵² This is the same Viktor Astapov who presented Alexander Chaiko as the new Commander of the 20th Army on 8 July 2014. On 14 June 2015, he was placed on Ukraine's list of criminals of war.¹⁵³



Left: Anatoliy Alekseyevich Sidorov, Colonel general, Commander of the Western Military District in 2014; Right: Viktor Borisovich Astapov, Lieutenant general, Deputy Commander of the Western Military District since 21 June 2014.

Despite these changes in the Russian army shortly before the MH17 tragedy, it remains unclear who made the decision to send a Buk missile launcher to Ukraine, or when the decision was made. Since Buk missile launcher 3x2 was part of the 23-25 June 2014 Buk convoy, the decision was likely made before Viktor Astapov became chief of staff or deputy commander of the Western Military District and very likely before Alexander Chaiko became head of the 20th Army, because Chaiko became head of the 20th Army after a Buk missile launcher was already transported to the Rostov Oblast. These changes to the staff of the Russian army are noteworthy, since they took place during the period when Russia decided to play a more active role in the conflict in Ukraine.

Other officers who likely had an influence on the decision to send a Buk missile launcher to Ukraine are the Commander-in-chief of the Ground Forces, Colonel General Oleg Leonydovych Salyukov,¹⁵⁴ and the Commander of the Air Defense Troops of the Ground Forces since October 2010,¹⁵⁵ Lieutenant General Alexander Petrovich Leonov,¹⁵⁶ He took over this position from Major General

¹⁵⁰ <u>http://structure.mil.ru/management/info.htm?id=11670664@SD Employee</u>

¹⁵¹ <u>http://eng.mil.ru/en/structure/okruga/west/head.htm</u>

¹⁵² http://function.mil.ru/news_page/country/more.htm?id=12006035@egNews

¹⁵³ http://psb4ukr.org/criminal/astapov-viktor-borisovich/

¹⁵⁴ http://structure.mil.ru/management/combatant_arms/more.htm?id=10336066@SD_Employee see also: http://en.wikipedia.org/wiki/Oleg_Salyukov see also: http://en.wikipedia.org/wiki/Russian_Ground_Forces

 ¹⁵⁵ http://ru.wikipedia.org/wiki/Войска противовоздушной обороны (Сухопутные войска)
 http://army-staff.ru/vidy-vs-rf/sukhoputnye-vojska/vojska-pvo-sukhoputnykh-vojsk.html
 http://old.redstar.ru/2010/12/25_12/1_02.html
 http://www.rg.ru/2015/08/10/kompleks-site.html
 http://function.mil.ru/news_page/country/more.htm?id=12013129@egNews
 http://vpk-news.ru/articles/24155
 http://mil.ru/files/files/pvo100/page78744.html
 see also: http://ru.wikipedia.org/wiki/Леонов, Александр Петрович

Mikhail Kondratyevich Krush,¹⁵⁷ who was interviewed by a Novorossiya news agency, which still referred to him as head of the Air Defense Forces¹⁵⁸ on 30 July 2014 regarding the MH17 tragedy. With tragic irony, an interview with Leonov was aired on Russian state television on 17 July 2014 at 17:40 local time, just 20 minutes after MH17 was downed in Ukraine.¹⁵⁹



Left: Colonel General Oleg Leonydovych Salyukov, Commander-in-chief of the Ground Forces since May 2014; Middle: Alexander Petrovich Leonov, Commander of the Air Defense troops of the Ground Forces since October 2010; Right: Mikhail Kondratyevich Krush, Commander of the Air Defense troops of the Ground Forces until October 2010.

Finally, the decision to send military equipment from the Air Defense Forces in general was likely made at an even higher level: the Russian Ministry of Defense. The staff of the management of the Ministry of Defense consists of several generals and other staff members who no longer hold a military rank.¹⁶⁰

The officers with the highest positions in 2014 were First Deputy Minister of Defense, General of the Army¹⁶¹ Arkady Viktotovich Bakhin (former head of the Western Military District)¹⁶², who either resigned or was dismissed on 17 November 2015,¹⁶³ Chief of the General Staff and First Deputy Minister of Defense, General of the Army Valery Vasilevich Gerasimov,¹⁶⁴ the Minister of Defense, General of the Army Sergey Kuzhugetovich Shoygu,¹⁶⁵ and, of course, the President of the Russian Federation, Vladimir Vladimirovich Putin, who serves as the supreme commander of the Russian Armed Forces.¹⁶⁶

¹⁵⁷ <u>http://www.arms-expo.ru/news/archive/general-mayor-mihail-krush-naznachen-nachal-nikom-voyskovoy-pvo-03-11-2008-11-15-00/</u>

¹⁵⁸ <u>http://novorus.info/news/events/25960-general-pvo-buk-ne-sbival-boing.html</u>

¹⁵⁹ http://www.youtube.com/watch?v=EVR558v5DLQ

¹⁶⁰ <u>http://structure.mil.ru/management.htm</u>

¹⁶¹ http://www.rg.ru/2012/05/28/vyplaty-dok.html

see also: http://en.wikipedia.org/wiki/General_of_the_army_(Russia)

¹⁶² <u>http://structure.mil.ru/management/info.htm?id=10330380@SD_Employee</u>

¹⁶³ http://rushincrash.com/forces/army-force-structures/fired-first-deputy-defence-minister-arkady-bakhin

¹⁶⁴ http://structure.mil.ru/management/info.htm?id=11113936@SD Employee

¹⁶⁵ http://structure.mil.ru/management/minister.htm?id=11445111@SD_Employee

¹⁶⁶ http://structure.mil.ru/management/leader.htm?id=10330475@SD Employee



Left: Arkady Viktotovich Bakhin, First Deputy Minister of Defense (until 17 November 2015); Second from left: Valery Vasilevich Gerasimov, First Deputy Minister of Defense; Second from right: Sergey Kuzhugetovich Shoygu, Minister of Defense; Right: Vladimir Vladimirovich Putin, president of the Russian Federation, Supreme Commander of the Russian Armed Forces.

Although it is likely that the head officials of Ministry of Defense did not explicitly decide to send a Buk missile launcher to Ukraine, the decision to send military equipment (with or without crew) from the Air Defense Forces to Ukraine was likely made at a very high level and, therefore, the Russian Ministry of Defense bears the main responsibility for the downing of MH17, in the likely case that Russia's Buk 3x2 missile launcher was the weapon used.

This responsibility is shared with separatist leaders of the Donetsk People's Republic and (to a lesser extent) the Luhansk People's Republic. The leaders of these self-proclaimed republics are outside of the scope of this report, since they did not serve in the 53rd Anti-Aircraft Missile Brigade or (officially) in the Russian army in 2014.

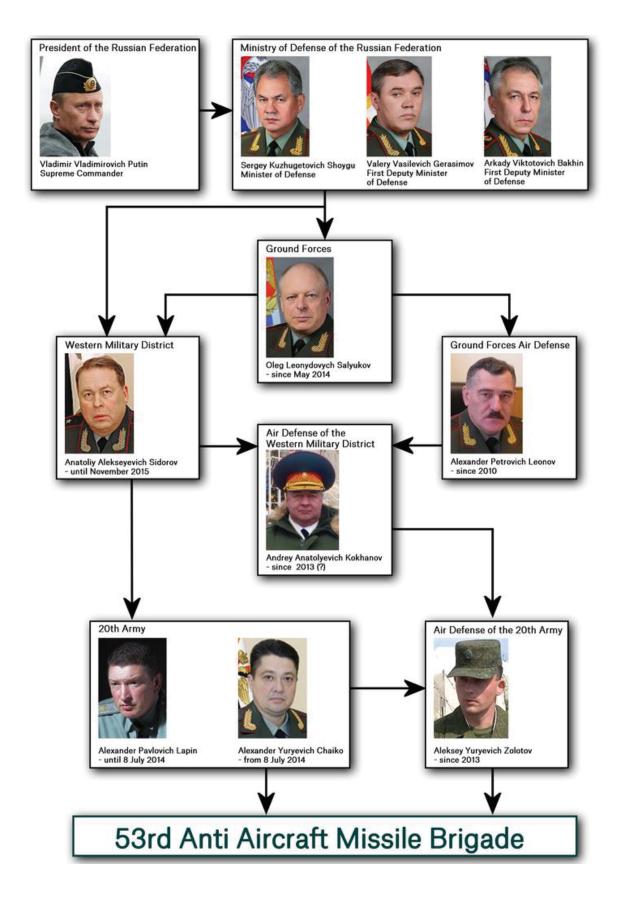
The Main Intelligence Directorate of Russian Armed Forces, GRU (formally now known as 'Главное управление', or GU) was also implicated by the SBU wiretaps regarding the movements of the Buk missile launcher. In its official sanctions, the EU specifically mentioned former GRU head Lieutenant General Igor Sergun,¹⁶⁷ who died suddenly in early January 2016¹⁶⁸, as being responsible for activity of GRU officers in eastern Ukraine. Another former GRU officer who was very likely involved in the downing of MH17 is Sergey Nikolayevich Petrovsky, known as "Khmuryi", who was recognized by Ukraine on tapped phone conversations.¹⁶⁹

The next pages show a hierarchical scheme of the command structure in the Russian army from the President of the Russian Federation and the Ministry of Defense of Russia to the level of Buk unit commanders in the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade.

¹⁶⁷ <u>http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0433</u>

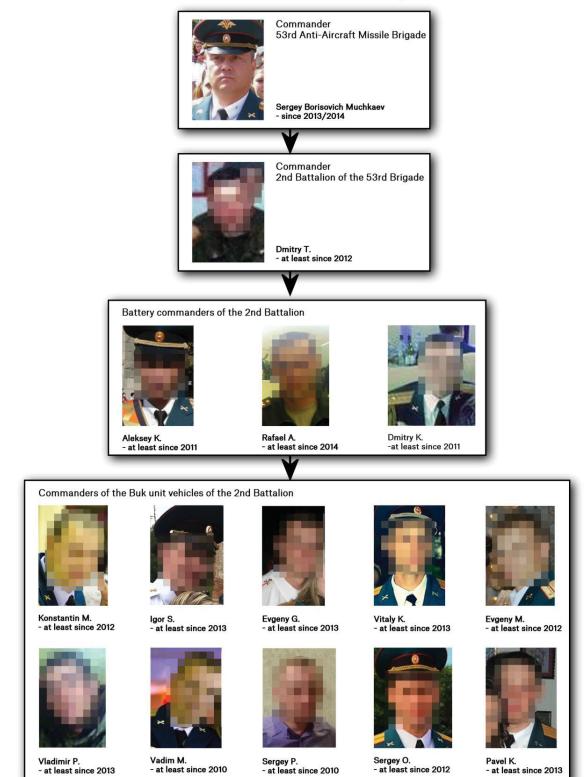
¹⁶⁸ <u>http://www.bbc.com/news/world-europe-35226131</u>

¹⁶⁹ http://euromaidanpress.com/2014/07/18/sbu-intercept-of-terrorist-conversation-proves-they-had-buk-m-in-possession http://www.nrc.nl/nieuws/2015/04/01/russian-officer-recognized-on-tape-by-dutch-investigation-team-mh17



bell;ngcat

53rd Anti-Aircraft Missile Brigade - Kursk



Conclusions

The Bellingcat investigation team comes to the following conclusions:

- In 2014, the 53rd Anti-Aircraft Missile Brigade consisted of three battalions, each of them divided into three batteries. A complete Buk system of a battalion in the 53rd Brigade consisted of six Buk missile launchers, three Buk missile loaders, one Snow Drift radar, and one command vehicle. Each battery of the 53rd Brigade consisted of two Buk missile launchers and one Buk missile loader.
- The 23-25 June 2014 Buk convoy transported Buk vehicles, other military vehicles, and soldiers/officers of the 2nd Battalion. Some of the vehicles were replaced by 3rd Battalion or unknown Buk vehicles. The destination of that convoy was the Millerovo military airbase; units of the convoy were subsequently transported to a rural area to the west and southwest of Millerovo, near the Russia-Ukraine border.
- The 19-21 July 2014 Buk convoy transported Buk vehicles, other military vehicles, and soldiers/officers of the 1st Battalion. The destination of that convoy was a rural area southwest of Kamensk-Shakhtinsky – likely a military camp in that area – near the Russia-Ukraine border.
- The soldiers of the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade who were in military service in 2013 were not involved in the 23-25 June 2014 Buk convoy and were not deployed to the Rostov Oblast in the summer of 2014, since their service ended late 2013 or early 2014. However, some of these soldiers may have signed up as contract soldiers after their military service was fulfilled.
- The soldiers of the 3rd Battalion of the 53rd Anti-Aircraft Missile Brigade who were in military service in 2014 were not involved in the 23-25 June 2014 Buk convoy. In 2014, none of them posted a picture of a convoy, a training camp, or an area similar to the border area in the Rostov Oblast.
- Soldiers of the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade who were in military service in 2014 took part in the 23-25 June 2014 Buk convoy and were deployed in an area west and southwest of Millerovo in the Rostov Oblast in the summer of 2014. Many soldiers of the 2nd Battalion posted images of the convoy or of themselves in a rural area. Image captions sometime mention a border area or the images have geotags in the Rostov Oblast. These soldiers stayed for almost three months (from June to September 2014) in the border area of the Rostov Oblast. Among these soldiers, it is possible that one or two contract soldiers or reservists were part of the crew of Buk 3x2, which very likely downed MH17.
- Soldiers of the 1st Battalion of the 53rd Anti-Aircraft Missile Brigade who were in military service in 2014 took part in the 19-21 July 2014 Buk convoy and were deployed in an area southwest of Kamensk-Shakhtinsky in the Rostov Oblast in July and August 2014. Afterward, part of the convoy was transported to Kapustin Yar, a training area near the Russia-Kazakhstan border.
- A Buk crew usually consists of two soldiers (an operator and a driver) and two officers (a sergeant and a lieutenant). The lieutenant is the detachment commander who makes the decision to fire a missile, as this officer is the only commissioned officer.

- The 2nd Battalion of the 53rd Brigade had six missile launchers and three missile loaders in 2014. These nine vehicles were commanded by detachment commanders (lieutenants). Bellingcat has identified ten lieutenants who were detachment commanders of Buk missile launchers, Buk missile loaders, and a Buk Snow Drift Radar in 2014. From some of these lieutenants, connections can likely be made to a specific missile launcher or loader.
- Buk 222 was replaced in the 23-25 June 2014 Buk convoy by Buk 3x2. If Russian officers and soldiers were part of the Buk 3x2 crew, it is very likely that the officers and soldiers who usually operate Buk 222 were part of the Buk 3x2 crew, but there is no direct evidence to support this conclusion.
- Three battery commanders of the 2nd Battalion of the 53rd Brigade (Aleksey K., Rafael A. and Dmitry K.) were very likely serving in 2014, but it is not known which batteries they commanded. One of these commanders was photographed together with 2nd Battalion lieutenants in a rural area. This photograph was uploaded on 21 July 2014 and indicates their likely presence in the Rostov Oblast in July 2014.
- The battalion commander of the 2nd Battalion of the 53rd Brigade was very likely Dmitry T. in 2014. This commander was likely responsible for the transport of 2nd Battalion vehicles in the 23-25 June 2014 Buk convoy to the Rostov Oblast, including Buk 3x2. If the Buk crew consisted of Russian soldiers and officers, they were likely selected by Dmitry T. and/or the 53rd Brigade commander Sergey Borisovich Muchkaev. If that is the case, then he knows the identities of the soldiers and/or officers who operated Buk 3x2.
- The brigade commander of the 53rd Brigade in 2014 has been identified by Censor.net and Bellingcat as Sergey Borisovich Muchkaev. Since he was the highest-ranking commander of the 53rd Brigade, it was most likely his decision to replace the 2nd Battalion Buk missile launcher 222 with the 3rd Battalion Buk missile launcher 3x2, and to send Buk 3x2 to the Rostov Oblast, where it was subsequently transported to Ukraine. If the Buk crew consisted of Russian soldiers and officers, Muchkaev was responsible for selecting and transporting Buk 3x2. He and/or Dmitry T. were likely responsible for selecting the crew of Buk 3x2.
- The commander of the Air Defense of the 20th Army in 2014 was Aleksey Yuryevich Zolotov, and the commander of the 20th Army was Alexander Pavlovich Lapin until 8 July 2014, after which it was Alexander Yuryevich Chaiko. The commander of the Air Defense of the Western Military District in 2014 was Andrey Anatolyevich Kokhanov, the commander of the Western Military District in 2014 was Anatoliy Alekseyevich Sidorov in 2014, and the Chief of Staff or First Deputy Commander of the Western Military District in 2014 was Anatoliy Alekseyevich Sidorov in 2014, and the Chief of Staff or First Deputy Commander of the Western Military District in 2014 was Viktor Borisovich Astapov beginning on 21 June 2014. The commander of the Air Defense overall in 2014 was Alexander Petrovich Leonov, and the commander of the Ground Forces overall in 2014 was Oleg Leonydovich Salyukov. It is likely that the decision to send a Buk-M1 system to the Rostov Oblast and a Buk missile launcher to Ukraine was made at the level of the Air Defense of the 20th Army, the Air Defense of the Western Military District, or the overall Air Defense. It is unclear at exactly which level the decision was made and by which commander (s).
- The decision to send military equipment to the Russia-Ukraine border and to Ukraine was made at an even higher level – the level of the Ministry of Defense of Russia, where the top positions in 2014 were fulfilled by First Deputy Minister Arkady Viktotovich Bakhin, First Deputy Minister Valery Vasilevich Gerasimov, Minister Sergey Kuzhugetovich Shoygu, and President of the Russian Federation Vladimir Vladimirovich Putin. Consistent with the probable conclusion that the Russian Buk missile launcher 3x2 downed MH17, the Ministry of Defense bears the main responsibility for the MH17 tragedy, shared with the military commanders and leaders of the self-proclaimed Donetsk and Luhansk People's Republics.

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Annex 452

Bellingcat Investigation Team, The Lost Digit: Buk 3x2, bell¿ngcat (3 May 2016)

The Lost Digit: Buk 3×2

¿ bellingcat.com/news/uk-and-europe/2016/05/03/the_lost_digit

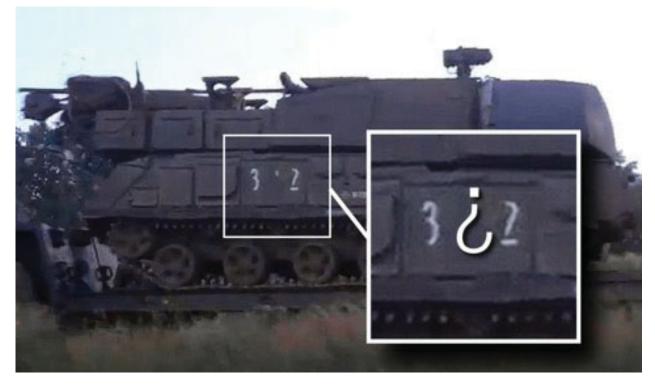
May 3, 2016

the home of online investigations

May 3, 2016

By Bellingcat Investigation Team

Translations: Русский



Full report: (<u>EN</u>) 👬 (<u>RU</u>) 👬 (<u>DE</u>) 👬

In November 2014, Bellingcat published a report that identified the Buk TELAR (missile launcher) that downed Malaysian Airlines Flight 17 as "Buk 3×2," originating from Russia's 53rd Anti-Aircraft Missile Brigade of Kursk. The Buk was called 3×2 due to an obscured middle digit, which was not identifiable at the time of the report's publication.



Left: Paris Match photo Right: Buk 3×2 in June convoy



In a new report, we positively identify the middle digit of this Buk by matching seven characteristic features on Buk 3×2, including a unique dent on a side panel, the white marks on the chassis, and the cable arrangement connecting to the missile erector.



The middle digit is a three, thus identifying the number of the Buk that downed MH17 as "332" before the middle digit was obscured. In this new investigation, members of the Bellingcat investigation team collected and analyzed dozens of photographs of Buk TELARs that have been posted online by members of the 53rd Anti-Aircraft Missile Brigade since 2010.



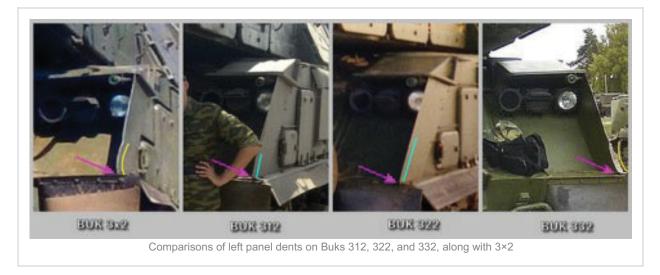
The full report gives details on the process in determining that these three TELARs were the only possible candidates for identification. After comparing the seven unique features, Buk 332 was the only TELAR that had even one of these features in common with Buk 3×2 from materials recorded in Russia in June 2014 and eastern Ukraine on July 17 and 18, 2014. The seven examined features were: side skirt profile, wheel type (combination of hollow wheels and spoke wheels), dent in the left side panel, arrangement of cable connections to the missile erector, white mark on both side skirts, font and exact spacing of digits, and the shape and size of oil/soot deposits by exhaust

The full report, <u>downloadable here</u>, provides a detailed analysis of each of these seven features. This summary will compare a few of the most conclusive features.

A high-quality photograph of Buk 3×2 taken in Alexeevka, Russia shows an inverted S-shape dent on the left panel.



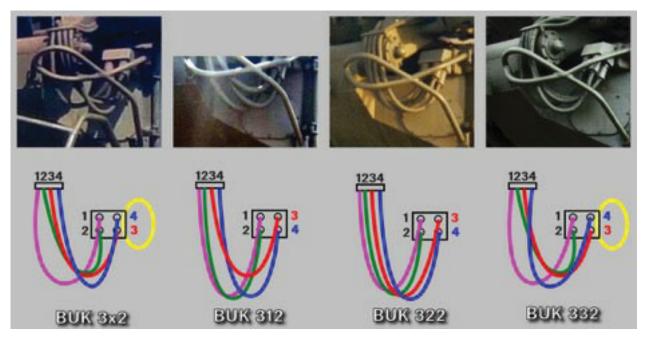
Clear photographs were available of this same left panel for Buks 312, 322, and 332. A comparison of the three panels below shows that Buk 332 has the identical dent on the panel:



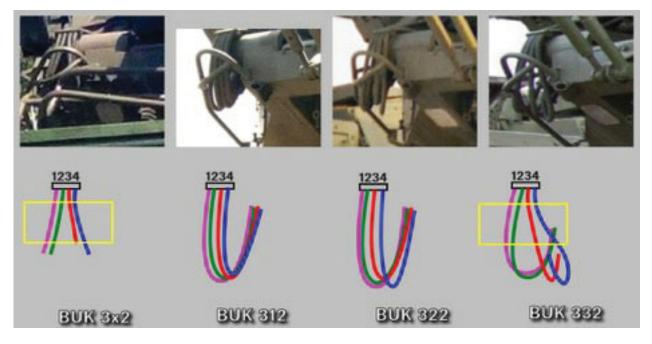
Another identifier for identifying the correct Buk is by studying the cable connections to the missile erector on the revolving turret. There are four cables on both the left and right side leading to the missile erector, providing us with eight cables to compare.



After studying a number of Buks, it becomes clear that there are different arrangements and lengths to the cables. In the following two figures, the cable connections of Buk 3×2 is compared to the ones of Buks 312, 322, and 332.



Here, on the right side, only Buk 332 shows a similarity to the cable arrangement of Buk 3×2. The blue-marked cable four is connected to the top plug on the turret chassis. Buk 312 and 322 show a different cabling, and cable four is connected to the bottom plug. Also, Buk 312, 322 and 332 show a distinct shape of the cabling, and only the shape of Buk 332 resembles that of the cabling of 3×2.



The comparison on the left side allows only a partial comparison. It is not possible to see the plugs on the turret chassis. However, Buk 332 shows the same distinct spread of the cabling in the middle that is also visible on 3×2. Nothing comparable is visible on 312 or 322.

Taken individually, none of the seven identifying characteristics allows a definite identification. However, taken in sum, it becomes clear that Buk 332 is the only logical match for Buk 3×2.

Feature of Buk 3x2	Buk 312	Buk 322	Buk 332
Fingerprint of side skirt	No match	No match	No match
Wheel concept left side	No match	Matches	Matches
Wheel concept right side	No match	No match	Matches
Dent on the side plate	No match	No match	Matches
Cable connection left side	No match	No match	Matches
Cable connection right side	No match	No match	Matches
White marks on side skirts	No match	No match	No match
Digits	No match	No match	Matches
Soot and oil stains	No match	No match	Partial matches

Furthermore, comparing the features of Buk 3×2 in Russia and Buk 332 to the available materials of Buk 3×2 in Ukraine (called the "Separatist" Buk below) reveals that these three Buks are actually one in the same.

Feature of Buk 3x2	'Separatist' Buk	Buk 332
Fingerprint of side skirt	Matches	No match (in 2010)
Wheel scheme left side	Matches	Matches
Wheel scheme right side	Insofar as identifiable: Match	Matches
Dent on the side plate	Not verifiable	Matches
Cable connection left side	Not verifiable	Matches
Cable connection right side	Not verifiable	Matches
White marks on side skirts	Matches	No match (in winter 2012/2013)
Digits	Insofar as identifiable: Match	Matches
Soot and oil stains	Matches	Partial matches

Many of these features, such as spoke wheels and the H-2200 mark, do not or very rarely appear on Ukrainian Buks. In particular, the Buk TELARs of Ukraine's 156th Anti-Aircraft Regiment, which was based near Luhansk, Donetsk, and Mariupol in 2014, do not share any visible similarities among the compared characteristics with Buk 3×2, either in Russia or Ukraine. We can say with confidence that on 17 July 2014, the Russian Buk TELAR numbered 332 of the 53rd Anti-Aircraft Missile Brigade based in Kursk was filmed and photographed in eastern Ukraine. This specific Buk, previously identified as Buk 3×2, was filmed moving to the center of the launch area estimated by the Dutch Safety Board for the missile that downed MH17.

Acknowledgments:

Credit should be given to various Russian-language online communities for helping to locate some of these materials and provide useful investigative leads. In particular, Bellingcat would like to recognize the efforts of the communities of <u>flight-mh17.livejournal.com</u> and <u>forum.smolensk.ws</u> for their efforts and keen eyes, particularly regarding the discoveries of the dent in the left panel of Buk 332 and details relating to the road wheels of Buk TELARs.

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Annex 453

Bellingcat Investigation Team, New Google Earth Satellite Update Confirms Presence of Buk in Eastern Ukraine, bell¿ngcat (22 June 2016)

New Google Earth Satellite Update Confirms Presence of Buk in Eastern Ukraine

i **bellingcat.com**/news/uk-and-europe/2016/06/22/new-google-earth-satellite-update-confirms-presence-of-buk-in-eastern-ukraine

June 22, 2016

the home of online investigations

June 22, 2016

By Bellingcat Investigation Team

Translations: <u>Русский</u>

Today, Google Earth updated its historical satellite imagery to include Donetsk and Makiivka at 11:08am (local time) on July 17, 2014, the day of the downing of Flight MH17. Bellingcat has previously purchased portions of this image, with the Digital Globe catalog ID of 105041001104D000, to show that the Russian Ministry of Defense had doctored its MH17 evidence, and to search for the Buk on the H21 highway between Donetsk and Torez. Unfortunately, we did not purchase the segment of the image that showed the Buk and the Volvo truck hauling it, as the convoy took a south-bound detour through Makiivka before reentering H21. With the new imagery update, we now have confirmation of the authenticity of <u>a</u> recent dash-cam video showing the Buk and its convoy in Makiivka.

A portion of this satellite image was <u>previously published</u> by the U.S.-based private intelligence company Stratfor, which focused on the Buk and the Volvo truck hauling it.

buk-air-defense-mh17

The updated Google Earth imagery provides this portion of the satellite image, along with other parts that allow us to further confirm the authenticity of the Makiivka dash-cam video. The Buk is located at 48.020433, 37.990787 on the image, just south and east of a car wash and tire shop. This location is the same place that the car turned left on in the beginning of the Makiivka dash-cam video. Behind the convoy, we find a UAZ-469 jeep, a Volkswagen van, and a white SUV. All three of these vehicles can be seen in the satellite image, though the jeep and van are harder to spot. The white SUV, lagging a bit behind the convoy, is the easiest to identify. In the image, the UAZ-469 and VW van are either overtaking the Volvo and Buk, or blocking the left lane in traffic, in line with behavior of these two vehicles in <u>a convoy filmed two days before the MH17 downing along the same road</u>.

DG_17-7-2014_Makiivka1

It is difficult to discern the details on the Volvo and Buk, but the shadow cast by the Buk is a match to the Makiivka dash-cam video, especially compared to the much smaller UAZ-469 jeep:

DG_17-7-2014_Makiivka3

After driving past the Buk and its convoy, the Makiivka dash-cam driver passes a gas station, where a few cars are parked. These cars are visible in the satellite image, and easily identifiable by their diagonal parking angle.

DG_17-7-2014_Makiivka4c

With the updated satellite imagery, there is yet more confirmation that separatist forces transported a Buk from Donetsk to Snizhne in eastern Ukraine on the day of the downing of Flight MH17.

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Annex 454

International Partnership for Human Rights, Attacks on Civilian Infrastructure in Eastern Ukraine (2017)

ATTACKS ON CIVILIANS AND CIVILIAN INFRASTRUCTURE IN EASTERN UKRAINE

PERIOD COVERED:

March 2014 — November 2017







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1. Introduction

1.1 Executive Summary

- 1. International Partnership for Human Rights (IPHR) and Truth Hounds (hereinafter, the Authors) present their latest report Attacks on Civilians and Civilian Infrastructure in Eastern Ukraine. The Report sets forth new evidence of international crimes, perpetrated by the Ukrainian Armed Forces (UAF) and Russian-backed separatist militias the so-called Donetsk Peoples' Republic (DPR) and Luhansk Peoples' Republic (LPR), in the context of and associated with the armed conflict in eastern Ukraine. This Report follows on from and complements a Report published by IPHR in October 2015 Fighting Impunity in Eastern Ukraine (hereinafter, First Report).¹ It focuses on evidence of attacks intentionally or indiscriminately directed at civilians and/or civilian infrastructure, on the use of civilians as human shields for military operations and equipment, and provides further evidence of cross-border attacks and interventions in the conflict by the Armed Forces of the Russian Federation (AFRF).
- 2. In publishing this Report the Authors aim: (a) to provide the public and Prosecutor of the International Criminal Court (ICC Prosecutor) with evidence of concrete episodes which qualify as war crimes, namely attacks on civilians and civilian infrastructure and the use of human shields; (b) to demonstrate the widespread nature of such crimes and their gravity highlighting that legal requirements for opening a full ICC investigation have been met; (c) to set forth evidence of Russia's direct involvement in the conflict and its ensuing international character; (d) to urge the ICC Prosecutor to seek authorisation for opening a full investigation at the earliest opportunity to ensure accountability and to prevent the loss of key evidence; (e) to preserve key evidence for future investigations and prosecutions in Ukraine, at the ICC or in other national or international jurisdictions.
- 3. In producing this Report, the Authors conducted 24 field missions to 43 settlements that lie on the so-called 'contact line' a *de facto* border between areas controlled by UAF and those controlled by Russian-backed separatist militias the so-called DPR and LPR. In the course of these missions, the Authors interviewed 297 witnesses and documented 208 attack impact sites, as well as collecting photographic and video evidence of damage to civilian infrastructure, impact craters, missile remnants and documentary evidence corroborating evidence provided by witnesses. The evidence was analysed using the ICC Statute, ICC Elements of Crimes and applicable jurisprudence.
- 4. The Report is divided into three substantive sections:

Section 2 provides a brief factual overview of the conflict in eastern Ukraine since the publication of our First Report in October 2015. It focuses on events that have bearing on the nature of the armed conflict, the alleged crimes as well as on the seriousness and impact of those crimes (gravity) and the lack of effective domestic investigations and prosecutions (complementarity).

Section 3 sets forth evidence of cross border attacks and territorial incursions by the AFRF in June - September 2014. The aim of this section is to demonstrate that involvement of Russian artillery and troops render this war, at least in part, an international armed conflict. Witness statements, artillery remnants and impact data, satellite imagery and social media posts reveal, to a high degree of probability, that the AFRF conducted cross-border attacks on Ukrainian territory from July to September 2014 from military camps and firing positions on the Russian side of the Russia-Ukraine border. In addition to constituting evidence of direct AFRF involvement in armed attacks in the documented instances, these attacks constitute circumstantial evidence of Russia's involvement in the wider conflict in Eastern Ukraine, and its overall control over LPR and DPR separatist forces.

¹ IPHR, 'New Report: Fighting Impunity in Eastern Ukraine', 7 Oct. 2015, available at: *http://iphronline.org/new-report-fighting-impunity-in-eastern-ukraine-20151007.html* (last accessed: 28/11/2017).

Section 4 sets forth evidence of attacks on civilians and/or civilian infrastructure by all warring parties from the outset of the conflict in 2014. The Authors have identified 134 episodes documented in 22 settlements, on or in the vicinity of the contact line, that qualify as war crimes as defined in Article 8 of the ICC Statute. The attacks have resulted in at least 100 civilian deaths, 162 civilian injuries and hundreds of cases of total or partial destruction of civilian property and vital infrastructure. These episodes include attacks intentionally directed at civilians or civilian objects (in violation of Article 8(2)(b)(i)/(ii) or Article 8(2)(e)(i) of the ICC Statute), as well as attacks launched against military objectives that lack proportionality between anticipated incidental harm to civilians/civilian objects/the environment and the military advantage sought (in violation of Article 8(2)(b)(iv) of the ICC Statute). The Authors also note a disturbing number of attacks perpetrated against schools, kindergartens and hospitals – amounting to a separate war crime of attacks on medical and educational facilities under Article 8(2)(b)(ix) or Article 8(2)(e)(iv) of the ICC Statute.

The impact sites and known military objectives have been mapped by the Authors, and given unique location reference point. References to locations can be found in the text in this form: (Ln [Number]). The map and all location reference points may be accessed online at: [truth-hounds.org].

Section 5 sets forth evidence of a recurrent practice – perpetrated by all parties to the conflict – of positioning artillery launch sites, military equipment and/or personnel in close proximity to civilians and civilian objects. In so doing, the warring parties place civilians in serious danger of death and injury, as well as risking the destruction or severe damage to important civilian infrastructure – in violation of the principle of distinction. In this section we demonstrate that this practice, in the appropriate circumstances, amounts to a war crime under Article 8(2)(b)(xxiii) or Article 8(2)(c)(i) of the ICC Statute.

5. The Report concludes by drawing the public and ICC Prosecutor's attention to the seriousness and widespread nature of the crimes described herein, and requests the ICC Prosecutor to seek authorisation to launch a full investigation into these and other crimes alleged to have taken place in Ukraine since the outbreak of the crisis in November 2013.

1.2 The Authors

- 6. International Partnership for Human Rights (IPHR) is a non-profit organization with its headquarters in Brussels. It was founded in 2008 with a mandate to empower local civil society groups and assist them in making their concerns heard at the international level. IPHR works together with human rights groups from different countries on project development and implementation, research, documentation and advocacy. Its team members have wide experience in international human rights work and cooperates with human rights groups from across Europe, Central Asia and North America, helping to prepare publications and conduct advocacy activities. Since its establishment, IPHR has carried out a series of activities aimed at assisting and empowering local human rights groups from the Russian Federation, Central Asia and South Caucasus to engage effectively with the international community.
- 7. Truth Hounds is a non-profit organization with its headquarters in Kiev. It was founded in 2016. The Truth Hounds team started its work as a group of activists and human rights defenders in 2008 in Georgia. Our specialists work in human rights, training and monitoring activities in Ukraine, Georgia, Armenia and Belarus. The founders were among the initiators of the "Euromaidan-SOS". In September, 2014 the team started work as a field mission on documenting war crimes and crimes against humanity in eastern Ukraine and the Crimea, in the framework of a project of the IPHR. In Georgia, the Truth Hounds team, together with its partners, runs the Tbilisi Shelter City project a shelter for human rights activists from the former Soviet union, which provides a safe environment and counselling to activists and human rights defenders operating in difficult circumstances. Since its establishment, Truth Hounds has worked with the Council of Europe, European Commission, OSCE/ODIHR, the International Criminal Court, and became a member of the Civic Solidarity Platform and Coalition for the International Criminal Court.

1.3 Sources of information and methodology of documentation

- 8. The evidence of violations presented in this Report has been empirically documented by the Authors through field missions and witness interviews, or collected from independent, reliable sources by documenters. To ensure a methodologically consistent documentation process, IPHR developed a tailor made crime documentation manual and a practical toolbox the matrix of Documentation of War Crimes in IPHR's methodological Documentation Guide.² The Guide includes detailed description of elements of crimes (war crimes and crimes against humanity), classification of evidence, instructions on obtaining and safely storing different categories of evidence, guidelines on conducting field interviews and obtaining appropriate statements from victims and witnesses and security aspects of the fieldwork. Additional information was obtained through desk research using open-source documents.
- 9. Investigating attacks against civilians and civilian infrastructure requires the completion of several stages of data collection, analysis and verification. Each stage includes specific requirements for establishing the material elements of ICC Statute crimes and the linkage evidence to potential perpetrators.

1.3.1 DATA COLLECTION

- 10. The main form of data collection for the purposes of war crimes documentation is interviewing witnesses and victims of alleged crimes. To gather witness and supporting evidence, the documentation team travels to the alleged crime site with the view of identifying victims, witnesses and physical evidence. Witness statements, conducted in an impartial and open manner, form the bulk of the evidence an indispensible part of the investigation. Further contextual and/or corroborating information is sought from official documents such as reports from State and quasi-State organs (e.g. statements by representatives of the warring parties, law enforcement agencies, international monitoring organisations, media reports).
- 11. The purpose of the interview is to obtain the victim's most complete answers on the event in question. To ensure the reliability and credibility of witness evidence, the documentation team resorts to the use of open questions: i.e. who, what, where, when, why, how and what was the result. The following data is gathered from every witness:
 - Brief description of the interviewee, their occupation, previous occupation, education, workplace and residence, date of birth and other personal and contact details; timing and location of the incident with questions aimed at verifying the accuracy, reliability, credibility and sources of knowledge of that information (e.g. proximity of date of incident to well known public holidays or events; presence of watch or clock; daily routine; corroborating evidence such as mobile phone data);
 - Other contextual data such as the prevailing meteorological conditions, quantity and quality of light, astronomical events (e.g. position of the moon); verbal description of the location where the incident(s) occurred, address (especially for the location of affected property and infrastructure); graphic representation of the location where the incident occurred (hand-drawn map of the scene);Photo and video evidence, captured by the respondent or his/her close relatives;
 - Location of the interviewee at the time of the events (for establishing accuracy, reliability and credibility and identifying possible hearsay); the list of places targeted by gunfire, addresses of damaged buildings, places of shell bursts; what the interviewee saw (flashes, active colours in the sky, the flight path of the projectile), heard (shots, explosion, whistling, hissing, creaking, rustling), and felt (vibration, oscillation, effect of a blast); from which side of the interviewee the fire was conducted (from a certain cardinal direction, from a certain locality, a particular object, "right-left", etc...);

² Case file N018, document: "Методическое пособие по документированию военных преступлений.docx" pp. 36-41

- Factors identifying the types of weapons being used, as well as the witness' own observations and
 information that may affect the interviewee's ability to make such observations (e.g.: current or former
 position in the armed forces, personal experience of modern weaponry, discussions with experts etc);
 information on positions, movements and composition of warring parties (including the sources of such
 information and factors supporting its credibility and reliability); information on the presence of military
 objectives in the vicinity of the targeted area;
- Information on the nature of the targeted area (especially the presence of protected buildings such as schools and hospitals);
- Information on whether any warning was given and if so, how it was given (e.g. alarm sound, warning from one of the military sides, alert in the medias, rumours and where did they come from); whether the respondent was personally affected and how;
- Information about injured civilians as a result of the attack (killed, wounded) and sources of that information;
- Other consequences of the attack: damaged infrastructures, injuries and traumas, financial losses; availability of corroborating evidence (e.g.: notes from doctors concerning injuries and wounds, acts of State organs on the destruction and damage to facilities).
- 12. At the end of each interview, the statement is read back to (or by) the interviewee and he or she may correct any errors or inaccuracies on the record. The final text of the statement is printed on the site of the interview if possible, and signed by the witness. The interviewer and the respondent sign a duplicated form, which includes information on the potential use of the data and the duty and purposes of interviewing organisation to ensure the confidentiality of the data. All evidence is collected from each witness separately and independently. The presence of other witnesses or anyone that could have an influence on the testimony is not allowed during the interview (or if unavoidable, placed on the record).

1.3.2 IMPACT SITE DOCUMENTATION AND ANALYSIS

- 13. Attack impact sites are identified from witness statements and official or open-source data. Each impact site is visited by the documentation team. The following documentation and analysis processes are conducted on site to determine the means and methods of the attack, its provenance as well as its impact on civilian lives and infrastructure:
- Systematic photo and video recording of the documentation process; taking necessary measurements to determine the direction of the fire (i.e. width, depth and angle of impact); documentation of missile remnants (photo backed by video) or any other information identifying the type of weapon used;
- In order to boost the accuracy, credibility and reliability of documented information, each documenter must:
 - Specify the date, place and time of the recording and give their name and the names of everyone involved in the analysis of the impact site; show a panorama of the scene, in order to confirm the location and identifying features (e.g.: addresses on buildings, street signs or unusual objects, etc.);
 - Show impact site from the four sides (crosswise) and overall, medium, large and detailed plans;
 - Capture on camera the measurements of the impact zone
 - Capture the settings on camera with a compass azimuth, the direction from which shooting
 was carried and show that the direction on camera; during the documentation and analysis of
 impact sites the documenters:

- Use tapes and a rulers to measure: width, length and depth of the crater (its size) and specify the direction from which they took the measurements of the crater (ex: width from east to west);
- Show the dimensions of the entry point of the projectiles;
- Show the dimensions of the remnants left by exploding shells, the extent of damage on the affected area;
- Show the dimensions of debris and remnants, if they are present on the site of the incident, the size of the remains of the shell if there are any;
- Record the symbols and marks on the shells and their residues, if possible;
- Determine the fire direction with the help of a compass and determine the azimuth to the highest degree of accuracy;
- Where possible, record the coordinates of the places of documenting damages (note the GPS coordinates to mark the place on the map, etc).

1.3.3 COLLECTING PHYSICAL EVIDENCE

- 14. Physical evidence such as shell fragments, bullet casings and victims' possessions damaged in attacks are gathered by documenters where necessary and possible. Physical evidence is collected to prevent its loss and/ or damage, when documenters determine that its collection is paramount to its preservation. All necessary measures are taken to maintain a clear and reliable chain of custody for each item collected.
- 15. Each physical evidence collected is attached to witness statements and other information identifying the attack in question. Physical evidence is never considered as stand-alone proof.
- 16. For physical evidence handed to documenters by witnesses, the evidence is separated, placed in a sealed bag or contained and marked with identifying information including the place, date, circumstances of collection and contact information of the evidence provider.
- 17. For physical evidence collected directly by a documenter, the physical act of collecting is recorded on video. The evidence is then stored in a secure place in the organization and protected against manipulation and corrosion. Where necessary, the documenters are able to testify in court regarding the evidence, the collection and storage process and other observations made at the impact site.

1.3.4 DATA ANALYSIS

- 18. After collection, all data is organised and analysed using the framework of the ICC Statute and Elements of Crimes. The aims of the process are to (a) obtain the most complete picture of events documented (including contextual evidence and information on gravity and impact of attacks); (b) determine to the standard applicable to preliminary examinations at the ICC whether the documented evidence reveals the existence of an ICC Statute crime; and (c) identify gaps in the evidence and potential sources of information for bridging the identified gaps. To this end:
- 19. Documenters compare the testimonies of civilian and combatant respondents in relation to the episode independently from one another and compare the data that they have reported. In the event that the collected data answers the questions in the investigation, and the different testimonies demonstrate an acceptable level of consistency, the issue is considered documented. In the alternative, further investigative steps are sought.
- 20. All impact sites are marked on the map, after which the intensity, provenance, means and methods of the attack are determined using the documented data, allowing a preliminary conclusion as to the likely origin of the attack, and the types of weapons used.

- 21. Based on the documented evidence, a determination is made on the harm caused to civilians and civilian infrastructure, its extent and gravity.
- 22. The ICC Statute and Elements of Crimes are used to determine whether a crime has taken place. This analysis takes into account the conflicting parties' adherence to the principles of distinction, proportionality, humanity; an evaluation of the parties military necessity and actual or potential military advantage, and any evidence indicating efforts made to take into account civilians and their well-being.
- 23. Linkage evidence is analysed to determine those responsible by identifying the likely warring party responsible for the attack, the units stationed at or near the identified launch site and the chain of command of those units.

1.3.5 DATA VERIFICATION

- 24. Following the field research and the full analysis of the collected data, the following measures are used:
- 25. Analysis of open-access satellite maps and images, which occasionally allow the identification of military installations and launch sites that correspond to the documented evidence and analysis.
- 26. Analysis of photos, videos and publications on the Internet and social networks posted by eyewitnesses of the events.
- 27. Publications on the Internet and social media (photos, videos, posts) that were made by potential perpetrators of the documented attacks.
- 28. Official data on the combat actions taken by the parties of the conflict, obtained from reports of international monitors (OSCE SMM, Ukraine-Russia Observation Mission), which checks data collected by documenters in field missions.

2. Update on the conflict: September 2015 – November 2017

- 29. In Section 2 of the First Report, the Authors provided an overview of the Ukraine crisis from November 2013 to September 2015. The purpose of this section is to update the public and the ICC Prosecutor on developments in the conflict in eastern Ukraine from September 2015 to November 2017. The aim is not to provide an exhaustive account of all military action, but rather to provide an overview of events that have bearing on elements of alleged ICC Statute crimes committed in the context of the armed conflict in eastern Ukraine.
- 30. Since September 2015, the warring parties have made little or no concrete territorial acquisitions.³ The contact line a 480km stretch between the UAF on one hand, and the DPR and LPR on the other has become a *de facto* border. Civilians crossed this line a recorded 8,565 million times in 2016 (a two-fold increase from 2015), using four road-traffic checkpoints in Donetsk Province and one pedestrian checkpoint in Luhansk Province.⁴
- 31. The vast majority of military action and attacks on civilians have taken place in settlements lying directly on the contact line or in its vicinity. Despite numerous attempts to agree binding ceasefires along with troop and/or equipment withdrawal, the past two years of conflict can be considered low-intensity trench warfare characterised by intermittent artillery and mortar shelling across the contact line, mining and booby-trapping of neutral territory, sporadic sniper fire and reconnaissance missions (by both troops and drones). This has occasionally flared into medium-intensity and full-scale battles, such as those in Svitlodarsk and Avdiivka (discussed below).
- 32. A full spectrum of weaponry has been employed by all parties during the documented period, ranging from light weapons, automatic rifles, armoured vehicles, tanks and heavy artillery most notably the highly inaccurate MLRS 'Grad'. No cross-border artillery attacks from the territory of the Russian Federation have been documented for this period, although there is substantial evidence of Russian troops, advisers, weapons and logistical support on the territory held by separatist forces.
- 33. On 29 September 2015, representatives from Russia, Ukraine and pro-Russia separatist groups agreed to 'the withdrawal of tanks, mortars and artillery of less than 100 millimetre calibre to a distance of 15 kilometres'.⁵ On 1 October 2015, the leader of the DPR Alexandr Zakharchenko announced that separatist forces would not comply with this agreement, ostensibly due to multiple ceasefire violations by the UAF the night before.⁶ Further talks were held in Paris and a new timetable was set for troop and equipment pullback.⁷ UAF and separatist forces announced the gradual withdrawal of the agreed weapons, although skirmishes involving small arms, mortars and artillery continued on a daily basis.⁸
- 3 The only settlements known to have changed hands during the period of documentation are the villages of Vodianoe, Hovoluhanskoe and Kominternove in Donetsk Province.
- 4 Foundation101.org, '8 million people crossed the contact line in 2016', 2 Feb. 2017, available at: *https://www.foundation101.org/en/news/20170202* (last accessed: 24/11/2017).
- 5 Radio Free Europe, 'Ukraine, Russian-backed rebels agree to withdraw weapons', 30 Sept. 2015, available at: *https://www.rferl. org/a/ukraine-russian-backed-rebels-agree-withdraw-weapons/27278407.html* (last accessed: 21/11/2017).
- 6 RIA, 'Захарченко: ДНР не начала отвод вооружений из-за ночного обстрела', 1 Oct. 2015, available at: *https://ria.ru/ world/20151001/1294481328.html* (last accessed: 21/11/2017).
- 7 Al Jazeera, 'Ukraine's warring sides begin pullback of weapons', 3 Oct. 2015, available at: http://www.aljazeera.com/news/2015/10/ ukraine-warring-sides-pullback-weapons-151003095557859.html (last accessed: 21/11/2017).
- 8 Radio Free Europe, 'Ukrainian forces, rebels pull back tanks in Donetsk', 20 Oct. 2015, available at: https://www.rferl.org/a/ ukraine-forces-rebels-pull-back-tanks-in-donetsk/27316997.html (last accessed: 21/11/2017); Information Analysis Centre, 'Зведені дані щодо ситуації в зоні АТО – 23 жовтня', 23 Oct. 2015, available at: http://mediarnbo.org/2015/10/23/zvedenidani-shhodo-situatsiyi-v-zoni-ato-23-zhovtnya/ (last accessed: 21/11/2017); Novorossia.su, 'Басурин: Обстановка в ДНР обострилась, за сутки зафиксировано 26 обстрелов со стороны ВСУ', 4 Nov. 2015, available at: https://novorossia.su/news/ basurin-obstanovka-v-dnr-obostrilas-za-sutki-zafiksirovano-26-obstrelov-so-storony-vsu (last accessed: 21/11/2017).

- 34. On 13 October 2015, the Dutch Safety Board concluded that flight MH17 crashed as a result of a Russianmade Buk missile.⁹ On 25 October 2015, a Russian Ministry of Defence official reportedly admitted that elite Russian Special Forces units stationed in eastern Ukraine were redeployed to Syria.¹⁰ On 26 November 2015, Ukrainian border guards detained two AFRF members who claimed to have walked onto Ukrainian territory 'by accident'.¹¹ On 2 December, NATO's Supreme Commander opined that 'Russia is completely in control of what is happening on the line of contact and they will use that in the future'.¹² In his annual press conference on 17 December 2015, President Putin admitted for the first time the presence of Russian military specialists in eastern Ukraine, but denied that this equated to the presence of regular troops.¹³
- 35. On 22 December 2015, the village of Kominternove 24km east of Mariupol was captured by DPR forces using tanks, armoured personnel carriers and mortar rounds.¹⁴ A new ceasefire agreement was reported to have been reached in Minsk on the same day for the duration of the festive period.¹⁵ The agreement was immediately violated.¹⁶ An OSCE monitoring mission vehicle was hit by small arms fire on 16 January 2016.¹⁷ A further agreement to clear minefields and suspend military training along the demarcation zone was signed in Minsk on 2 March 2016.¹⁸ On 9 March 2016, the AFRF held large-scale military exercises involving 8500 combatants, ships and aircraft in the vicinity of its southern border with Ukraine.¹⁹ From 17 April 2016, active hostilities flared up in and around Stanytsia Luhanska, with the OSCE reporting approximately 300 explosions in and around the settlement namely from grenade launchers, mortars, cannon and heavy artillery fired from LPR positions.²⁰

36. By 26 July 2016, the OSCE had lost all three of its surveillance drones – each one shot down over separatist-

- 10 The Wall Street Journal, 'Russia said to redeploy special-ops forces from Ukraine to Syria', 23 Oct. 2015, available at: *https://www.wsj.com/articles/russia-said-to-redeploy-special-ops-forces-from-ukraine-to-syria-1445636834* (last accessed: 23/11/2017); Fox News, 'Russia said to redeploy special-ops forces from Ukraine to Syria', 25 Oct. 2015, available at: *http://www.foxnews.com/world/2015/10/24/russia-said-to-redeploy-special-ops-forces-from-ukraine-to-syria.html* (last accessed: 23/11/2017).
- 11 Information Analysis Centre, 'Сводные данные по ситуации в зоне АТО 27 ноября', 27 Nov. 2015, available at: *http:// mediarnbo.org/2015/11/27/svodnyie-dannyie-po-situatsii-v-zone-ato-27-noyabrya/?lang=ru* (last accessed: 23/11/2017).
- 12 Reuters, 'Russia unlikely to meet Ukraine peace deal deadline, NATO says', 2 Dec. 2015, available at: *https://www.reuters. com/article/us-ukraine-crisis-nato/russia-unlikely-to-meet-ukraine-peace-deal-deadline-nato-says-idUSKBN0TL1FA20151202* (last accessed: 23/11/2017).
- 13 Guardian, 'Vladimir Putin press conference: "Russian military personnel were in Ukraine" as it happened', 17 Dec. 2015, available at: *https://www.theguardian.com/world/live/2015/dec/17/vladimir-putins-annual-press-conference-live* (last accessed: 23/11/2017).
- 14 0629.com, 'Боевики «ДНР» на бронетехнике зашли в Коминтерново. В Мариуполе войска приведены в боевую готовность. Под Коминтерново обнаружены установки «Град»', 22 Dec. 2015, available at: https://www.0629.com.ua/ news/1069272 (last accessed: 23/11/2017); Unian, 'Creeping Russian occupation: OSCE reports no access to Kominternove', 23 Dec. 2015, available at: https://www.unian.info/war/1220937-creeping-russian-occupation-osce-reports-no-access-tokominternove.html (last accessed: 23/11/2017).
- 15 Unian, 'Donbas Contact Group agrees on full ceasefire for Christmas, New Year season', 22 Dec. 2015, available at: *https://www.unian.info/war/1219756-donbas-contact-group-agrees-on-full-ceasefire-for-christmas-new-year-season.html* (last accessed: 23/11/2017).
- 16 Information Analysis Centre, 'Оперативная сводка штаба АТО на 06:00 24 декабря', 24 Dec. 2015, available at: *http:// mediarnbo.org/2015/12/24/operativnaya-svodka-shtaba-ato-na-06-00-24-dekabrya/?lang=ru* (last accessed: 23/11/2017) reporting 51 ceasefire violations during the night.
- 17 OSCE, 'Spot Report by the OSCE Special Monitoring Mission to Ukraine (SMM): Small-arms fire hit SMM vehicle in Marinka', 17 Jan. 2016, available at: *http://www.osce.org/ukraine-smm/216561* (last accessed: 23/11/2017).
- 18 Unian, 'В Генштабе рассказали о документах, подписанных контактной группой в Минске 2 марта (видео)', 3 March 2015, available at: *https://www.unian.net/war/1282020-v-genshtabe-rasskazali-o-dokumentah-podpisannyih-kontaktnoy-gruppoy-v-minske-2-marta-video.html* (last accessed: 23/11/2017).
- 19 BBC, 'Russian military deployed near Ukraine for huge exercises', 9 March 2016, available at: *http://www.bbc.com/news/world-europe-35532842* (last accessed: 23/11/2017).
- 20 OSCE, 'Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, based on information received as of 19:30hrs, 19 April 2016', 20 April 2016, available at: *http://www.osce.org/ukraine-smm/235136* (last accessed: 24/11/2017).

⁹ BBC, 'MH17 Ukraine disaster: Dutch Safety Board blames missile', 13 Oct. 2015, available at: http://www.bbc.co.uk/news/worldeurope-34511973 (last accessed: 21/11/2017).

controlled territory – leaving it without long-range aerial surveillance capabilities.²¹ By August 2016, hostilities flared up again along the contact line, with civilian and combatant casualties mounting and observers fearing a return to all-out war.²² A closed-door meeting was held at the UN Security Council on 11 August 2016 to discuss mounting tensions between Russia and Ukraine, particularly in light of Russia's allegations that Ukraine carried out shelling and incursions into Crimea.²³

- 37. On 13 September 2016, separatist leaders Zakharchenko and Plotnitsky announced a unilateral ceasefire,²⁴ after Ukraine's President Petro Poroshenko announced constitutional amendments granting autonomy to eastern Ukraine. This was followed by a statement from the German Foreign Minister that the truce would become effective as of 15 September.²⁵ However, the ceasefire was not observed by any of the warring sides.
- 38. A major battle erupted in and around Svitlodarsk in Donetsk Province between 18 December 2016 and 22 December 2016. It is unclear why the battle took place and who fired the first shots. However, it is reported that UAF positions were shelled from LPR artillery in Vuhlehirsk and Debaltseve,²⁶ whilst the UAF is reported to have shelled the LPR-controlled village of Kalynivka.²⁷ The OSCE recorded the use of MLRS on the night of 21 December.²⁸ Up to 10 UAF soldiers and 18 LPR fighters were killed, and 35 UAF soldiers and 38 LPR fighters were wounded.²⁹
- 39. Another major battle took place between UAF and DPR forces in January and February 2017, in and around Avdiivka in Donetsk Province. The battle coincided with US President Trump's inauguration, and appears to have been a tussle for control over a stretch of major highway connecting rebel-held Donetsk City with Horlivka.³⁰ Reported casualties include up to 58 deaths (14 UAF combatants, 30 DPR fighters and 14 civilians) and over 100 wounded combatants and civilians. A detailed description of the battle and associated civilian casualties is set forth in Section 4.2 below.
- 40. In February 2017, Russian president Vladimir Putin signed an executive order recognising civil registration documents issued in separatist-held areas of eastern Ukraine. Ukrainian authorities claim that this is a violation of the Minsk agreements.³¹ Semen Semenchenko, a Ukrainian war veteran and MP who organised a trade blockade between Ukraine and separatist-held territories, claimed to have stopped 16,000 train

24 Independent, 'Ukrainian rebel leader announces ceasefire in statement on Russian TV', 13 Sept. 2016, available at: http:// www.independent.co.uk/news/world/europe/ukrainian-rebel-leader-announces-ceasefire-in-statement-on-russian-tv-a7244681. html (last accessed: 24/11/2017).

²¹ The Wall Street Journal, 'Keeping an international eye on Ukraine', 16 Aug. 2016, available at: *https://www.wsj.com/articles/ keeping-an-international-eye-on-ukraine-1471376541* (last accessed: 24/11/2017).

²² Radio Free Europe, 'Guns of August: Fears of full-scale war return as casualties mount in Ukraine', 10 Aug. 2016, available at: https://www.rferl.org/a/ukraine-russia-fears-of-full-scale-war-as-casualties-mount/27910909.html (last accessed: 24/11/2017).

²³ BBC, 'Crimea tension: What is Russia's end game?', 14 Aug. 2016, available at: http://www.bbc.com/news/world-europe-37074732 (last accessed: 24/11/2017).

²⁵ Radio Free Europe, 'Steinmeier: Kyiv agrees to new truce for Ukraine's east', 14 Sept. 2016, available at: *https://www.rferl.org/a/ukraine-french-german-ministers-peace-deal/27988422.html* (last accessed: 24/11/2017).

²⁶ Ukraine Today, "Bloodiest battle in 5 months": Ukrainian troops repel 3 militant attacks near Svitlodarsk', 19 Dec. 2016, available at: https://web.archive.org/web/20161220221743/http://uatoday.tv/society/bloodiest-battle-in-5-months-ukrainian-troops-repel-3-militant-attacks-near-svitlodarsk-849788.html (last accessed: 23/11/2017).

²⁷ TASS, 'LPR militias: Kiev forces fire over 150 shells near Kalinovka village', 19 Dec. 2016, available at: *http://tass.com/world/920335* (last accessed: 23/11/2017).

²⁸ OSCE, ' Latest from OSCE Special Monitoring Mission (SMM) to Ukraine, based on information received as of 19:30, 22 December 2016', 23 Dec. 2016, available at: *http://www.osce.org/ukraine-smm/291076* (last accessed: 28/11/17).

²⁹ KyivPost, 'At least 22 Ukrainian soldiers killed in Russia's war in December-January', 12 Jan. 2017, available at: *https://www.kyivpost.com/ukraine-politics/least-22-ukrainian-soldiers-killed-russias-war-december-january.html* (last accessed: 23/11/2017).

³⁰ Guardian, 'Violence flares un war-weary Ukraine as US dithers and Russia pounces', 14 Feb. 2017, available at: *https://www.theguardian.com/world/2017/feb/14/avdiivka-frontline-ukraine-war-russia-backed-separatists* (last accessed: 23/11/2017).

³¹ Reuters, 'Putin orders Russia to recognise documents issues in rebel-held east Ukraine', 23 Nov. 2017, available at: https:// www.reuters.com/article/us-ukraine-crisis-russia-documents/putin-orders-russia-to-recognize-documents-issued-in-rebel-held-eastukraine-idUSKBN15X0KR (last accessed: 23/11/2017).

coaches in the first two months of 2017.³² In response, DPR leader Zakharchenko announced a blockade of all trade from Ukraine and the nationalisation of all private companies on DPR-controlled territory.³³

- 41. On 23 April 2017, while on a monitoring patrol, one OSCE paramedic was killed and two other staff members were injured in a suspected mine explosion.³⁴ The Trilateral Contact Group on Ukraine endorsed a ceasefire for the harvest season from 24 June 2017 to the end of August.³⁵ Though there was a reported drop in the number of explosions, the OSCE recorded multiple ceasefire violations during this period, including some, which led to civilian casualties.³⁶
- 42. The UN Human Rights Office (OHCHR) documented 178 civilian casualties in the conflict zone of eastern Ukraine from 16 August to 15 November 2015.³⁷ Between 16 November 2015 and 15 February 2016, OHCHR recorded 78 conflict-related civilian casualties in eastern Ukraine, the lowest quarterly figure since the conflict began.³⁸ For the period from 16 February to 15 May 2016, the figure was 113.³⁹ That figure rose to 188 conflict-related civilian casualties for 16 May to 15 August 2016.⁴⁰ Between 16 August and 15 November 2016, there were 164 conflict-related civilian casualties, 130 between 16 November 2016 and 15 February 2017,⁴¹ 193 casualties for 16 February to 15 May 2017,⁴² and 161 civilian casualties from 16 May to 15 August 2017.⁴³ This brings the total of civilian casualties for the documented period to 1205. The total number of people killed since the outbreak of the armed conflict in eastern Ukraine in 2014 currently stands at 10,225, comprising at least 2,505 civilians. The total number of people injured is 24,541, with an estimated 7,000-9,000 of those being civilians.⁴⁴
- 43. The conflict has also taken a heavy toll on civilians in other ways beyond the casualty statistics. As of August 2017, approximately 1.5 million people have been forced from their homes since the conflict began.⁴⁵ This

- 39 OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 November 2016', 25 May 2016, available at: *http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf* (last accessed: 24/11/2017).
- 40 OHCHR, 'Report on the human rights situation in Ukraine 16 May to 15 August 2016', 13 Sept. 2016, available at: *http://www.ohchr.org/Documents/Countries/UA/UAReport15th_EN.pdf* (last accessed: 23/11/2017).
- 41 OHCHR, 'Report on the human rights situation in Ukraine 16 November 2016 to 15 February 2017', 2 March 2017, available at: *http://www.ohchr.org/Documents/Countries/UA/UAReport17th_EN.pdf* (last accessed: 24/11/2017).
- 42 OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2017', 9 June 2017, available at: *http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf* (last accessed: 24/11/2017).
- 43 OHCHR, 'Report on the human rights situation in Ukraine 16 May to 15 August 2017', 21 Aug. 2017, available at: *http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf* (last accessed: 23/11/2017), para. 32.
- 44 OHCHR, 'Report on the human rights situation in Ukraine 16 May to 15 August 2017', 21 Aug. 2017, available at: *http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf* (last accessed: 23/11/2017), paras. 34-36.
- 45 UNICEF Newsline, 'The long and dangerous path to school in eastern Ukraine', 20 Sept. 2017, available at: *https://www.unicef. org/infobycountry/ukraine_100889.html* (last accessed: 28/11/17).

³² Interfax-Ukraine, 'Coal blockade protesters threaten to block rail traffic between Ukraine, Russia', 20 Feb. 2017, available at: http://en.interfax.com.ua/news/general/404240.html (last accessed: 24/11/2017).

³³ Unian, 'Zakharchenko "burning bridges": declares own "trade blockade" of Gov't-controlled areas', 3 March 2017, available at: https://economics.unian.info/1806906-zakharchenko-burning-bridges-declares-own-trade-blockade-of-govt-controlled-areas.html (last accessed: 24/11/2017).

³⁴ OSCE, 'Spot report: One SMM patrol member dead, two taken to hospital after vehicle hits possible mine near Pryshyb', 23 April 2017, available at: *http://www.osce.org/special-monitoring-mission-to-ukraine/312971* (last accessed: 28/11/17).

³⁵ OHCHR, Report on the human rights situation in Ukraine 16 May to 15 August 2017', available at: *http://www.ohchr.org/ Documents/Countries/UA/UAReport19th_EN.pdf* (last accessed: 28/11/17), para. 22.

³⁶ OSCE, 'Latest from the OSCE Special Monitoring Mission to Ukraine (SMM), based on information received as of 19:30, 19 July 2017', 20 July 2017, available at: *http://www.osce.org/special-monitoring-mission-to-ukraine/330981* (last accessed: 28/11/17).

³⁷ OHCHR, 'Report on the human rights situation in Ukraine 16 August 2015 to 15 November 2015', 9 Dec. 2016, available at: http://www.ohchr.org/Documents/Countries/UA/12thOHCHRreportUkraine.pdf (last accessed: 23/11/2017), para 26. N.B.: casualty figures include those killed and seriously injured in the context of the armed conflict.

³⁸ OHCHR, 'Report on the human rights situation in Ukraine 16 November 2015 to 15 February 2016', 18 Feb. 2016, available at: http://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016.pdf (last accessed: 24/11/2017).

figure includes 220,000 children,⁴⁶ some of whom are unaccompanied.⁴⁷ Many internally displaced persons (IDPs) are unable to return safely to their homes because the security situation continues to be volatile.

- 44. IDPs face multiple challenges. Among these are an increased risk of trafficking, and a lack of available housing.⁴⁸ For the many civilians still living in conflict-affected areas in the Donetsk and Luhansk regions, access to basic goods, medical care and social security payments is limited, due to difficulties crossing the contact line.⁴⁹ Queues to cross the contact line can last for up to five hours;⁵⁰ the UN considers some of these security checkpoints to be unsafe due to extreme temperatures, a lack of sanitation facilities and the presence of mines especially for persons with disabilities, the elderly, children and women.⁵¹ On 27 April 2016, shelling at a transport corridor killed four civilians and injured at least eight.⁵²
- 45. Children have been particularly vulnerable throughout the conflict. There are over 28,000 children living in the settlements along the contact line,⁵³ who are at risk of being killed and injured by attacks and mines,⁵⁴ and who experience significant psychological distress.⁵⁵ One in five schools has been damaged or destroyed during the conflict, forcing children to travel increased distances to access education, thus increasing the risk of contact with unexploded mines.⁵⁶ During the period of the conflict it was documented 5 wilful killings of children; 6 cases of illegal detention with the use of torture; 8 cases of child death and 19 of injury caused by indiscriminate attacks on civilian objects; attacks on 79 educational institutions in 34 settlements of Donetsk and Luhansk regions.⁵⁷
- 46. Many people living in conflict-affected areas experience inadequate living standards. The warring parties continue to engage in hostilities from residential areas, placing military objectives near facilities necessary

- 49 OSCE, 'Conflict-related displacement in Ukraine: Increased vulnerabilities of affected populations and triggers of tensions within communities', 26 Aug. 2016, available at: *http://www.osce.org/ukraine-smm/261176?download=true* (last accessed: 28/11/17), pp. 5, 21; OHCHR, 'Report on the human rights situation in Ukraine 16 November 2016 to 15 February 2017', 15 March 2017, available at: *http://www.ohchr.org/Documents/Countries/UA/UAReport17th_EN.pdf* (last accessed: 28/11/17), para. 11.
- 50 OSCE, 'Hardship for conflict-affected civilians in eastern Ukraine', 16 Feb. 2017, available at: *http://www.osce.org/ukraine-smm/300276?download=true* (last accessed: 28/11/17), p. 3.
- 51 OHCHR, Report on the human rights situation in Ukraine 16 May to 15 August 2017', 12 Sept. 2017, available at: http:// www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf (last accessed: 28/11/17), para. 91; OHCHR, 'Report on the human rights situation in Ukraine 16 November 2016 to 15 February 2017', 15 March 2017, available at: http://www.ohchr.org/ Documents/Countries/UA/UAReport17th_EN.pdf (last accessed: 28/11/17), para. 11.
- 52 OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2016', 3 June 2016, available at: *http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf* (last accessed: 29/11/17), para. 86.
- 53 Case file N0018 > Pics: AnswerTPyC XAYHДC27112017.pdf.
- 54 UNICEF Media Centre, 'Two years on, Ukraine conflict affects over half a million children', 19 Feb. 2016, available at: *https://www.unicef.org/eca/media_28678.html* (last accessed: 28/11/17) in 2015 more than 20 children were killed and 40 injured due to the conflict, mainly from mines and unexploded ordnance.
- 55 UNICEF, 'The children of the contact line in east Ukraine: An assessment of the situation of children and their families living in government-controlled areas along the contact line in the east Ukraine conflict zone', 30 June 2017, available at: *https://www.unicef.org/ukraine/Children_of_the_Contact_Line.pdf* (last accessed: 28/11/17), pp. 8-9.
- 56 UNICEF Media Centre, 'Two years on, Ukraine conflict affects over half a million children', 19 Feb. 2016, available at: *https://www.unicef.org/eca/media_28678.html* (last accessed: 28/11/17).
- 57 Truth Hounds, "No country for young", 17 November 2017, available at: *http://truth-hounds.org/wp-content/uploads/2017/09/ Zvit2017_rus_m1.pdf* (last accessed 02/12/2017).

⁴⁶ UNICEF Newsline, 'The long and dangerous path to school in eastern Ukraine', 20 Sept. 2017, available at: *https://www.unicef. org/infobycountry/ukraine_100889.html* (last accessed: 28/11/17).

⁴⁷ OSCE, 'Conflict-related displacement in Ukraine: Increased vulnerabilities of affected populations and triggers of tensions within communities', 26 Aug. 2016, available at: <u>http://www.osce.org/ukraine-smm/261176?download=true</u> (last accessed: 28/11/17), pp. 9-10.

⁴⁸ OSCE, 'Conflict-related displacement in Ukraine: Increased vulnerabilities of affected populations and triggers of tensions within communities', 26 Aug. 2016, available at: *http://www.osce.org/ukraine-smm/261176?download=true* (last accessed: 28/11/17), pp. 11, 15.

for the survival of the civilian population (see Section 5).⁵⁸ Facilities such as hospitals, schools and water treatment plants have taken direct hits from shelling.⁵⁹

- 47. Fighting in or near residential areas has affected access to basic amenities for many in eastern Ukraine. The Donetsk water treatment plant, which provided clean water to over 600,000 people on both sides of the contact line, has been forced to close on several occasions due to heavy fighting nearby.⁶⁰ In June 2017, shelling of a water pumping station meant that 400,000 people had their water supply interrupted for up to 10 days.⁶¹ It is also alleged that separatist groups have purposefully restricted access to water for residents of Government-controlled areas.⁶² Many residents living in conflict-affected areas are without gas, affecting their ability to cook and store food, as well as heat and light their homes.⁶³ For some this situation has lasted since summer 2014.⁶⁴ Certain neighbourhoods have been without electricity for long periods of time during the conflict.⁶⁵
- 48. Access to medical care is restricted. Some medical facilities hit by shells continue to be too damaged for use, while others are limited to only providing emergency care.⁶⁶ The DPR and LPR have prevented international humanitarian aid organisations from entering areas under their control, further restricting the availability of medical supplies.⁶⁷ A shortage of medicines, fuel and clean water puts civilians at risk of disease – 19 years after Ukraine was declared polio free, an outbreak has been confirmed.⁶⁸
- 49. Very little progress, if any, has been achieved by Ukrainian prosecutors in bringing those responsible for crimes committed in the context of and associated with the armed conflict to justice, due, in part, to the lack of access to crime sites and suspects. The UN also notes the lack of serious effort by Ukrainian authorities to investigate and prosecute its own troops for conflict-related violations.⁶⁹

62 OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2016', 3 June 2016, available at: *http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf* (last accessed: 29/11/17), para. 15.

⁵⁸ OSCE, 'Civilian casualties in eastern Ukraine 2016', 16 Sept. 2017, available at: http://www.osce.org/special-monitoring-missionto-ukraine/342121?download=true (last accessed: 29/11/17), p. 16; OHCHR, Report on the human rights situation in Ukraine 16 May to 15 August 2017', 12 Sept. 2017, available at: http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf (last accessed: 28/11/17), para. 28.

⁵⁹ OSCE, 'Civilian casualties in eastern Ukraine 2016', 16 Sept. 2017, available at: http://www.osce.org/special-monitoring-missionto-ukraine/342121?download=true (last accessed: 29/11/17), p. 16; OHCHR, Report on the human rights situation in Ukraine 16 May to 15 August 2017', 12 Sept. 2017, available at: http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf (last accessed: 28/11/17), paras. 28-29.

⁶⁰ OSCE, 'Hardship for conflict-affected civilians in eastern Ukraine', 16 Feb. 2017, available at: *http://www.osce.org/ukraine-smm/300276?download=true* (last accessed: 28/11/17), p. 11.

⁶¹ OHCHR, 'Report on the human rights situation in Ukraine 16 May to 15 August 2017', 12 Sept. 2017, available at: *http://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf* (last accessed: 28/11/17), para. 29.

⁶³ OSCE, 'Hardship for conflict-affected civilians in eastern Ukraine', 16 Feb. 2017, available at: *http://www.osce.org/ukraine-smm/300276?download=true* (last accessed: 28/11/17), p. 12.

⁶⁴ OSCE, 'Hardship for conflict-affected civilians in eastern Ukraine', 16 Feb. 2017, available at: *http://www.osce.org/ukraine-smm/300276?download=true* (last accessed: 28/11/17), p. 12.

⁶⁵ OHCHR, 'Report on the human rights situation in Ukraine 16 August to 15 November 2016', 8 Dec. 2016, available at: *http://www.ohchr.org/Documents/Countries/UA/UAReport16th_EN.pdf* (last accessed: 28/11/17), para. 18.

⁶⁶ OSCE, 'Hardship for conflict-affected civilians in eastern Ukraine', 16 Feb. 2017, available at: *http://www.osce.org/ukraine-smm/300276?download=true* (last accessed: 28/11/17), p. 14.

⁶⁷ OSCE, 'Hardship for conflict-affected civilians in eastern Ukraine', 16 Feb. 2017, available at: *http://www.osce.org/ukraine-smm/300276?download=true* (last accessed: 28/11/17), p. 14; OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2016', 3 June 2016, available at: *http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf* (last accessed: 29/11/17), para. 6.

⁶⁸ UNICEF Media Centre, 'Two years on, Ukraine conflict affects over half a million children', available at: *https://www.unicef.org/eca/media_28678.html* (last accessed: 28/11/17).

⁶⁹ UN News Centre, 'UN Report finds impunity for killings 'remains rampant' in Ukraine conflict', 14 July 2016, available at: http:// www.un.org/apps/news/story.asp?NewsID=54455#.WfDMVBNSy9Y (last accessed: 23/11/2017).

3. Evidence of cross-border attacks by Russian armed forces supporting the existence of an international armed conflict

- 50. All allegations of war crimes within the framework of the ICC Statute must demonstrate that the alleged crime took place in the context of and was associated with an armed conflict (contextual element).⁷⁰ The character of an armed conflict either international (IAC) or non-international (NIAC) determines the range of offences available to the ICC Prosecutor to qualify conduct as a war crime. Both types of conflict can take place on the same territory,⁷¹ and the character of a conflict can change over time.⁷² Thus, framing each allegation requires a factual assessment of the character of the conflict at the relevant time. A conflict between a State and armed opposition groups may be 'internationalised' through the direct intervention of another State's troops, an occupation or as a result of the overall control of an opposition force by another State.⁷³ The latter requires the foreign State to play a role in 'organising, coordinating or planning the military actions of the military group, in addition to financing, training and equipping or providing operational support to that group'.⁷⁴
- 51. In Section 3.3 of our First Report, the Authors argued that a state of armed conflict has existed on the territory of Ukraine from March 2014, and that there is credible evidence that this conflict, in whole or in part, qualifies as an IAC based on: (1) direct engagement by the Armed Forces of the Russian Federation (AFRF) in the conflict; (2) Russia's control over the separatist forces; and/or (3) AFRF occupation of a part of Ukrainian territory.
- 52. The aim of this section is to present further evidence in support of the existence of an IAC between the Russian Federation and Ukraine. Credible and corroborated evidence documented and analysed by the Authors demonstrates direct engagement by AFRF in the armed conflict in Eastern Ukraine supporting the case for the existence of an IAC.⁷⁵ Witness statements, artillery remnants and impact data, satellite imagery and social media posts (cross referenced with the findings of other organisations) reveal, to a high degree of probability, that AFRF conducted cross-border attacks on Ukrainian territory in Luhansk Province from July to September 2014. In addition to constituting evidence of direct AFRF involvement in armed attacks in the documented instances, these attacks constitute circumstantial evidence of Russia's involvement in the wider conflict in eastern Ukraine, and its overall control over LPR and DPR separatist forces. It is hoped that this information will assist the ICC Prosecutor with the application of the correct legal framework to and the attribution of responsibility for attacks described in the Authors' Reports as well as war crimes documented by other entities.

⁷⁰ ICC Elements of Crimes, Article 8 et. seq.

⁷¹ ICC-01/04-01/06, Lubanga, Judgment, 14 March 2012, para. 540; ICC-01/04-01/07-3436, Katanga, Judgment, 7 March2014, paras. 1174 and 1182; ICC-01/04-02/06-309, Ntaganda, Decision on the Confirmation of Charges, 9 June 2014, para. 33.

⁷² ICC-01/04- 01/07-3436, Katanga, Judement, 7 March 2014, para. 1181.

⁷³ ICC-01/04- 01/06, Lubanga, Judgment, 14 March2012, para. 541; ICC-01/05-01/08-424, Bemba, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, 15 June 2009, para. 220; ICC-01/04-01/07-3436, Katanga, Judgment, 7 March 2014, para. 1177; See also: ICTY, Tadić, Appeal Judgment, 15 July 1999, para. 137 cited in ICC- 01/04-01/06, Lubanga, Decision on the Confirmation of Charges, 29 January 2007, para. 211; ICC-01/04-01/06, Lubanga, Judgment, 14 March2012, para. 541.

⁷⁴ ICC-01/04-01/06-803, Lubanga, Decision on the Confirmation of Charges, 29 January 2007, para. 211. ICC-01/04-01/06, Lubanga, Judgment, 14 March2012, para. 541; ICC-01/04-01/07- 3436, Katanga, Judgment, 7 March 2014, para. 1178.

⁷⁵ For analysis of what constitutes an IAC, see ICTY, The Prosecutor v. Dusko Tadic, Appeals Judgment, IT-94-1-A, 15 July 1999, para 84.

53. To demonstrate that documented evidence raises a reasonable basis to believe in Russia's direct engagement in cross-border attacks, the Authors present the political and military context of the attacks, evidence of AFRF mobilisation and camp build-ups, detailed account of attacks with supporting evidence and analysis of their provenance, as well as evidence of territorial incursions by AFRF collected by other organisations.

3.1 Context: AFRF occupation of Crimea and Ukrainian counter-insurgency

- 54. Section 2 of the First Report provides the background to and overview of the armed conflict in eastern Ukraine from March 2014 to September 2015. Here, the Authors' aim is to draw the ICC Prosecutor's attention to key events that took place in the run up to the documented cross-border attacks, which reveal the context of and likely motive for such attacks.
- 55. On 1 March 2014, following the covert extraction of Ukraine's President Yanukovych by Russian special forces,⁷⁶ the Russian Parliament approved President Putin's request to use military force in Ukraine.⁷⁷ On the same day, AFRF were deployed on Ukraine's sovereign territory on the Crimean Peninsula and on 21 March 2014, the Ukrainian Autonomous Republic of Crimea and the City of Sevastopol were annexed by the Russian Federation in violation of UN Charter.⁷⁸ On 22 March 2014, Crimea's *de facto* premier Sergei Aksyonov issued a call to arms to the people of southern and eastern Ukraine in a video released on YouTube.⁷⁹
- 56. In April 2014, separatist forces began to seise control of administrative and security buildings across eastern Ukraine in Donetsk, Luhansk, Kharkiv, Sloviansk, Horlivka and Kramatorsk, calling for independence from Ukraine.⁸⁰ The new interim government of Ukraine launched a counter-offensive, and by July 2014, amid heavy fighting, the UAF had re-asserted its authority and control over Sieverodonetsk, Sloviansk, Stanytsia-Luhanska, Lysychansk Popasna, Marjinka, Savur-Mohyla, Debaltseve and other smaller towns in Donetsk

⁷⁶ Россия 1, "Крым. Путь на Родину", Кондрашов А., available at: https://russia.tv/brand/show/brand_id/59195/ (last accessed: 12/06/2016); See also: BBC, "Putin Reveals Secrets of Russia's Crimea Takeover Plot", 9 March 2015, available at: http:// www.bbc.com/news/world-europe-31796226 (last accessed: 20/04/2016). Also note, On 20 February 2014, whilst on a visit to Moscow, Speaker of the Supreme Council of Crimea, Vladimir Konstantinov, announced that a worsening of the situation in Kyiv may lead to the secession of Crimea – Pravda.ua, "Спікер ВР АРК вважає, що Крим може відокремитися від України", 20 February 2014, available at: http://www.pravda.com.ua/news/2014/02/20/7015117/ (last accessed: 31/05/2016).

⁷⁷ Постановление Совета Федерации "Об использовании Вооруженных Сил Российской Федерации на территории Украины", 1 марта 2014, available at: *http://www.council.gov.ru/activity/legislation/decisions/39979/* (last accessed: 12/06/2016); It has been alleged that the law was procedurally defective as Parliament lacked quorum. Lenta.Ru. "Сбой какой-то в машине, да? Как Совет Федерации разрешил Путину ввести войска на Украину", Ключкин А., Дмитриев Д., 13 марта 2014, available at: *https://lenta.ru/articles/2014/03/13/sovet/* (last accessed: 20/04/2016).

⁷⁸ Федеральный конституционный закон N 6-ФКЗ "О принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов - Республики Крым и города федерального значения Севастополя", 21 марта 2014, available at: http://www.consultant.ru/document/cons_doc_ LAW_160618/19bbbbfa6e5a06c0d9e8d958af6464287880b069/ (last accessed: 07/05/2016); BBC, "Ukraine: Putin signs Crimea annexation", 21 March 2014, available at: http://www.bbc.co.uk/news/world-europe-26686949 (last accessed: 02/06/2016).

^{79 &}quot;Крым: обращение Сергея Аксёнова к Юго-Востоку Украины", 9 March 2014, available at: *https://www.youtube.com/ watch?v=bZ4TSIE8Zs0* (last accessed: 21/06/2016); For full analysis of the annexation of Crimea and related international crimes, please see First Report.

⁸⁰ OSCE, 'Latest from the Special Monitoring Mission in Ukraine – 14 April 2014', 14 April 2014 ('The situation in Donetsk and Luhansk districts continued to cause concerns owing to the observed presence of masked individuals in several towns of the region, occupying several administrative buildings', citing the towns of Kharkiv, Luhanks, Donetsk, Yenakiyeve, Debaltseve, Horlivka, Mariupol) available at: *https://web.archive.org/web/20140419044139/http://www.osce.org/ukrainemonitoring/117777*; OSCE, 'Latest from the Special Monitoring Mission to Ukraine - based on information received up until 23 April 2014, 19:00', 24 April 2014 (citing above towns, as well as Sloviansk), available at: *http://www.osce.org/ukraine-smm/117995*; UNHRC, 'Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine', UN Doc. A/HRC/27/75, 19 Sep. 2014, para. 9 ('[G]roups of armed men unlawfully seized public buildings and police and security facilities in cities and towns across the Donetsk and Luhansk regions') available at: *http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/27/75*

and Luhansk Provinces.⁸¹ Following the bringing down of Malaysia Airlines flight MH17 by separatist forces on 17 July,⁸² UAF and pro-Kyiv proxy paramilitary groups began to close in on the cities of Luhansk and Donetsk,⁸³ prompting Donetsk separatist commander Igor Girkin (aka Strelkov) to call for a Russian military intervention.⁸⁴

57. It is crucial to set the cross-border attacks described below in their proper context. By mid-August 2014 an AFRF incursion had successfully occupied and annexed the Ukrainian territories of Crimea and Sevastopol. Meanwhile, pro-Russian separatist militias in Luhansk and Donetsk Provinces, facing a robust counter-insurgency by the UAF, were in rapid retreat to the Russian border. By 19 August 2014, an end to the separatist rebellion in eastern Ukraine appeared imminent and multiple calls for military assistance were made by the separatist leadership.⁸⁵

- 81 OSCE, 'Latest from the OSCE Special Monitoring Mission to Ukraine, based on information received by 18:00hrs, 29 July (Kyiv time)', ('Severodonetsk... was retaken by the Ukrainian army'), available at: http://www.osce.org/ukraine-smm/122077; OSCE, 'Latest from OSCE Special Monitoring Mission to Ukraine (SMM) based on information received as of 18:00hrs, 30 July 2014 (Kyiv time)', 31 July 2014 ('[R]egional administration' in charge at Lysychansk), available at: http://www.osce.org/ukrainesmm/122145; UNHRC, 'Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine', UN Doc. A/HRC/27/75, 19 Sep. 2014, para. 17 ('As of 30 July 2014, "safe corridors", unilaterally established by the Ukrainian forces, have enabled people to leave the cities of Donetsk, Horlivka and Luhansk') available at: http://ap.ohchr. org/documents/dpage_e.aspx?si=A/HRC/27/75; Bellingcat, 'Origin of artillery attacks on Ukrainian military positions in Eastern Ukraine between 14 July 2014 and 8 August 2014', 17 Feb. 2015, p. 2 (Map from National Security and Defense Council of Ukraine showing UAF control over settlements) available at: https://www.bellingcat.com/wp-content/uploads/2016/02/ bellingcat - origin of artillery attacks 02-12-15 final1.pdf; p. 5 ('Ukraine's armed forces began an offensive in the first half of July 2014, which led to regained control over Slavyansk, Kramatorsk, and other towns and villages in the northern part of the Donetsk region'), available at: https://www.bellingcat.com/wp-content/uploads/2015/09/russia_s_path_s_to_war.pdf; ('[T]he pro-Russia militias under the command of Igor Girkin aka Strelkov retreated to Donetsk from the cities of Slovyansk, Kramatorsk, Kostyantynivka, Artemivsk and Debaltseve.'), available at: https://www.opendemocracy.net/od-russia/jaroslav-koshiw/donetskseparatists-in-dispute%E2%80%93khodakovsky-vs-strelkov
- 82 Openbaar Ministerie, 'JIT: Flight MH17 was shot down by a BUK missile from a farmland near Pervomaiskyi', 28 Sep. 2016 (interim results of the JIT criminal investigation presented at a conference on 28 Sep. 2016 suggest that the BUK missile that shot down flight MH17 originated in Russia and was fired from a field 'controlled by pro-Russian fighters'; the JIT has drawn up a list of 100 suspects, from evidence that includes intercepted phone calls), available at: https://www.om.nl/onderwerpen/ mh17-crash/@96068/jit-flight-mh17-shot/ ; See also Bellingcat report, 'MH17: Source of the Separatist's Buk', 9 Nov. 2014, (presenting evidence that 'separatists transported [the] Buk missile system through their territory on July 17'), available at: https://web.archive.org/web/20141109132619/https://www.bellingcat.com/wp-content/uploads/2014/11/Origin-of-the-Separatists-Buk-A-Bellingcat-Investigation1.pdf
- 83 UNHCR, 'Report on the human rights situation in Ukraine', (17 Aug. 2014), para. 3 ('During the past month, the Ukrainian armed forces have tightened their blockades around the main strongholds of the armed groups – the cities of Luhansk, Donetsk and to a lesser extent Horlivka'), available at: http://www.ohchr.org/Documents/Countries/UA/UkraineReport28August2014.pdf
- 84 Radio Free Europe, 'In Ukraine, Separatist Commander 'Strelkov' Seems to be Getting Frustrated', 9 Aug. 2014, available at: https://www.rferl.org/a/ukraine-rebels-military-situation-frustration-strelkov/26522352.html (last accessed: 1/11/2017).
- 85 The Star, 'Pro-Russia rebels plead for troops as Ukrainian Army advances', 3 Aug. 2014, available at: https://www.thestar. com/news/world/2014/08/03/prorussia_rebels_plead_for_troops_as_ukrainian_army_advances.html; Open Democracy, 'Donetsk separatists in dispute – Khodakovsky vs Strelkov', 11 Aug. 2014, ('[Leaders of the separatist movement] have repeatedly appealed to President Putin for Russia to intervene directly'), available at: https://www.opendemocracy.net/od-russia/jaroslavkoshiw/donetsk-separatists-in-dispute%E2%80%93khodakovsky-vs-strelkov; Reuters, 'Some Ukrainian rebels vent frustration with Putin', 20 July 2014, available at: http://www.reuters.com/article/uk-ukraine-crisis-rebels/some-ukrainian-rebels-vent-frustrationwith-putin-idUKKBN0FZ1ME20140730 (last accessed: 1/11/2017).



April 2014 map – each mark shows town targeted by separatists



July 2014 map – rebel held territory at time of MH17.

3.2 AFRF mobilisation to the Russia-Ukraine border

58. AFRF troops and heavy artillery units began to mobilise on the Russia-Ukraine border during the Euromaidan protests.⁸⁶ On 26 February 2014, President Putin ordered 150,000 troops stationed in Western Russia to be put on alert.⁸⁷ On 24 March 2014, the Kremlin ordered large-scale military exercises on the Ukrainian border.⁸⁸ Comparative analysis of satellite imagery conducted by the Authors, Bellingcat⁸⁹ and the Atlantic Council⁹⁰ clearly demonstrates heightened AFRF activity, camp build-ups and heavy artillery manoeuvres in strategic locations along the border. Analysis of social media content and geo-tagging posts by AFRF soldiers confirms the presence of AFRF combat units in the border area.⁹¹ Witnesses testify to seeing and hearing barrel artillery and multiple launch rocket systems (MLRS) manoeuvring on and firing from Russian territory.⁹² All evidence points to the mobilisation of a large invasion force and the existence of heavy artillery launch sites on the Russian side of the border.

3.2.1 AFRF TROOP BUILD-UP, CAMPS AND SUSPECTED ARTILLERY LAUNCH SITES

- 59. Witness evidence and analysis of satellite imagery of the Russia-Ukraine border reveal a rapid and unprecedented appearance of clusters of military infrastructure and equipment in the Rostov Region of Russia bordering Luhansk Province in July September of 2014. MLRS and howitzer military units pointing or moving in the direction of Ukraine can be clearly seen on the images, as can tracks consistent with those made by vehicles manoeuvring into firing positions.
- 60. Furthermore, by analysing the content and geo-location data of social media posts by AFRF soldiers, the Authors are able to conclude that a large combat force, made up of specialised attacking units from various parts of Russia, was mobilised to the Russia-Ukraine border in the summer and autumn of 2014. The Authors' analysis reveals the presence of personnel from the following military units (m/u) mobilised to the Russia-Ukraine border in the vicinity of Luhansk Province: m/u 30683 (288th artillery brigade based in Mulino City in Nizhny Novgorod Region); m/u 43533 (681st regional training center for combat artillery and missile training based in Mulino City in Nizhny Novgorod Region); m/u 64055 (electronic war-fare battalion based in Kursk), m/u 31135 (1st Mechanized Regiment of Taman Division stationed in Moscow Oblast'); m/u 31134 (15th Mechanized Regiment Kalininets of the Taman Division stationed in Moscow Oblast').⁹³
- 86 UN, 'Official statements regarding the events in Ukraine from top UN officials and Heads of foreign missions and representations. December 2013 January 2014: Backing Ukraine's territorial integrity, UN Assembly declares Crimea referendum invalid', 27 March 2014, ('Russian troops and armored vehicles were deployed in February [to Crimea]'), available at: *http://www.un.org.ua/en/information-centre/news/1772-2013-12-05-17-51-07*; NATO, 'North Atlantic Council statement on the situation in Ukraine', 2 March 2014, ('The North Atlantic Council condemns the Russian Federation's military escalation in Crimea'), available at: *https://www.nato.int/cps/en/natolive/official_texts_107681.htm*; The New York Times, 'Russian troops mass at border with Ukraine', 13 March 2014, available at: *https://www.nytimes.com/2014/03/14/world/europe/ukraine.html*
- 87 The Globe and Mail, "Globe in Ukraine: Russian-backed fighters restrict access to Crimean city", 26 February 2014, available at: http://www.theglobeandmail.com/news/world/tension-in-crimea-as-pro-russia-and-pro-ukraine-groups-stage-competing-rallies/ article17110382/#dashboard/follows/?cmpid=tgc (last accessed: 31/05/2016); CNN, "Russia flexes military muscle as tensions rise in Ukraine's Crimea region", 27 February 2014, available at: http://edition.cnn.com/2014/02/26/world/europe/ukraine-politics/ (last accessed: 31/05/2016).
- 88 The Telegraph, "Vladimir Putin orders military exercise on Ukraine border after killings", 24 April 2014, available at: http:// www.telegraph.co.uk/news/worldnews/europe/russia/10785386/Vladimir-Putin-orders-military-exercise-on-Ukraine-border-afterkillings.html (last accessed: 26/07/2017).
- 89 Bellingcat, 'Russia Ante Portas: Updated Satellite Imagery Shows Border Crossings and Artillery Sites', 15 June 2016, available at: *https://www.bellingcat.com/news/uk-and-europe/2016/06/15/9629/*
- 90 The Atlantic Council of the United States, Hiding in Plain Sight: Putin's War in Ukraine (Washington: Atlantic Council, 2015), available at: http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_Sight/HPS_English.pdf
- 91 The Atlantic Council of the United States, Hiding in Plain Sight: Putin's War in Ukraine (Washington: Atlantic Council, 2015), pp.
 16, 23, available at: http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_Sight/HPS_English.pdf
- 92 E.g.:Witness statements: 0205K828, 0205K844, 0205K856-2.
- 93 Case File 0205_military_on_the_border (IPHR Database of 33 soldiers of Russian Regular army, m/u 54801, 41450, 43533, 30683, 11659, 54164, 73582, 02511, 54046, 31135, 45767, 31134, 64055, 12128).

AFRF soldiers also confirm the presence of AFRF MLRS and howitzer units in the vicinity of the Russia-Ukraine border.⁹⁴



Map of area identifying locations of all of the below sites.

- 61. The Authors have documented the following AFRF camps and suspected artillery launch sites:
 - **Manotskyy settlement site** Located at a distance of 500-1000 meters from the Russia-Ukraine border,⁹⁵ this site appears to have been used as an initial firing position for AFRF MLRS and barrel artillery and for launching drone reconnaissance missions in August 2014.⁹⁶ Ukrainian border guards



Traces of heavy vehicle movements to and from the suspected firing positions are clearly visible on satellite images taken on 6 *September 2014*

and local residents testify to hearing artillery carrying vehicles manoeuvring into firing positions at these locations and retreating after each attack.⁹⁷ Witnesses describe hearing sounds and seeing smoke and dust emanating from these positions, consistent with those made by MLRS-carrying vehicles. Border guards testify to seeing flashes and hearing at least five barrel artillery and MLRS

- 94 Case File 0205AFRF soldiers captured with geotagging near their military vehicles.
- 95 Geolocation Coordinates.: 48040'46" N 39043'32" E
- 96 Witnesses 0205K1086 observed that the MLRS AFRF firing positions were relocated further into Russian territory towards the end of August.
- 97 Witness statement: 0205K828.

attacks onto Ukrainian territory from these positions.⁹⁸ This testimony is corroborated by comparing satellite imagery of this location before and after the period of suspected cross-border attacks - traces of heavy vehicle movements to and from the suspected firing positions are clearly visible on satellite images taken on 6 September 2014.⁹⁹ No such traces are visible on images from 17 July 2014.¹⁰⁰



No traces are visible on satellite images taken on 17 July 2014

• **Patronovka village site** – Located at a distance of 1.3km from the Russia-Ukraine border;¹⁰¹ this site appears to have been used as a fortified military camp and artillery launch site. Satellite imagery taken on 6 September 2014 shows military infrastructure and a large number of heavy-vehicle tracks consistent with movement and manoeuvres of artillery-carrying vehicles, as well as the presence of four self-propelled howitzers MSTA-S all barrels facing towards Ukraine (specifically the villages of Makarovo and Stanytsia Luhanska located at a distance of 15km and 17km respectively) and a command machine. No such tracks are visible on images taken on 17 July 2014.¹⁰²



Four self-propelled howitzers MSTA-S and a command machine, and numerous traces. Image taken on 06 September 2014

- 98 Witness statements: 0205K827,0205K828
- 99 Photo evidence: Arta2.jpg
- 100 Photo evidence: Arta1.png
- 101 Geolocation Coordinates: 48037'58" N 390 44'58" E.
- 102 Satellite images Google Earth: 06/09/2014, 48037'53" N 390 42'36" E; 25/07/2014, 48037'53" N 390 42'36" E



No traces or vehicle presence. Image taken on 17 July 2014

• **Duby village site** – Located at a distance of 12 km from the Russia-Ukraine border,¹⁰³ this site appears to have served as a large military camp and artillery launch site. Satellite imagery taken on 6 September 2014 shows military infrastructure, approximately 40 covered trucks inside the camp and



Image taken on 06 September 2014

military equipment scattered around the camp on the edge of the woods to the south and east of the camp.¹⁰⁴ Four 2S19 Msta-S self-propelled howitzer vehicles (with a known maximum target range of 25km¹⁰⁵) are visible on the satellite image from 25 July 2014.¹⁰⁶ This information is corroborated by images of 2S19 Msta-S howitzers in photos posted on social media AFRF personnel geo-tagged to this area.¹⁰⁷ Approximately 200 metres south-south-west of these units another eight military vehicles are

¹⁰³ Geolocation Coordinates: 48038'16" N 39-52'58" E

¹⁰⁴ Satellite image Google Earth, 06/09/2014, 48038'16" N 39052'57" E

¹⁰⁵ Wartools, "CAУ Мста-C 2C19 - 152-мм самоходная гаубица", available at: *http://wartools.ru/sau-russia/sau-msta-s-2s19* (last accessed: 15/11/2017).

¹⁰⁶ Satellite image Google Earth, 25/07/2014, 48038'14" N 39053'23" E

¹⁰⁷ Photo evidence: soldiers.jpg

visible of which at least that resemble MLRS (known maximum target range of 40km) carriers.¹⁰⁸ All four Msta-S barrels and MLRS vehicles are pointing in the direction of Ukraine (specifically the village of Herasymivka located some 18.5 km away).¹⁰⁹ The same satellite image also captured a moving column of self-propelled 2S3 'Acacia' artillery vehicles (known maximum target range 18.5 – 25km¹¹⁰) and a Russian military helicopter in mid-flight over the area.¹¹¹



Image taken on 25 July 2014

- **Tree farm site next to Derkul village** Located at a distance of 0,76km from the Russian-Ukrainian border.¹¹² According to one witness, the site was used as an artillery launch site.¹¹³
- Site on Russian bank of the Siversky Donets River Located at a distance of 1.75km from the Russian-Ukrainian border.¹¹⁴ According to one witness, the site was used as a launch site for MRLS BM-21 'Grad' missiles (target range 20-45km) aimed at Ukrainian positions in and around the village of Kolesnykivka.¹¹⁵
- 62. Other organisations have confirmed that there was a build-up of troops very close to the Russia-Ukraine border from April 2014,¹¹⁶ and it has been suggested that this was more than a regular military exercise.¹¹⁷ According to NATO, the Russian force at the border was 'sized and outfitted and provisioned with everything that it need[ed] to have an incursion into Ukraine.'¹¹⁸ The following AFRF sites have been documented based on high-resolution satellite imagery analysis:
- 108 Satellite image Google Earth, 06/09/2014, 48038'10" N 39053'15" E

- 111 Satellite image Google Earth, 06/09/2014, 48°37'55.76"N 39°50'57.61"E.
- 112 Geolocation coordinates: 480 49'44" N 39048'43" E.
- 113 Witness 0205K827.
- 114 Geolocation coordinates.: 48036'29" N 39041'56" E See also Satellite image Google Earth, 31/08/2014, 48°36'29"N 39°41'56"E
- 115 Witness statements: 0205K828, Photo evidence: map drawn by the witness 0205K828, point «14» on the map (Annex 1).
- 'EU Statement on the Current Security Challenges in the OSCE Area and OSCE Engagement with Ukraine', PC.DEL/449/14, 29 April 2014, p. 1, available at: http://www.osce.org/pc/118340?download=true
- 117 Ambassador Daniel B. Baer, 'United States Mission to the OSCE: Remarks on military activities of the Russian Federation on the border With Ukraine', FSC-PC.DEL/9/14, 8 April 2014, p. 1, available at: *http://www.osce.org/fsc/117341?download=true*
- 118 Ambassador Daniel B. Baer, 'United States Mission to the OSCE: Remarks on military activities of the Russian Federation on the border With Ukraine', FSC-PC.DEL/9/14, 8 April 2014, p. 1, available at: *http://www.osce.org/fsc/117341?download=true*

¹⁰⁹ Satellite image Google Earth, 48047'11" N 39041'56" E

¹¹⁰ Wartools, "CAУ Акация 2C3 - самоходная гаубица", available at: http://wartools.ru/sau-russia/sau-akatsiya-2s3 (last accessed: 01/12/17)

- **Site in region surrounding Belgorod** Located at a distance of less than 40km from the Russian-Ukrainian border.¹¹⁹ High-resolution satellite images taken on 22 and 26 March show military vehicles arriving, including Mi-8 and Mi-24 attack helicopters, tanks, and over hundred infantry fighting vehicles.¹²⁰
- Site in area surrounding Novocherkassk city Located at a distance of 50km from the Russian-Ukrainian border.¹²¹ High-resolution satellite images show an area that was previously an empty field contained military equipment including vehicles, tents, and logistics equipment by 27 March. Tracks consistent with military exercises are visible, as are earthen defensive positions. Infantry fighting vehicles and artillery pieces are also visible in the satellite images.¹²²
- Seleznev village site Located at a distance of 750m from the Russian-Ukrainian border.¹²³ Satellite imagery taken on 16 July of craters left behind after artillery attacks in the Ukraine territory of Amvrosiivka suggests this was used an artillery launch site, and that these strikes were carried out by BM-21 Grad or 9K51M Tornado-G MLRS.¹²⁴
- **Pavlovka site** Located at a distance of 2km from the Russian-Ukrainian border,¹²⁵ satellite imagery taken on 16 July show this site was used to stage artillery attacks in Ukraine territory.¹²⁶ The 7th Airborne Division Unit 54801 was deployed to the Pavlovka base in June.¹²⁷
- Site near Gukovo Located at a distance of approximately 5km from the Russian-Ukrainian border.¹²⁸

- 120 American Association for the Advancement of Science, Geospatial Technologies and Human Rights Project, Satellite imagery of the crisis in Ukraine, Part II: Border deployments (Washington: American Association for the Advancement of Science, 2014), (Corroborating images and statements released by NATO that are no longer on the NATO website), pp. 9-10, available at: https://www.aaas.org/sites/default/files/Ukraine_Border_Deployments.pdf
- 121 Geolocation coordinates: 47.52N, 40.22E, American Association for the Advancement of Science, Geospatial Technologies and Human Rights Project, Satellite imagery of the crisis in Ukraine, Part II: Border deployments (Washington: American Association for the Advancement of Science, 2014), p. 11, available at: *https://www.aaas.org/ sites/default/files/Ukraine_Border_ Deployments.pdf*
- 122 American Association for the Advancement of Science, Geospatial Technologies and Human Rights Project, Satellite imagery of the crisis in Ukraine, Part II: Border deployments (Washington: American Association for the Advancement of Science, 2014), pp. 11-12, (Corroborating images and statements released by NATO that are no longer on the NATO website), available at: https://www.aaas.org/sites/default/files/Ukraine_Border_Deployments.pdf
- 123 Coordinates: 47.63709, 38.469355, The Atlantic Council of the United States, Hiding in Plain Sight: Putin's War in Ukraine (Washington: Atlantic Council, 2015), p. 29, available at: *http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_ Sight/HPS_English.pdf*
- 124 The Atlantic Council of the United States, Hiding in Plain Sight: Putin's War in Ukraine (Washington: Atlantic Council, 2015), p. 29, available at: *http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_Sight/HPS_English.pdf*; Bellingcat, 'Origin of artillery attacks on Ukrainian military positions in Eastern Ukraine between 14 July 2014 and 8 August 2014', 17 Feb. 2015, pp. 5-9, available at: *https://www.bellingcat.com/wp-content/uploads/2016/02/bellingcat_-origin_of_artillery_attacks_02-12-15_final1.pdf*
- 125 Coordinates: 47.939519, 39.846468, The Atlantic Council of the United States, Hiding in Plain Sight: Putin's War in Ukraine (Washington: Atlantic Council, 2015), p. 23, available at: *http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_ Sight/HPS_English.pdf*
- 126 Bellingcat, 'Origin of artillery attacks on Ukrainian military positions in Eastern Ukraine between 14 July 2014 and 8 August 2014', 17 Feb. 2015, p. 16, available at: *https://www.bellingcat.com/wp-content/uploads/2016/02/bellingcat_-_origin_of_artillery_attacks_02-12-15_final1.pdf*
- 127 The Atlantic Council of the United States, Hiding in plain sight: Putin's war in Ukraine (Washington: Atlantic Council, 2015), p. 23, available at: *http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_Sight/HPS_English.pdf*
- 128 Coordinates: 48°05′25.0″N 39°54′45.3″E, Bellingcat, 'Origin of artillery attacks on Ukrainian military positions in Eastern Ukraine between 14 July 2014 and 8 August 2014', 17 Feb. 2015, p. 15, available at: https://www.bellingcat.com/wp-content/ uploads/2016/02/bellingcat_-origin_of_artillery_attacks_02-12-15_final1.pdf

¹¹⁹ Geolocation coordinates: 50.65N, 36.52E, American Association for the Advancement of Science, Geospatial Technologies and Human Rights Project, Satellite imagery of the crisis in Ukraine, Part II: Border deployments (Washington: American Association for the Advancement of Science, 2014), p. 10, available at: https://www.aaas.org/sites/default/files/Ukraine_Border_ Deployments.pdf

Satellite imagery taken on 8 August of craters left behind after artillery attacks on Ukrainian territory, as well as social media videos that have been geo-located, show that attacks by MLRSs took place.¹²⁹

- Site near Kuzminsky town Located at a distance of 46km from the Russian-Ukrainian border,¹³⁰ satellite imagery and social media pictures show that hundreds of military vehicles were stationed here, as well as tents and fuel tanks. A motorised rifle regiment occupied the area from at least 27 March and 5 April, as evidenced by a large encampment of tents, trucks, and armoured vehicles,¹³¹ while the 5th Tank Brigade was stationed here in October and November. This camp held hundreds of soldiers.¹³²
- **Kuybyshevo site** Located at a distance of 3km from the Russian-Ukrainian border,¹³³ this site was a large base for heavy artillery and served as a base for artillery strikes on Ukrainian territory in July 2014. A Russian soldier has described firing artillery from this site, and photographs show soldiers firing in the direction of Ukraine. The dates of these artillery firings coincide with reports by the US State Department.¹³⁴

3.2.2 AFRF TERRITORIAL INCURSIONS AND RECONNAISSANCE MISSIONS

- 63. Witnesses observed territorial incursions by unmanned reconnaissance aircraft (drones) and AFRF military helicopters in what appear to be reconnaissance missions into Ukrainian airspace prior to and following cross-border attacks. A Ukrainian border guard stationed in the 'Mountain' camp, in the vicinity of Kolesnikovke settlement, recalls seeing drones launched onto Ukrainian territory by AFRF personnel from the outskirts of Manotskyy settlement in Russia throughout the shelling campaign.¹³⁵ Local residents of Kolesnikovke observed the same or similar drones flying over their settlement and nearby UAF positions.¹³⁶ Witnesses also observed Mi-24 and Mi-8 assault helicopters with Russian military insignia crossing into Ukrainian airspace on 2 August 2014.¹³⁷
- 64. Other organisations have documented AFRF territorial incursions for the purpose of reconnaissance, including incursions by ground forces. On 25 August 2014, ten soldiers in green military uniforms with white armbands were detained by Ukrainian forces at Dzerkalne, a village 20 kilometres from the Russian border. The Russian military confirmed that these men were indeed Russian paratroopers, who had become lost on Ukrainian territory while conducting exercises at the border.¹³⁸
- 65. According to NATO Secretary General Fogh Rasmussen, on 14 August 2014 a convoy of twenty armoured

- 134 The Atlantic Council of the United States, Hiding in plain sight: Putin's war in Ukraine (Washington: Atlantic Council, 2015), pp. 23-24, available at: *http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_Sight/HPS_English.pdf*
- 135 Witness 0205K828; Map attached to witness statement.
- 136 Witness statement 0205K1087.
- 137 Witness statements: 0205K828, 0205K829.
- 138 BBC News, 'Captured Russian troops "in Ukraine by accident", (26 Aug. 2014), available at: http://www.bbc.com/news/worldeurope-28934213

¹²⁹ The Atlantic Council of the United States, Hiding in plain sight: Putin's war in Ukraine (Washington: Atlantic Council, 2015), pp. 18-19, available at: *http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_Sight/HPS_English.pdf*

¹³⁰ Coordinates: 47.411287, 39.231931, The Atlantic Council of the United States, Hiding in plain sight: Putin's war in Ukraine (Washington: Atlantic Council, 2015), p. 11, available at: *http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_ Sight/HPS_English.pdf*

¹³¹ American Association for the Advancement of Science, Geospatial Technologies and Human Rights Project, Satellite imagery of the crisis in Ukraine, Part II: Border deployments (Washington: American Association for the Advancement of Science, 2014), pp. 13-14 (Corroborating images and statements released by NATO that are no longer on the NATO website), available at: https://www.aaas.org/sites/default/files/Ukraine_Border_Deployments.pdf

¹³² The Atlantic Council of the United States, Hiding in plain sight: Putin's war in Ukraine (Washington: Atlantic Council, 2015), p. 13, available at: *http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_Sight/HPS_English.pdf*

¹³³ Coordinates: 47.815116, 38.867638, The Atlantic Council of the United States, Hiding in plain sight: Putin's war in Ukraine (Washington: Atlantic Council, 2015), p. 23, available at: *http://www.atlanticcouncil.org/images/publications/Hiding_in_Plain_ Sight/HPS_English.pdf*

personnel carriers and other vehicles with official Russian military plates entered the territory of Ukraine near the insurgent-controlled Izvaryne border crossing. NATO qualified the incident as a "Russian incursion" into Ukraine, while the Russian Defence Ministry denied the existence of any such convoy.¹³⁹

- 66. Between 22 and 27 August 2014, Russian artillery, personnel, and what Russia called a "humanitarian convoy" were reported to have crossed the border into Ukrainian territory without the permission of the Ukrainian government. Crossings were reported to have occurred both in areas under the control of pro-Russian forces and areas that were not under their control, such as the south eastern part of Donetsk Region, near Novoazovsk.¹⁴⁰
- 67. On 8 November 2014, OSCE monitors reported that there were large movements of unmarked heavy equipment in separatist-held territory. These movements included armoured personnel carriers, lorries, petrol tankers, and tanks, which were being manned and escorted by men in dark green uniforms without insignias.¹⁴¹ On 12 November, NATO commander Gen Philip Breedlove stated that Russian military equipment and Russian combat troops had been seen entering Ukraine in columns over several days.¹⁴²
- 68. Bellingcat reports that on 29 August, Russian soldiers from m/u 54096 of the 6th Tank Brigade were involved in fighting in eastern Ukraine, during the 'Battle of Ilovaysk'. Two T-72B3 tanks from the 6th Tank Brigade were damaged or destroyed by Ukrainian forces and were photographed afterwards; markings on the tanks identify them clearly as AFRF military vehicles. Russian servicemen of the 6th Tank Brigade also posted photographs of themselves by a sign for the Ukrainian village Chervonosil'skoe, near Ilovaysk.¹⁴³
- 69. Unlawful territorial incursions and reconnaissance missions by AFRF troops and unmanned aircraft further confirm Russia's active involvement in the conflict.

3.2.3 CONCLUSION

70. AFRF troop mobilisations, camp build-ups and active artillery launch sites on the Russia-Ukraine border are above and beyond what is considered 'normal' activity on the border of a neighbouring State. AFRF territorial incursions and reconnaissance missions constitute an outright violation of Ukraine's territorial integrity and national sovereignty. Moreover, such activities documented in summer and autumn 2014 had no precedent in the region prior to the Euromaidan events. These activities cannot be interpreted as anything other than the deployment of a large-scale invasion force with heavy artillery cover from launch sites in the vicinity of the Russia-Ukraine border. This deployment supports the claim of AFRF's orchestration of and direct involvement in the armed conflict in eastern Ukraine.

¹³⁹ Reuters, 'NATO saw "Russian incursion" into Ukraine – Rasmussen' (15 Aug. 2014), available at: https://www.reuters.com/ article/uk-ukraine-crisis-nato-chief/nato-saw-russian-incursion-into-ukraine-rasmussen-idUKKBN0GF12V20140815; RT News, 'Russian Defense Ministry Denies Reports Military Column Crossed into Ukraine', (15 Aug. 2014), available at: https://www. rt.com/news/180584-border-russian-military-troops/

¹⁴⁰ BBC, Ukraine crisis: Russia aid convoy 'invades Ukraine', 22 Aug. 2014, available at: http://www.bbc.com/news/worldeurope-28892525; The New York Times, 'Ukraine reports Russian invasion on a new front', 27 Aug. 2014, ('Andriy Lysenko, a spokesman for the Ukrainian military in Kiev, said the Russian armored column entered the town of Amvrosiyivka, south of Donetsk'), available at: https://www.nytimes.com/2014/08/28/world/europe/ukraine-russia-novoazovsk-crimea.html ; Bellingcat, 'Russia's path(s) to war', 21 Sep. 2015, p. 46, (citing evidence for usage of Novoazovsk-Veselo-Voznesenka crossing), available at: https://www.bellingcat.com/wp-content/uploads/2015/09/russia_s_path_s_to_war.pdf (last accessed: 15/11/2017).

¹⁴¹ OSCE, 'Spot report by the OSCE Special Monitoring Mission to Ukraine (SMM), 8 November 2014', 8 Nov. 2014, available at: http://www.osce.org/ukraine-smm/126483 (last accessed: 1/11/2017).

¹⁴² See The Guardian, "Russian tanks and troops crossing into Ukraine, says NATO commander", available at: *http://www.theguardian.com/world/2014/nov/12/russian-tanks-troops-crossing-into-ukraine-nato-supreme-commander* (last accessed: 25.08.2017).

¹⁴³ Bellingcat, 'Russia's 6th Tank Brigade: The dead, the captured, and the destroyed tanks (Pt. 1)', 22 Sep. 2014, available at: *https://www.bellingcat.com/news/uk-and-europe/2015/09/22/russias-6th-tank-brigade/* (last accessed 15/11/2017); Bellingcat, 'Russia's 6th Tank Brigade: The dead, the captured, and the destroyed tanks (Pt. 2)', 29 Sep. 2014, available at: *https://www. bellingcat.com/news/uk-and-europe/2015/09/29/russias-6th-tank-brigade-pt-2/* (last accessed: 15/11/2017).

3.3 Documented cross-border attacks

71. The Authors have documented cross-border attacks on Ukrainian settlements of Kolesnykivka, Komyshne, Yuhanovka, Milovne, Krasna Talivka, Dmytrivka and Pobieda in Luhansk Province from June to September 2014. Based on documented evidence, there is a reasonable basis to believe that all the attacks described in this section originated from the territory of the Russian Federation and were perpetrated by or under the overall control of AFRF.

3.3.1 ATTACKS ON AND AROUND KOLESNYKIVKA, KOMYSHNE AND YUHANOVKA SETTLEMENTS



Satellite map showing launch sites and targeted villages.

- Targeted area: Kolesnykivka,¹⁴⁴ Komyshne¹⁴⁵ and Yuhanovka¹⁴⁶ are small civilian settlements in close proximity to the Ukraine-Russia border (0,5-3km), which runs along the Derkul River. In June 2014, a UAF field camp was established in the woods on the outskirts of Kolesnykivka (roughly 300 meters from the closest civilian dwelling) containing approximately 300 combatants.¹⁴⁷ Two other UAF positions were located at 'Mountain' camp and a UAF checkpoint on the road to Nyzhnia Vilhova.¹⁴⁸ In July 2014, the area was located approximately 14km from contact line between UAF and LPR forces.
- **Overview of attacks:** According to statements by Ukrainian border guards, initial cross-border attacks on the area took place in the first week of July 2014 when the UAF camp near Kolesnykivka was attacked using 82mm mortars.¹⁴⁹ The frequency and missile calibre of these attacks subsequently intensified . On 23 July 2014, heavy artillery fire damaged civilian housing, injuring civilian inhabitants, and set the nearby woods on fire.¹⁵⁰ On 2 August 2014, heavy artillery fire on the 'Mountain' camp and UAF checkpoint resulted in the deaths of four Ukrainian border guards.¹⁵¹ By August 2014, witnesses report daily artillery

¹⁴⁴ Geolocation coordinates: 48040'17" N 39041'13" E

¹⁴⁵ Geolocation coordinates: 48043'09" N 39038'13" E

¹⁴⁶ Geolocation coordinates: 48040'56" N 39042'43" E

¹⁴⁷ Geolocation coordinates: 48040'18" N 39041'49" E

¹⁴⁸ Geolocation coordinates: 48042'18" N 39041'26" E

¹⁴⁹ Witness statements: 0205K867, 0205K831.

¹⁵⁰ Witness statement: 0205K855; Video evidence: 150910_Kolesnikovka7_ul. Peschanaya_13_intervyu; 150910_Kolesnikovka70_ ul. Peschanaya_4_voronka 16; «Лето в Колесниковке в подвале под российскими градами», timing: 05:00-15:00.

¹⁵¹ Witness statement: 0205K844.

fire on military and civilian objects in the targeted area.¹⁵² The attacks stopped on 5 September 2014,¹⁵³ on the day of agreement of the ceasefirein the first Minsk Agreement.¹⁵⁴

- Means, methods and provenance of attacks: Six discarded mortar plates found on the Ukrainian side of Derkul River and a steel cable running across the river suggest that the initial 82mm mortar attacks were launched from this position by combatants who crossed the border and retreated back onto Russian territory after the attack.¹⁵⁵ Crater analysis and missile remnants indicate that subsequent attacks were conducted using MLRS Grad rockets from the territory of the Russian Federation.¹⁵⁶ Satellite imagery reveals at least 150 artillery impact craters in and around Kolesnykivka, at least 70 craters in and around the 'Mountain' camp, and at least 24 craters in the vicinity of the UAF checkpoint.¹⁵⁷ Their provenance is clearly visible from the impact angles, indicating that the vast majority of the missiles came from the direction of the Russian Federation (azimuth 120).¹⁵⁸ Crater analysis on the outskirts of Kolesnykivka confirms that the attack was perpetrated with an MLRS BM-21 'Grad',¹⁵⁹ whereas the 'Mountain' and UAF checkpoint were shelled using 122-mm howitzers.¹⁶⁰ Analysis of the crater depth, direction and angle of impact confirms that the missile was launched from Russian territory.¹⁶¹ A 'Grad' remnant was retrieved from a civilian's garden in Kolesnykivka, its impact angle and direction also confirming its Russian provenance.¹⁶² The Authors documented a further Grad shell and an unexploded 122mm calibre howitzer shell in the targeted area.¹⁶³ The depths and impact angles of all the documented craters¹⁶⁴ are consistent with geo-locations of suspected AFRF artillery launch sites described in the previous section, ¹⁶⁵ as well as the firing ranges of artillery systems documented at these locations.¹⁶⁶ In light of the angle and direction of impact, as well the proximity of targets to the Russian border, the attacks could not have originated anywhere other than the territory of the Russian Federation.
- **Damage:** Two civilian dwellings were destroyed and a further 27 were partially damaged as a result of the attacks on the three settlements.¹⁶⁷ Several civilians suffered shrapnel wounds and shell shock.¹⁶⁸ At least 13 UAF border guards were killed and 40 were injured.¹⁶⁹
- **Conclusion:** Evidence documented by the Authors demonstrates, to a high degree of probability, that in July September 2014, Ukrainian settlements of Kolesnykivka, Komyshne and Yuhanovka and UAF positions in their vicinity were attacked using 82mm mortars, 122mm howitzer shells and MLRS BM-

- 162 Case file 0205, see VID_20150909_185509.3gp.
- 163 Case file 0205, see 150909_Kolesnikovka10_dom1_snariad.MOV.
- 164 Case file 0205, see folder Колесниковка-Камышное > Фото-видео
- 165 Manotsky settlement site, Duby village site, Petrovinka village site, Derkul village site, Siversky Donets site.

¹⁵² Case file 0205, 150910_Kolesnikovka7_ul. Peschanaya_13_intervyu.MOV, witness statement 0205K833

¹⁵³ Witness statement 0205K856.

¹⁵⁴ Minsk Protocol, 5 Sep. 2014.

¹⁵⁵ Witness statements: 0205K867, 0205K831.

¹⁵⁶ Case file 0205, crater analysis videos: VID_20150909_185509.3gp, VID_20150910_104635.3gp, VID_20150910_105723.3gp,

¹⁵⁷ See Satellite image Google Earth, 06/09/2014, 48°40'18N 39°41'49"E; Case file 0205, crater analysis videos: VID_20150909_185509.3gp, VID_20150910_104635.3gp, VID_20150910_105723.3gp; Witness statement: 0205K828; Video evidence: "Лето в Колесниковке в подвале под российскими градами".

¹⁵⁸ See case file 0205, video VID_20150910_105723.3gp.

¹⁵⁹ Case file 0205, see 2015909184752.jpg, 2015909185933.jpg, foto1.jpg.

¹⁶⁰ See Satellite image Google Earth, 06/09/2014, 48°43′23N 39°39′29″E and Satellite image Google Earth, 06/09/2014, 48°42′22N 39°41′35″E

¹⁶¹ Case file 0205, see VID_20150910_104635.3gp, VID_20150910_105723.3gp. 150909_Kolesnikovka20_dom1_intervyu 2.MOV,

¹⁶⁶ In addition, some impact craters near Kolesnykivka indicate a secondary MRLS BM-21 attack from the direction of a LPR position in the village of Parkhomenko (azimuth 173): Witness statements: 0205K845, 0205K828.

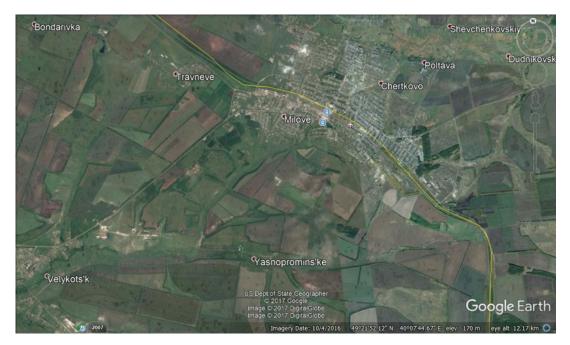
¹⁶⁷ DRA, "Положение гражданского населения в отдельных районах донецкой и луганской областей.pdf", 2015, available at: *https://www.austausch.org/files/DRA/Publikationen/pdf*

¹⁶⁸ DRA, "Положение гражданского населения в отдельных районах донецкой и луганской областей.pdf", 2015, available at: *https://www.austausch.org/files/DRA/Publikationen/pdf* (last accessed 01/12/2017).

¹⁶⁹ Witness statements: 0205K844.

21 'Grad' missiles, and that these attacks originated from the territory of the Russian Federation and were perpetrated by the AFRF. Villages further into Ukraine that may have been targeted from the same positions include Makarovo, Nyzhnia Vilhova, Verhnia Vilhova, Harasymivka and Schastia.¹⁷⁰

3.3.2 ATTACKS ON MILOVE SETTLEMENT



Satellite map showing launch sites and targeted villages.

72. The Authors have documented three separate attacks on UAF positions in and around theMilove settlement (Luhansk Province, Ukraine) on 2 July, 8 August and 9 August 2014. Milove village (Ukraine) and Chertkovo village (Russian Federation) are two halves of one settlement split by the Ukraine-Russia border that runs along Druzhby Narodiv Street.¹⁷¹ At the time of the attacks, Milove was a predominantly civilian location housing a unit of Ukrainian Air Defence forces and a Ukrainian Border Service base. In July-September 2014, Milove was situated approximately 80km from the nearest LPR position.

3.3.2.1 Attack on Ukrainian Air Defence unit on 2 July 2014

- **Targeted area:** A unit of the Ukrainian Air Defence, including a radar and two administrative buildings, is located approximately 1.5km from the Ukraine-Russia border.¹⁷²
- **Overview of attack:** The attack took place 00:30am-1:30am on 2 July 2014. An estimated 48 rounds of 82mm mortars were fired at and hit the Air Defence unit.¹⁷³
- **Suspected provenance of attack:** A sound recording of the 2 July mortar attack registered an interval of five seconds between launch and impact.¹⁷⁴ This suggests a firing distance of three kilometres, which is consistent with the firing range of standard issue Russian M-37 or 82-BM-37 mortars. 48 mine caps and mortar plate tracks were found near the Ukrainian village of Yasnoprominske, situated approximately three kilometres from the targeted area.¹⁷⁵ The tracks leading from the border to the suspected launch

¹⁷⁰ Witness statements: 0205K5845, 0205K831 - testifying to seeing missiles flying overhead in the direction of these settlements in Ukraine.

¹⁷¹ Geolocation coordinates: 49022'52" N 40008'06" E.

¹⁷² Geolocation coordinates: 49022'02" N 40005'48" E.

¹⁷³ Witness statements: 0205K835, 0205K849. Case file 0205, Drown map Бацман Виталий 002.jpg.

¹⁷⁴ Video evidence: "Звуки артподготовки под Украинским селом Меловое или Российским селом Чертково 2 ночи 02.07.14.mp4".

¹⁷⁵ Witness statements: 0205K835, 0205K849. Case file 0205, Drown map Бацман Виталий 002.jpg.

site suggests the attackers crossed the border to perpetrate the mortar attack and then retreated back across the border.¹⁷⁶

- **Damage:** Evidence of damage to military objects is not available due to restricted access. No casualties were reported.
- **Conclusion:** Evidence documented by the Authors demonstrates to a high degree of probability that on 2 July 2014, a unit of the Ukrainian Air Defence was attacked using 82mm mortars from the village of Yasnoprominske, and that combatants entered from the Russian Federation onto Ukrainian territory to perpetrate the attack

3.3.2.2 Attack on a Ukrainian Border Service unit on 8 August 2014

- **Targeted area:** A unit of the Ukrainian Border Service located inside an administrative building surrounded by civilian housing in the centre of Milove, approximately 0.45km from the Ukraine-Russia border.¹⁷⁷
- Overview of attack: On 8 August 2014, the Ukrainian border service base was attacked using four rounds launched from RPO 'Shmel' rocket launchers, an SPG-9 73mm calibre gun, and several GP25 40mm grenades.¹⁷⁸ Two POM-2 antipersonnel fragmentation mines were left by the attackers in the vicinity of the building, with one of them going off at 7:00a.m the next morning.¹⁷⁹
- **Suspected provenance of attack:** Two abandoned RPO 'Shmel' rocket engines were found at approximately 50 and 150 meters from the border service building and 0.4 km from the Ukraine-Russia border.¹⁸⁰ The fact that only the facade facing the Russian Federation was hit indicates that the attackers crossed onto Ukrainian territory to perpetrate the attack and then retreated back onto Russian territory.¹⁸¹ Based on the direction, distance and angle of attack, the only unobstructed position for the SPG-9 fire was an abandoned factory (subsequently destroyed) located approximately 1 km away on the Russian side of the border.¹⁸² The provenance of the GP-25 grenade attack has not been determined.
- **Damage:** The windows, facade and roof of the Ukrainian border service building were destroyed and the interior badly damaged in the 8 August attack.¹⁸³ The garage of the border service building was damaged by GP-25 grenades.¹⁸⁴ Four border guards were injured as a result of the POM-2 antipersonnel mine explosion in the morning after the attack on the border guard unit.¹⁸⁵
- **Conclusion:** Evidence documented by the Authors demonstrates to a high degree of probability that on 8 August 2014, a Ukrainian Border Service unit in Milove was attacked using RPO 'Shmel' rocket launchers, an SPG-9 73mm calibre gun, and several GP25 40mm grenades, and that the attack originated from territory of the Russian Federation.

¹⁷⁶ Witness statement: 0205K833.

¹⁷⁷ Geolocation coordinates: 49022'03" N 40009'27" E.

¹⁷⁸ Witness statement: 0205K835.

¹⁷⁹ Photo evidence: "DSC_0366.jpg", "Міна ПОМ-2.jpg", "ПОМ-2.jpg", "Противо-пехотная осколочная мина. jpg".

¹⁸⁰ Photo evidence: "DSC_0337.jpg", "Двигатель ШМЕЛЯ.jpg", "Реактивний Двиг ШМЕЛЯ.jpg", "Реактивний дигатель.jpg.

¹⁸¹ Witness statement: 0205K849.

¹⁸² Witness statement: 0205K833; Video evidence: "VID_20160330_163417[1].3gp".

¹⁸³ Photo and video evidence: group of photos and video collected by the field mission: "фото здания + шмель и противопихотная мина"; Permanent link to videos from Open source: https://www.youtube.com/watch?v=vZO2zuJaZPw ; https://www.youtube.com/watch?v=rHzHRmMHId0.

¹⁸⁴ Witness statement: 0205K833; Video evidence: "VID_20160330_163417[1].3gp" .

¹⁸⁵ Witness statement: 0205K849.

3.3.2.3 Attack on Ukrainian Air Defence unit on 9 August 2014

- **Targeted area:** A unit of the Ukrainian Air Defence is located approximately 1.5km from the Ukraine-Russia border.¹⁸⁶ Military radar and two buildings were located there.
- **Overview of attack:** On 9 August 2014 the Ukrainian Air Defence unit located in Milove was shelled using large calibre artillery the shelling occurred from 4:30 to 5:40am.¹⁸⁷
- **Suspected provenance of attack:** The attack was recorded on video¹⁸⁸ shot from the roof of a building located in Chertkovo, approximately 300 meters east of the Russia-Ukraine border.¹⁸⁹ Based on the time and date of the attack and the position of visible twilight, it is possible to discern that the flashes and sounds consistent with those made during the launch of heavy artillery missiles came from the east i.e.: the territory of the Russian Federation. This is confirmed by witnesses who testify that the attack came from the direction of Poltava and/or Mankovo-Kalytvenskoe (both located in Russia).¹⁹⁰ The 1.2-second lag between the flashes and accompanying sounds suggests that the launch sites were located approximately 411 metres from the camera.¹⁹¹ The 26-second lag between the sound of launch and the sound of impact is consistent with the distance of approximately 6km between the suspected launch site and the targeted Ukrainian Air Defence unit. The depth, angle and direction of craters described by witness who attended the targeted site confirm the Russian provenance of the attack with use 152-mm artillery.¹⁹²
- Damage: A Ukrainian military radar station was destroyed in the attack.¹⁹³
- **Conclusion:** Evidence documented by the Authors demonstrates to a high degree of probability that on 9 August 2014, a Ukrainian Air Defence unit located in Milove was attacked using 152-mm calibre heavy artillery, and that these attacks originated from the territory of the Russian Federation.
- 73. With the closest LPR position located at a distance of 80km from the targeted area, there is a reasonable basis to believe that all three attacks on UAF positions in Milove were perpetrated by or under the overall control of the AFRF.

3.3.3 ATTACKS ON KRASNA TALIVKA SETTLEMENT

- **Targeted area:** The Ukrainian village of Krasna Talivka is located in the Stanytsia Luhanska region of Luhansk Province.¹⁹⁴ The village is located approximately 3.5km from the closest marker on the Ukraine-Russia border, which surrounds the village on three sides. In July 2014, a border checkpoint and unit of Ukrainian Border Service were located in the area. At the material time, the village was located 30km from the nearest LPR position.¹⁹⁵
- **Overview of attacks:** UAF positions in and around Krasna Talivka were attacked twice in the summer of 2014. The first attack took place on 27 June 2014 at approximately 11:00am. Two anti-tank guided

¹⁸⁶ Geolocation coordinates: 49022'02" N 40005'48" E

¹⁸⁷ Video evidence: "Стрельба и взрывы на границе рядом с Чертково-Меловое. 4 утра 08.08.2014", "Стрельба и взрывы на границе рядом с Чертково Меловое. 4 утра 08.08.2014 (1)"

¹⁸⁸ Video evidence: "Стрельба и взрывы на границе рядом с Чертково-Меловое. 4 утра 08.08.2014", "Стрельба и взрывы на границе рядом с Чертково-Меловое. 4 утра 08.08.2014 (1)".

¹⁸⁹ Geolocation coordinates: 49022'31" N 40009'46" E

¹⁹⁰ Witness statements 0205K849.

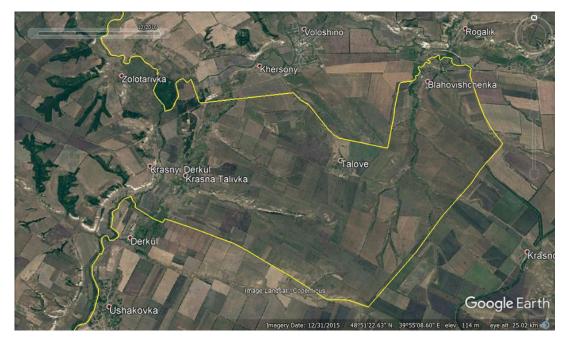
¹⁹¹ Witness statements: 0205K833; 0205K849.

¹⁹² Witness statement: 0205K849.

¹⁹³ Witness statement: 0205K849.

¹⁹⁴ Geolocation coordinates: 48051'13" N 39050'43" E

¹⁹⁵ Korrespondent.net, 'Map of ARO on 1 September', 1 September 2014, available at: *http://korrespondent.net/ukraine/3412779-karta-ato-na-1-sentiabria* (last accessed: 15/11/2017).



Satellite image of area of the attacks

missiles (ATGM), most likely the 9M133 'Kornet', were fired at an observation tower and border guard of the Ukrainian Border Service within the space of 10 minutes.¹⁹⁶ The second attack took place on 25 August 2014 at 3:10am. A Ukrainian Border Service team codenamed 'Secret' situated approximately 3km from the Ukraine-Russia border was attacked by unknown combatants.¹⁹⁷ UAF reinforcements were called in and the attack lasted for approximately 60 minutes.¹⁹⁸ During the attack, witnesses observed two AFRF MI-24 helicopters and three AFRF BTR-82A armoured vehicles crossing the border to provide heavy-weapons cover for the attackers.¹⁹⁹

- Suspected provenance of attacks: Both attacks took place on Ukrainian soil by combatants who crossed the border to perpetrate the attacks and subsequently retreated back onto Russian territory. Following the 27 June attack, two copper conductors leading towards Russia were found at the location of the suspected launch.²⁰⁰ Further investigations by border guards identified the combatants' escape route back into the Russian Federation.²⁰¹ The 25 August attack took place in the vicinity of the Ukraine-Russia border in close proximity with the AFRF camp in Derkul (see above).²⁰² After the attack, a temporary camp was found in the woods outside of Krasna Talivka, containing two Kalashnikov machine gun cartridges, a sleeping bag with traces of blood, a Russian-made C-ration, binoculars, a thermal imager and a pouch with medicines with AFRF Pskov division insignia.²⁰³
- **Damage:** As a result of the 27 June attack, a Ukrainian Border Service observation tower and border guard post were destroyed and two Ukrainian border guards were wounded.²⁰⁴ The 25 August attack

¹⁹⁶ Witness statement: 0205K839, 0205K840, 0205K838.

¹⁹⁷ Witness statement: 0205K839, 0205K840, 0205K838, 0205K834.

¹⁹⁸ Witness statement: 0205K834, 0205K839, 0205K838.

¹⁹⁹ Witness statement: 0205K834, 0205K838; Toparmy.ru, 'БТР 82А фото новый бронетранспортер России', 30 January 2015, available at: *http://toparmy.ru/rossijskaya-armiya/novoe-rossijskoe-vooruzhenie/btr-82a-foto-novyj-bronetransporter-rossii.html* (last accessed: 15/11/2017).

²⁰⁰ Witness statement: 0205K839.

²⁰¹ Witness statement: 0205K839, 0205K838.

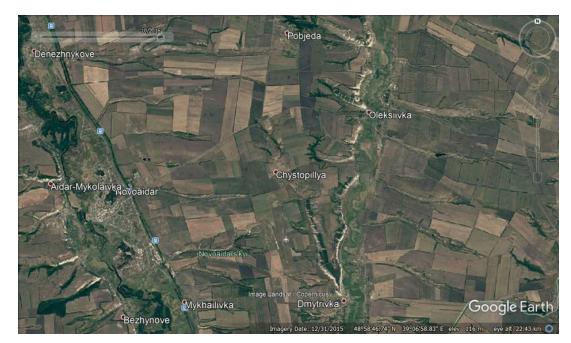
²⁰² Witness statement: 0205K834.

²⁰³ Witness statement: 0205K834, 0205K840.

²⁰⁴ Witness statement: 0205K839,0205K840; Video evidence: VID_20160401_110843[1]; VID_20160401_113120[1].

resulted in the deaths of four UAF combatants, two combatants were wounded²⁰⁵ and four Ukrainian Border Service vehicles destroyed.²⁰⁶

• **Conclusion:** Evidence documented by the Authors demonstrates to a high degree of probability that on 27 June and 25 August 2014, UAF positions in and around Krasna Talivka were attacked by combatants, who fled back to the territory of the Russian Federation following the attack. With the closest LPR position located at a distance of 30km from the targeted area and a reported use of MI-24 helicopters and BTR-82A armoured vehicles in the second attack, there is a reasonable basis to believe that the attacks were perpetrated by or under the overall control of the AFRF.



3.3.4 ATTACKS ON DMYTRIVKA AND POBIEDA SETTLEMENTS

Satellite map showing targeted villages.

- **Targeted area:** The villages of Dmytrivka²⁰⁷ and Pobieda²⁰⁸ are located in Luhansk Province approximately 40km from the Ukraine-Russia border. Predominantly civilian in character, at the material time UAF units were stationed in both villages: a heavy artillery battalion, the 1st tank brigade and Kyiv-12 battalion in Dmytrivka,²⁰⁹ and the 'A' sector paramilitary, heavy artillery units, five military helicopters, an air defence system, a repair depot and a field hospital in Pobieda.²¹⁰ At the time of the attacks, the closest LPR position to these areas were between 35km and 45km respectively.²¹¹
- **Overview of attacks:** UAF positions in and around Dmytrivka and Pobieda were attacked using MRLS 'Smerch' and/or MRLS 'Tornado-S' loaded with cluster munitions.²¹² Dmytrivka was shelled from 11:00pm on 3 September 2014 until 07:00am on 4 September in four bouts of shelling.²¹³ Witnesses testify to the
- 205 Witness statements 0205K828, 0205K834, 0205K839, 0205K840.

²⁰⁶ Witness statement 0205K828.

²⁰⁷ Geolocation coordinates: 48055'35" N 39009'10" E.

²⁰⁸ Geolocation coordinates: 49002'29" N 39006'54" E.

²⁰⁹ Witness statement: 0205K869; Gazeta.UA, "After Russian "Smerch" Dmytrivka turned in flames", available at: *http://gazeta.ua/articles/np/_dmitrivka-pislya-rosijskih-smerchiv-peretvorilas-na-popelische/583104* (last accessed: 15/11/2017).

²¹⁰ Witness statement: 0205K869, 0205K862, 0205K863, 0205K873.

²¹¹ Information Analysis centre, Official map of ATO, available at: *http://mediarnbo.org/2014/09/04/situatsiya-na-shodi-ukrayini-na-04-veresnya/* (last accessed: 15/11/2017).

²¹² Witness statement: 0205K869, 0205K859, 0205K861, 0205K862.

²¹³ Witness statement: 0205K869, 0205K859, 0205K861, 0205K862.

use of cluster munitions by the attackers.²¹⁴ Pobieda was shelled on 4 September 2014.²¹⁵ The majority of projectiles targeted UAF positions. Witnesses describe hearing the sound of 'falling planes' and loud explosions.²¹⁶ A munitions depot was hit, setting off munitions and causing extensive fires.²¹⁷

- **Suspected provenance of attacks:** An unexploded projectile was documented in Dmytrivka, its shank facing towards the Russian Federation to the southeast (azimuth 110-130).²¹⁸ The projectile was identified as being consistent with the Russian-made Tornado-S system,²¹⁹ a weapon that has never been officially sold or used outside of Russia.²²⁰ The same weapon may have been used on the shelling in Pobieda, where the angle and direction of a documented unexploded shell suggests that the attack originated in or around the area of Stanitsa Mitiakinskaya²²¹ located in the Russian Federation.²²² The distance from the suspected launch site and targeted areas is consistent with the 50-90km firing range of MLRS 'Smerch' and MRLS 'Tornado-S'. Authors observed on both shelled sites remnants of 300-mm rockets launched from MLRS 'Smerch/Tornado' and containers where cluster munitions were loaded.²²³
- **Damage:** The attacks caused extensive destruction and fire damage in Dmytrivka. Seventy-six UAF combatants were killed; UAF military equipment and a munitions depot were destroyed.²²⁴ Civilian buildings and infrastructure was also extensively damaged by direct hits and shrapnel.²²⁵
- **Conclusion:** Evidence documented by the Authors demonstrates to a high degree of probability that on 3-4 September 2014, UAF units located in and around the villages of Dmytrivka and Pobieda were attacked using MRLS 'Smerch' and/or MRLS 'Tornado-S' artillery, carrying cluster munitions. With the closest LPR position located at a distance of 35km-45km from the targeted area and a reported use of MRLS 'Tornado-S' artillery, there is a reasonable basis to believe that the attacks on UAF positions in Dmytrivka and Pobieda were perpetrated by or under the overall control of the AFRF. These findings are consistent with a statement by Ukrainian authorities²²⁶ and the OSCE monitoring mission.²²⁷

3.3.5 CONCLUSION

74. Based on evidence presented in this section, there is a reasonable basis to believe that the attacks on Kolesnykivka, Komyshne, Yuhanovka, Milovne, Krasna Talivka, Dmytrivka and Pobieda settlements between June and September 2014 originated from the territory of the Russian Federation and were perpetrated by or under the overall control of AFRF.

²¹⁴ Witness statement: 0205K864.

²¹⁵ Witness statement: 0205K869, 0205K862, 0205K863, 0205K873.

²¹⁶ Witness statement 0205K858.

²¹⁷ Witness statement: 0205K858, 0205K865.

²¹⁸ Witness statement: 0205K869, 0205K859.

²¹⁹ Witness statement: 0205K869, 0205K859, 0205K861, 0205K862.

²²⁰ The Finnish Institute of International Affairs, Comment 5, 2015: "The new Minsk ceasefire - a breakthrough of just a mirage in the Ukrainian conflict settlement?" by Andras Racz and Sinikukka Saari. Permanent link: http://www.fiia.fi/en/publication/485/ the_new_minsk_ceasefire/ (last accessed: 15/11/2017).

²²¹ Geolocation coordinates: 48036'34" N 39047'00" E.

²²² Witness statement: 0205K858, Video evidence from IPHR database: video_pobieda_smerch1

²²³ Case file 0205: video_pobieda_smerch1.3gp; all photos in folder 205>Победа-Дмитровка>с. Дмитрівка>вул. Ворошилова.

²²⁴ Video evidence from IPHR database: "обстрел лагеря украинских военных в поселке Дмитровка". Witness statements 0205К843, 0205К857, 0205К858. Case file 0205 see video "Победа после "Смерча".mp4".

²²⁵ Witness statement: 0205K862.

²²⁶ National Security and Defence Council of Ukraine, Current information from Dmytrivka-Pobieda on 04.09.2014, Available at: http://www.rnbo.gov.ua/news/1802.html (last accessed: 15/11/2017).

<sup>Weekly update from the OSCE Observer Mission at the Russian Checkpoints Gukovo and Donetsk, 28 August until 08:00,
September 2014. Available at:</sup> *http://www.osce.org/om/123151* (last accessed 15/11/2017).

3.4 Conclusion

- 75. The nature and extent of Russia's involvement in the conflict in eastern Ukraine is crucial to the determination of whether this conflict is of an international or non-international character. This qualification determines the range of offences available to the ICC Prosecutor to bring those responsible for war crimes to justice. Evidence of cross-border attacks by the AFRF is therefore a crucial piece of the puzzle in the ICC Situation on Ukraine.
- 76. Using open-source satellite imagery, witness statements and social media posts by AFRF soldiers, the Authors and other organisations have documented unprecedented AFRF troop mobilisation, camp buildups and the appearance of artillery launch sites on the Russia – Ukraine border in June to September 2014. This troop deployment was followed by reconnaissance missions and territorial incursions by troops, helicopters and unmanned drones. The Authors have documented attacks on settlements in the vicinity of the border - Kolesnykivka, Komyshne, Yuhanovka, Milovne, Krasna Talivka, Dmytrivka and Pobieda – which took place between June and September 2014. Witness statements, impact crater analysis, weapon remnants and satellite imagery analysis all point to the fact that the attacks originated on the territory of the Russian Federation. These attacks must also be seen in the wider context – a successful AFRF incursion and occupation of Ukrainian territories of Crimea and Sevastopol, contrasted with the rapid loss of territory by pro-Russian separatist militias in Luhansk and Donetsk Provinces facing a robust counter-insurgency by the UAF. Unsurprisingly, the documented attacks coincided with a significant change in the separatists fortunes – a turn in the tide of the conflict.
- 77. Consequently, documented evidence of cross-border attacks demonstrates Russia's direct engagement in the armed conflict in eastern Ukraine supporting the case for the existence of an IAC.²²⁸ In addition to constituting evidence of direct AFRF involvement in armed attacks in the documented instances, these attacks constitute circumstantial evidence of Russia's involvement in the wider conflict in eastern Ukraine, and its overall control over LPR and DPR separatist forces.
- 78. The Authors respectfully request the ICC Prosecutor to take this information into consideration in determining the applicable legal framework and attribution of responsibility for war crimes committed in the context of and associated with the conflict in eastern Ukraine.

²²⁸ For analysis of what constitutes an IAC, see ICTY, The Prosecutor v. Dusko Tadic, Appeals Judgment, IT-94-1-A, 15 July 1999, para 84.

4. Documented attacks on civilians and civilian objects

- 79. In this section, the Authors present evidence of documented attacks on civilians and civilian objects in Eastern Ukraine from June 2014 to May 2017. The Authors have documented a total of 189 episodes of civilian deaths, injuries and/or damage to civilian property resulting from attacks on 32 Ukrainian settlements, perpetrated in the context of and associated with the armed conflict in Eastern Ukraine. Each episode was analysed using the ICC Statute, ICC Elements of Crimes and applicable jurisprudence. There is a reasonable basis to believe that in the case of 134 episodes documented in 22 settlements, on or in the vicinity of the so-called 'contact line' between the UAF and separatist forces, the attacks amounted to war crimes as defined in Article 8 of the ICC Statute. The attacks have resulted in at least 100 civilian deaths, 162 civilian injuries and thousands of cases of total or partial destruction of civilian property.
- 80. These episodes include attacks intentionally directed at the civilians or civilian objects (in violation of Articles 8(2)(b)(i)/(ii) in IAC or 8(2)(e)(i) in NIAC of the ICC Statute), as well as attacks launched against military objectives that lack of proportionality between anticipated incidental harm to civilians/civilian objects/the environment and the military advantage sought (in violation of Article 8(2)(b)(iv) of the ICC Statute). The Authors also note that a disquieting number of attacks were perpetrated against schools, kindergartens and hospitals amounting to a separate war crime of attacks on medical and educational facilities under Articles 8(2)(b)(ix) in IAC and 8(2)(e)(iv) in NIAC of the ICC Statute. The most common means of attack were MRLS 'Grad' artillery and mortar shells inherently indiscriminate weapons when used against densely populated urban areas. Some machine gun and grenade attacks have also been documented. The vast majority of documented attacks were perpetrated by forces stationed on territory controlled by DPR or LPR forces, although a number of attacks by the UAF have also been documented.
- 81. The Authors respectfully submit that the supporting evidence provided to the ICC Prosecutor on filing this Report including witness statements, photographs, videos and impact crater analysis is sufficient to justify opening a full investigation with a view to bringing those responsible to account.

4.1 Analytical framework

- 82. The Authors recognise that a single set of facts may be qualified as multiple offences under the Rome Statute, and that the most appropriate qualifications may only become apparent at the end of a full investigation. At this stage, our aim is to demonstrate that events documented by the Authors satisfy the material and contextual elements²²⁹ of one or several ICC Statute crimes to the standard required for opening a full investigation into these events i.e. that there is a reasonable basis to believe that crimes within the jurisdiction of the Court have taken place.²³⁰
- 83. Armed attacks on predominantly civilian urban areas may engage a number of offences under Article 8 of the ICC Statute (war crimes). The suitability of any given charge depends on factors such the prevalence of

²²⁹ It is not necessary, nor indeed possible, at this stage to satisfy the mens rea for the proposed offenses - ICC-01/15-4-Corr (Situation in Georgia), para. 219.

²³⁰ The "reasonable basis to believe" standard in Article 53(1)(a) of the ICC Statute is the lowest evidentiary standard provided for in the Statute. The information available to the Prosecutor is neither expected to be "comprehensive" nor "conclusive." It must be understood within the context in which it operates: the standard should be construed and applied against the underlying purpose of the procedure in article 15(4) of the Statute, which is to prevent the Court from proceeding with unwarranted, frivolous, or politically motivated investigations that could have a negative effect on its credibility. Nor does all the information under this standard need to necessarily point to one conclusion: ICC, Situation in the Republic of Kenya, "Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya," 31 March 2010, paras. 27-35.

combatants in the targeted area, the means and methods of the attack, the size and scope of the attack, the number and nature of persons or infrastructure hit and the inferred intent of the attacker.²³¹ The decision on charges is also determined by the nature of the conflict within the context of which the offence took place – the list of offences applicable in the context of an IAC being wider than for NIAC. Framing each allegation requires a factual assessment of the nature of conflict at the relevant time, based on evidence of direct engagement, overall control or occupation by a foreign State. A conclusive analysis of the nature of the conflict for each documented attack is beyond the scope of this Report. Nevertheless, in the opinion of the Authors, information provided in the First Report and Section 3 above raise a reasonable basis to believe that an IAC has existed on the territory of Ukraine since the summer of 2014. The assessment of whether each documented attack took part in the context or and was associated with the IAC requires the full investigative powers of the ICC Prosecutor.

- 84. Consequently, each attack is documented and assessed using the following analytical framework distilled from the ICC Statute and jurisprudence:
 - Attack intentionally directed at civilians and/or civilian objects:

It must be demonstrated that the aim of the attack was the civilian population, civilians not taking direct part in hostilities or civilian objects. The term 'attack' is defined as 'acts of violence against the adversary, whether in offence or in defence'.²³² The allegation cannot be counterbalanced by invoking military necessity,²³³ or excused as a reprisal.²³⁴ The presence amongst the civilian population of individuals who do not fit within the definition of a civilian does not deprive the entire population of its civilian character,²³⁵ although the Court will consider factors such as the number and the behaviour of combatants present amongst the civilians.²³⁶ Civilians and civilian objects lose their protected status only when and for such time that they take a direct part in hostilities.²³⁷ No evidence of actual civilian casualties is required, provided an intention to cause casualties can be inferred.²³⁸ Such attacks may be charged under Article 8(2)(b)(i)/ (ii) in IAC and Article 8(2)(e)(i) in NIAC.²³⁹ Where attacks are intentionally directed at buildings dedicated to religion, education, art, science, charity, historic monuments, hospitals or places where the sick and wounded are collected, they may be charged under Article 8(2)(b)(ix) in IAC and Article 8(2)(e)(iv) in NIAC

• Failure to discriminate between military and civilian targets:

Where the attack is directed towards a legitimate military objective and simultaneously at the civilian population or civilians not taking direct part in hostilities, the attack may be considered to be an attack intentionally directed at civilians and charged as such under Article 8(2)(b)(i)/(ii) in IAC and Article 8(2)(e)(i) in NIAC,²⁴¹ provided it is established that the principal target of the attack was the civilian population.²⁴² There are no clear international guidelines for determining whether a civilian casualty was deliberately targeted or incidental to an attack on a military objective. The ICTY Trial Chamber attempted to develop

- 231 Elements assisting in ascertaining the intention are the means and methods used during the attack, the number and status of victims, the discriminatory character of the attack and the nature of the act: ICC-01/04-01/07-3436, Katanga, 7 March 2014, para. 807.
- 232 ICC-02/05-02/09-243-red, Prosecutor v. Abu Garda, Decision on the Confirmation of Charges, 8 February 2010, para. 65; ICC-01/04-01/07-3436, Katanga, 7 March 2014, para. 798; ICC-01/04-02/06-309, Ntaganda, 9 June 2014, para. 45.
- 233 ICC-01/04-01/07-3436, Katanga, 7 March 2014, para. 800.
- 234 ICC-01/04-01/10-465-Red, Prosecutor v. Mbarushimana, Decision on the Confirmation of Charges, 16 December 2011, para. 143.
- 235 ICC-01/04-01/10-465-Red, Mbarushimana, 16 December 2011, para. 148.
- 236 ICC-01/04-01/07-3436, Katanga, 7 March 2014, para. 801.
- 237 Article 51(3) of Additional Protocol I and Article 13(3) of Additional Protocol II.
- 238 ICC-01/04-01/07-55, Katanga, 6 July 2007, para. 37.
- 239 N.B.: there is no specific offence of international attack against civilian objects in NIAC, although this prohibition appears to have been subsumed into Article 8(2)(e)(i) see ICC-01/04-02/06, Ntaganda, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda, para. 46.
- 240 See ICTY-IT-95-14, Prosecutor v. Blaškić, Judgment, 3 March2000, para. 185.
- 241 ICC-01/04-01/07-3436, Katanga, 7 March 2014, para. 802; ICC-01/04-01/10-465-Red, Mbarushimana, 16 December 2011, para. 142.
- 242 ICC-01/04-01/07-3436, Katanga, 7 March 2014, para. 802.

such guidelines in Gotovina, holding that a high prevalence of BM-21 Grad and 155mm gun attacks on civilian objects located over 200 meters from military objectives can be inferred to constitute attacks intentionally directed at civilians.²⁴³ The so-called '200 Metre Standard' was criticised on appeal but no alternative was provided.²⁴⁴ Moreover, the OSCE has observed that the projectiles used in the eastern Ukraine conflict 'generally create a blast zone and fragmentation with the potential to kill or injure anyone and damage anything within that zone that can range from 35 to 200 meters depending on the weapon used'.²⁴⁵ The question is therefore one of fact to be decided on a case-by-case basis on factors such as type of weapon used, distance from launch site, distance of impact site from the military objective and the geographic distribution of impact sites.²⁴⁶ For the purposes of legal analysis in this Report, the Authors opted for a 'generous' benchmark of 400 meters as a 'permissible accuracy range', based on military expert testimony at the ICTY.²⁴⁷ Any damage beyond 400 meters from a legitimate military target was therefore regarded as an intended attack on civilians.

• Total absence of proportionality between anticipated incidental harm to civilians and the military advantage sought:

Where the incidental effect on the civilian population or civilians not taking direct part in hostilities is so disproportionate to the military objective that it reveals the author's intention to make the civilian population the object of his/her attack, it may be charged as such under Article 8(2)(b)(i)/(ii) in IAC and Article 8(2)(e)(i) in NIAC.²⁴⁸

• Lack of proportionality between anticipated incidental harm to civilians/civilian objects/the environment and the military advantage sought:

Where an attack is intentionally launched against a military objective, and the attacker was (or ought to have been) aware of the incidental harm that such an attack may cause to civilians, civilian objects or the environment, and that harm was disproportionate to the military advantage sought, it may be charged under Article 8(2)(b)(iv) in IAC. No equivalent ICC Statute provision exists for NIACs. The finding of responsibility hangs on the question of proportionality – i.e. whether the accused used all available means to spare civilian lives and took all necessary measures to avoid inflicting harm, loss or damage to the civilian population.²⁴⁹ The indiscriminate nature of the attack relates to both the means (weapons incapable of

²⁴³ ICTY, IT-06-90, Gotovina et al., Judgement, 15 April 2011, paras. 1903-1906.

²⁴⁴ ICTY, IT-06-90-A, Gotovina et al, Appeal Judgement, 16 Nov. 2012, paras. 51-67 (N.B: two of five appeal judges dissenting on this point).

²⁴⁵ OSCE, 'Thematic Report: Hardship for conflict-affected civilians in eastern Ukraine', February 2017, available at: *http://www.osce.org/ukraine-smm/300276?download=true* (last accessed: 27/11/2017), p.4.

²⁴⁶ See for e.g.: ICTY, IT-98-29-T, Prosecutor v. Stanislav Galić, Judgement and Opinion, 5 Dec. 2003, paras. 561-594.

²⁴⁷ ICTY, IT-06-90, Gotovina et al., Judgement, 15 April 2011, paras. 1903-1906.

²⁴⁸ ICC-01/04-01/07-3436, Katanga, 7 March 2014, para. 802.

²⁴⁹ ICTY, The Prosecutor v. Dario Kordic, Mario Cerkez, Appeal Judgement, IT-95-14/2-A, 17 December 2004, para. 52. An important precautionary measure that impacts the assessment of proportionality is the obligation on all parties to give effective advance warning of attacks that may affect the civilian population, unless circumstances do not permit: ICRC, Customary IHL, "Rule 20: Advance Warning," available at: *https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter5_ rule20#Fn_25_10* (last accessed: 2/08/2015): Advance warning may not be required where the element of surprise is essential to the success of an operation or to the security of the attacking forces or that of friendly forces – see Hague Regulations, Article 26; Additional Protocol I, Article 57(2)(c).

discriminating between targets – e.g.: cluster munitions²⁵⁰) and methods (e.g.: area bombardment²⁵¹) of combat.²⁵²

4.2 Avdiivka²⁵³

85. The information and analysis provided below is based on documentation by Truth Hounds Documentation Field Mission on behalf of the Authors, conducted in the course of four on-site visits to Avdiivka on 15-17 September 2016, 13-17 February 2017, 28 February 2017 and 30 March 2017. The documenters interviewed a total of 53 witnesses and documented 28 impact sites.

4.2.1 TARGETED AREA

- 86. Avdiivka is an industrial town in the Donetsk Oblast' of Ukraine with an estimated population of 35,000.²⁵⁴ The main employer and source of electrical power in Avdiivka is the Kokhsokhim factory located north-northwest of Avdiivka (Ln 500). The town was captured by separatist forces in May 2014, and re-captured by the UAF on 29 July 2014.²⁵⁵ It is situated in close proximity to the DPR-controlled town of Yasinuvata (to the southeast) and Donetsk city (to the south) three and a half kilometres separate the southernmost buildings in Avdiivka from the Spartak area of Donetsk city.²⁵⁶ Attacks on civilians in Avdiivka were documented in the First Report.²⁵⁷
- 87. Following the Minsk II ceasefire agreement,²⁵⁸ the industrial zone in the southeast corner of Avdiivka²⁵⁹ became a *de facto* buffer zone between the UAF and DPR positions. In February 2016, the UAF took control of the industrial zone and built fortifications.²⁶⁰ Creeping advances by the UAF in 2016 also resulted in its control over a small stretch of the M04 highway a road of strategic importance to DPR as it connects Donetsk city to the DPR-held city of Horlivka.²⁶¹ From January to March 2017, the UAF military presence in Avdiivka included:
 - UAF quarters located to the north of the city next to the train station (Ln 201)
 - UAF military checkpoint on Vorobyov street separating the old and new parts of the town with personnel stationed in residential building nearby (Ln 202 and 203)

257 First Report, section 4.1.4, Case File 118.

- 259 Geolocation coordinates: 48007'07" N 37047'27" E; Location 17 on the Map
- 260 Уніан, 'Сили АТО зайняли промзону поблизу Авдіївки, витіснивши звідти терористів (відео)', 24 February 2015, available at: https://www.unian.ua/war/1273908-sili-ato-zaynyali-promzonu-poblizu-avdijivki-vitisnivshi-zvidti-teroristiv-video.html (last accessed 24/11/2017)
- 261 TSN, 'УКРАЇНСЬКІ ВІЙСЬКОВІ ВЗЯЛИ ПІД ВОГНЕВИЙ КОНТРОЛЬ ЯСИНУВАТСЬКУ РОЗВ'ЯЗКУ ВОЛОНТЕРИ, 9 March 2016, available at: *https://tsn.ua/ato/ukrayinski-viyskovi-vzyali-pid-vogneviy-kontrol-yasinuvatsku-rozv-yazku-volonteri-606397. html* (last accessed 24/11/2017)

²⁵⁰ The ICTY has held that the use of cluster munitions in urban areas was indiscriminate and may qualify as a direct attack on civilians - ICTY IT-95-11-A, The Prosecutor v Martić, Appeal Judgment, 8 October 2008, para 260.

^{251 &}quot;An attack that treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects" - See Article 51(5)(a) of Additional Protocol I; For NIAC, see See ICRC, Customary IHL, "Rule 13: Area Bombardment," available at: https://www.icrc.org/ customary-ihl/eng/docs/v1_rul_rule13 (last accessed: 25/04/2015).

²⁵² See ICRC, Customary IHL, "Rule 12: Definition of Indiscriminate Attacks", available at: *https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule12* (last accessed: 25 March 2015); See also Article 51(4)(b) and (c) Additional Protocol 1 and Article 8(2)(b)(xx) ICC Statute.

²⁵³ Case file N018 > Pics, location map: Avdiivka.jpg

²⁵⁴ Державна служба статистики України, 'Чисельність наявного населення україни на 1 січня 2017 року', 09 June 2017, available at: http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ_new1/2017/zb_chnn_0117.pdf (last accessed 25/11/2017).

²⁵⁵ Урядовий Кур'єр, 'Силовики звільнили Авдіївку', 30 July 2014, available at: *http://ukurier.gov.ua/uk/news/siloviki-zvilnili-avdiyivku/* (last accessed: 22/11/2017)

²⁵⁶ Geolocation coordinates: 48005'07" N 37046'08" E

²⁵⁸ Financial Times, 'Full text of the Minsk agreement', 12 February 2015, available at: *https://www.ft.com/content/21b8f98e-b2a5-11e4-b234-00144feab7de* (last accessed 24/11/2017)

- UAF quarters based in an old orphanage building in the 'Khimik' area sleeping quarters and medical units (Ln 204)
- UAF firing position on the south-southeast edge of the city: in the industrial zone (Ln 17); at the end of Lermontov and Kolosov streets (Ln 205 and 206); the wooded area to the south-southeast (Ln 208) and adjacent to the railway line on the southwest edge (Ln 209).
- UAF ammunition stockpile, combat vehicles and personnel positioned in the south-southeastern end of Kolosov Street (Ln 207).²⁶²
- UAF artillery firing position outside the city near the lake (Ln 327).

4.2.2 DESCRIPTION/OVERVIEW OF ATTACKS

- 88. Following the recapture of Avdiivka by the UAF in July 2014, civilians and civilian objects have come under sporadic attacks from DPR positions in Donetsk city and Yasinuvata. These attacks, varying in means and intensity, resulted in damage to civilian objects, civilian injury and loss of life.²⁶³ Aside from artillery and mortar attacks, civilians have also suffered from sporadic sniper fire coming from DPR positions.²⁶⁴
- 89. 26 January 2017 marked the start of a new wave of intense mortar and artillery attacks by DPR forces, which continued on a quasi-daily basis for a month. It is unclear which side initiated this round of hostilities. However, it is likely that the DPR attacks were prompted by the UAF takeover of the industrial zone (Ln 17) and efforts to control a stretch of the M04 Highway. Also of note is the Ukrainian government claim that these attacks, which took place shortly after the inauguration of President Trump, were aimed at testing the new US Administration's position on the conflict in Ukraine. According to the Ukrainian foreign minister Pavlo Klimkin, 170 vehicles with munitions and 60 with fuel had crossed over from the Russian Federation in the run-up to these attacks as part of a plan coordinated from the Kremlin.²⁶⁵
- 90. Based on documented remnants, impact craters and witness statements, the attacks were carried out using MLRS BM-21 Grad missiles, 125mm tank projectiles, 122mm mortar shells and 82mm mortar shells, as well as sniper riffle, automatic grenade-launchers and machine-gun fire. In most cases, the provenance of the attack is clear from the angle of impact craters or the aspect of buildings hit by projectiles. All impact sites where provenance was possible to establish point towards DPR positions in and around Donetsk city and Yasinuvata.
- 91. The enclosed map of documented impact sites demonstrates the wide dispersal of attacks during the documented period. The most targeted areas are the industrial zone and adjoining streets (Kolosov and Lermontov streets) to the southeast, the 'Khimik' quarter west of the railway station and locations in between on Turgenev and Zelena streets. Attacks also took place on locations in the northeast (other end of Kolosov and Zvodska streets), and on the Koksokhim factory in the north-northwest.
- 92. The OSCE has reported over 9,250 artillery strikes in and around Avdiivka and Yasinuvata in just the first six days of the fighting in 2017.²⁶⁶ Official statistics on casualties vary, with the UAF reporting the deaths

²⁶² Photo evidence documented by Truth Hounds: IMG_1494.jpg; Video evidence documented by Truth Hounds WP_20170216_12_26_53_Pro.mp4; Video evidence documented by Truth Hounds: IMG_1496.MOV; Witness statement: 0237K877.

²⁶³ See Case Files 221; 211 and 118.

²⁶⁴ E.g.: witness 0118K880 (18 July 2015); witness 0221K985 and doc. IMG_0002.JPG (11 June 2016); witness 0221K990 (13 July 2016); witness 0221K991 (4 July 2016).

²⁶⁵ Guardian, 'Violence flares in war-weary Ukraine as US dithers and Russia pounces', 14 February 2017, available at: *https://www.theguardian.com/world/2017/feb/14/avdiivka-frontline-ukraine-war-russia-backed-separatists* (last accessed: 29/11/2917) – these claims have not been verified by independent sources.

²⁶⁶ OSCE, 'Latest from the OSCE Special Monitoring Mission to Ukraine (SMM), based on information received as of 19:30, 31 January 2017', 1 February 2017, available at: *http://www.osce.org/ukraine-smm/296961* (last accessed 24/11/2017)

of 19 soldiers and 66 injured combatants, and DPR reporting 18 combatant deaths.²⁶⁷ The Authors have documented at least 15 civilian deaths and 33 injuries in Avdiivka since hostilities broke out in 2014. The greatest damage was done to civilian infrastructure, with an estimated 128 civilian residences totally or partially destroyed, and damage incurred to a school, a kindergarten, hospital and humanitarian assistance point. An attack on the Koksokhim coal plant on 2 February resulted in a power outage across Avdiivka, leading to a humanitarian crisis and the emergency evacuation of civilians.²⁶⁸ A further immeasurable cost is the trauma and anxiety incurred by the civilian population, in light of the persistency of shelling with highly inaccurate weapons by the DPR, creating an atmosphere of constant fear among residents.²⁶⁹

²⁶⁷ New York Times 'Residents take cover as Ukraine border battles reignite conflict', 3 Feb. 2017, available at: *https://nyti. ms/2k50iV1* (last accessed: 29/11/2017).

²⁶⁸ ZN,UA, 'Для обігріву мешканців Авдіївки запустять потужний генератор', 31 January 2017, available at: *https://dt.ua/ UKRAINE/dlya-obigrivu-meshkanciv-avdiyivki-zapustyat-potuzhniy-generator-231744_.html* (last accessed 24/11/2017)

²⁶⁹ AFP, 'Ukraine clashes rage for third day, sparking EU concern', 31 Jan uary2017, available at: https://www.afp.com/en/news/23/ ukraine-clashes-rage-third-day-sparking-eu-concern (last accessed: 24/11/2017).

4.2.3 TABLE OF DOCUMENTED ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS IN AVDIIVKA

CASE FILE	DATE/TIME	IMPACT SITE	MEANS/METHOD	OUTCOME	EVIDENCE
221	4 August 2014 (7:30pm)	School N. 4 (Klubny lane, 1, Ln 501) – 950m from nearest UAF position	Two mortar shells	Projectile fragments hit school building.	<u>Witness Statement</u> : 0221K936 (date, timing and intensity of shelling, damage to property and casualties). <u>Video and photos of impact site</u> : WP_20160916_14_38_24_Pro.mp4.
221	10 November 2014	Water distribution point (Ln 502) – 200m from UAF checkpoint and 100m from UAF quarters	Unidentified explosive projectile	Projective hit a queue of civilians at a fresh water distribution point killing 4 and injuring 7.	<u>Witness Statement:</u> 0221K902 (date, timing and intensity of shelling and casualties).
211	24 January 2015 (4pm)/6 August 2015 (10pm)	House of Culture/library and sewing shop (28 Karla Marksa St. Ln 503) – 860m from UAF checkpoint	Artillery shells from DPR positions in Spartak.	Severe damage to civilian/ cultural property.	Witness Statement:0221K988;0221K988(testifiesSevere damage to civilian/ about date, timing and damage to property)cultural property.Photos of impact site:Case File 221 > Авдеевка > ДК > дк.
221	28 January 2015	Residential quarter – Stoiteley kvartal (c. Ln 99) – 1.3km from nearest UAF base, 1.9km from nearest UAF firing position.	Shelling	Civilian killed as a result of shelling	<u>Witness Statement</u> : 0221K992 (date, shelling and casualties)
118	17 February 2015	Civilian residence on 17 Molodyozhnaya (Ln 46) – close proximity to UAF quarters	Artillery from DPR position in Yasynuvata	Damage to civilian property; Damage to gas pipe and ensuing fire.	<u>Witness</u> statement: 0118K1010 (date, time, intensity of shelling, damage to civilian property).
118	18 July 2015 (6:30pm)	Residential area - 44, Zelenaya St. (Ln 70) –1.5km from closest UAF position.	Machine gun fire from direction of DPR position in Yasynuvata	Civilian injured in the leg by direct hit.	<u>Witness</u> statement: 0118K880 (date, timing, injury).
211	6 August 2015 (10pm)	House of Culture/library and sewing shop (28 Karla Marksa St. Ln 503) – 860m from UAF checkpoint	Artillery shells from DPR positions in Spartak.	Severe damage to civilian/ cultural property.	<u>Witness Statement:</u> 0221К988; 0221К988 (testifies about date, timing and damage to property) <u>Photos of impact site:</u>] Case File 221 > Авдеевка > ДК.

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Witness statement: 0221K985 (date, time and injury. Photo evidence: IMG_0004JPG - shows type of bullet; IMG_0002JPG - shows results of medical examination.	Witness statement: 0221K991 (date, time and casualties)	<u>Witness statement</u> : 0221K990 (date, time and civilian casualty).	<u>Witness statements:</u> 0221К987, 0221К993 Photo evidence: P60915-135715.jpg, P60915-135707. jpg, P60915-135701.jpg - show remnants of the shell; from P60915-145144.jpg to P60915-135825.jpg - show damage to civilian property; Case File 221 > ABqeeBka > церква A. Михаїла - shows damage to the building dedicated to religion	Witness statement: 0221K986 (date, time, intensity of shelling, origin and damage to civilian objects); 0221K989 (date, time and injury); 0221K992 (date, casualties, and means). <u>Video evidence</u> : V60915-160816.mp4 (impact crater analysis demonstrating shelling came from south). <u>Photos evidence</u> : Case File 221 > ABgeeBka > Purtyaльный услуги (craters and damage to property)
Civilian child sustained broken leg after direct hit 	Civilian sustained injury to ear after direct hit.	One civilian death (standing in front of his house at the time).	Damage to civilian property and building dedicated to religion.	Damage to civilian objects; Serious injury to civilian.
7.62mm machine gun or sniper riffle bullet	AK-47 machine gun fired from direction of DPR-controlled Yasynuvata junction	Unknown calibre bullet fired from direction of DPR- controlled Yasinuvata	SPG-9 from direction of DPR-controlled Yakovlivka	36x122-mm artillery from direction of DPR- controlled Spartak
Residential quarter – Krasna St. – 1.7km from closest UAF position.	Civilian residence (68 Lomonosova St. Ln 504) – 2.5km from closest UAF position.	Civilian residence on 18 Lomonosova St. st. (Ln 505) – 2km from nearest UAF position.	Civilian residence and church on 185, Krasna St. (Ln 49) – 1.7km from nearest UAF position	Civilian cemetery and funeral parlour (Ln 506) – 2km from nearest UAF firing position; Civilian residence (Ln 507) – 1km from UAF firing position.
11 June 2016 (1pm)	4 July 2016 (6:30pm)	13 July 2016 (9pm)	18 August 2016	14 September 2016 (12:00am; 5:10pm)
211	221	211	211	211

Witness statements: 0237K877 (time of attack; impact); 0221K878 (impact); 0221K879 Impact crater analysis: WP_20170216_12_59_17_Pro. mp4 , IMG_1500.MOV; Video of impact site: V70216-122041.mp4.	Witness statements: 0118K880 (time of attack); <u>Photo evidence</u> : IMG_1478.MOV (impact) <u>Video of impact site</u> : 20170215_122441.mp4 <u>SMM OSCE report</u> : http://www.osce.org/ru/ukraine- smm/296981 UN Report: OHCHR, 'Report on the human rights situation in Ukraine 16 November 2016 to 15 February 2017' <http: www.<br="">ohchr.org/Documents/Countries/UA/UAReport17th_ EN.pdf Human Rights Watch: Human Rights Watch, 'Ukraine: Dangers, Unnecessary Delays at Crossing Points Improve Security, Facilities Along the Line of Contact, Facilitate Better Crossing for Civilians' <https: www.hrw.<br="">org/news/2017/02/17/ukraine-dangers-unnecessary- delays-crossing-points> Accessed 26 July 2017</https:></http:>	<u>Witness statements</u> : 0221K881 (time of attack); <u>Photo evidence</u> : IMG_1478.MOV (impact) <u>Video of impact site</u> : V70214-112040.mp4; : V70214- 171237.mp4; V70215-110254.mp4 <u>Ukrainian police report</u> : https://cv.npu.gov.ua/mvs/ control/donetsk/uk/publish/article/399817
Damage to civilian housing: N. 23 Kolosov St. was left without a roof and its porch and outbuildings were completely destroyed; Electricity and gas supplies were disconnected; water in the heating system froze in several buildings; central heating boilers were destroyed; Windows and outbuildings destroyed at N. 71 Lermontov St.	First shell hit civilian residence but did not explode; second shell destroyed summer kitchen. Impact on Koksokhim factory led to power outage for whole town. At -20C temperatures situation quickly turned to a humanitarian crisis.	Civilian apartments badly damaged; One civilian wounded.
Heavy calibre artillery fire from DPR positions – impact craters measured up to 6.2m across and 180cm deep.	Artillery shells fired at intervals of 3-4 seconds from direction of Yasynovata	MLRS Grad rockets fired from south- east direction (DPR- controlled territory)
Civilian residences: 23 & 27 Kolosov St. (Ln 67, 68); 71 Lermontov St. (Ln 18) – southeast edge of town: Close proximity to UAF firing positions (Ln 205, 206, 208) and disputed 'Industrial Zone' (Ln 17)	Civilian residences: 35 Turgenev St. (Ln 69); 42 Zelena St. (Ln 70) - within 1km from the closest UAF firing positions. Koksokhim power station (Ln 500) – 2.5km from UAF base and 6km from nearest firing position.	Civilian residences 31 Komunalna st. (Ln 111) – 1.7km from nearest UAF quarters; Civilian residences on Turgenev, Zelena and Kolosov st. (Ln 71) – close proximity to UAF firing positions.
26 January 2017 (11 pm)	30 January 2017 (4:30 pm)	31 January 2017 (7am)
221	221	221

Witness statements: 0221K882, 0221K883, 0221K884, 0221K885 (time and provenance); 0221K885 (death); <u>Video of impact site</u> : WP_20170215_13_22_00_Pro.mp4; WP_20170216_17_29_06_Pro.mp4; IMG_1481.MOV; WP_20170215_17_23_12_Pro.mp4; WP_20170216_14_37_23_Pro.mp4; IMG_1513. MOV; V70216-135835.mp4; IMG_1514.MOV; 20170215_111838.mp4; IMG_1514.MOV; V70216-135835.mp4; IMG_1514.MOV; posts/168050535575465	Witness statements: 0221K887; 0221K889 (time of attack); 0221K890, 0221K891, 0221K892, 0221K894, 0221K899, 0221K899, 0221K895 (impact) 0221K899, 0221K899, 0221K891, 0221K895 (impact) 0221K899, 0221K999, 0221K991, 0221K891, 0221K895 (impact) Video of impact site: IMG_1466.MOV; IMG_1465.MOV; V70214-123916.mp4; V70214-122018.mp4, V70214-121404.mp4; IMG_1464.MOV; V70214-104915.mp4; 20170213_164435.mp4; 20170214_095633.mp4 121404.mp4; V70214-161226.mp4, V70214-160240.mp4; V70214-092831.mp4; 160240.mp4; V70214-092831.mp4;	<u>Video of impact site</u> : 20170214_163147.mp4; 20170214_163557.mp4 <u>OSCE report</u> : OSCE, 'Latest from the OSCE Special Monitoring Mission to Ukraine (SMM), based on information received as of 19:30, 3 February 2017' <http: ukraine-<br="" www.osce.org="">smm/297646> Accessed 26 July 2017.</http:>	<u>Witness statements:</u> 0221K885; 0221K896 <u>Video of impact site:</u> V70215-102910.mp4
Total or partial damage caused to 52 civilian residences; One civilian (Ekaterina Volkova) killed as a result of shelling on Zavodska St.	Total or partial damage to civilian commerce; Damage to school and hospital; Damage to civilian residences; Damaged gas pipe; Civilian (Elena Volkova) killed and photojournalist injured on Mendeleev St.; Civilian injured on Vorobyov St.; civilian injured on Molodizhna st.; Ambulance driver and head of emergency services killed in attack on humanitarian aid point.	Damage to civilian residences.	Partial damage to civilian residence and injury to civilian from fragments.
MLRS BM 21 Grad rockets fired from the east-south-east (Yakovlivka) confirmed by witnesses and crater analysis.	120mm mortars (8 craters measured 280cm across and 80cm deep) from south-east direction; Tank shells (stabiliser found) – fired from DPR-controlled Yasynuvata and/or Yakovlivka	Shell hit eastern facade of building making a 150x150cm hole in masonry.	82mm mortar shell fired from DPR- controlled Yasynuvata junction
Civilian residences: 45 Zelena St. (Ln 72); 83 Zavodka St. (Ln 73); 96 Zavodska St. (Ln 74); 100 Zovodska St. (Ln 75); 214 Kolosov St. (Ln 48); 84 Turgenev St. (Ln 7x6). Targets on Kolosov and Zavodska St. located over 2km from nearest UAF positions.	Civilian commerce buildings on and around Sadova St. (Ln 77); School (Ln 106); Hospital (Ln 108/7); Civilian residence on 8 Mendeleev St. (Ln 78); 13/17/19 Molodizhna St. (Ln 115; 80; 82); 9 Vorobyov St. (Ln 79); Humanitarian aid distribution point (Ln 81). Targets located within 1km of nearest UAF firing position.	Civilian residence: 73 Soborna St. (Ln 83). 1km from UAF quarters and 2.5km from nearest UAF firing position.	Civilian residence: 14 Turgenev St. st (Ln 84) – close proximity to UAF firing position.
1 February 2017 (from 7am)	2 February 2017 (from 3:30am)	3 February 2017 (from 10pm)	9 February 2017 (2:00pm)
221	221	221	221

49

Witness statements: 0237K877, 0221K878, 0221K879 <u>Video of impact site:</u> WP_20170216_13_08_10_Pro. mp4; WP_20170216_11_18_43_Pro.mp4, IMG_1485. MOV; IMG_1496.MOV; V70216-111115.mp4; V70216- 110844.mp4; IMG_1500.MOV; V70216-115919.mp4; WP_20170216_13_42_04_Pro.mp4, IMG_1502.MOV.	<u>Witness statements:</u> DU-00372, 0221K897 <u>Video of impact site:</u> IMG_1529.MOV, IMG_1525.MOV, IMG_1526.MOV, V70217-083018.mp4; V70217-082122. mp4; IMG_1521.MOV;	Witness statements: 0221K898, 0221K899, 0221K932. Video of impact site: IMG_1631.JPG; IMG_1604.MOV	Witness statements: 0221K900, 0221K901	Witness statements: 0221K902, 0221K903, 0221K904, 0221K905, 0221K906, 0221K907, 0221K908. Video of impact site: IMG_0187.MOV, IMG_0189.MOV
Total or partial damage to civilian residences. Damage to electricity supply.	Partial damage to civilian residences and commerce. One civilian death and 2 civilian injuries.	Partial damage to civilian residences. Injury to two civilians.	Partial damage to civilian residences.	Partial damage to civilian residence, school and kindergarten.
120mm mortars from south-east or south- southeast direction (DPR-controlled Yasynuvata/ Mineralne); grenades and machine gun fire	Full MLRS Grad system used (based on sound recorded by documenters) fired from DPR-controlled Yasynuvata.	Eight tank shells fired from the southeast (Yasynuvata).	122mm mortar shells fired from DPR- controlled Spartak	125mm tank projectiles fired from DPR-controlled Yasynuvata
Civilian residences: Kolosov and Lermontov St. (LN 85-90; 66) – close proximity to UAF firing positions and industrial zone.	Civilian commerce: 12 Gagarin St. (Ln 91); Civilian residence: 1 Gagarin St. (Ln 123); 1 9-Kvartal St (Ln 92). 1km from nearest UAF firing position and 0.5km from nearest UAF quarters.	Civilian residences: 81 Grushevskovo St. and 8 Uvileynyy kvartal (Ln 21) – 1.8km from nearest UAF firing position/1.2km from UAF quarters	Civilian residence: 68 & 59 Chernyshevsky St. (Ln 93/94); Sportivnaya St. (Ln 95) – located 800m – 1.5km from UAF firing sites	Civilian residence: 3/5 Mendeleev St. (Ln 96-98); School (Ln. 99); Gagarin St (Ln 100 and 101); Kindergarten (Ln 102) – located 1.2km from UAF quarters and 1.75km from UAF firing site.
15 February 2017 (8:40pm)	16 February 2017 (6:03pm)	17 February 2017	24 February 2017 (7:45pm)	2 March 2017 (4:00pm)
221	221	221	221	221

Four civilian deaths; two civilian property damage to property and casualties). Video evidence: IMG_1125.MOV - show damage to civilian property and impact site anaysis demonstrating origin of shelling; Photos and videos in folder [damage] - show damage to civilian property. Other sources: OSCE, 'Ongoing Violations of International Law and Defiance of OSCE Principles and Commitments by the Russian Federation in Ukraine', available at: https://osce.usmission.gov/ongoing- violations-international-law-defiance-osce-principles- russia-ukraine/> (last accessed: 28/11/2017).	stained <u>Witness Statement</u> : N005K1067 (date, timing and intensity of shelling, damage to property and casualties). <u>Video evidence</u> : IMG_1136.MOV (impact site analysis).
Four civilian deaths; two civilians injured and civilian property damage	Serious injuries sustained by three civilians.
Artillery fired from DPR-controlled territory	82mm mortar and/ or grenade launcher fired from DPR- controlled territory
Civilian residence on 53	Civilian residence/commerce
Sopronova (Pionerskaya)	on 201 Soborna St. (Ln 327)
St. (Ln 326) – 2.5km from	– 670m from nearest UAF
nearest UAF firing position.	position (Ln 202).
13 May 2017	30 May 2017
(7pm)	(6:45pm)
LO	LO
Z	Z

4.2.4 LEGAL ASSESSMENT

- 93. Based on the information available to the Authors, following the initial skirmish for control over the town, DPR's main military objectives in Avdiivka in 2017 would have been to regain control of the M04 Highway, destroy UAF fortifications and push UAF troops back from the industrial zone (Ln 17). DPR attacks on UAF firing positions (Lns 205, 206, 208 and 209) and the ammunitions depot (Ln 207) may also be considered legitimate military targets, despite their location in and around civilian residences. Based on impact crater analysis, launch sites for the attacks were located in Donetsk city, Yasinuvata and Yakovlivka at a distance of 10-20km. Taking the upper limit of a Grad projectile's accuracy range of 400 metres,²⁷⁰ any death and injury to civilians and damage to civilian objects incidental to attacks within a 400 metre radius of these targets is likely to be considered proportionate to the military advantage sought.
- 94. Conversely, attacks on the two UAF quarters nestled in densely populated areas of Avdiivka (Ln 201 and 204) arguably fails to represent a sufficient military advantage to justify the very likely risk of death and injury to civilians and damage to civilian objects. DPR forces were (or ought to have been) cognisant of the inaccurate nature of their weapons. Thus, they would have been well aware of the risk of incidental injury to civilians and damage to civilian objects as a result of using such weapons on densely populated areas. There is no evidence that the UAF quarters contained any artillery units or that any attacks were launched from these points on DPR positions. Shelling these positions would not have increased the DPR forces' ability to regain control of the M04 Highway or push the UAF out of the industrial zone. Consequently, any incidental harm to civilians and damage to civilian objects within a 400-metre radius of UAF quarters should be considered disproportionate and prosecuted under Article 8(2)(b)(iv) of the ICC Statute.²⁷¹
- 95. Artillery attacks on civilian residences and infrastructure located at distances beyond 400 meters from any UAF firing positions or quarters are clearly in violation of the principle of distinction. Similarly, attacks using more precise weapons such as sniper rifles and machine guns cannot be justified unless the civilian casualties were on the territory of legitimate military targets. The enclosed map demonstrates the wide dispersion of attacks on Avdiivka over the documented period. Impact sites located outside of the accuracy range for attacks on UAF positions went above and beyond the legitimate military advantage sought by the DPR. Of particular note are attacks on a hospital (Ln 55), school (Ln 99), kindergarten (Ln 102) and humanitarian aid distribution centre (Ln 81) located more than 1km from the nearest UAF position. A further example is the 30 January 2017 attack on the Koksokhim factory (Ln 500) – 2.5km from closest UAF quarters and 6km from the closest UAF firing position - which left the town without electricity or heating in temperatures of 20 below freezing leading to a humanitarian catastrophe. Such attacks go beyond being merely indiscriminate. The wide distribution of documented attacks across Avdiivka and inherently indiscriminate choice of weapons (for urban warfare) shows the attackers' clear disregard for civilian life and infrastructure. Intent to direct these attacks on civilians may be inferred from the attackers' failure to discriminate between military objectives and civilians, or alternatively, the total absence of proportionality in their choice of targets. Consequently, this category attacks may be prosecuted under Article 8(2)(b)(i)/(ii) or Article 8(2)(e)(i) of the ICC Statute. Additionally, such attacks on the school, kindergarten and hospital, may be charged under Article 8(2)(b)(ix) (in IAC) or Article 8(2)(e)(iv) (in NIAC) of the ICC Statute.

4.2.5 CONCLUSION AND RECOMMENDATIONS

96. In light of the foregoing, the Authors submit that a number of attacks by DPR forces on civilians, civilian residences and infrastructure in Avdiivka were in violation of the principle of distinction and constitute war crimes under Article 8 of the ICC Statute. The Authors recommend further investigations with the view of prosecuting those responsible for the following crimes:

²⁷⁰ ICTY, IT-06-90, Gotovina et al., Judgement, 15 April 2011, para. 1898 (expert testimony).

²⁷¹ Provided that it can be established that these attacks were launched in the context of and were associated with an IAC.

- Under Art. 8(2)(b)(iv): DPR attacks targeting UAF quarters located at Ln 201-204 (provided they were not used as firing positions or attack launch sites), which resulted in foreseeable and disproportionate incidental harm to civilians and damage to civilian infrastructure located within a 400 meter radius of the UAF targets;
- Under Article 8(2)(b)(i)/(ii) or Article 8(2)(e)(i): DPR attacks on civilians and civilian infrastructure located more than 400 meters away from any UAF positions in Avdiivka.
- Under Article 8(2)(b)(ix) or Article 8(2)(e)(iv): DPR attacks on educational and medical facilities in Avdiivka.

4.3 Krasnohorivka²⁷²

97. The information and analysis provided below is based on documentation by Truth Hounds Documentation Field Mission on behalf of the Authors, conducted in the course of five on-site visits to Krasnohorivka on 18-19 September 2015, 14-17 August 2016, 26 February 2017, 3-6 June 2017 and 16-19 October 2017. The documenters interviewed a total of 31 witnesses and documented 39 impact sites.

4.3.1 TARGETED AREA

- 98. Krasnohorivka is a town of approximately 15,000 civilians,²⁷³ located in the Ukraine-controlled part of Donetsk Province.²⁷⁴ Krasnohorivka sits 20km east of the centre of Donetsk City and roughly 3km from the contact line between UAF and DPR forces. DPR-controlled Staromykhailivka is located to the east south-east, and the two settlements are situated just 2km away from one another.
- 99. The town fell under DPR control in the spring of 2014, but was attacked and retaken by the UAF in July 2014. DPR positions in Krasnohorivka included a tank-defended checkpoint in the north (Ln 5101), two smaller checkpoints on the Donetsk access road to the east (Ln 222 and 511), a major outpost on the northern edge of the town (Ln 512) and a headquarters in the centre of town (Ln 513).²⁷⁵ Initial UAF positions were based in or around civilian objects such as at school N. 2 (Ln 210) and Mayak restaurant (Ln 222). After UAF secured control of the town, a UAF base was set up in the centre of town located on business premises (Ln 211) and a UAF checkpoint on the southern edge of town on the road leading to Marjinka (Ln 212). The UAF maintain two firing positions on the eastern outskirts of Krasnohorivka (Ln 215; 224), located approximately 1.5-2km from the densely populated centre of town. Krasnohorivka has six educational facilities and a hospital, all of which have been targeted since the outbreak of hostilities.

4.3.2 DESCRIPTION/OVERVIEW OF ATTACK

- 100. Krasnohorivka, a town of relatively low strategic importance to the warring parties, has been unduly targeted throughout the period of documentation. Of the 189 attacks documented by the Authors, 39 took place in Krasnohorivka.
- 101. The first attack documented by the Authors was a Grad artillery attack by the UAF in a push to regain control of the town from DPR militias. The attack resulted in two civilian deaths and the destruction of a school and civilian residences.²⁷⁶ After the UAF regained control of the settlement, DPR forces stationed in

- 274 Geolocation coordinates: 48000'00" N 37030'15" E
- 275 Witness statement: 0138K941.
- 276 See Case File 138 13 July 2014 attack.

²⁷² Case file N018 > Pics, location map: Krasnohor.jpg

²⁷³ Державна служба статистики України, 'Чисельність наявного населення україни на 1 січня 2017 року', 09 June 2017, available at: http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ_new1/2017/zb_chnn_0117.pdf (last accessed 25/11/2017)

Staromikhailivka began a protracted bombing campaign that has lasted up to the limit of the Authors' current documentation period.

- 102. The thrust of DPR attacks appears to have been aimed at larger buildings in the settlement, namely the town hospital (Ln 214), schools (Ln 220, 218, 213 and 210) and the agricultural college (Ln 216). The initial UAF bases at School n. 2 (Ln. 2) and Mayak restaurant (Ln 222) were destroyed in 2014. As illustrated in the map of impact sites, subsequent attacks fell on the southern residential district on or around School N. 3 (Ln 213) located in the vicinity of a UAF checkpoint (Ln 212), the Sonyachna district (Ln 700) located 750m west of UAF firing positions, and the hospital (Ln 214) located 1.2km from the nearest UAF position.
- 103. Based on documented remnants, impact craters and witness statements, the attacks were carried out using MLRS BM-21 Grad missiles, 125mm tank projectiles, 122mm mortar shells and 82mm mortar shells. In most cases, the provenance of the attack is clear from the angle of impact craters or the aspect of buildings hit by projectiles, as well as witness testimony. Aside from the initial UAF attack, all other impact sites where provenance was possible to establish point towards DPR positions in Staromikhailivka and Donetsk city.

TABLE OF DOCUMENTED ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS IN KRASNOHORIVKA 4.3.3.

CASE FILE	DATE/TIME	IMPACT SITE	MEANS/METHOD	OUTCOME	EVIDENCE
	13 July 2014 (4:30pm)	Residential districts: Sonyachna and Paris Kommuny streets – Ln 700; School N. 1 (Ln 220). Location of DPR positions unknown.	MLRS Grad attack from direction of UAF-controlled Marjinka, Ekaterinovka and/or Antonovka	Two civilians killed; Damage to civilian residential property; Near total destruction of School N.1.	Witness statements: 0138K919 (date, time of shelling; 0138K946 (date, time of shelling and damage; 0138K939 (civilian casualties); 0138K942 (means, origin, date, time of attack); 0138K941 (date and means); 0138K1005 (date, intensity of shelling, damage and casualties); 0138K947 (date and damage); 0138K947 (origin, method, time and damage) 0138K945 (date, time, method of shelling). <i>Video of impact sites and crater analysis</i> : [V60815-145823. mp4, V60815-151238.mp4, V60816-145422.mp4] - shows crater analysis demonstrating shell came from Ukraine controlled territory and method of attack - Photos and videos in folder [uukona 1] show damage to civilian property.
138	31 July 2014 (10pm)	Civilian residences on 3 Linya St. and Lermontova St. (Ln 219) – 600m from UAF checkpoint (Ln 212).	Artillery (origin unknown)	Damage to civilian property; One civilian injured.	<u>Witness statements</u> : 0138K939 (date, time and damage); 0138K1007 (date, time, intensity of shelling, damage to civilian property and casualties).
138	1 August 2014 (7am)	Civilian residences on 26 Lermontova St. (Ln 219) – 600m from UAF checkpoint (Ln 212).	Artillery attack from DPR-controlled Staromikhailivka	Two civilians killed; two civilians injured.	<u>Witness statement</u> : 0138K939 (date, time, damage, intensity and casualties); N003K1090 (date, time, damage, intensity, origin and casualties)
138	14 October 2014	Civilian residences in Sonyachna district (Ln 700) – 900m from UAF firing position (Ln 215/224); 450m from UAF base (Ln 222).	Artillery attack from DPR-controlled Staromikhailivka	Damage to civilian property.	<u>Witness statement</u> : 0138K941(date, origin and means).

<u>Witness statement</u> : 0138K919 (date, time, intensity of shelling, damage to civilian property and casualties); 0138K939 (damage and casualties); 0138K952 (date, time and damage); 0138K941 (date and means). <u>Video of impact sites and crater analysis</u> : Folder "видео последствий обстрелов" [V60815-152633.mp4, V60816-133436.mp4, V60816-133436.mp4, V60816-133436.mp4, v60816-133436.mp4, v60816-135456.mp4, v60816-135013.mp4] - shows GRAD remnants, damage and crater analysis demonstrating origin of the attack.	<u>Witness</u> statement: 0138K941 (date, casualties and means); N003K1088 (date, time, casualties, means and origin)	Witness statement: 0138K919 (date, time, intensity of shelling, damage to civilian property); 0138K941(date, time, intensity of shelling and damage to civilian property). <u>Video of</u> <u>impact site</u> : Video in folder "видео последствий обстрелов" [V60816-084102.mp4] - shows damage to church.	<u>Witness statement</u> : 0138К949 (date, time, intensity and damage). Photos and videos of impact site: in folder [Arpapный техникум] - shows damage to civilian property and crater analysis.	<u>Witness Statement</u> : 0138К919, 0138К950, 0138К1005 (date, time, intensity of shelling and damage to civilian property); 0138К1004 (date, time and damage); 0138К939 (date, damage and intensity); 0138К941 (date, time, intensity of shelling and damage to civilian property and casualties); 0138К947 (date and damage). Photos and videos of impact site: see folder [больница] for hospital impact site and remnants; See folder "школа 3" [V60914-113929.mp4] for school N. 3 impact site (including impact crater analysis).
Two civilians killed; Damage to civilian property; Damage to school.	One civilian killed; One civilian injured Damage to civilian market and housing.	Damage to civilian housing; Damage to church.	Damage to education facility and civilian residences.	Thirteen hours of heavy artillery shelling resulted in: 7 direct hits on/partial destruction of School N.3; Partial destruction of a civilian hospital (including destruction of 2 ambulance cars). One civilian dead and one seriously injured.
MLRS Grad attack from direction of DPR-controlled territory	MLRS Grad attack from direction of DPR-controlled Antonovka	Artillery and mortar (origin unknown)	Mortar attack (origin unknown)	Artillery from direction of DPR-controlled Staromikhailivka
Civilian residences on Lermontova and 8 March streets (Ln 219); School #3 (Ln 213); Lenin square. – 0.5km from closest UAF position (Ln 212).	Civilian market (Ln 221), house on 8 Suvorova St. (Ln 508) – 700m from closest UAF position (Ln 211).	Civilian residences on Matrosova, Lenina, Sverdlova streets; Church (Ln 223) – 450m from UAF base (Ln 211).	Residential dormitory for agricultural school (Ln 216) – 1.2km from nearest UAF positions (Ln 224).	School N. 3 (Ln 213) – 500m from UAF checkpoint Artillery from (Ln 212) Hospital (Ln 214) – 1.4km from UAF firing position; staromikhaili civilians residences
12 January 2015	18 January 2015	8 February 2015 (5:10pm)	14 February 2015 (1:20pm)	3 June 2015 (4:30am)
	138	138	138	- 1 3 8

Witness statement: 0138K941 (date, intensity of shelling and damage to civilian property).	Witness statement: 0138K941 (date, time, intensity of shelling and damage to civilian property).	Witness statements: 01 38K950 (date, time, intensity of shelling and damage to civilian property); 0138K1006 (date, time, origin, intensity of shelling and damage); 0138K941 (date, time, intensity of shelling and damage); 0138K941 (date, time, intensity of shelling and damage to civilian property). Photos and videos of impact sites: in folder [60льница] - shows damage to civilian property, remains of the shells and craters. Video in folder "видео последствий обстрелов [V60815-151742.mp4] - shows crater analysis demonstrating origin of attack.	<u>Witness statement</u> : 0138К950 (date, time, intensity of shelling and damage to civilian property); 0138К941(date, time, intensity of shelling and damage to civilian property). <u>Photos</u> and videos of impact sites: in folder [больница] - shows damage to civilian property, shell remnants and impact craters.	<u>Witness statement</u> : 0138К950 (date, time, intensity of shelling and damage to civilian property). Photos and videos of impact site: in folder [больница] - shows damage to civilian property, remnants and craters.	Witness statement: 0138K919 (date, time, intensity of shelling and damage to civilian property).
Damage to civilian property.	Damage to civilian property.	Damage to hospital and ambulance vehicle; Damage to civilian properties.	Severe damage to roof of civilian hospital and nearby civilian residential properties.	Damage to civilian hospital (broken windows, walls and stairs).	Damage to civilian property.
Artillery attack from un-recorded origin	Artillery and/ or mortar launched from Staromikhailivka	Artillery launched from Staromikhailivka (confirmed by witnesses and crater analysis).	Artillery and/or mortar attack from DPR controlled territory	Mortar shells	Unrecorded means and origin
Civilian residences in Sonyachna district (Ln 700) – 900m from UAF firing position (Ln 215/224).	Civilian residences in Sonyachna district (Ln 700) – 900m from UAF firing positions (Ln 215/224).	Civilian hospital (Ln 214) – 1.4km from nearest UAF position; Civilian residences, market and shop on Sovetskaya St. (Ln 221).	Civilian hospital (Ln 214) – 1.4km from nearest UAF position; Civilian residences on Sovetskaya and Mayakovskogo St. (Ln 221).	Civilian hospital (Ln 214) – 1.4km from nearest UAF position (Ln 215).	Civilian residences on Paris Kommuna St. (Ln 63) – 470m from UAF checkpoint.
26 July 2014	10 August 2015 (10pm)	15 August 2015	23 August 2015 (11pm)	9 April 2016	3 June 2016
138	138	138	138	138	138

	15 June 2016	Civilian residences on 7 Sonyachna St. (Ln 217); School N.1 (Ln 220) – 770m from nearest UAF position (Ln 215).	Tank attack from DPR-controlled Staromikhailivka (based on crater analysis)	Destruction of 3 civilian apartments; 1 civilian injured; Damage to school.	Witness statement: 0138K946 (date, time of shelling, casualties and damage); 0138K942 (date, means, origin, date, time of attack); 0138K1005 (origin and means); 0138K948 (date and time of attack); 0138K941 (date, time, intensity of attack and damage to civilian property); 0138K947 (date, time, casualties and damage); 0138K945 (time of attack, casualties and damage to civilian property). <u>Photos:</u> [Sunny-7 folder] - shows damage to civilian property and remains of shell. <u>Videos:</u> in folder "видео последствий обстрелов" [V60813- 114511.mp4, V60813-120214.mp4, V60813-120401.mp4, V60814-102532.mp4, V60814-102813.mp4] - shows damage to property and impact crater. <u>Document and videosL</u> in "gouçenko" folder contains medicine epicrisis and interview of the victim.
138	17 June 2016	Civilian residences (Ln 217); School N.1 (Ln 220) – 760 meters from nearest UAF position (Ln 215).	Unrecorded means; Originated from DPR-controlled area (probably Donetsk City)	Damage to civilian property and school.	<u>Witness statement:</u> 0138K942 (origin, date of attack); 0138K941 (date of attack).
138	20 June 2016	Civilian residences on Sonyachna St. (Ln 217); 2 Suvorova St. (Ln 508); School N. 1 – 770m from nearest UAF position.	Unrecorded means and origin	Two civilians injured; Damage to civilian property; damage to school.	<u>Witness</u> statement: 0138K941 (date, time, intensity of attack, damage to civilian property and casualties); 0138K947 (date, casualties and damage).
138	27 June – 4 July 2016	Civilian residences in Vostochniy district and School N. 1 (Ln 220) – 760m from nearest UAF position (Ln 215).	Artillery fire over the course of 6 days.	Damage to civilian property and school.	<u>Witness statement</u> : 0138K941 (date, time, intensity of shelling and damage to civilian property and casualties).
138	12 July 2016	School N. 1 (Ln 220) – 760m from nearest UAF position (Ln 215).	Artillery fire (13 shells).	Damage to school.	<u> Witness statement:</u> 0138K942(date and intensity of attack).
138	26 July 2016	Civilian residence at 7, Sonyachna st. (Ln 217) – 770m from nearest UAF position (Ln 215).	Artillery fire	Damage to civilian property.	Witness statement: 0138K941 (date, time, intensity of shelling and damage to civilian property).

138	28 July 2016	Civilian hospital (Ln 214) – 1.2km from nearest UAF position (Ln 215).	Mortar fire	Structural damage to hospital.	<u>Witness</u> statement: 0138K950 (date, time, intensity, means and damage to civilian property). <u>Photos and videos</u> : in folder [больница] - shows damage to civilian property, remains of the shells and craters.
138	30 July 2016	Civilian hospital (Ln 214) – 1.2km from nearest UAF position (Ln 215).	Mortar fire	Damage to hospital.	<u>Witness statement</u> : 0138K950 (date, time, intensity, method of shelling and damage to civilian property).
138	5 August 2016	Civilian residences and education facility on 2, Vostochnaya (Ln 217) and 7, Sonyachna streets (Ln 220) – 760m from nearest UAF position.	Artillery/mortar fire from DPR controlled territory (based on crater analysis)	Damage to agricultural college and civilian property.	<u>Witness</u> statement: 0138К941 (date, time, intensity of attack and damage to civilian property). <u>Photos and videos</u> : in folder [Аграрный техникум] - shows damage to civilian property and crater analysis.
138	7 August 2016	Agricultural school (Ln 216) and civilian hospital (Ln 214) – 1.2km from nearest UAF position (Ln 215).	82mm mortar fire from DPR-controlled Staromikhailivka (based on crater analysis).	Damage to school and hospital buildings.	Witness statement. (date, time, intensity, means of attack and damage to civilian property; 0138K1004 (time, damage, means and origin of attack); 0138K1005 (damage to civilian property; 0138K949 (date, time, intensity and damage); 0138K941 (date, time, intensity of attack and damage to civilian property). <u>Photos and videos</u> : in folder [Arpaphый техникум] - shows damage to civilian property and crater analysis; Videos in folder "видео последствий обстрелов" [V60814-102813. mp4] - show damage to civilian property and crater analysis. [V60815-114244.mp4, V60815-114837.mp4] - shows crater analysis and shell remnants that allow to conclude origin of attach was DPR-controlled territory. Video [V60815-115523. mp4] - shows mortar shell remnants and crater analysis that testify attack was conducted with 82-mm mortar from DPR- controlled territory.
138	9/10 August 2016	Civilian residences (Nakhimova and Ostrovskovo St. – Ln 509); Stadium and morgue – 1km from nearest UAF position (Ln 224).	Mortar fire	Damage to civilian property	<u>Witness statement:</u> 0138K1005 (date and means of attack); 0138K941 (date, time, intensity of attack and damage to civilian property).
M Z	5 February 2017	Civilian residence on 57 Shkilna St. (Ln 14) – 450m from UAF checkpoint	Artillery or 122mm mortar	Damage to civilian property	<u>Witness statement:</u> N003K1062 (date, time, intensity of attack and damage to civilian property).

<u>Witness statement:</u> 0138K1002 (date, time, damage to civilian property); <u>Photos and video</u> : in folder "Калашников_8 марта" - show damage to civilian property.	Witness statement: 0138K916 (date, timing, damage and ty.	Witness statement:0138K917_(date, timing, damage and intensity of attack);0138K918 (date, timing, damage and intensity of attack).ty.Videos:[IMG_1592.MOV, IMG_1595.MOV] - show damage to property and firing direction.	Witness statement: 0138K918 and 0138K919 (date, time and ty. damage to civilian property).	Witness statement: N003K1063 (date, time intensity of attack, damage to civilian property and origin; 0138K941 (origin, date, time, intensity of attack, damage to civilian property; T3K951 (date, intensity of attack, damage to civilian property).	Witness statement: N003K1063 (date, time intensity of attack, damage to civilian property and origin; 0138K941 (origin, date, time, intensity of attack, damage to civilian property; T3K951 (date, time, intensity of attack, damage to civilian property). Photos and videos: in [Damage-property] - show damage to to civilian property. Video [IMG_1009.MOV] - show shell fragments.
Damage to civilian property	Two civilians injured; Damage to civilian property.	Damage to civilian property.	Damage to civilian property.	Damage to hospital, school and civilian property.	Damage to hospital and civilian property.
Artillery fire	Grad-P artillery fire from DPR-controlled Staromikhailivka	122mm artillery fire from DPR-controlled Staromikhailivka	Artillery/mortar fire	Grad P artillery (leaving craters 5m in diameter and 2m deep) – from DPR controlled territory (Petrovskiy district).	Grad P artillery (leaving craters 5m in diameter and 2m deep) – from DPR controlled territory (Petrovskiy district).
Civilian residence at 16, 8 th March st (Ln 5101) – 560m from UAF checkpoint (Ln 212).	Civilian residence on Shkilna St. (Ln 14) and road connecting Krasnahorivka and Marjinka – 450m from UAF checkpoint (Ln 212).	Civilian residences on Shkilna St. (Ln 16) – 450m from UAF checkpoint (Ln 212).	Civilian residence on Shkilna St. (Ln 16) – 450m from UAF checkpoint (Ln 212).	Civilian hospital (Ln 214); Agricultural school (Ln 216) and civilian residences on Lomonosova, Voroshylova and Khmerlnitskogo streets - 1.2km from nearest UAF positions (Ln 215 and Ln 224).	Civilian hospital (Ln 214); Civilian residences on Pervomayskaya, Voroshylova and Tolstovo St. (Ln 221) – 1.2km from nearest UAF position (Ln 215, Ln 224).
6 February 2017	10 February 2017	18 February 2017	24 February 2017	25 May 2017	28 May 2017
138	138	138	138	е Z	E Z

4.3.4. LEGAL ASSESSMENT

- 104. It is assumed that the main objective of the UAF attack was to push out DPR militias and regain control of the settlement. The documented UAF artillery fire was concentrated on the Sonyachna district (Ln 700) and hit a school (Ln 220). The nearest DPR positions at the time were situated 200 and 500 meters away. Even if DPR forces or weapons were located in the vicinity at the time, the choice of weapon (Grad BM-21 rockets) to attack a densely populated area demonstrates a disregard for civilian life and property. It may be argued that the incidental loss of life (two civilians were killed) and destruction of civilian property (School N.1 and blocks of flats) was disproportionate to the military objective, which could have been achieved by less indiscriminate means and/or accompanies by measures aimed at safeguarding the civilian population. The final assessment of these attacks will largely depend on evidence of military necessity and available alternatives (if any).
- 105. DPR attacks on the southern quarter of Krasnohorivka were most likely aimed at the UAF checkpoint on the road leading to Marjinka (Ln 212). The UAF checkpoint may be considered as a legitimate military objective. Nevertheless, the checkpoint did not represent a serious threat or military advantage to DPR forces on account of the small number of soldiers performing largely policing functions there.²⁷⁷ The use of Grad artillery and mortar shells to target a military objective of low strategic importance located next to a densely populated civilian area is clearly disproportionate. All the above-documented impact sites in this area are located within 400-500 meters of the checkpoint – at or beyond the outer limit of the acceptable margin of error for the means used. DPR forces knew or ought to have been well aware of the imprecise nature of the weapons and the likelihood of incidental loss of life and injury to civilians. At the very least, these attacks should be gualified as indiscriminate and prosecuted under Article 8(2)(b)(iv) of the ICC Statute.²⁷⁸ Further, the Authors would argue that the persistence of DPR attacks on the area throughout the documentation period despite the absence of tangible military gains would suggest that the injury and damage suffered by civilians was not merely 'incidental loss'. Intent to direct these attacks towards civilians may be inferred from the attackers' failure to discriminate between military objectives and civilians, or alternatively, the total absence of proportionality in their choice of targets. Consequently, this category attacks may also be prosecuted under Article 8(2)(b)(i)/(ii) or Article 8(2)(e)(i) of the ICC Statute.
- 106. DPR attacks on Sonyachna district (Ln 700), the agricultural college (Ln 216), and the town's hospital (Ln 214) may be explained by the location of UAF artillery positions on the eastern outskirts of Krasnohorivka (Ln 215 and 224). Nevertheless, these civilian objects were located between 760m and 1.2km from the UAF positions i.e. well beyond the acceptable accuracy range for the Grad BM-21 rockets and mortars used to perpetrate the attacks (particularly given the relatively close range of DPR launch sites in Staromikhailivka). Moreover, the persistence of these attacks, particularly on the schools and hospital, raise questions as to whether DPR forces were aiming at the UAF positions at all. Consequently, intent to direct these attacks on civilians may be inferred from the attackers' failure to discriminate between military objectives and civilians, or alternatively, the total absence of proportionality in their choice of targets. This category attacks may be prosecuted under Article 8(2)(b)(i)/(ii) or Article 8(2)(e)(i) of the ICC Statute. Moreover, the persistent attacks on the town's hospital, schools and agricultural college may also be charged under Article 8(2)(b)(ix) (in IAC) and Article 8(2)(e)(iv) (in NIAC) of the ICC Statute.

4.3.5. CONCLUSION

107. In light of the foregoing, the Authors submit that the above-documented attacks by UAF and DPR forces on civilians, civilian residences and infrastructure in Krasnohorivka were in violation of the principle of distinction and constitute war crimes under Article 8 of the ICC Statute. The Authors recommend further investigations with a view to prosecuting those responsible for the following crimes:

²⁷⁷ Witness Statement: 0138K918.

²⁷⁸ Provided that it can be established that these attacks were launched in the context of and were associated with an IAC.

- Under Art. 8(2)(b)(iv): UAF attack on 13 July 2014 presumably targeting DPR positions in the town, which resulted in foreseeable and disproportionate incidental harm to civilians and damage to civilian infrastructure;²⁷⁹
- Under Article 8(2)(b)(i)/(ii), Article 8(2)(e)(i) and/or Art. 8(2)(b)(iv): DPR attacks on civilians and civilian infrastructure located more than 400 meters away from any UAF positions in Krasnohorivka.
- Under Article 8(2)(b)(ix) or Article 8(2)(e)(iv): DPR attacks on educational and medical facilities in Krasnohorivka.

4.4 Kurdiumyvka - Zelenopillya²⁸⁰

108. The information and analysis provided below is based on documentation by Truth Hounds Documentation Field Mission on behalf of the Authors, conducted in the course of two on-site visits to Kurdiumyvka on 27 February 2017 and 14 March 2017. The documenters interviewed a total of eight witnesses and documented 16 impact sites.

4.4.1. TARGETED AREA

109. Kurdiumyvka is a small settlement of 893 inhabitants²⁸¹ located on Ukrainian-controlled territory in Donetsk Province.²⁸² Kurdiumyvka is adjoined to the east by the small village of Zelenopillya. The area is situated approximately 4km from the village of Zaitseve (on either side of the contact line from spring 2015 and DPR-controlled territory prior to that²⁸³) to the south-south east, 20km north-northwest of the city of Horlivka (a DPR stronghold) and 12km northwest of Ukrainian-controlled Bakhmut City. At the time of the attacks, there were no UAF units or equipment in or around Kurdiumyvka and Zelenopillya, and no other known objects of strategic importance.

4.4.2. DESCRIPTION/OVERVIEW OF ATTACKS

- 110. At 10:00am on 31 January 2015, a MLRS Grad attack on the village of Kurdiumyvka and the adjoining village of Zelenopillya resulted in the deaths of five civilians and destruction of 10 civilian properties on Vokzalnaia, Zovodskaia and Mira streets. Based on witness statements and the angle of impact damage, the attack originated from the DPR-controlled town of Horlivka.²⁸⁴ On 15 June 2015, another missile attack from DPR-held territory damaged three civilian properties on Vokzalnaia and Kirov streets, injuring one civilian resident.²⁸⁵ The nearest UAF position was over 6km away.
- 111. At approximately 9:00pm on 6 February 2017, DPR forces began shelling civilian residences on Vatutin, Zavodska and Sevastopolska streets (Ln 22-37; 59).²⁸⁶ Witnesses report that approximately 30 artillery shells were fired on the undefended settlement within the space of a couple of minutes, with a delay of approximately 30 seconds between the sound of launch and impact.²⁸⁷ All 16 documented impact craters²⁸⁸ were 2.6 to 2.8

²⁷⁹ Provided that it can be established that the attack took place in the context of an IAC.

²⁸⁰ Case file N018 > Pics, location map: Kurdiumivka.jpg

²⁸¹ Державна служба статистики України, 'Чисельність наявного населення україни на 1 січня 2017 року', 09 June 2017, available at: http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ_new1/2017/zb_chnn_0117.pdf (last accessed 25/11/2017)

²⁸² Geolocation coordinates: 48028'06" N 37057'35" E

²⁸³ Witness statement: 0259K1091

²⁸⁴ Witness Statements: 0259K810; 0259K997; 0259K911; 0259K998; 0259K999.

²⁸⁵ Witness statement: 0259K998

²⁸⁶ Witness statement: 0259K912, 0259K913, 0259K909, 0259K910, 0259K911

²⁸⁷ Witness statement: 0259K913, 0259K909, 0259K910, 0259K911

²⁸⁸ The remaining craters, located in residents' backyards, had been filled in prior to the documenters' arrival.

meters in diameter, with entry holes of 9 cm, 12 cm, 27 cm.²⁸⁹ All craters consistently indicate launch sites to the south-southeast (azimuth 160), most likely from the DPR-controlled settlement of Hol'mivs'kiy.²⁹⁰ The attack on Kurdiumyvka resulted in the deaths of six civilians, as well as damage to civilian residences and infrastructure.²⁹¹

4.4.3. LEGAL ASSESSMENT

112. At the time of the attacks, Kurdiumyvka and adjoining Zelenopillya were undefended civilian settlements with no UAF presence or installations. It appears this location was attacked purely because it has the misfortune of being situated within the firing range of DPR weapons located on the other side of the contact line in DPR-controlled part of Zaitseve and Horlivka. The artillery attacks on 31 January 2015, 15 June 2015 and 6 February 2017 presented no concrete military advantage to DPR forces and served no legitimate military objective – a grave violation of the principle of distinction. Consequently, the attacks can be qualified as attacks intentionally directed at civilians and/or civilian objects – in violation of Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute.

4.4.4. CONCLUSION

113. In light of the foregoing, the Authors recommend that those responsible for the intentional attack on civilians and civilian objects in Kurdiumyvka and Zelenopillya on 31 January 2015, 15 June 2015 and 6 February 2017 should be identified and prosecuted under Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute.

4.5 Sartana²⁹²

114. The information and analysis provided below is based on documentation by Truth Hounds Documentation Field Mission on behalf of the Authors, conducted in the course of an on-site visit to Sartana on 1 March 2017. The documenters interviewed a total of 4 witnesses and documented six impact sites.

4.5.1. TARGETED AREA

115. Sartana is a settlement in Ukrainian-controlled part of Donetsk Province with a population of approximately 10,700 inhabitants. Sartana is located 8.5km from the contact line between UAF and DPR forces.²⁹³ It sits 6km from the eastern outskirts of the city of Mariupol. The area is subject to frequent high-intensity combat,²⁹⁴ and Sartana itself has been shelled at least seven times since the start of the conflict.²⁹⁵ There were no UAF positions in Sartana and no UAF units or equipment in the settlement on the day of the attack. The closest UAF position is a temporary UAF artillery launch site located at a distance of 1.5 and 2km from Sartana.²⁹⁶ The attack took place in the context of an escalating conflict in the area following an attempt by UAF to occupy the village of Pikuzy (former Kominternovo) located 10km directly east of Sartana.

- 295 Witness statement: 0256K914
- 296 Witness statement: 0256K915

²⁸⁹ Video of impact crater analysis: 0314-101446, 20170314_121335.mp4, 20170314_104239.mp4, 20170314_111938.mp4, 20170314_120022.mp4, 20170216_102738.mp4

²⁹⁰ Geolocation coordinates: 48024'10" N 38004'32" E

²⁹¹ Witness statement: 0259K910

²⁹² Case file N018 > Pics, location map: Sartana.jpg

²⁹³ Geolocation coordinates: 47010'55" N 37041'35" E

²⁹⁴ See for e.g.: First Report, section 4.13.2 (Mariupol City); see also SMM OSCE report, access: *http://www.osce.org/ukraine-smm/125545* (a MLRS Grad attack on Sartana targeting a funeral procession on 14 October 2014 which resulted in the deaths of seven civilians).

4.5.2. DESCRIPTION/OVERVIEW OF ATTACK

- 116. On 3 February 2017, Sartana was attacked by DPR forces using MLRS Grad rockets and artillery guns. The attack came in two volleys. The first took place at 5:00am in a series of six or seven rounds with pauses for correction.²⁹⁷ The first shell landed in a field to the north of the village (Ln 2, 3). Subsequent projectiles fell on civilian residences and infrastructure, damaging houses, farm buildings and agricultural machinery on and around Severnaya Street (Ln 1).²⁹⁸ Impact crater analysis determined that the projectiles originated from an MLRS Grad attack, launched from the north-east (azimuth 34), and an artillery gun (launched from azimuth 73).²⁹⁹
- 117. The second volley of projectiles hit at 11:05pm.³⁰⁰ Projectiles were fired in three round with gaps of about one minute between each launch, presumably for recalibration.³⁰¹ The attacks damaged civilian residences on Pivnichna street (Ln 4-6). Analysis of impact craters and projectile remnants confirm that the attack was launched from the south-east (azimuth 107) using an MLRS Grad.³⁰²

4.5.3. LEGAL ASSESSMENT

118. At the time of the attack, Sartana was an undefended civilian settlement with no UAF presence or installations. The artillery attacks on 3 February 2017 presented no concrete military advantage to DPR forces and served no legitimate military objective – a grave violation of the principle of distinction. The attack may have been a reprisal for the UAF attempt to occupy DPR-controlled Pikuzy/Kominternovo. Pauses for recalibration strongly indicate the intentional nature of the attacks. Consequently, the events on 3 February 2017 can be qualified as an attack intentionally directed at civilians and/or civilian objects – in violation of Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute.

4.5.4. CONCLUSION AND RECOMMENDATIONS

119. In light of the foregoing, the Authors recommend that those responsible for the intentional attack on civilians and civilian objects in Sartana on 3 February 2017 should be identified and prosecuted under Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute.

4.6 Popasna³⁰³

120. The information and analysis provided below is based on documentation by Truth Hounds Documentation Field Mission on behalf of the Authors, conducted in the course of five on-site visits to Popasna on 25 September 2016, 30-31 October 2016, 27 March 2017, 9-11 September 2017. The documenters interviewed a total of 11 witnesses and documented 10 impact sites.

4.6.1. TARGETED AREA

121. Popasna is a settlement in Ukrainian-controlled part of Luhansk Province with an estimated population of 22,000 civilians.³⁰⁴ It is situated approximately 5km from the contact line between UAF and LPR forces³⁰⁵ and

303 Case file N018 > Pics, location map: Popasna.jpg

²⁹⁷ Witness statement: 0256K914

²⁹⁸ Police of Donetsk area report, access: https://dn.npu.gov.ua/uk/publish/article/401752

²⁹⁹ Video of impact crater analysis: IMG_1675.MOV; IMG_1672.MOV.

³⁰⁰ As reported by the Police of Donetsk area report, access: *https://dn.npu.gov.ua/uk/publish/article/402653* (last accessed: 29/11/2017).

³⁰¹ Witness statement: 0256K914

³⁰² Video of impact crater analysis: IMG_1671.MOV; IMG_1670.MOV.

³⁰⁴ Державна служба статистики України, 'Чисельність наявного населення україни на 1 січня 2017 року', 09 June 2017, available at: *http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ_new1/2017/zb_chnn_0117.pdf* (last accessed 25/11/2017)

³⁰⁵ Geolocation coordinates: 48037'54" N 38022'20" E

approximately 10km from LPR-stronghold of Pervomaysk.³⁰⁶ The main industrial employer is a civilian 'VRZ' factory (Ln 314). The settlement was overrun by LPR separatists in April 2014 and retaken by the Ukrainian Donbas Battalion on 22 July 2014.³⁰⁷

122. There is one known UAF artillery launch site on the north-eastern outskirts of Popasna (Ln 248), situated approximately 1.4km from the nearest residential area. The UAF also has two checkpoints in Popasna – one on the eastern edge of town (Ln 244) and another on the southern edge (Ln 243).

4.6.2. DESCRIPTION/OVERVIEW OF ATTACK

- 123. As part of its efforts to retake Popasna in July 2014, the UAF used heavy artillery launched from the direction of UAF-controlled Bakhmut to attack LPR positions in the settlement. Damage to a civilian dwelling (Ln 333), located 100 meters from an LPR base (Ln 335), was documented on 18 July 2014.³⁰⁸All subsequent attacks on civilians and civilian objects documented by the Authors were perpetrated by LPR forces stationed in LPR-controlled territory, primarily Pervomaysk.
- 124. On 26 November 2014, an MLRS Grad attack from Pervomaysk landed in the heart of the town (Ln 313), destroying two civilian houses located approximately 3km from the closest UAF firing position at the time (Ln 248).³⁰⁹ A further string of documented heavy artillery attacks were launched at Popasna by LPR forces stationed in Pervomaysk between 17 and 27 January 2015, resulting in a total of five civilian deaths, one civilian injury and extensive damage to civilian residences and a school. The shelling targeted a residential area on the southern edge of town, hitting residential multi-stories (Ln 338, 343)³¹⁰ and a school (Ln 339)³¹¹ located 600-700m from an UAF checkpoint (Ln 243). In addition, a residential area in the north east of Popasna (Ln 336), located 960m from the nearest UAF position, was hit twice in two days.³¹² On 15 February 2015, a further MLRS Grad attack hit a residential dwelling (Ln 247) located 1.8km from the nearest UAF position (Ln 243).³¹³ The same area was subsequently hit using 152mm high-explosive projectiles launched from LPR-controlled Irmino and/or Kalinove on 24 August 2016, resulting in the destruction of civilian property.³¹⁴
- 125. On 15 October 2016 a volley of eight 122-mm mortars launched from LPR-controlled territory hit Popasna railway hospital, located approximately 450m away from an UAF checkpoint.³¹⁵ On 18 October

³⁰⁶ Geolocation coordinates: 48037'53" N 38031'34" E

³⁰⁷ Українська правда, 'Попасна звільнена, там вивішені українські прапори', 22 July 2014. available at: *https://www.pravda. com.ua/news/2014/07/22/7032683/* (last acessed 26/11/2017)

³⁰⁸ Witness statement: N010K1072 (date, time, intensity of shelling, damage to civilian property and origin of shelling); N010K1075 (date, origin and damage).

³⁰⁹ Witness statement: 026K956 (date, time, intensity of shelling, damage to civilian property and means of attack).

³¹⁰ Witness statement: N010K1075 (date, time, intensity of shelling, damage to civilian property, means of the attack and casualties). Photo [WP_20170910_15_35_05_Pro.jpg] - is a police document about the shelling; Witness statements: N010K1077 (date, time, damage to civilian property and method of shelling). Photos and video in [Чумак > Фото видео] - show damage to civilian property. Photo [WP_20170910_15_35_16_Pro.jpg] - is a police document about the shelling.

³¹¹ Video [попасная_школа1.MOV] – shows impact site analysis and damage to school.

³¹² Witness statement: N010K1073 (date, time, intensity of shelling, damage to civilian property). N010K1075 - testifies about damage to civilian property, origin of the attack. Video [попасная_циолковского.MOV] - show shelled site demonstrating origin of shelling; N010K1076 (date, time, damage to civilian property, origin). Photo [WP_20170910_12_48_18_Pro.jpg] - show damage. Photo [WP_20170910_15_35_16_Pro.jpg] - is a police document about shelling.

³¹³ Witness statement: 0224K1021 (date, time, intensity of shelling and means of attack).

³¹⁴ Witness statement: 0224K1021 (date, time, intensity of shelling, damage to civilian property and origin). Video [IMG_0213. MOV] - shows damage to civilian property and impact site analysis.

³¹⁵ Witness statement: 0224K1024 (date, time, damage to civilian property); 0224K1025 (date, time, intensity and origin of shelling). Videos [IMG_0222.MOV, IMG_0215.MOV, IMG_0221.MOV, IMG_0214.MOV] - show damage to civilian property and impact site analysis.

2016, a residential area on the eastern edge of Popasna was hit with 122mm mortars from Pervomaysk, injuring one civilian and damaging civilian property. The nearest UAF position was 1km away.³¹⁶

126. On 2 March 2017, an artillery attack using 152mm high-explosive projectiles launched from LPR-controlled territory hit a civilian residence located just under 2km from the nearest UAF position.³¹⁷

4.6.3. LEGAL ASSESSMENT

- 127. The UAF attack of 18 July 2014 was evidently aimed at destroying the LPR base in Popasna. The incidental damage to a civilian residence located 100m from the LPR position is likely to be deemed proportionate to the military objective sought.
- 128. After the UAF retook Popasna in July 2014, it located its firing position and check-points on the outskirts of the town and away from densely populated areas. The loss of life and damage to civilian objects resulting from MLRS Grad, high-explosive and mortar attacks by LPR forces happened at distances of 450m and 3km from UAF positions. With Pervomaysk being located a mere 10km away, none of the attacks can be regarded as proportionate incidental damage. At such distances, even a weapon as inaccurate as the MLRS Grad should produce a smaller error radius. Thus, it may be inferred that LPR forces responsible for launching this attack either intended to direct the attack against the civilian area, or alternatively, failed to take measures to discriminate between civilian objects and military targets, in violation of Article 8(2)(b)(i)/(ii) or Article 8(2)(e)(i) of the ICC Statute.

4.6.4. CONCLUSION

129. In light of the foregoing, the Authors recommend that LPR forces responsible for launching attacks on civilians and civilian objects in Popasna should be identified and prosecuted under Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute. Furthermore, LPR forces liability should also be considered under Article 8(2)(b)(ix) or Article 8(2)(e)(iv) of the ICC Statute – attacks directed at educational and medical facilities.

4.7 Troitske³¹⁸

130. The information and analysis provided below is based on documentation by Truth Hounds Documentation Field Mission on behalf of the Authors, conducted in the course of one on-site visit to Troitske on 27 March 2017. The documenters interviewed a total of seven witnesses and documented six impact sites.

4.7.1. TARGETED AREA

131. Troitske is a village in Ukraine-controlled part of Lugansk Province (Popasna Rayon) with an estimated population of 1400 civilians.³¹⁹ It is situated approximately 15km from the LPR-stronghold of Pervomaysk,³²⁰ and 10km from LPR-controlled Kalynove and 15km from LPR-controlled Almazna to the East.³²¹

³¹⁶ Witness statement: 0224K1023 (date, time, intensity of shelling, damage to civilian property and casualties). Videos [IMG_0225.MOV, IMG_0223.MOV, IMG_0224.MOV] - shows damage to civilian property and impact site analysis.

³¹⁷ Witness statement: 0224K1022 (date, time, intensity of shelling, damage to civilian property and origin). Video [IMG_0099. MOV] - show damage to civilian property and impact site analysis.

³¹⁸ Case file N018 > Pics, location map: Troitske.jpg

³¹⁹ Державна служба статистики України, 'Чисельність наявного населення україни на 1 січня 2017 року', 09 June 2017, available at: http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ_new1/2017/zb_chnn_0117.pdf (last accessed 25/11/2017)

³²⁰ Geolocation coordinates: 48037'53" N 38031'34" E

³²¹ Geolocation coordinates: 48031'04" N 38034'00" E

132. The settlement is sparsely populated, stretching along the banks of the Luhan river. UAF bases and firing positions surround the settlement, located to the south, north and east of the village at a distance of 2km from the centre of the village (Ln 306, 307, 308, 309, 312). No UAF positions or personnel were located in the settlement itself.

4.7.2. DESCRIPTION/OVERVIEW OF ATTACK

- 133. Troitske has been attacked on multiple occasions since the start of the conflict. On 29 September 2014, a school (Ln 305) was hit in a MLRS attack launched by LPR forces. The nearest UAF position was 1.9km away.³²² Between 21 January and 15 February 2015, Troitske was attacked continuously from LPR positions in Almazna, using 122mm mortars and MLRS Grad missiles. The attacks resulted in four civilian deaths, three serious injuries and extensive damage to civilian infrastructure, including 122 civilian houses, a school, church and administrative buildings (approximate position Ln 310).³²³ The nearest UAF positions were at least 1.9km away.
- 134. Further artillery and mortar attacks hit a total of six civilian residences (Ln 311) and a clinic (Ln 113) on 18 August 2016,³²⁴ 29 January 2017,³²⁵ 2 February 2017³²⁶ and 4 February 2017.³²⁷ In all documented cases, the impact sites were located between 800m and 2.2km from the nearest UAF positions.

4.7.3. LEGAL ASSESSMENT

135. The shelling of Troitske by LPR forces appears to have been aimed at the circle of UAF positions located at a radius of 2km from the centre of the village. Most attacks appear to have originated in LPR-controlled Almazna – located at a distance of 15km. At this distance, MLRS Grad and mortar attacks that systematically miss their targets by 800m-2.2km cannot be regarded as proportionate incidental damage. It may therefore be inferred that LPR forces responsible for launching this attack either intended to direct the attack against the civilian area, or alternatively, failed to take measures to discriminate between civilian objects and military targets, in violation of Article 8(2)(b)(i)/(ii) or Article 8(2)(e)(i) of the ICC Statute.

4.7.4. CONCLUSION

- 136. In light of the foregoing, the Authors recommend that LPR forces responsible for launching attacks on civilians and civilian objects in Troitske should be identified and prosecuted under Article 8(2)(b)(i)/(ii) (in
- 322 Witness statements 0260K966 (date, time, intensity of shelling, damage to civilian property and means of attack); 0260K967 (date, time, intensity of shelling, damage to civilian property and UAF positions); 026K956 (date, time, intensity of shelling, damage to civilian property and means of attack). Photos at [фото-видео > школа > 02014] show damage to school property. Video [IMG_0082.MOV] shows crater analysis near school demonstrating that shelling came from Almazna (LPR). Photos and videos at [фото-видео] show damage to civilian property.
- 323 Witness statements: 0260K966, 0260K968 (time, intensity of shelling, damage to civilian property and casualties); 0260K1057 (day, time, intensity of shelling, damage to civilian property and casualties); 0260K967 (date, time, intensity of shelling, damage to civilian property and UAF positions); 026K956 (date, time, intensity of shelling, damage to civilian property and UAF positions); 026K956 (date, time, intensity of shelling, damage to civilian property and method of shelling). Videos at [фото-видео > школа > школа 2015] show damage to school property. Video [IMG_0082.MOV] shows crater analysis near school demonstrating that shelling came from Almazna (LPR). Photos and videos at [фото-видео] show damage to civilian property.
- 324 Witness statement: 0260K1058 (date, time, intensity of shelling, damage to civilian property). Photos in folder [обстрелы 2016-17 > решетарь фото разрушений] show damage to civilian property and craters.
- 325 Witness statement: 0260K929 (date, time, intensity of shelling, damage to civilian property). Photos in folder [обстрелы 2016-17 > Серокурова] show damage to civilian property and craters. Video [IMG_0097.MOV] show crater analysis demonstrating origin of shelling.
- 326 Witness statement 0260K968 (damage to civilian property) .Video evidence [IMG_0083.MOV, IMG_0084.MOV, IMG_0085. MOV, IMG_0088.MOV, IMG_0089.MOV, IMG_0090.MOV] and Photo evidence [MG_0086.JPG, IMG_0087.JPG] - show damage to civilian property and crater analysis demonstrating origin and method of shelling.
- 327 Witness statement: 0260K968 (dates of shelling and damage to civilian property).

IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute. Furthermore, liability of LPR attackers should also be considered under Article 8(2)(b)(ix) or Article 8(2)(e)(iv) of the ICC Statute – attacks directed at educational and medical facilities.

4.8 Marjinka³²⁸

137. The information and analysis provided below is based on documentation by Truth Hounds Documentation Field Mission on behalf of the Authors, conducted in the course of five on-site visits to Marjinka on 11-12 September 2016, 16-19 December 2016, 26 February 2017, 04-06 June 2017 and 13 July 2017. The documenters interviewed a total of 22 witnesses and documented 23 impact sites.

4.8.1. TARGETED AREA

- 138. Marjinka is a settlement of about 9,500 civilians,³²⁹ situated on the contact line between UAF and DPR forces³³⁰ the *de facto* border separates Marjinka and the adjoining DPR-controlled village of Oleksandrivka on its eastern outskirts. To the northwest, Marjinka borders Petrovskyi district, a DPR stronghold. DPR forces briefly took control of Marjinka from mid-April until August 2014. The town was recaptured by the UAF on 5 August 2014. The settlement is situated approximately 23km west-southwest of the centre of Donetsk City.
- 139. A major UAF-DPR checkpoint is located to the south of the settlement (Ln 231). Other UAF checkpoints are located along or in close proximity to the contact line (Ln 227, 334), and UAF forces regularly patrol the line itself. A UAF base is located on the southern outskirts (Ln 225), and another on the northern outskirts of the settlements (Ln 229). A DPR military base is located 400 meters away from the closest civilian dwelling in Marjinka (Ln 228).

4.8.2. DESCRIPTION/OVERVIEW OF ATTACK

- 140. As part of its push to regain control over separatist-captured territory, the UAF attacked Marjinka using heavy artillery from its positions in Pobyeda³³¹ and Konstantinovka³³² in July and early August 2014. Four civilians died and civilian residences (Ln 59) and a school (Ln 240) were badly damaged as a result of MLRS Grad attacks by the UAF on 11 July 2014, 19/21 July 2014 and early August 2014.³³³
- 141. After the town's recapture by the UAF, DPR forces stationed in Oleksandrivka and Petrovskiy district regularly attacked Marjinka using artillery, tanks and machine guns. DPR artillery attacks on 7 January 2015 resulted in the destruction of civilian property (Ln 242) some 430 meters from the nearest UAF position (Ln 229).³³⁴ On 25 January 2015, a DPR artillery attack damaged a school (Ln 240) located 450m from the nearest UAF base.³³⁵ On 2 May 2015, an AK-47 fired from Oleksandrivka killed a civilian on his own property situated

³²⁸ Case file N018 > Pics, location map: Marjinka.jpg

³²⁹ Державна служба статистики України, 'Чисельність наявного населення україни на 1 січня 2017 року', 09 June 2017, available at: *http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ_new1/2017/zb_chnn_0117.pdf* (last accessed 25/11/2017)

³³⁰ Geolocation coordinates: 47056'24" N 37030'20" E

³³¹ Geolocation coordinates: 47054'53" N 37027'40" E

³³² Geolocation coordinates: 47052'07" N 37024'20" E

³³³ Witness statements: 0134K1012 (date, time, damage to civilian property and casualties); 0134K1013 (date, time, origin and means of attack); 0134K954 (date, time of attacks, damage to civilian property); 0134920 (date, time, intensity of attacks, damage to civilian property). Video evidence: [IMG_1569.MOV] - demonstrates impact site and shell remains. Documentary evidence: [Акт - школа лето 2014.doc] - describes damage to school property. Photos in folder 'Школа 1' show damage to school property.

³³⁴ Witness statement: 0134K922 (date, time, intensity of attack, damage to civilian property and casualties).

³³⁵ Witness statement: 0134K954 (date, damage to civilian property). Document [Акт - школа зима 2015.doc] - describes damage to school property. Photos in folder 'Школа 1' show damage to school property.

some 800 meters from the nearest UAF position.³³⁶ From 3 June 2015, DPR forces made several unsuccessful attempts to recapture Marjinka, killing at least 28 people (including 9 civilians).³³⁷ The documented attacks resulted in civilian deaths, injuries and damage to civilian property, however all impact sites documented by the Authors were located in close proximity to UAF positions.³³⁸

- 142. In the autumn of 2016, a new round of attacks on Marjinka from DPR-controlled territory resulted in further civilian injuries and damage to civilian infrastructure. Many of these attacks targeted the numerous UAF positions situated on or near the contact line.³³⁹ Nevertheless, a 120mm artillery shelling on 16 August 2016 resulted in the destruction of a civilian residence (Ln 232) located some 500m from a UAF base (Ln 225).³⁴⁰ On 30 August 2016, another DPR artillery attack resulted in the destruction of three civilian residences (Ln 226) located 1km from the nearest UAF position (Ln 227).³⁴¹ On 14 November 2016, school N. 1 (Ln 240) was once again hit by DPR-launched 122mm mortar shells.³⁴² At the time, the school was 620m away from the nearest UAF position (Ln 225). The school was attacked once again in June 2017, this time with an automatic machine gun fired from DPR-controlled Oleksandrivka.
- 143. On 2 February 2017 at 7:30pm, a residential quarter in the northwest of Marjinka was attacked from DPR positions to the east, using small-calibre artillery. The attack resulted in damage to civilian property on Pervomayska and Horkoho streets (Ln 7-11).³⁴³ Analysis of the impact site and shell fragment recovered from the site³⁴⁴ indicates that the attack was conducted using 30mm BMP-2 cannon. At the time of the attack, a UAF base was located approximately 1km from the impact site and the closest UAF firing position was approximately 1,4km away (Ln 229).

4.8.3. LEGAL ASSESSMENT

144. Despite Marjinka being an active conflict area in light of its location on the contact line, civilians who have the misfortune of living there are entitled to the protection of international humanitarian law and, crucially, the principle of distinction. The number and density of UAF combatants in Marjinka would render prosecutions for most of the documented attacks difficult. Nevertheless, a number of attacks that resulted in injury to civilians and destruction of civilian objects go beyond the lawful parameters of 'incidental loss'.

³³⁶ Witness statement: 0134K1015 (date, time, nature of attack and casualty).

³³⁷ OSCE, Spot report by the OSCE Special Monitoring Mission to Ukraine (SMM), 3 June 2015: Fighting around Marinka', 4 June 2015, available at: *http://www.osce.org/ukraine-smm/162116* (last accessed: 3/11/2017); Witness statements: 0134K1016 (date, intensity of attacks and damage to property); 0134K953 (location of UAF base); N003K1064 (date, time of attacks, damage to civilian property); N003K1065 (date, time of attacks, intensity, means, damage to civilian property). Videos and photos in folder [damage] - show damage to civilian property. Videos and photos in folder [shell-remains] - show measurement of the shell that hit house.

³³⁸ Witness statements: 0134K1014 (date, time, intensity of attack, damage to civilian property and casualties). Photos in folder 'Клименко' are the death certificates of killed baby; Witness statement: 0134K1020 (date, time, damage to civilian property and origin of attack). Photos [WP_20170226_09_45_05_Pro.jpg, WP_20170226_09_44_52_Pro.jpg, WP_20170226_09_44_34_ Pro.jpg, WP_20170226_09_44_28_Pro.jpg] - are the act of fire incident. Photos [from WP_20170226_10_04_18_Pro.jpg to WP_20170226_10_03_22_Pro.jpg] - show damage to civilian property.

³³⁹ See Case File 134 – attacks on 26 January 2015, 16 June 2015, 10 August 2016, 23 August 2016, 14 December 2016, 18 December 2016.

³⁴⁰ Witness statement: 0134K1012 (date, time, intensity of attack, damage to civilian property); 0134K1018 (date and damage to civilian property). Photos in folder 'Заводская 22' - show damage to civilian property.

³⁴¹ Witness statement: 0134K1011 (date, time, intensity of attack, damage to civilian property, means and origin).

³⁴² Witness statement: 0134K954 (date, time, intensity of attack, damage to civilian property. Photo [IMG_0559.JPG] - shows shell remains. Videos [IMG_0562.MOV, IMG_0561.MOV, IMG_0560.MOV] - show damage to civilian property and demonstrate origin of the attack.

³⁴³ Witness statement: 0134K922; Video of impact site: WP_20170226_11_38_28_Pro.mp4, WP_20170226_11_43_19_Pro.mp4, IMG_1584.MOV, IMG_1585.MOV, IMG_1586.MOV, IMG_1589.MOV; Photo of impact site: WP_20170226_11_37_25_Pro.jpg, WP_20170226_11_37_29_Pro.jpg

³⁴⁴ Video of impact site: WP_20170226_11_43_19_Pro.mp4

- 145. UAF attacks in July and early August 2014 merit further investigation to establish the location of DPR positions at the time of the attacks. The UAF weapon of choice MLRS Grad is highly inaccurate and therefore inherently indiscriminate when used in densely populated areas. Serious questions remain as to the suitability and proportionality of using this type of weapon in urban warfare in eastern Ukraine.
- 146. Although the majority of DPR attacks on Marjinka throughout 2015 and 2016 were aimed at legitimate UAF targets, a number of attacks documented above veered beyond the lawful limit of 'incidental loss'. The Authors submit that all artillery attacks on civilian objects located 400m or more from known UAF positions attacks intentionally directed at civilians and/or civilian objects were in violation of Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute.
- 147. The attacks that took place on 2 February 2017 targeted a civilian residential area, situated at a distance of 1km from the nearest UAF military objective. The BMP-2 cannon used to perpetrate the attack has a range of 4km and an accuracy range well below 1km when stationary. Consequently, it may be inferred that DPR forces responsible for launching this attack either intended to direct the attack against the civilian area, or alternatively failed to take measures to discriminate between civilian objects and military targets, in violation of Article 8(2)(b)(i)/(ii) or Article 8(2)(e)(i) of the ICC Statute.

4.8.4. CONCLUSION

148. In light of the foregoing, the Authors recommend that those responsible for launching attacks on civilians and civilian objects in Marjinka from July 2014 to June 2017, targeting areas situated more than 400 meters away from legitimate UAF targets, should be identified and prosecuted under Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC). Furthermore, the liability of DPR forces responsible for the attacks against schools and kindergartens should also be considered under Article 8(2)(b)(ix) or Article 8(2)(e)(iv) of the ICC Statute – attacks directed at educational facilities.

4.9 Stanytsia Luhanska – Valuiske³⁴⁵

149. The information and analysis provided below is based on documentation by Truth Hounds Documentation Field Mission on behalf of the Authors, conducted in the course of three on-site visits to Stanytsia Luhanska and Valuiske on 1-6 November 2015, 16-19 December 2015, 07 April 2016. The documenters interviewed a total of 35 witnesses and documented 19 impact sites. 4.9.1 Targeted Area

4.9.1. TARGETED AREA

- 150. Stanytsia Luhanska is a settlement of 13,700 inhabitants³⁴⁶ located on Ukraine-controlled territory in Luhansk Province.³⁴⁷ The town is situated approximately 15km from LPR-controlled Luhansk City to the southwest (8km between the nearest buildings), and 17km from the closest marker on Ukraine-Russian border. The south and southwest edge of Stanytsia Luhanska is between 500m and 1.5km from Seversky Donets River that forms the contact line between UAF and LPR forces since August 2014. Stanytsia Luhanska was briefly occupied by LPR separatists from April 2014 but returned to UAF control on 21 August 2014. The villages of Makarove and Valuiske are located to the east-north-east of Stanytsia Luhanska and form one continuous semi-urban settlement with Stanytsia Luhanska.
- 151. At the time of the July 2014 attack, the only known military objectives in or around the settlement were

³⁴⁵ Case file N018 > Pics, location map: Stanytsia.jpg

³⁴⁶ Державна служба статистики України, 'Чисельність наявного населення україни на 1 січня 2017 року', 09 June 2017, available at: http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ_new1/2017/zb_chnn_0117.pdf (last accessed 25/11/2017)

^{347 108} Geolocation coordinates: 48038'44" N 39029'33" E

an LPR checkpoint on the bridge over the Seversky Donets River (Ln 516), situated approximately 530m from the southwest edge of the settlement and 3,7km from the impact sites on and around Ostrovskogo street (Ln 517), as well as the LPR base in the police headquarters building (Ln 518). Following the UAF takeover of the town, a UAF checkpoint and infantry armoured vehicles firing position were located on the southeast edge of town at the intersection of Schevchenko and Moskva-Donbass streets (Ln 519). There are no known military objectives in Valuiske – the closest UAF position is located at a distance of 2,5km from the settlement (Ln 520).

4.9.2. DESCRIPTION/OVERVIEW OF ATTACKS

- 152. On 2 July 2014 two SU-25 Ukrainian combat aircraft flew over Stanytsia Luhanska dropping unguided rockets onto the town's police headquarters (Ln 518) and civilian residences on Ostrovskogo Street (Ln 517).³⁴⁸ Witnesses identify the SU-25 aircraft as belonging to Ukrainian air forces and confirm that missiles originated from these aircraft.³⁴⁹ Video taken directly after the attack shows missile remnants from the attacks, which fit the specification of SU-25 payload.³⁵⁰ Witnesses confirm that there were no LPR combatants at the police station or targeted civilians residences on the day of the attack.³⁵¹ As a result of the attack, 11 civilians lost their lives, 16 were seriously injured³⁵² and 11 civilian residences were badly damaged or destroyed.³⁵³
- 153. As they lost control over the settlement, LPR separatist forces launched an MLRS Grad attack on Kalinina and Krupskoy streets (Ln 521 residential area on the southern edge of town approximately 1km from the nearest UAF position) on 18 August 2014. The attack resulted in the deaths of four civilians.³⁵⁴ Following the recapture of Stanytsia Luhanska by the UAF on 21 August 2014, the settlement came under sustained artillery attack from LPR positions. On 24 August 2014, the town was shelled resulting in three civilian injuries.³⁵⁵ On the same day, the town's hospital (Ln 522) was shelled with at least 22 mortar shells (122mm calibre), damaging the building and injuring three staff members.³⁵⁶ The hospital was located approximately 2.5km from the nearest UAF position at the time of the attack, but may have been visited by a company of UAF soldiers several hours prior to the attack.³⁵⁷ On 29 August 2014, the town was shelled again using MLRS Grad missiles from the direction of LPR-controlled Nikolayevka,³⁵⁸ resulting in damage to civilian property.³⁵⁹
- 154. On 2 September 2014, an MLRS Grad attack originating from LPR-controlled Vesela Hora and/or Krasniy Yar resulted in the demise of six civilians and the destruction or damage to dozens of civilian properties on Shevchenko, Moskva-Donbass, Barabashova and Karl Marx streets (Ln 525).³⁶⁰ The shelling also resulted in the partial destruction of school n.2 (Ln 524) and a forestry museum (Ln 523).³⁶¹ A UAF checkpoint and infantry armoured vehicle firing position was located on the southeast edge of the town at the intersection of Schevchenko and Moskva-Donbass streets (Ln 519),³⁶² between 300m and 1km away from the impact

- 353 Witness statements: 0204K809, 0204K813, 0204K799, 0204K797, 0204K826; Video and photos of impact sites: Videos DSC_0133.MOV, DSC_0134.MOV, DSC_0135.MOV, DSC_0121.MOV, DSC_0122.MOV; DSC_0102.JPG-DSC_0120.JPG, DSC_0123. JPG-DSC_0131.JPG.
- 354 Witness statement: 0204K802.
- 355 Witness statements: 0204K811, 0204K807.
- 356 Witness statements: 0204K825, 0204K812, 0204K814, 0204K826; Video and photos of impact site.
- 357 Witness statement: 0204K814.
- 358 Geolocation coordinates: 48035'28" N 39031'02" E
- 359 Witness statements: 0204K817, 0204K818, 0204K824; Video of impact site: DSC_0025.MOV.
- 360 Witness statements: 0204K805, 0204K799, 0204K823, 0204K802,0211K870; Photos and videos of impact site: DSC_0001. JPG DSC_0086.JPG.
- 361 Witness statement: 0204K980
- 362 Witness statement: 0204K818; 0204K798]

³⁴⁸ Witness statements: 0204K804; 0204K817; 0204K798; 0204K820; 0204K816; 0204K802

³⁴⁹ Witness statements: 0204K816, 0204K813.

³⁵⁰ SU25-evidence.3gp

³⁵¹ Witness statement: 0204K822.

³⁵² Witness statement: 0204K825

sites. Sporadic artillery and mortar attacks on Stanytsia Luhanska from LPR-controlled territory took place throughout January 2015, damaging civilian housing and a school.³⁶³

155. Civilian objects in Valuiske – residential blocks and a kindergarten (Ln 526) – were hit in a series of mortar and MLRS Grad attacks on 18 October 2014, 4 December 2014, 15 February 2015 and 22 August 2015. The attacks, originating from LPR-controlled territory across the Siversky-Donets River, resulted in at least one civilian being seriously injured and the damage and/or destruction of civilian property. All impact sites were located at least 1km away from the nearest UAF position.³⁶⁴

4.9.3. LEGAL ASSESSMENT

- 156. At the time of the July 2014 UAF attack, there were no LPR combatants or military equipment inside Stanytsia Luhanska the closest LPR position being at least 2km away. It is conceivable that the attack by UAF aircraft, particularly on the police headquarters building, was conducted under the assumption that LPR combatants were still in the building. As a result, it may be argued that the attack was not intentionally directed at civilians and civilian objects. However, this attack was clearly not based on sound intelligence of LPR combatant positions in the settlement. Moreover, the use of unguided missiles launched from assault aircraft on a densely populated urban area implies that the UAF had no intention of discriminating between any potential LPR combatants and civilians in the area. Therefore, as a minimum, in perpetrating this attack, the UAF displayed a total absence of proportionality between anticipated incidental harm to civilians and the military advantage sought in violation of Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute.
- 157. Artillery and mortar attacks on civilian areas by LPR separatists during and after the UAF recapture of Stanytsia Luhanska and Valuiske also demonstrate a marked absence of ability or desire to discriminate between military objectives and civilian objects. Instead, these attacks bare the hallmark of reprisals for the loss of territory. Distances between UAF positions and impact sites range from 300m to 2.5km. Whereas it may be argued that hits on civilian areas within 400m of UAF infantry armored vehicle launch sites constitute proportionate incidental collateral damage to the military objective sought, any damage and injury caused beyond that distance demonstrates the attackers' unwillingness or inability to discriminate between civilians and combatants either in their choice of weaponry or in the way they use it. Therefore, attacks that caused damage to civilian areas beyond the acceptable accuracy range should be regarded as a failure to discriminate between anticipated incidental harm to civilians and the military advantage sough in violation of Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute.

4.9.4. CONCLUSION AND RECOMMENDATIONS

- 158. In light of the foregoing, the Authors recommend that those responsible for the intentional UAF attack on civilians and civilian objects in Stanytsia Luhanska on 2 July 2014 should be identified and prosecuted under Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute.
- 159. Likewise, the Authors recommend that those responsible for the intentional LPR attacks on civilians and civilian objects located 400m and beyond UAF artillery positions in Stanitsia Luhanska in August-September 2014 and January 2015, should be identified and prosecuted under Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2) (e)(i) (in NIAC) of the ICC Statute.
- 160. Furthermore, the liability of LPR forces responsible for the attacks on schools and hospitals should also

³⁶³ Witness statements: 0204K805 (attack on 9 January 2015); 0204K802, 0204K822 (attack on 24 January 2015); 0204K964, 0204K822 (attack on school on 26 January 2015); 0204K802, 0204K822 (attack on 31 January 2015).

³⁶⁴ Witness Statement: 0211K870 (date, timing, direction and intensity of shelling, damage to property and casualties).

be considered under Article 8(2)(b)(ix) or Article 8(2)(e)(iv) of the ICC Statute – attacks directed at educational and medical facilities.

4.10 Svitlodarsk - Luhanske³⁶⁵

 The information and analysis provided below is based on documentation by Truth Hounds Documentation Field Mission on behalf of the Authors, conducted in the course of three on-site visits to Svitlodarsk on 28-30 December 2016, 12-16 and 28 March 2017. The documenters interviewed a total of 18 witnesses and documented eight impact sites.

4.10.1. TARGETED AREA

- 162. Svitlodarsk is a small urban settlement located in the Ukraine-controlled part on Donetsk Province on the banks of the Luhan River,³⁶⁶ with a population of 12,000 civilians.³⁶⁷ The town is adjoined by the settlement of Luhanske to the north, with a population of 2200 civilians.³⁶⁸ The settlements are situated 14km from DPR-controlled Vuhlehirsk, 18km from the strategic city of Debaltseve and 20km from the DPR stronghold of Horlivka.
- 163. Svitlodarsk and Luhanske are encircled by UAF positions (Ln 276, 282, 274, 275, 289) the distance between UAF positions and civilian objects in Svitlodarsk and Luhanske ranges from 2.5km to 5km. There are no known UAF objectives inside the two settlements. In February 2015, DPR forces were stationed 4km from the centre of Svitlodarsk (Ln 526).

4.10.2. DESCRIPTION/OVERVIEW OF ATTACKS

- 164. F rom 24 January 2015 to 29 January 2015 the area was subject to intense shelling campaign by DPR forces usingMLRS Grad and mortars . In Svitlodarsk, this resulted in severe damage to a hospital (Ln 280), kindergarten (Ln 283), school (Ln 284) and a number of civilian commercial and residential properties. A nurse was killed as a result of the attack on the hospital.³⁶⁹ In Luhanske, a hospital, kindergarten and several civilian properties were severely damaged in the shelling, resulting in the death of three civilians and injuries to two others.³⁷⁰ UAF positions were located at a distance of 2.5km and 5km from the impact sites.
- 165. Svitlodarsk was again attacked by DPR forces on 9 February 2015, injuring three civilians and resulting in the destruction of a shop (Ln 277) and civilian residences.³⁷¹ A DPR attack on 13 February 2015 resulted in the

³⁶⁵ Case file N018 > Pics, location map: Svitlodarsk.jpg

³⁶⁶ Geolocation coordinates: 48026'03" N 38013'13" E

³⁶⁷ Державна служба статистики України, 'Чисельність наявного населення україни на 1 січня 2017 року', 09 June 2017, available at: *http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ_new1/2017/zb_chnn_0117.pdf* (last accessed 25/11/2017)

³⁶⁸ Державна служба статистики України, 'Чисельність наявного населення україни на 1 січня 2017 року', 09 June 2017, available at: http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ_new1/2017/zb_chnn_0117.pdf (last accessed 25/11/2017)

³⁶⁹ Witness statements 0237K963 (date, time, intensity of shelling, damage to civilian property and casualties); 0079K1092 (date, time, intensity of shelling, damage to civilian property); 0079K1093 (date, time, intensity of shelling, damage to civilian property); 0079I094 (date, time, intensity of shelling, damage to civilian property); 0079I094 (date, time, intensity of shelling, damage to civilian property); 0237K1040 (date, time, intensity of shelling, means, damage to civilian property); 0237K963 (date, time, intensity of shelling, damage to civilian property); 0237K1040 (date, time, intensity of shelling, means, damage to civilian property); 0237K963 (date, time, intensity of shelling, damage to civilian property); 0237Л1044 (date, time, intensity of shelling, damage to civilian property). Photos [IMG_0628.JPG, IMG_0627.JPG] - show damage to hospital; Photos [IMG_0627.JPG, IMG_0628.JPG] - show damage to the property of hospital.

³⁷⁰ Witness statements 0238K1046 (date, time, intensity of shelling, damage to civilian property and casualties); 0238K1047 (casualties and time of incident; 0238K1049 (date, time of shelling, damage to civilian property and casualties). Videos [IMG_0664.MOV, IMG_0663.MOV] - show damage to civilian property.

³⁷¹ Witness statement: 0237K1040 (date, time, intensity of shelling, means, damage to civilian property; 0237K960 (damage to civilian property); 0237K1041 (date, time, origin, damage to civilian property and casualties); 0237K1043 (time, intensity of shelling, damage to property, casualties). Video [V70316-115859.mp4] - shows damage to civilian property.

partial or total destruction of a shop, four residential blocks, a school and a kindergarten.³⁷² A further attack was documented on 23 December 2016, in which a hospital (Ln 280), market (Ln 288), fire station and several residential properties were hit.³⁷³ During all of the above cases, UAF positions were located at a distance of 2.5km and 5km from the impact sites.

166. On 19 February 2015, during a standoff between UAF and DPR forces, a shell fired from UAF-controlled territory in Mironivka landed on a civilian residential property in Svitlodarsk, injuring two civilians. The nearest DPR position at the time of the attack was 4km away (Ln 526).

4.10.3. LEGAL ASSESSMENT

167. At the time of all above-documented attacks, there were no UAF troops or positions in Svitlodarsk and Luhanske, giving them the status of undefended civilian settlements. The fact that a UAF base, checkpoint and firing positions encircled the settlement at distances of 2.5km to 5km from the nearest civilian object does not change the status of the settlements. At such distances, there is no excuse for failing to distinguish between military and civilian objects. Thus, MLRS Grad and mortar attacks perpetrated on the settlements on 24 January to 29 January 2015, 9 February 2015 and 13 February 2017 presented no concrete military advantage to DPR forces and served no legitimate military objective – a grave violation of the principle of distinction. Similarly, with the nearest DPR position being 4km from the settlements, the 19 February 2015 artillery attack by the UAF was in violation of the principle of distinction. Consequently, the attacks can be qualified as attacks intentionally directed at civilians and/or civilian objects – in violation of Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) of the ICC Statute.

4.10.4. CONCLUSION

168. In light of the foregoing, the Authors recommend that those DPR and UAF combatants responsible for launching attacks on civilians and civilian objects in Svitlodarsk and Luhanske in January and February 2015, should be identified and prosecuted under Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC). Furthermore, the liability of DPR forces should also be considered under Article 8(2)(b)(ix) or Article 8(2)(e)(iv) of the ICC Statute – attacks directed at educational and medical facilities.

4.11 Other documented attacks

169. The Authors have documented further attacks on civilian objects, which may amount to war crimes under the ICC Statute as direct or indiscriminate attacks on the civilian population. Due to the comparatively small volume or frequency of documented attacks on specific settlements, the Authors have chosen to present their evidence of these attacks in table form. This is not intended to detract for the seriousness of these attacks, nor in any way suggest a lesser criminal liability of those responsible.

Witness statements: 0237K958 (date, time, intensity of shelling, damage to civilian property); 0237K1040 (date of shelling); 0237K960 (damage to civilian property); 0237K959 (origin, damage to civilian property, date, time, intensity of shelling); 0237K1042 (date, time, damage to civ property, origin); 0237K962 (date, time, damage to civ property); 0137K957 (date, time, intensity of shelling, damage to civilian property); 0237K956 (date, time, intensity of shelling, damage to civilian property); 0237K956 (date, time, intensity of shelling, damage to civilian property). Videos [V70316-110452.mp4, V70317-143558.mp4] - crater analysis. Video [V70316-111409.mp4] - demonstrates means of shelling and N-E direction of shelling. Video [V70315-151629.mp4] - demonstrates that multi-storey 47 (P286) was damaged from the DPR-controlled territory. Video [20170317_142844.mp4] - show damage to kindergarten. Video [20170315_144435. mp4] - demonstrates that shelling was conducted also with 122-mm mortar. Video [20170315_141651.mp4] - show origin of shelling from DPR.

³⁷³ Witness statements: 0237K963 (date, damage to civilian property); 0237K1044 (date, time, intensity of shelling, damage to civilian property); 0237K1045 (date, time, intensity of shelling and damage to civilian property); 0238K976 (date, timing, intensity of shelling, damage to civilian property). Video [MOV_0069.mp4] - demonstrates that shell came from DPR-controlled territory and also method of shelling. Video [IMG_0608.mp4] - shows damage to market and method of shelling.

4.11.1. TABLE OF OTHER ATTACKS DOCUMENTED BY THE AUTHORS

EVIDENCE	<u>Witness statement:</u> 0204K813 (date, timing, origin, method, damage and casualties).	 <u>Witness statements</u>: 0221K872 (timing and intensity of shelling, damage to property and her injuries; 0221K873 (date, timing, intensity of shelling, damage to property and casualties); 0221K847 (date, timing and intensity of shelling, damage to property and casualties; 0221K982 (time, intensity of shelling, intensity, casualties; 0221K984 (date, timing, intensity, casualties); 0221K984 (date, timing, intensity, casualties); 0221K9871 (timing, direction and intensity, casualties and damage); 0221K9871 (timing, direction and intensity, casualties); 0221K871 (timing, intensity, casualties); 0221K873 (timing, intensity, casualties); 0221K871 (timing, intensity, casualties); 0221K871 (timing, direction and intensity, of shelling, casualties); 0221K873 (timing, intensity, casualties); 0221K873 (timing, intensity,
LEGAL ASSESSMENT	Attack intentionally directed at civilians and/ or civilian objects in violation of Article 8(2)(b) (i)/(ii) in IAC and Article 8(2)(e)(i) in NIAC.	Lack of proportionality between anticipated incidental harm to civilians/civilian objects/ the environment and the military advantage sought in violation of Article 8(2)(b)(iv); Possible attack directed against medical facilities under Article 8(2)(b)(iv). or Article 8(2)(e)(iv).
OUTCOME	Doctor sustained injuries to both legs. Vehicle damaged from shrapnel.	Damage to hospital, church and civilian residences. Four civilians wounded.
MEANS/ METHOD	Mortar attack on vehicle from Ukraine- controlled territory. Once vehicle passed LPR checkpoint mortar fire began to follow the vehicle until it reached a turning.	Mortar and MLRS Grad attacks on civilian objects from DPR- controlled territory.
IMPACT SITE	Ambulance vehicle travelling on Road P22 between Stanytsia Luhanska and Luhansk City (attack began after vehicle passed LPR checkpoint)	Novomykhailivka (Ukraine- controlled part of Donetsk Province) - hospital, church and civilian residences. Nearest UAF firing position was 400- 500 meters from impact sites.
DATE/TIME	28 November 2014	6 December 2014; 29 October 2014; 8 February 2015; 18 July 2016.
CASE FILE	204	211/221

Witness statements: 0246K1051 (date, time, intensity of shelling, damage to civilian property and casualties); 0246K1052 (date, timing of shelling, damage to civilian property); 0246K1053 (date, timing of shelling, damage to civilian property and casualties); 0246K1050 (date, time, intensity of shelling, damage to civilian property and casualties) Videos and photo evidence [IMG_0545. MOV, IMG_0546.JPG, IMG_0547. MOV, IMG_0546.JPG, IMG_0547. MOV] - show damage to kindergarten and demonstrate origin of the attack; fIMG_0552.JPG] - show remains of Grad rocket; [IMG_0549.MOV] - shows impact hole demonstrating origin of the attack. All photos and videos in folder show damage to civilian property.	Witness statement: N006K1068 (date, time, intensity of shelling, damage to civilian property). Video evidence: [Железное (Артемово)_ школа №13.mp4] - show damage to school and crater analysis demonstrating origin of the attack.	<u>Witness statement</u> : N009K1071 (date, time, intensity and damage).
Attack intentionally directed at civilians and/ or civilian objects OR failure to discriminate between civilian and military objects in violation of Article 8(2)(b) (i)/(ii) in IAC and Article 8(2)(e)(i) in NIAC.	Attack intentionally directed at civilians and/ or civilian objects in violation of Article 8(2)(b) (i)/(ii) in IAC and Article 8(2)(e)(i) in NIAC and/or attack directed against educational facilities under Article 8(2)(e)(iv).	Attack intentionally directed at civilians and/ or civilian objects in violation of Article 8(2)(b) (i)/(ii) in IAC and Article 8(2)(e)(i) in NIAC and/or attack directed against educational facilities under Article 8(2)(b)(ix) or Article 8(2)(e)(iv).
Two civilians dead; Three civilians injured; Damage to kindergarten; Damage to farm; Damage to over 100 civilian residences.	Severe damage to school structure; Damage to civilian residences	Damage to kindergarten
MLRS Grad attacks on civilian objects from DPR-controlled territory.	Artillery attack from DPR-controlled territory.	82mm mortar attack (exact origin unknown)
Novotroitske (Ukraine- controlled part of Donetsk Province) - kindergarten (Ln 295), farm (Ln 291), civilian residences. Nearest UAF positions (Ln 294, 292, 293) between 600m and 1.3km from impact sites.	Zalizne (Ukraine-controlled part of Donetsk Province)- school (Ln 328) and civilian residences. The nearest UAF position was located 1.43km away from impact sites (Ln 329).	Novgorodske (Ukraine- controlled part of Donetsk Province) - kindergarten (Ln 332) in. Nearest UAF position was located 2.36km from impact site (Ln 316).
18 and 20 October 2014	3 August 2014; 8 December 2014; 29 April 2015; 13 August 2015.	19 December 2015
246	9 Z	6 Z

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Witness statements: N012K1079; N012K1080 (date, time, intensity of shelling and casualties); N012K1081 (date and casualties). Photo evidence: [IMG_1209.JPG] - shows injury.	 Witness statements: N012K1082 (date, time, intensity of shelling, damage and casualties); N012K1083 (date, time, damage and casualties); N012K1083 (date, time, origin and intensity of shelling, casualties. WI_Ideo evidence: [WVI_1441.MOV] - shows damage to school property. Photos damage to school property. Photos [jpg, Чермалык. Детский сад_след осколков.] jpg, Чермалык. Детский сад_след осколков. Jideo evidence: [WVI_1941.MOV] - shows damage to school property. Photos damage to school property. Photos in pipg, Чермалык. Детский сад_след осколков.] jpg, Чермалык. Детский сад_след осколков.] Show damage to civilian property and documents of death. 	Witness statements: 0227K924, 0227K925, 0227K926, 0227K1036 (date, time, intensity of attack, damage to civilian property, casualties and origin of attack); 0227K1034 (date, time, intensity of attack, damage to civilian property and casualties). <u>Video evidence</u> : [IMG_0191.MOV] - show method, origin of attack. Video [IMG_0190.MOV] - show damage to civilian property.
Attack intentionally directed at civilians in violation of Article 8(2) (i) in IAC and Article 8(2) (e)(i) in NIAC.	Attack intentionally directed at civilians and/ or civilian objects in violation of Article 8(2)(b) (i)/(ii) in IAC and Article 8(2)(e)(i) in NIAC and/or attack directed against educational facilities under Article 8(2)(e)(ix) or Article 8(2)(e)(iv).	Lack of proportionality between anticipated incidental harm to civilians/civilian objects/ the environment and the military advantage sought in violation of Article 8(2)(b)(iv).
Injured civilian.	One civilian dead, two injured; Damage to kindergarten, school, agricultural school and several civilian residences.	One civilian dead and one injured.
Mortar attack (exact origin unknown).	BPM-1 infantry vehicle cannon or similar from DPR-controlled territory.	AGS-15 grenade launcher and high calibre machine gun from LPR-controlled territory.
Zajtseve (Ukraine- controlled part of Donetsk Province) - field (Ln 345) in. Nearest UAF position was 970m from impact site (Ln 343).	Chermalyk (Ukraine- controlled part of Donetsk Province) - kindergarten (Ln 344), school, agricultural school (Ln 347) and civilian properties (Ln 345) in Nearest UAF position was 1.1km away (Ln 346; 348).	Zolote-4 (Ukraine- controlled part of Luhansk Province) – civilian residences (Ln 267, 266, 269). Nearest UAF position was a checkpoint between 300 and 500m away.
31 May 2015	8 November 2014; 24 April 2015; August 2015.	22 August 2016, 16 October 2016, 28 October 2016; 1 March 2017.
N12	E Z	227

Witness statement: 0228K1037 (date, time, intensity of shelling, damage to civilian property and casualties); 0228K1038, 0228K1039 (date, time, intensity of shelling, damage to civilian property, origin and casualties). <u>Video evidence</u> : [IMG_0049.MOV] - show shell remains. Video [IMG_0051.MOV] - show damage to civilian property Video [IMG_0063.MOV, IMG_0059.MOV] - show direction of shelling, Videos [IMG_0062. MOV, IMG_0061.MOV] - show damage to civilian property.	Witness statement:0261K1059 (date, time of shelling, damage to civilian property and casualties); 0261K1060 (date, time of shelling, damage to civilian property, casualties, origin and means of shelling). 0261K1061 date, time of shelling, damage to civilian property). <u>Photos</u> : at folder [8 mapra] - show damage to civilian property. <u>Videos</u> [IMG_0566.MOV, IMG_0564. MOV, IMG_0563.MOV] - show damage to civilian property, crater analysis.
Attack intentionally directed at civilians and/ or civilian objects in violation of Article 8(2)(b) (i)/(ii) in IAC and Article 8(2)(e)(i) in NIAC.	Attack intentionally directed at civilians and/ or civilian objects in violation of Article 8(2)(b) (i)/(ii) in IAC and Article 8(2)(e)(i) in NIAC.
Seven civilians injured; Civilian residences damaged.	One civilian dead; Five civilian houses damaged.
Artillery and/or mortar from DPR-controlled territory (Horlivka).	122mm mortar or artillery launched from DPR-controlled Horlivka.
Toretsk (Ukraine- controlled part of Donetsk Province) – civilian residences (Ln 270, 271). Nearest UAF position was 1.33km.	8 November 2016 Nearest UAF position was 1 km away (Ln 316).
8 August 2016; 29 August 2016.	8 November 2016
228	261

4.11.2 TABLE OF ATTACKS DOCUMENTED BY OTHER ORGANISATIONS

by the Authors. The Authors were not able to obtain access to these organisations' evidence in support of these findings. As a result, we are unable to conduct a 170. The UN Human Rights Office (OHCHR) and the OSCE Special Monitoring Mission (SMM) have observed a number of attacks in addition to those documented legal assessment of potential criminal liability connected to these events. Nevertheless, the events described below appear, on the face of it, to constitute direct or indiscriminate attacks on civilians and vital civilian infrastructure, and therefore merit further investigation by the ICC Prosecutor.

LOCATION/ EVENT	DATE	IMPACT ON CIVILIANS	OVERVIEW	SOURCE
Avdiivka Shelling on May 13	May 13 2017	4 people killed	On 14 May, the SMM reported that four people were killed after an artillery shell – fired from an area under Russian- led separatist control – exploded on a house in Avdiivka. Tragically, this latest instance of Russian-led forces shelling civilian targets left two small girls orphaned. The SMM reported on 13 May on the death of a non-combatant male while under medical care for wounds sustained in the conflict. Such attacks must stop. We call on Russia to stop attacks on the civilians and end this senseless violence.	OSCE, 'Ongoing Violations of International Law and Defiance of OSCE Principles and Commitments by the Russian Federation in Ukraine' <i><https: i="" ongoing-<="" osce.usmission.gov=""> <i>violations-international-law-defiance-osce-</i> <i>principles-russia-ukraine/> Accessed 26 July 2017.</i></https:></i>
Dokuchaievsk power station shelling	15-Apr-16	Damage to civilian objects crucial to the survival of the civilian population	In the Government controlled village of Stepne, residents have had no access to water since the local power station in Dokuchaievsk was damaged by shelling on 15 April 2016. Water pipes across territory controlled by the LPR have been severely damaged due to shelling, limiting access to water for the population.	OHCHR, 'Report on the Human Rights Situation in Ukraine 16 August to 15 November 2016' http://www.ohchr.org/ Documents/Countries/UA/UAReport16th_EN.pdf> Accessed 19 July 2017
Biuriuzove Street hospital shelling	24-Jun-16 and 23 Jul- 16	Hospital shelling while 60 patients receiving treatment	On 24 June 2016, the children's ward of a polyclinic on Biuriuzove Street in Donetsk city was shelled, breaking windows, damaging doors and the heating system. On 23 July 2016, Hospital No. 21 in Kuibyshevskii district of Donetsk city was under firefor two hours, while the hospital was attending to the medical needs of 60 patients. Two patient rooms and the surgical ward were severely damaged by mortar and automatic rifle fire, seriously affecting the hospital's capacity	OHCHR, 'Report on the human rights situation in Ukraine 16 May to 15 August 2016 ' <i><http: <="" i=""> <i>www.ohchr.org/Documents/Countries/UA/</i> Ukraine15thReport.pdf> Accessed 25 July 2017</http:></i>

S OSCE, 'Hardship for conflict-affected civilians in eastern Ukraine' <i><http: i="" www.<=""> oved <i>osce.org/ukraine-smm/300276?download=true></i> lilities Accessed 26 July 2017 rea.</http:></i>	hool OHCHR, 'Report on the human rights livka OHCHR, 'Report on the human rights 0 local situation in Ukraine 16 May to 15 August Lin 2016 ' <i><<u>http://www.ohchr.org/Documents/</u></i> HCHR Countries/UA/Ukraine15thReport.pdf> Accessed 25 is or in July 2017	re. OHCHR, 'Report on the Human Rights Sol Situation in Ukraine 16 August to 15 Irms November 2016' < <u>http://www.ohchr.org/</u> On Documents/Countries/UA/UAReport16th_EN.pdf> o. 77, Accessed 19 July 2017	e United Nations, 'Thousands of Civilians 24 Risk Losing Access to Basic Necessities icity as Fighting Escalates in Eastern Ukraine, facing press/en/2017/sc12704.doc.htm> Accessed 26 July ccess 2017	OHCHR, 'Report on the Human Rights Situation in Ukraine 16 August to 15 November 2016' <i><http: <="" i="" www.ohchr.org=""> It of 8 <i>Documents/Countries/UA/UAReport16th_EN.pdf></i> Jalties Accessed 19 July 2017</http:></i>
On 4 July the SMM recorded two explosions assessed as outgoing mortar rounds from a residential area in "DPR"- controlled Horlivka where the SMM had also observed two sets of fresh tracks indicating that the weapons had moved from a nearby industrial complex with large storage facilities to a potential firing position, then back to the storage area.	On the night of 9-10 July 2016, a school in Sakhanka, School No. 84 in Mykytivka in Horlivka, and School No. 7 in Horlivka were damaged by shelling. At the time, approximately 20 local residents were hiding in the basement of School No. 84 in Mykytivka. When visiting the schools in late July 2016, OHCHR did not observe any arms or fighters inside the buildings or in their vicinity.	Schools and educational facilities in the conflict zone continue to be damaged in shelling and exchanges of fire. Between 13 and 14 September, two schools in territory under 'Donetsk people's republic'-control were hit; School No. 44 in Makiivka was shelled, and bullets from small arms hit School No. 3 in Dokuchaievsk during the school day. On 4 October, School No. 2 in Government-controlled Marinka was shelled. The following day, on 5 October, schools No. 77, and kindergarten No. 154 suffered damage from a nearby explosion.	Around 1 million people in areas of Donetsk City outside Government control were left without water or heat for 24 hours following the shelling, which had damaged electricity and water systems, generating a "knock-on" effect on the heating supply. Temperatures were frigid, with civilians facing -20 degrees Celsius without adequate shelter, heat or access to water — all essential for survival.	On 27 October, the Maiorsk checkpoint was closed due to ongoing mortar shelling and exchanges of fire and in the evening another entry-exit checkpoint in Marinka was targeted by small arms fire and automatic grenade launcher. The same checkpoint was shelled on the night of 8 November, while civilians were queuing nearby. No casualties were reported.
Unspecified	20 local residents shelled while hiding in school	Unrecorded	1 million residents affected	No casualties reported
04-Jul-16	9-10 July 2016	13-14 September 2016 to 4 October 2016	Feb-17	27-Oct-16
Horlivka residential areas explosions	Mykytivka in Horlivka school shelling	Makiivka, Dokuchaievsk and Marinka School Shelling	Donetsk Water and heating cut from shelling	Maiorsk checkpoint shelling with civilians queuing nearby

OHCHR, 'Report on the human rights situation in Ukraine 16 November 2016 to 15 February 2017' < <u>http://www.ohchr.org/Documents/Countries/UA/</u> UAReport17th_EN.pdf>	OHCHR, 'Report on the human rights situation in Ukraine 16 November 2016 to 15 February 2017' < <u>http://www.ohchr.org/Documents/Countries/UA/</u> UAReport17th_EN.pdf>	OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2017 ' <i><http: <="" documents="" i="" www.ohchr.org=""> <i>Countries/UA/UAReport18th_EN.pdf></i> Accessed 24 July 2017</http:></i>
On 22 November 2016, damage to a water pipeline running through the 'no-man's land' left 40,000 residents of the Government-controlled town of Toretsk with no access to water for 10 days. Exchange of fire between Government forces in Avdiivka and the DPR armed groups in Yasynuvata repeatedly disrupted the services of the Donetsk Filter Station which serves 345,000 people on both sides of the contact line. Also, continuous shelling has obstructed the restoration of gas supplies for about 15,000 people living in the Government-controlled Marjinka and Krasnohorivka. The gas supply to the two towns stopped more than two years ago due to shelling damage.	In Donetsk region, shelling in January and February 2017 cut off the power supply to four water filtration stations and damaged water pipes, depriving 1.1 million residents on both sides of the contact line of access to water for periods of between one and three days, and compromised the sustainable supply of clean water to Mariupol city.	Indiscriminate shelling and the presence of Ukrainian Armed Forces and armed groups near water facilities in Donetsk region continued to have a detrimental impact on the supply of water on both sides of the contact line. The Donetsk Filtration Station, which serves 345,000 people1 in Avdiivka, Yasynuvata and parts of Donetsk, stopped operations six times during the reporting period due to renewed shelling and resulting damage. Each such incident resulted in water supply interruptions on both sides of the contact line and threatened the life and physical integrity of employees. Mariupol, where nearly 450,000 people currently reside, has been receiving insufficient water and relying on a natural back-up reservoir since January 2017 due to damage to the South Donbas water pipeline. Another concern is shelling in the vicinity of the First Lift Pumping Station of the South Donbas water pipeline. This facility is an essential part of water infrastructure as it supplies raw water to five filtration stations which, in turn, process water for over one million people living on both sides of the contact line, from Mariupol in the south to the northwestern border of Donetsk region.
40,000 residents left with no access to water for 10 days; 15,000 residents left with no central gas supply for two years.	1.1 million residents deprived of water	795,000 civilians dependent on water facilities
22-Nov-16	January and February 2017	January 2017 -
Water supply to Toretsk: Gas supply to Marjinka and Krasnohorivka	Donetsk indiscriminate shelling power and water supply cut	Donestsk Filtration System shelling and Mariupol water supply

OHCHR, 'Report on the human rights situation in Ukraine 16 February to 15 May 2017 ' <i><http: <="" documents="" i="" www.ohchr.org=""> <i>Countries/UA/UAReport18th_EN.pdf></i> Accessed 24 July 2017</http:></i>
On 10 April, in Dolomitne, where OHCHR observed the presence of armed groups close to residential houses, the home of an elderly couple was hit by a projectile and burned down. When visiting shelled areas in territory controlled by armed groups, OHCHR often noted fresh traces of heavy vehicles, indicating the recent presence of armed formations.
10-Apr-17
Dolomitne projectile home destruction

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4.12 Conclusion

- 171. The Authors have documented evidence of 134 episodes, which took place in 22 settlements on or in the vicinity of the 'contact line' between the UAF and separatist forces (DPR and LPR). The attacks resulted in at least 100 civilian deaths, 162 civilian injuries and hundreds of cases of total or partial destruction to civilian dwellings and vital infrastructure.
- 172. Using the ICC Statute, ICC Elements of Crimes and applicable jurisprudence, the Authors have determined that evidence supporting these attacks supports a reasonable basis to believe that the attacks amount to war crimes under Article 8 of the ICC Statute either as attacks intentionally directed against the civilians and/or civilian objects (Article 8(2)(b)(i)/(ii) or Article 8(2)(e)(i) of the ICC Statute), or as attacks launched against military objectives that lack of proportionality between anticipated incidental harm to civilians/civilian objects/ the environment and the military advantage sought (in violation of Article 8(2)(b)(iv) of the ICC Statute). Furthermore, a large number of attacks were directed at medical and educational facilities, which amounts to a separate crime under Article 8(2)(b)(ix) or Article 8(2)(e)(iv) of the ICC Statute.
- 173. The Authors respectfully request the ICC Prosecutor to launch a full investigation into all of the abovedocumented episodes, with the view of bringing those responsible to justice.

5. Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations

174. The Authors have documented the recurrent practice – perpetrated by all parties to the conflict – of positioning artillery launch sites, military equipment and/or personnel in close proximity to civilians and civilian objects. In so doing, the warring parties place civilians in serious danger of death and injury as well as risking the destruction or severe damage to civilian dwellings and important infrastructure – in violation of the principle of distinction. Using the civilian population as 'human shields' in this manner to render certain points, areas or military forces immune from military operations is a war crime under the ICC statute in both IAC, and indirectly in NIAC. The Authors respectfully request the ICC prosecutor to investigate this practice with the view of bringing those responsible to account.

5.1 Analytical framework

- 175. Using civilians as 'human shields' to prevent attacks against military objects is a serious violation of the Geneva Conventions³⁷⁴ and amounts to a war crime under Article 8(2)(b)(xxiii) of the ICC Statute (in IAC). According to the ICC Elements of Crimes, the prosecution must establish that the perpetrator 'moved or otherwise took advantage of the location of one or more civilians or other [protected] persons [intending] to shield a military objective from attack or shield, favour or impede military operations'.³⁷⁵ This definition is wide enough to include displacing civilians to military installations, as well as the placement of military equipment and personnel at or in close proximity to civilian objects and/or densely populated civilian areas. What distance qualifies as 'close proximity' for the purpose of this offence is a question of fact to be decided on a case-by-case basis. Important factors to consider include the types and known accuracy of weapons used by the warring parties, the parties' access to information on the presence and concentration of civilians, and their practical ability to position military objectives in alternative locations.
- 176. There is no requirement to show that actual harm was caused to the civilians in question. According to the ICTY Appeals Chamber in *Prosecutor v. Blaskic*:

'Using protected [persons] as human shields constitutes a violation of the provisions of the Geneva Conventions regardless of whether those human shields were actually attacked or harmed. Indeed, the prohibition is designed to protect [protected persons] from being exposed to the risk of harm, and not only to the harm itself.'³⁷⁶

177. Notwithstanding that the ICC Statute does not explicitly include an equivalent offence in NIAC, the overriding principle of distinction dictates that 'the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations'.³⁷⁷ Accordingly, the ICRC considers the prohibition against using civilians and protected persons as human shields to be applicable in NIAC by virtue of customary international law.³⁷⁸ The ICTY Appeals Chamber in Blaskic agreed with this assessment and determined that using protected persons as human shields amounts to the war crime of inhuman or

- 376 ICTY, The Prosecutor v. Blaskic, Appeal Judgement, IT-95-14, 29 July 2004, para. 654.
- 377 Article 13(1) of additional Protocol II to the Geneva Conventions.

³⁷⁴ Article 23 of Third Geneva Convention; Article 28 of Fourth Geneva Convention; Article 51(7) of Additional Protocol I to the Geneva Conventions.

³⁷⁵ ICC Elements of Crimes, Article 8(2)(b)(xxxiii): War crime of using protected persons as shields.

³⁷⁸ ICRC, 'Rule 97. Human Shields', available at: *https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule97* (last accessed: 16/11/2017).

cruel treatment in NIAC.³⁷⁹ Accordingly, the Authors respectfully submit that using the civilian population as 'human shields' to render certain points, areas or military forces immune from military operations is a war crime in NIAC under Article 8(2)(c)(i) of the ICC Statute.

5.2 Documented evidence of utilising civilians as 'human shields'

- 178. The Authors have documented evidence that all parties to the conflict UAF, pro-Ukraine paramilitaries, LPR and DPR forces have regularly placed military equipment and/or personnel on or in the vicinity of civilian objects and in densely populated civilian areas.
- 179. Our findings are mirrored by those of OSCE monitors who have observed 'weapons in populated areas' and observed outgoing fire from populated areas' controlled UAF, DPR and LPR.³⁸⁰
- 180. The Authors note that the following instances of using civilians as 'human shields' is likely to amount to the mere 'tip of the iceberg' in what appears to be a widespread practice:
 - On 2 June 2014, a group of LPR combatants attacked a Ukrainian border post in Luhansk City from the roofs of surrounding civilian multi-story residences with civilians still present in the buildings.³⁸¹ The assault lasted for two days.³⁸²
 - On 30 October 2014, the UAF positioned a military base on the premises of a school in Krasnohorivka (Ln 218) for several months, leading to the school's partial destruction.³⁸³
 - In November 2014, LPR forces stationed in Luhansk City positioned and fired their MLRS 'Grad' missiles 150 meters away from the densely populated Kamyanyi Brid district of Luhansk.^{384, 385}
 - On 2 January 2015, the pro-Ukraine 'Tornado' paramilitary battalion established a camp and firing position at a civilian clinic in Stanytsia Luhanska,³⁸⁶ depriving it of its protected status. The clinic was subsequently shelled by the LPR.³⁸⁷
 - On 5 June 2015, UAF used the premises of a school in Marjinka (Ln 238) to repel an attack by DPR forces.³⁸⁸
 - On 23 August 2016, a school in Marjinka (Ln 238) was partially damaged in an attack by DPR forces on a UAF checkpoint (Ln 239) positioned 100 meters away.³⁸⁹

³⁷⁹ CTY, The Prosecutor v. Blaskic, Appeal Judgement, IT-95-14, 29 July 2004, para. 653.

³⁸⁰ OSCE, 'Thematic Report: Hardship for conflict-affected civilians in eastern Ukraine', February 2017, available at: *http://www.osce.org/ukraine-smm/300276?download=true* (last accessed: 27/11/2017), p.4.

³⁸¹ Geolocation coordinates: 48031'28" N 39015'25" E

³⁸² Witness Statements: 0205K844, 0204K808, 0205K828, 0205K836, 0205K845, 0205K847, 0205K827.

³⁸³ Witness statement: 0138К938. Photos [folder 'Школа 4'] - show damage to civilian property. Videos in folder "видео последствий обстрелов" [V60815-160739.mp4, V60815-165010.mp4, V60815-165425.mp4] - show damage to property of school.

³⁸⁴ Geolocation coordinates: 48035'28" N 39016'37" E ; Witness statement: 0204K817

³⁸⁵ Add geolocation coordinates; Witness Statement: 0221K900. Video [IMG_1626.MOV] - shows damage to civilian property.

³⁸⁶ Geolocation coordinates: 48039'16" N 39028'30" E

³⁸⁷ Witness statement: 0204K811, 0204K821; Photos and videos: Case file: SL 4th november > торнадо амбулатория, обстрел амбулатории, подвалы амбулатории.

³⁸⁸ Witness statement: 0134K1016; 0134K953; N003K1064; N003K1065.

³⁸⁹ Witness statements: 0134K953.

- On 13 January 2017, an attack on a UAF base in Novoselivka positioned 100 meters away from a block of civilian houses led to extensive damage to civilian property (Ln 103).³⁹⁰
- 181. Moreover, civilian lives and infrastructure are not only threatened by permanent or semi-permanent military installations such as military quarters, bases, checkpoints and stationary launch sites. As observed by the OSCE, 'civilians have reported that the shelling occurred overnight and that they often saw equipment brought in for these purposes, or that members of "DPR" and "LPR" armed formations had approached them requesting to use the roofs of their houses as firing positions' (with similar situations reported on territory controlled by the UAF).³⁹¹

5.3 Conclusion

- 182. As demonstrated by the examples above, the practice of placing military objectives (personnel, equipment and/or firing positions) on civilian premises or amongst the civilian population has been perpetrated by all warring parties throughout the entire period of documentation. The Authors note that the above-mentioned examples are but a small sample of the practice of using human shields, which appears to be ubiquitous.
- 183. Such practices unnecessarily endanger civilian lives and infrastructure exposing them to indiscriminate attacks, particularly in light of the inaccurate nature of the weapons deployed by all sides. Moreover, the presence of armed positions in populated areas increases other risks and hardships for civilians. As pointed out by the OSCE, '[o]n both sides of the contact line residents have complained of being harassed by members of the sides, and have made allegations about their misconduct while under the influence of alcohol and their bad behaviour towards the local population'.³⁹²
- 184. The Authors respectfully submit that there is a reasonable basis to believe that placing military equipment and/or personnel on or in the vicinity of civilian objects and in densely populated civilian areas qualifies as the war crime of using civilians as human shields (Article 8(2)(b)(xxiii) of the ICC Statute in IAC), or in the alternative, as inhuman or cruel treatment (Article 8(2)(c)(i) of the ICC Statute in NIAC). Consequently, the Authors respectfully request the ICC Prosecutor to investigate all such instances with the view of prosecuting those responsible.

³⁹⁰ Witness statement: 0258K923; Videos and photos [IMG_1620.MOV, IMG_1621.MOV, WP_20170227_15_06_52_Pro.jpg] - show damage to civilian property.

³⁹¹ OSCE, 'Thematic Report: Hardship for conflict-affected civilians in eastern Ukraine', February 2017, available at: *http://www.osce.org/ukraine-smm/300276?download=true* (last accessed: 27/11/2017), p.4.

³⁹² OSCE, 'Thematic Report: Hardship for conflict-affected civilians in eastern Ukraine', February 2017, available at: *http://www.osce.org/ukraine-smm/300276?download=true* (last accessed: 27/11/2017), p.5.

6. Conclusion and request

- 185. For the purpose of this Report, the Authors conducted 24 field missions to the 43 settlements in conflictaffected areas, interviewing 297 witnesses and documenting 208 impact sites. Using the gathered evidence, as well as information obtained from other organisations, the Authors have applied the ICC Statute, ICC Elements of Crimes and applicable jurisprudence to conclude that there is a reasonable basis to believe the following findings:
 - That from June to September 2014, the Armed Forces of the Russian Federation attacked Ukrainian settlements and military positions on the territory of Ukraine, in a series of cross-border attacks. These attacks demonstrate Russian involvement in the conflict, rendering the conflict, at least in part, an international armed conflict for the purposes of the ICC Statute.
 - That at least 134 attacks on civilians and/or civilian objects taking place in 22 settlements may amount to war crimes as attacks intentionally directed at civilians under Article 8(2)(b)(i)/(ii) (in IAC) or Article 8(2)(e)(i) (in NIAC) or as indiscriminate attacks under Article 8(2)(b)(iv). In addition, some of these attacks may also amount to attacks intentionally launched at medical, educational and/or religious facilities under Article 8(2)(b)(ix) (in IAC) or Article 8(2)(e)(iv).
 - That all parties to the conflict have employed the practice of utilising the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations, in violation of Article 8(2)(b)(xxiii) (in IAC) or Article 8(2)(c)(i) (in NIAC).
- 186. Documented attacks resulted in at least 100 civilian deaths, 162 civilian injuries and hundreds of cases of total or partial destruction to civilian dwellings and vital infrastructure. Moreover, behind every documented attack and civilian casualty is a human tragedy that demands accountability and justice. The conflict has resulted in more than 10,000 deaths, the displacement of 1.5 million civilians (including 220,000 children) and the immeasurable trauma of living within the boundaries of a protracted conflict. Attacks on civilians, whether intended or indiscriminate, contribute to the pain and suffering of civilians, as does the practice of placing military equipment and personnel in civilian areas.
- 187. For all of the above reasons, the Authors respectfully urge the ICC Prosecutor to seek authorisation to open a full investigation into the Situation on Ukraine, with a view to bringing those responsible for war crimes and crimes against humanity to justice.

