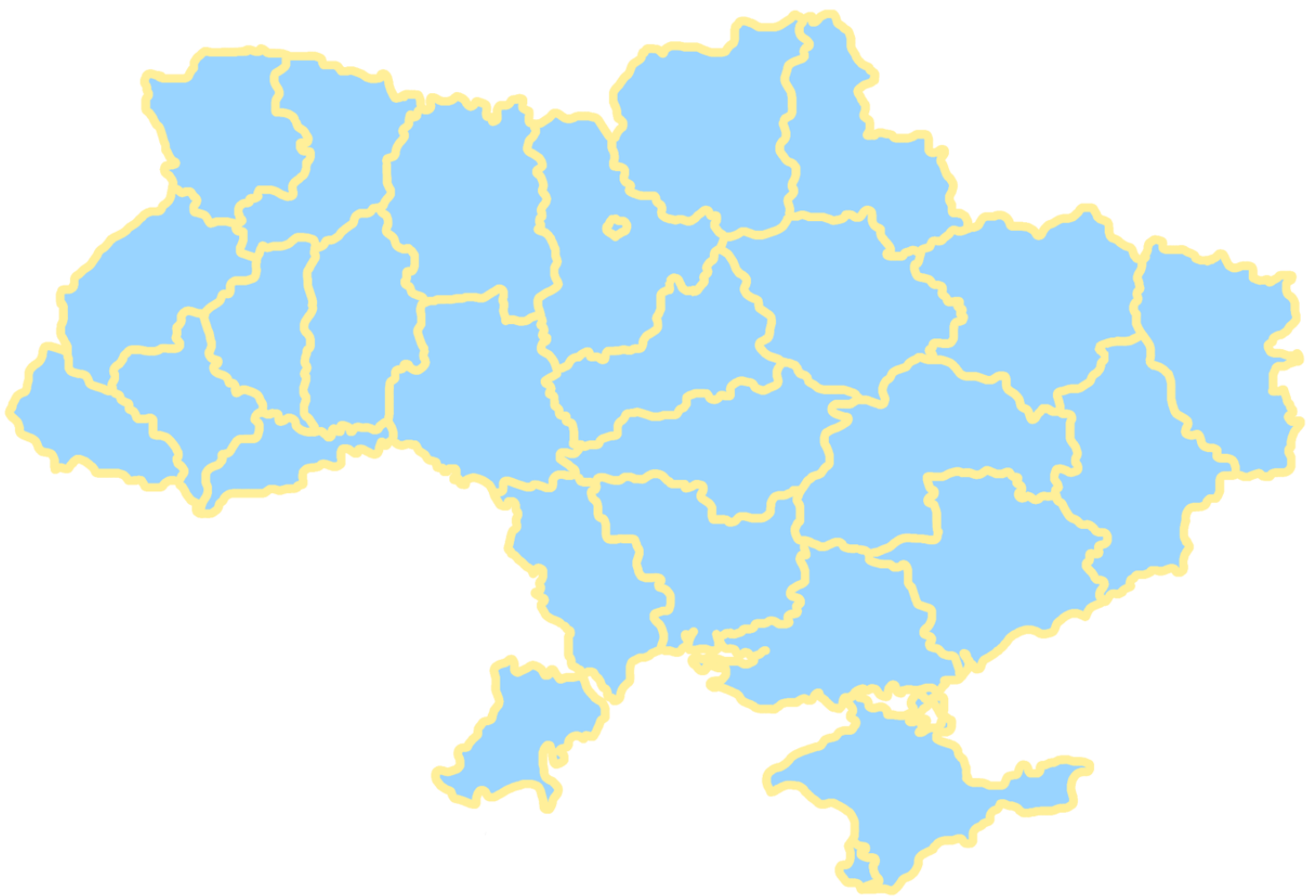


UKRAINE LEGAL TOOLKIT

International Law and Human Rights Reference Materials
Relevant to the War in Ukraine



May 2022

Acknowledgements & Methodology

This legal toolkit was created through crowdsourcing by the students at Peter A. Allard School of Law, University of British Columbia. Students in Public International Law and the International Justice and Human Rights Clinic (IJHR Clinic) wanted to understand the various legal implications of the invasion of Ukraine by the Russian Federation. From the start of the invasion on February 24, 2022, until April 1, 2022, students followed the evolving situation in Ukraine and updated the toolkit in real time. We then consolidated our findings to share with the broader law school and university communities. IJHR Clinic Director Nicole Barrett framed, contributed to, and edited the project.

This toolkit does not represent the official position of the Allard School of Law or the University of British Columbia. All included information is publicly available, and versions of events referenced are subject to additional facts, verification, and changing circumstances.

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Issues presented by Russia's invasion of Ukraine

1. Secession	20. International Court of Justice Case
2. Recognition	21. Other Security Agreements
3. Humanitarian Intervention and Genocide	22. Ceasefires and Humanitarian Corridors
4. Self-defence	23. Big Tech
5. Aggression	24. Nazi rhetoric
6. Sanctions	25. European Union State Media Ban
7. Asset Seizures	26. Cyberattacks
8. Society for Worldwide Interbank Financial Telecommunication	27. Women's Experience
9. Embargoes and No-fly Zones	28. Internal Displacement and Refugees
10. Weapons Transfers	29. Disability and war
11. North Atlantic Treaty Organization and Collective Self-Defence	30. Combatant status and Unlawful Combatants
12. European Union membership	31. Sexual Violence
13. Uniting for Peace and the Role of the United Nations General Assembly	32. Role of Council of Europe
14. Natural Resources	33. Role of other Regional Human Rights Bodies
15. Belarus Intervention	34. World Trade Organization and Trade
16. Mercenaries	35. Children
17. International Human Rights	36. Nuclear Power Plants
18. International Humanitarian Law and Prisoner Of War status	37. Nuclear Weapons
19. International Criminal Law and the Role of International Criminal Court	

Ukraine Legal Toolkit

This toolkit canvases the above 37 issues as they relate to the Russian Federation’s invasion of Ukraine and links to relevant supporting documents for each issue. The chart below contains three columns.

- Column 1 (Issue) specifies a particular subject/issue implicated by Russia’s invasion of Ukraine.
- Column 2 (Summary) provides an overview of the Column 1 issue and references relevant international law materials and media reports.
- Column 3 (Source(s) with links) provides links to the documents referred in Column 2 for each statement, in the order they appear. For instance, for the first issue, “Secession,” the first entry in Column 2 is supported by the first link in Column 3. For some issues, the Column 2 statement will be supported by multiple links in Column 3. Where this is the case, the Column 3 sources are separated by a semicolon.

Issue	Summary	Source(s) with links
<p>1. Secession (Donetsk People’s Republic and Luhansk People’s Republic)</p>	<p>In April 2014, pro-Russian separatists occupied local government buildings in Southeastern Ukraine and declared the independence of the Donetsk People’s Republic (‘DPR’) and the Luhansk People’s Republic (‘LPR’) from Ukraine. In May 2014, separatists referendums were held in Southeastern Ukraine with the intention of legitimising the establishment of the DPR and the LPR. The Ukrainian government, along with many other United Nations (‘UN’) member States, said the referendum was unconstitutional and lacked legitimacy.</p> <p>On 21 February 2022, Russia recognized the DPR and the LPR as independent States, becoming the first UN member State to do so. On 24 February 2022, Russia launched a large-scale military invasion of Ukraine, citing Russia’s support of the right of the peoples of the DPR and the LPR to self-determination.</p> <p>The question remains, whether the secession referendum held in DPR and LPR in May 2014, followed by Russia’s recognition of their independence in February 2022, constitutes a legitimate and legal secession of the DPR and the LPR from Ukraine?</p>	<p>Joe Hernandez, “Why Luhansk and Donetsk are key to understanding the latest escalation in Ukraine”, <i>NPR</i>.</p> <p>Andrew Roth and Julian Borger, “Putin Orders Troops Into Eastern Ukraine on ‘Peacekeeping duties’”, <i>The Guardian</i>.</p>

	<p>As a general principle, there is no legal right under international law to unilateral secession (para 111).</p> <p>However, the right to the self-determination of peoples under international law may give rise to a right of secession in exceptional circumstances (para 122).</p> <p>The right to self-determination is articulated in article 1(2) of the UN Charter, article 1 of both the International Covenant on Civil and Political Rights ('ICCPR'), and the International Covenant on Economic Social and Cultural Rights ('ICESCR'). No UN member States, apart from Russia, recognize that the circumstances surrounding the referendum in the DPR and the LPR in April 2014 fall within these exceptions.</p>	<p>Supreme Court of Canada Judgment, <i>Reference re Secession of Quebec.</i></p> <p>United Nations Charter: International Covenant on Civil and Political Rights: International Covenant on Economic Social and Rights.</p> <p><u>Additional information</u> Oxford Public International Law: Secession: Marcelo G. Kohen, <i>Secession: International Law Perspectives</i> (Cambridge: Cambridge University Press, 2006).</p>
2. Recognition	<p>Through Presidential decrees Russia recognized the independence of the self-proclaimed regions of DPR and LPR. The decrees provided the necessary context for Putin to sign agreements with the leaders of the republic to perform peacekeeping duties. Russia then justified the invasion of Ukraine claiming it needed to provide "aid" to these regions.</p>	<p>Video of Presidential decree ceremony: Al Jazeera: "Putin Recognizes Independence of Ukraine Breakaway Regions"; The Moscow Times: "Putin Recognized Independence of Pro-</p>

Human Rights Pulse conducted a legal analysis on the Russian recognition of DPR and LPR:
 First, under the Montevideo Convention, which is considered a restatement of customary international law, a State has four characteristics: a permanent population, a defined territory, a government, and the capacity to enter into relations with other States. While the DPR and LPR meet the first three criteria, it is unclear whether they are independent from Moscow, and political independence is a prerequisite to enter into relations with other States. Indeed, the current DPR leader has mentioned a desire to unite the region with Russia.

Second, both DPR and LPR are likely beholden to Russia should not be considered States. If Russia was aware of this before the Presidential decrees that recognized DPR and LPR, then the recognition was unsupported by law.

Third, interfering in the internal affairs of another State is prohibited by article 2 of the UN Charter and customary international law, including the UN Draft Articles on the Responsibility of States for Internationally Wrongful Acts and the Montevideo Convention.

[Russia Separatists in Ukraine](#)";
 Andrew Roth and Julian Borger, "[Putin Orders Troops Into Eastern Ukraine on 'Peacekeeping duties'](#)", *The Guardian*.

[Human Rights Pulse: "Russian Recognition of Donetsk and Luhansk: Legal Analysis"](#);
[Montevideo Convention](#);
[United Nations Charter: UN Draft Articles on the Responsibility of States for Internationally Wrongful Acts](#).

Additional information
 Diane Desierto, "[Non-Recognition](#)", *EJIL: Talk*;
 Marko Milanovic, "[Recognition](#)", *EJIL: Talk*;
 Marko Milanovic, "[Crimea, Kosovo, Hobgoblins and Hypocrisy](#)", *EJIL: Talk*;

		<p>Sava Jankovic & Volker Roeben: “Russia’s Recognition of the DPR and LPR: The Revival of the Constitutive Theory of Recognition?”, <i>Opinio Juris</i>.</p>
<p>3. Humanitarian Intervention and Genocide</p>	<p>The President of Russia, Vladimir Putin (‘Putin’) claimed that the approximately four million Russian-speaking residents of DPR and LPR are being subjected to a genocide. There is no evidence of genocide occurring in Southeastern Ukraine. Additionally, Putin has previously also claimed that that there was extensive ‘Russo-phobia’ in DPR and LPR.</p> <p>Human rights reports about Ukraine have confirmed that both pro-Ukrainian and pro-Russian separatists have committed human rights violations, including torture and arbitrary detention. However, these violations are not tantamount to genocide.</p>	<p>BBC: Ukraine crisis: Vladimir Putin address fact-checked: Alexander Hinton, “Putin’s claims that Ukraine is committing genocide are baseless, but not unprecedented”, <i>The Conversation</i>; BBC: Russia Ukraine: “Putin compares Donbas war zone to genocide”; Liam Collins: “Russia’s recent invasions of Ukraine and Georgia offer clues to what Putin might be thinking now”, <i>The Conversation</i>.</p> <p>UN Office of the High Commissioner of Human Rights: Human Rights Reports on Ukraine.</p>

Putin has used the pretext of ‘humanitarian intervention’ as a justification for invasions previously, for instance the invasion of Georgia in 2008, and the annexation of Crimea in 2014. With respect to Georgia, Putin alleged that the South Ossetian population in Georgia needed protection from genocide and used that as a pretext to invade Georgia. The Global Centre for the Responsibility to Protect, an NGO, concluded that Russia’s invasion of Georgia was premeditated and that the humanitarian intervention was not legally justified. Similarly, with respect to Crimea, Putin claimed that “Russia-phobes and anti-Semites” were in Ukraine and used that as a pretext to invade Crimea.

Humanitarian intervention occurs when armed intervention is used to respond to violations of international humanitarian law; however, according to article 89 of Additional Protocol I of the Geneva Conventions, this intervention must take place alongside the UN and in accordance with the UN Charter.

The Convention on the Prevention and Punishment of the Crime of Genocide (‘the Genocide Convention’), which Russia has ratified, defines genocide under Article II:

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group.”

There were other avenues available to Russia to handle allegations of genocide under the Genocide Convention, which do not appear to have been used:

“Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.”

The Global Centre: [The Georgia-Russia Crisis and the Responsibility to Protect: Background Note](#);

Faith Karimi: [“Is Russia’s annexation of Crimea opportune or opportunistic?”](#), *CNN*.

[ICRC Statement on Humanitarian Intervention; Additional Protocols to the Geneva Conventions of 1949; Genocide Convention](#).

	<p>The UN has an office devoted to preventing genocides. There is no evidence that Russia has contacted this office.</p> <p>Ukraine instituted a case against Russia about its misinterpretation of the Genocide Convention at the International Court of Justice. (<i>infra issue 20 on the ICJ</i>).</p>	<p>Dimitrios Kourtis, “Are States Allowed to ‘Cry Wolf’? Genocide and Aggression in Ukraine v. Russia”, <i>Opinio Juris</i>.</p>
<p>4. Self-defence (Russian perspective)</p>	<p>Article 2(4) of the UN Charter prohibits States from the threat of or use of force against other States. However, under Article 51 of the Charter, States have the inherent right self-defence if an armed attack occurs against them, which is recognized under customary international law.</p> <p>Putin claims that Russia’s use of force against Ukraine is justified as an act of self-defence pursuant to Article 51 of the UN charter. However, to be lawful, self-defence must fulfill three conditions:</p> <ol style="list-style-type: none"> 1. it must be in response to an armed attack 2. it must be necessary and proportionate, and 3. it must be reported to the UN Security Council. <p>The question then arises, what is the armed attack by Russia in response to? In the speech translated by the Spectator, Putin stated “our actions are self-defence against the threats posed to us and from an even greater disaster than what is happening today.” This statement seems to suggest that it is a “pre-emptive or preventive” act of self-defence, which is a controversial claim in international law. Some States recognize the concept of anticipatory self-defence even in the face of imminent armed attack but this proposition is highly debated and is not a settled question in international law.</p>	<p>United Nations Charter.</p> <p>Marko Milanovic “What is Russia’s Legal Justification for Using Force against Ukraine?”, <i>EJIL: Talk The Spectator</i>: Full text: Putin’s declaration of war on Ukraine (translated speech from Russian).</p> <p>Additional information Felicitas Benziger, “Russia’s Invasion of Ukraine is an Act of Aggression”, <i>International Law Blog</i>.</p>
<p>5. Aggression</p>	<p>Aggression was defined under UN General Assembly Resolution 3314 as “the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations”.</p>	<p>UN General Assembly Resolution 3314 (1974); UN Charter article 2(4).</p>

	<p>The resolution also lists acts that qualify as acts of aggression: “Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression:</p> <ol style="list-style-type: none"> a. The invasion or attacked by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof, b. Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State; c. The blockade of the ports or coasts of a State by the armed forces on another State; d. An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleet of another State; e. The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement; f. The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State; g. The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.” 	<p>Felicitas Benziger, “Russia’s Invasion of Ukraine is an Act of Aggression”, <i>International Law Blog</i>;</p> <p>Juliette McIntyre, Douglas Guilfoyle & Tamsin Phillipa Paige “Is international law powerless against Russian aggression in Ukraine? No, but it’s complicated”, <i>The Conversation</i>;</p> <p>Tom Dannenbaum, “Mechanisms for Criminal Prosecution of Russia’s Aggression Against Ukraine”, <i>Just Security</i>;</p> <p>Kevin Jon Heller, “The Best Option: An Extraordinary Ukrainian Chamber for Aggression”, <i>Opinio Juris</i>;</p> <p>Jennifer Trahan, “A Reminder of the Importance of the Crime of Aggression: Considering the</p>
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	<p>There are four routes through which Russia could be investigated for the crime of aggression: the International Criminal Court ('ICC'); an Ad Hoc Tribunal; an international, impartial, and independent investigative mechanism; or domestic prosecution.</p> <p>The ICC does not have jurisdiction over crimes of aggression, as per the Rome Statute of the International Criminal Court ('Rome Statute'), articles 8 bis; 15 ter, e.i.f.). According to article 15ter (1), which refers to article 13(b), the crime must be referred to the Prosecutor by the Security Council under Chapter VII of the UN Charter, entitled 'Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression'. Russia is a permanent member of the UN Security Council, so it can veto any such referral. Additionally, both the aggressor State and the victim State must be parties to the Rome Statute for aggression to be prosecuted. While Ukraine has previously self-referred to the ICC following the annexation of Crimea under article 12(3) of the Rome Statute, Russia is not a party to the Rome Statute.</p> <p>The Foreign Minister of Ukraine has supported the creation of a special international tribunal that would investigate Russian leaders for committing the crime of aggression. The tribunal would be modelled on the Nuremberg Tribunal.</p> <p>Under domestic law, the Criminal Codes of Ukraine and Russia's Criminal Codes contain provisions that deal with the crime of 'aggressive war'.</p> <ul style="list-style-type: none"> ▪ The Ukrainian Criminal Code Article 437 concerns the planning, preparation and waging of an aggressive war. ▪ The Russian Criminal Code Article 353 contains a similar provision: "Planning, Preparing, Unleashing, or Waging an Aggressive War." 	<p>Situation of Russia and Ukraine", <i>Opinio Juris</i>.</p> <p>Sergey Vasiliev "Aggression against Ukraine: Avenues for Accountability for Core Crimes", <i>EJIL: Talk; Rome Statute</i></p> <p>Nuremberg Charter, Art. 6(a); Patrick Wintour, "Ukraine backs international tribunal plan to try Putin for crime of aggression", <i>The Guardian</i>.</p> <p>Ukrainian Criminal Code.</p> <p>Russian Criminal Code.</p>
6. Sanctions		

	<p>There are different types of sanctions levied by the international community against Russia and citizens or entities based in Russia.</p> <p><u>The European Union ('EU') issued sanctions on 24 February 2022</u> has five targets:</p> <ol style="list-style-type: none"> 1. Financial sector — 70% of Russian banking market and state-owned companies, along with Russian elite. 2. Energy sector — export ban so Russia cannot upgrade its oil refineries. 3. Transport sector — ban sale of all aircrafts, parts, equipment to Russian airlines. 4. Export controls and bans of export financing - limits Russia's access to tech such as semiconductors. 5. Visa policy — privileged access to EU by diplomats and businesspeople revoked. <p><u>On 24 February 2022 the US Treasury Department issued sanctions:</u></p> <ol style="list-style-type: none"> 1. Freezing assets held by Russian banks, including Vneshtorgbank ('VTB') the second largest bank in Russia. 2. US financial system would no longer accessible by Sberbank. 3. Full sanctions on VTB and three other Russian financial institutions. 4. Directly sanction seven Russian elites and their families and 24 Belarussian entities/persons. 5. Sanctions on 557 entities/individuals (304 Specially Designated National ('SDN') entities, 272 non-SDN entities and 210 SDN individuals. <p><u>On 26 February 2022 EU, United States of America ('the US'), United Kingdom ('UK') and Canada issued a joint response:</u></p> <ol style="list-style-type: none"> 1. Select Russian banks to be removed from The Society for Worldwide Interbank Financial Telecommunication ('SWIFT'), which routes worldwide financial transfers. 2. Prevent the Russian Central Bank from using international reserves in ways to undermine impact of sanctions. 3. Limit sale of citizenship to wealthy Russians. 4. Transatlantic task force to identify and freeze assets of sanctioned individuals and companies within these transactions. <p><u>On 18 March 2022 the UK issued sanctions:</u></p> <ol style="list-style-type: none"> 1. Asset freeze against all major Russian banks, prohibiting access to the sterling pound and clear payments through the UK. 2. Ban all major Russian companies from raising money using UK markets or the Russia from raising foreign debt. 	<p>EU sanctions.</p> <p>US sanctions: Link 1; Link 2; Information/explanation on SDN.</p> <p>EU-US-UK-Can Joint Response.</p> <p>UK sanctions.</p>
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	<p>3. Push for Russia to be blocked from the SWIFT messaging system.</p> <p>4. Over 100 entities and individuals targeted, including major defence companies.</p> <p><u>In March and April, 2022 Canada issued a number of sanctions:</u></p> <ol style="list-style-type: none"> 1. Canada has sanctioned 520 individuals under Schedule 1, 9 for gross human rights violations. 2. Canada has sanctioned 103 entities. 3. 351 members of the State Duma were added to existing regulations which were imposed in 2014 as a response to Russia’s annexation of Crimea, with new prohibitions on Russian sovereign debt (Special Economic Measures (Russia) Regulations, SOR/2014-58). 	<p>Canadian sanctions: Canadian Sanctions - 28 February 2022 Amendment: Overview of Canadian Sanctions Related to Russia.</p>
<p>7. Asset Seizures</p>	<p><u>The US</u></p> <p>In the US, the FBI has formed a new special unit called ‘Task Force KleptoCapture’, which aims to seize the proceeds of crimes committed by Russian oligarchs. The taskforce’s ability to confiscate an oligarch’s wealth is based on the Civil Asset Forfeiture Reform Act. This legislation is often used against terrorists and fugitives. Though in general a warrant is required for seizure of property under the Act, in cases where there is probable cause no warrant is necessary. If prosecutors believe the asset is linked to illegal activity, or has been derived from illegal activity, it can be confiscated. As a result of the seizure, the US government gains ownership. If the person whose asset is seized wishes to challenge that seizure, the burden of proof rests on the US government to show that it is connected to criminal activity. In the context of the Ukraine crisis, the US government will not need to prove that the asset is directly linked to this conflict.</p> <p>In response, many Russian oligarchs have rushed to move their yachts to locations where they hope they will be safe from seizure, such as the Maldives and Montenegro. The Maldives does not have an extradition treaty with the US.</p> <p>Representatives Malinowski and Wilson introduced a bipartisan bill in the US Congress on 3 March 2022, that would “seize and repurpose assets from oligarchs whose wealth is linked to the corruption of Putin’s repressive regime”. Property valued over \$5 million and owned by sanctioned oligarchs would be susceptible to confiscation by the US government under this bill. And funds from the sale of these assets would then go to the Ukrainian people through military and humanitarian assistance and post-conflict reconstruction.</p>	<p>Erik Ortiz, “U.S. wants to seize Russian oligarchs’ yachts, homes and jets. How is that legal?”, <i>NBC News</i>;</p> <p>Brian Schwartz, “Russian oligarchs move yachts as U.S. looks to ‘hunt down’ and freeze assets”, <i>CNBC</i>;</p> <p>NPR: “The U.S. sanctions on Russian oligarchs miss the richest of the rich”; Civil Asset Forfeiture Reform Act.</p> <p>“Representative Malinowski and Wilson Introduce Bipartisan Legislation to Use</p>

	<p><u>EU</u></p> <p>Several superyachts belonging to Russian oligarchs have been seized in France and Germany. In France, the ‘Amore Vero’ was seized under the EU’s sanctions. The superyacht belonged to Igor Sechin, the main shareholder of Rosneft and an ally of Putin. Similarly, in Germany, a \$600 million yacht belonging to Alisher Usmanov (Russian Oligarch) was seized.</p> <p>Switzerland has frozen assets of certain individuals as part of the country’s own sanctions package. This has been interpreted as a significant deviation from the country’s traditional stance of neutrality.</p> <p><u>UK</u></p> <p>In the UK, the Labour party has called for the seizure of oligarchs’ assets such as jewellery, designer clothes, cars, and property to supplement the current sanctions. Prior to the crisis, the UK Parliament shelved their Economic Crime Bill, which would have purportedly helped uncover property bought with Russian money.</p> <p><u>Problems with Asset Seizures under International law</u></p> <p>A legal problem that has arisen over the seizure of assets is that some oligarchs have dual citizenship, i.e. citizenship in Russia and in another country, where the other country might want to protect them. For instance, Roman Abramovich, current/former owner of the Chelsea soccer club has both Russian and Israeli citizenship. Furthermore, the seizure of the property of private individuals would also possibly raise questions of constitutional</p>	<p>Assets of Putin’s Cronies to Help Ukraine” (Text of the Proposed Bill).</p> <p>Tassilo Hummel and Alasdair Pal, “Russian oligarchs’ yachts seized in Europe, others harbouring in Maldives”, <i>CTV News</i>.</p> <p>Leonie Kijewski, “Switzerland endorses EU sanctions, freezes Russian assets”, <i>Politico</i>.</p> <p>BBC News: “Ukraine invasion: UK sanctions against some oligarchs may take weeks”;</p> <p>Dominic Casciani, “Economic Crime Bill: What is it and will it find Putin’s loot?”, <i>BBC News</i>.</p> <p>Anton Moiseienko, “Russian Assets, Accountability for Ukraine, and a Plea for Short-Term Thinking”,</p>
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	<p>and human rights safeguards under national and international law. Moreover, it is also possible that the seizure of state-owned assets would raise issues related to sovereign immunity.</p> <p>A recent study estimates that Russian oligarchs, the top 0.01%, offshore assets of this tiny clique, amount to 7% of total household wealth. Wealth equivalent to about 10% of the world GDP is held in tax havens globally, but in Russia this number rises to as much as 60%, only topped by other autocracies such as Saudi Arabia. The Bank for International Settlements estimates that Russian individuals and companies store about \$11 billion in Swiss banks, i.e. nearly one-third of Russian bank assets worldwide</p>	<p><i>EJIL: Talk!</i></p> <p>Annette Alstadsæter, Niels Johannesen & Gabriel Zucman, “Who owns the wealth in tax havens? Macro evidence and implications for global inequality”, <i>Journal of Public Economics</i> vol. 162 (2018) p 89.</p>
<p>8. SWIFT</p>	<p>SWIFT facilitates the communication of banks with each other through a secure and reliable messaging system. In the past, there has been hesitation to block Russian banks from using the SWIFT messaging system by the EU and the US. However, removal from SWIFT is not without precedent, Disconnecting a country from SWIFT has happened before: Iranian banks were removed in 2012 after the EU sanctioned them for Iran’s nuclear program.</p> <p>Through sanctions issued by the EU, US, UK, Canada some Russian Banks were removed from SWIFT on 26 February 2022. Russia had anticipated its removal from SWIFT. In 2014, after sanctions for the annexation of Crimea, they established the SPFS, which has around 400 financial institutions as users with 20% of Russia’s domestic transfers happening through this program. The EU informed the following Russian banks that they had 10 days to close down their SWIFT operations on 2 March 2022: VTB, Bank Otkritie, Novikombank, Promsvyazbank, Bank Rossiya, Sovcombank, and Russian State Development Corporation.</p> <p>China may allow Russian banks to use its own Cross-Border International Payments System.</p> <p><i>(infra issue 7 on Asset Seizure).</i></p>	<p>Richard L. Kilpatrick, Jr., “Blocking SWIFT in Russia”, <i>Opinio Juris</i>.</p> <p>Lili Bayer, Ben Lefebvre & Alex Ward, “Western leaders agree new Russia sanctions, including SWIFT curbs”, <i>Politico</i>;</p> <p>European Council Decision (CFSP) 2022/346;</p> <p>European Council Regulation (EU) 2022/345);</p>

		<p>Charles Riley, “What is SWIFT and why it might be the weapon Russia fears most”, <i>CNN Business</i>;</p> <p>Philip Blenkinsop, “EU bars seven Russian banks from SWIFT, but spares those in energy”, <i>Globe and Mail</i>.</p> <p><u>Additional information</u> Alexandra Hofer, “Unilateral and Extraterritorial Sanctions Symposium: Here We Go Again, Russian Aggression and Western Sanctions”, <i>Opinio Juris</i>.</p>
<p>9. Embargoes and No-Fly Zones</p>	<p>As of 4 March 2022, there have been no embargoes levied against Russian goods. However, sanctions issued by many States are essentially “embargo-like”. For example, the ban on Russian vessels in European ports directly affects Russian tankers, so it is more difficult for them to ship oil and gas. Although Canada does not import any crude oil from Russia, and has not since 2019, the Canadian Federal government has prohibited the import of crude oil from Russia.</p>	<p>Shalini Nagarajan, “Russia’s war against Ukraine could spiral into the world’s worst energy crisis since the 1970s”, <i>Business Insider</i>;</p> <p>Government of Canada Press Release: Government of Canada Moves to Prohibit Import of Russian Oil;</p>

Outside of the political realm, Vogue Ukraine has asked large fashion companies to place embargoes on Russia.

No-Fly Zones

The Manual on International Law Applicable to Air and Missile Warfare provides a definition of no-fly zones:

“III. No-fly zones in belligerent airspace

108. A Belligerent Party may establish and enforce a no-fly zone in its own or in enemy national airspace.

109. The commencement, duration, location and extent of the no-fly zones must be appropriately notified to all concerned.

110. Subject to the Rules set out in Sections D and G of this Manual, aircraft entering a no-fly zone without specific permission are liable to be attacked.”

The Commentary to the Manual on International Law Applicable to Air and Missile Warfare provides an explanation of the above definition, stating that “...a three dimensional airspace by which the Belligerent Party restricts or prohibits aviation in its own or in enemy national territory” (p. 289). The Commentary additionally notes, that no-fly zones “may be enforced by any lawful method or means of warfare. Typically, such zones are enforced by aircraft or missiles (including unmanned aerial vehicles and Unmanned combat aerial vehicles)” (p. 290).

The enforcement of a no-fly zone would require military involvement. Any Russian planes that fly through no-fly zones would likely trigger direct engagement by North Atlantic Treaty Organization (‘NATO’) forces, i.e. by shooting at them, which would risk escalating the situation with Russia. According to the US Air Force General Philip Breedlove, who served as NATO’s supreme allied commander from 2013 to 2016, a no-fly zone is “tantamount to war. If we’re going to declare a no-fly zone, we have to take down the enemy’s capability to fire

Nora Buli, Jonathan Saul & Marwa Rashad, [“Seaborne Russian gas supplies to Europe disrupted by looming port bans”](#), *Reuters*.

Katherine Hopkins, [“Vogue Ukraine Calls for Fashion Embargo on Russia”](#), *Yahoo News*.

[Manual on International Law Applicable to Air and Missile Warfare](#).

[Commentary on the Manual on International law Applicable to Air and Missile Warfare](#).

Luke McGee, [“What is NATO and why hasn’t it imposed a no-fly zone in Ukraine?”](#), *CNN*;

BBC News: [“No-fly zone: What is means](#)

into and affect our no-fly zone.” It appears that, Putin agrees with this proposition, and has claimed that a no-fly zone would essentially be a declaration of ‘all-out war’

With regard to the Ukraine crisis, NATO’s secretary general has stated: “We have no intention of moving in Ukraine, either on the ground or in the air.” Similarly, Prime Minister Trudeau, the UK Defence Secretary, and the US have also ruled out a no-fly zone over Ukraine, stating concerns of escalation of fighting with Russia. In contrast, the President Zelensky of Ukraine (‘Zelensky’) has argued that a no-fly zone would not force a confrontation between NATO and Moscow.

It should be noted that no-fly zones were used in previous conflicts:

- After the first Gulf War in 1991, two no-fly zones were established in Iraq without UN support.
- During the crisis in the Balkans, there was a UN resolution that banned unauthorized military flights over Bosnia. This no-fly zone was enforced by NATO.
- The UN Security Council approved a no-fly zone during the 2011 military intervention in Libya by Resolution 1973. This resolution was also enforced by NATO.

[and why the West won’t act”](#);

Yahoo News: “[Trudeau says Canada, NATO need to avoid all-out war with Russia](#)”;

BBC News: “[War in Ukraine: Zelensky slams Nato over rejection of no-fly zone](#)”;

Sean Seddon, “[Putin warns imposing a no-fly zone over Ukraine would amount to an act of war](#)”, *Metro*;

Lorne Cook, “[NATO rules out policing no-fly zone over war-hit Ukraine](#)”, *CTV News*.

UN [Security Council resolution 1973](#)

<p>10. Weapons transfer</p>	<p>The Arms Trade Treaty is the first legally-binding instrument in the UN to establish common standards for the international transfer of conventional weapons. Ukraine has signed, though not ratified the treaty, whereas Russia not signed the treaty.</p> <p>International law limits the transfer of small arms in a number of ways, including under International Humanitarian Law ('IHL'), and a prohibition of arms transfers to specific States or parties due to mandatory embargoes imposed by the UN Security Council.</p> <p>Russia is a member of the Organization for Security and Co-operation in Europe ('OSCE'), which adopted the Document on Small Arms and Light Weapons. Section 3 of the Document on Small Arms and Light Weapons states that States have committed themselves to</p>	<p>UN Arms Trade Treaty</p> <p>Alexandra Boivin, "Complicity and Beyond: International law and the transfer of small arms and light weapons" International Review of the Red Cross vol. 87 (2005) 467;</p> <p>Lisa Misol, "Weapons and War Crimes: The Complicity of Arms Suppliers", <i>HRW</i>;</p> <p>Anna Kaplan, "Germany To send thousands of Weapons to Ukraine in Reversal of Longtime Stance on Lethal Military Aid", <i>Forbes</i>;</p> <p>Zachary Basu, "EU to Purchase and Deliver Weapons to Ukraine in a Historic First", <i>Axios</i>.</p> <p>OSCE Document on Small Arms and Light Weapons.</p>
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	<p>“contribute to the reduction, and prevention of, the excessive destabilizing accumulation and uncontrolled spread of arms, taking into account legitimate requirements for national and collective defence, internal security and participation in peacekeeping operations under the Charter of the United Nations”; and “build [...] security and transparency through appropriate measures on small arms”.</p> <p>In 2001, States adopted the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, through which governments agreed to ameliorate small arms regulations and improve cooperation.</p> <p>The principle for minimizing the consumption of the world’s human and economic resources for armaments under article 26 of the UN Charter was confirmed by the EU Code of Conduct on Arms Exports, adopted by the EU Council of General Affairs on 8 June 1998. This code describes the standard conduct for EU member States:</p> <p>“compliance of exported weapons with the technical and economic capacity of the recipient country, taking into account the demand that states should meet their legitimate security and defence needs with the least disparity between the level of armament and economic resources” (Milik, 52).</p> <p>Accordingly, the EU member states are required to consider whether an export “would seriously hamper the current development of the recipient country [...] the level of military spending and welfare of the recipient country, taking into account the possible assistance of the European Union or member states”. Moreover, also under the principle of respect in weapon circulation in the UN Charter, there is a need to consider “whether the arms trade [...] can reconcile with the idea of not [...] threatening international peace and security” (Milik at 60).</p>	<p>Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects.</p> <p>United Nations Charter; European Code of Conduct on Arms Exports; Piotr Milik, “Rules for the Transfer of Weapons and Military Technology in the Light of Contemporary International Law”.</p>
11. NATO and collective self defence	<p>Article 5 of the North Atlantic Treaty, which is the founding treaty of NATO, governs collective self defense in accordance with Article 51 of the UN Charter. Article 6 of the NATO treaty specifies the geographical limits of an armed attack. And article 10 governs membership, providing that a European State “in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area” must be invited unanimously to accede to the Treaty.</p>	<p>The North Atlantic Treaty.</p>

	<p>In 1997, NATO and Russia signed an Act on Mutual Relations with Russia, declaring that the parties are not adversaries. On 24 February 2022, Putin accused NATO of deceiving Russia in his televised speech on Ukraine. Putin referred to the eastward expansion of NATO, particularly as the alliance opened its doors to former Warsaw Pact states and ex-Soviet republics in the late 1990s (the Czech Republic, Hungary, and Poland) and early 2000s (Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia).</p> <p>Some potential issues with NATO membership include, problems with geographical boundaries, problems in providing limited membership for Georgia and other former Soviet Republics, and the requirement that the invitation to accede be unanimous.</p> <p>Scholar Mary Elise Sarotte points out in her book “Not One Inch”, the meeting between Secretary of State James Baker III and the then Soviet leader Mikhail Gorbachev where the former claimed that NATO would expand “not one inch eastward” has consistently been interpreted by Russia as a US pledge not to enlarge NATO to Central and Eastern Europe. Although, Sarotte notes that this view has been rebuked by scholars.</p>	<p>Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation.</p> <p>President Vladimir Putin’s Address, Bloomberg; André de Hoogh, “The Elephant in the Room: Invoking and Exercising the Right of Collective Self-Defence in Support of Ukraine against Russian Aggression”, <i>Opinio Juris</i>.</p> <p>Deutsche Welle: “NATO: Why Russia has a Problem with its Eastward Expansion”.</p>
<p>12. EU Membership</p>	<p>Article 49 of the Treaty on the EU outlines the process by which any European State may apply to become an EU member. To join the EU the State must satisfy the ‘Copenhagen criteria’ and demonstrate that it has:</p> <ul style="list-style-type: none"> - Stable political institutions that guarantee democracy, the rule of law, human rights, and protection of minorities; - A functioning market economy; and - Capacity to implement the acquis, which is a body of rights and obligations that are binding on all EU member states. Prospective members must also demonstrate that they can comply with all EU standards 	<p>Treaty on the European Union / Maastricht Treaty; Copenhagen Criteria.</p>

	<p>and rules, have the consent of EU institutions and member states, and the consent of their citizens, either through their national parliament or by referendum.</p> <p>Any country that wishes to join the EU has to submit a membership application to the European Council, which then requests the European Commission to assess the State's Copenhagen criteria. If the Commission finds that the State has met these criteria, the Council will then work on determining a mandate for negotiation. The EU and the applying State will then negotiate the adoption, implementation, and enforcement of the <i>acquis</i>. Other matters are also discussed during negotiation:</p> <ul style="list-style-type: none"> - financial arrangements, i.e. how much the member will pay into and receive from the EU budget. - transitional arrangements, including the gradual modification of the State's laws and policies to meet the Copenhagen criteria. <p>During these negotiations, the EU Commission will monitor the State's progress in meeting its commitments.</p> <p>Once every EU government is satisfied with the candidate country and its progress in all relevant fields, the negotiation process is concluded. The next step is an accession treaty, which outlines the terms and conditions of membership, transitional arrangements and deadlines, financial agreements, and safeguard clauses. The accession treaty is not binding. To become binding it requires the support of the EU Council, Commission, and the European Parliament, and the signatures and ratification of the treaty by both the candidate State and all EU member States under their constitutional rules. This treaty will also establish the exact date the country becomes an EU member. In the interim, it is called an 'acceding country'.</p> <p>Zelensky has applied for fast-track membership for Ukraine. According to an anonymous source, member States can accelerate the membership application process.</p>	<p>Joining the EU.</p> <p>EU: Conditions for Membership.</p> <p>John Follain, "Ukraine Wants EU Membership But Accession Often Takes Years", <i>Bloomberg</i>.</p>
<p>13. Uniting for peace (U4P)</p>	<p>In 1950, the UN General Assembly passed Resolution 377A(V), also known as the Uniting for Peace Resolution ('U4P Resolution'). It gives the UN General Assembly the power to consider a matter immediately, in certain situations:</p> <ul style="list-style-type: none"> (i) a lack of unanimity amongst the Security Council's permanent members; (ii) a failure of the Security Council to exercise its responsibility for international peace and security, because of that lack of unanimity; and 	<p>Text of U4P Resolution (Res 337A(V)):</p> <p>Rebecca Barber, "What can the UN General Assembly do about</p>

(iii) the existence of a threat to the peace, breach of the peace or act of aggression. The UN General Assembly may also issue appropriate recommendations to UN members for collective measures, including the use of armed force when necessary.

What is the significance of the U4P Resolution in the Russia-Ukraine context?

The U4P process calls for an Emergency Special Session at the UN General Assembly, and can be invoked by either the Security Council or the UN General Assembly. As a procedural issue, the U4P Resolution precludes the use of a veto by the Security Council's permanent members, i.e. vetoing members having no power to block the session.

In contrast to the UN Security Council resolutions, UN General Assembly resolutions are not binding on member States. Consequently, the resolutions made by the General Assembly in the Emergency Special Session on 28 February 2022 are not binding. The UN General Assembly does not appear to be able to take over the powers of the Security Council under the U4P Resolution, including the Security Council's power to refer the matter to the ICC. Alternatively, the UN General Assembly could condemn Russia's invasion by resolution and recommend member States impose unilateral sanctions.

[Russian Aggression in Ukraine?](#)”, *EJIL: Talk*.

[Security Council Deadlocks and Uniting for Peace: An Abridged History](#);

Dewey Sim, “[Uniting for Peace’: What to expect from Asia at the UN General Assembly emergency session on Ukraine](#)”, *South China Morning Post*;

[Security Council Press Release on Resolution 2623\(2022\)](#);

UN News: [General Assembly holds Emergency Special Session on Ukraine](#);

Michael Ramsden, “[Uniting for Peace: The Emergency Special Session on Ukraine](#)”, *Harvard Journal of International Law*.

<p>14. Environment and Natural Resources</p>	<p>Environmental damage can be prosecuted as a war crime under article 8(2)(b)(iv) of the Rome Statute: “Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated.”</p> <p>Legal scholars have pointed out that the actual prosecution of environmental damage as a war crime is near impossible due to various <i>mens rea</i> and <i>actus reus</i> thresholds.</p> <p>Ukraine is one of the few countries in the world that has criminalized ecocide, article 441 of Ukraine’s Criminal Code, defines ecocide: “Mass destruction of flora and fauna, poisoning of air or water resources, and also any other actions that may cause an environmental disaster.” The punishment for ecocide under the Criminal Code is a prison term for 8 to 15 years.</p> <p>Ecocide is also a crime in Russia, Belarus, and Moldova under their criminal codes (articles 358, 131, and 136, respectively).</p>	<p>Rome Statute</p> <p>Anja Gauger et al., “Ecocide is the missing 5th Crime Against Peace”, <i>Human Rights Consortium</i>;</p> <p>Ecocide Law: “Ecocide law in national jurisdictions”;</p> <p>Diana Kruzman, “The environmental costs of Russia’s invasion of Ukraine”, <i>Grist</i>;</p> <p>Gregory Barber & Matt Simon, “Ukraine is in an Environmental Crisis Too”, <i>WIRED</i>;</p> <p>Rachel Killean, “Legal Accountability for Environmental Destruction in Ukraine”, <i>Conflict and Environment Observatory</i>.</p>
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Natural Resources

Ukraine is home to the second largest natural-gas reserves in Europe. In addition, Ukraine also has large iron, titanium, lithium, coal, and uranium reserves ([chart](#)).

Forty percent of Europe’s natural gas comes from Russia. Due to Europe’s dependence on Russia in energy matters oil producing countries in the Middle East and North Africa would have to make up for the energy reserves that are no longer coming from Russia.

DPR and LPR possess Ukraine’s coal reserves, and as a result there are hundreds of miles of tunnels underground, some of which are abandoned. These tunnels have been flooding recently, which threatens the region’s water supply due to the presence of toxic chemicals. Further fighting could cause exposure to these toxic substances. In response to these worries, Germany stopped the approval process for the Nord Stream 2 gas pipeline.

There are also fears that fighting around sites such as old mines, power stations, and chemical factories could cause severe pollution significantly impacting the health of nearby residents. In late March, fires broke out near Chernobyl in an area that was controlled by Russian troops, Ukrainian officials detailed the difficulty in putting out the fires due to Russian control in the area. The inability to put out the fire in Chernobyl could have led to significant loss of life and harm to the environment.

Jason Kirby, [“In taking Ukraine, Putin would gain a strategic powerhouse”](#), *The Globe and Mail*;

[“What are the Major Natural Resources of Ukraine?”](#), *World Atlas*;

Fiona Harvey, [“Is Putin’s Ukraine invasion about fossil fuels?”](#), *The Guardian*.

Cristian-Dan Tataru, [“The potential impact of Ukraine-Russia conflict on the MENA region”](#), *Middle East Institute*.

Philip Oltermann, [“Germany halts Nord Stream 2 approval over Russian recognition of Ukraine ‘republics’”](#), *The Guardian*.

Ukrainian Government, Information Office: [“Situation at nuclear facilities in Ukraine as of March 20, 2022”](#).

	<p>The agricultural sector has also been impacted by the fighting. As much as 70% of the country’s land is used for agriculture the fighting and sanctions have made it difficult for Ukraine to export wheat and corn in the same quantities it used to, which in turn impacts Ukraine’s economy.</p>	<p>Sylvain Charlebois, “How the invasion of Ukraine will impact food prices globally”, <i>The Star</i>.</p>
<p>15. Belarus Intervention</p>	<p>Belarus is a Northern neighbour of Ukraine and is proximate to the Ukrainian capital — Kyiv. In January and February 2022, Russia sent troops to Belarus to participate in military training. Later, Russia used their position in Belarus to invade Ukraine. Belarusian border guards have allowed Russian troops to pass into Ukraine and have made their air defence and traffic control systems available to the Russians.</p> <p>Three reasons have been provided to explain why Belarus has aided Russia in its invasion of Ukraine:</p> <ol style="list-style-type: none"> 1. Belarusian President Lukashenko, Europe’s ‘last dictator’, received financial and military help from Putin for public uprisings that occurred after Belarus’ last election, which has been widely considered fraudulent; 2. Freedom of expression has been severely curtailed in Belarus, and so Belarusians are unable to openly support Ukraine; 3. Belarus and Russia have historically strong military ties. 	<p>Amanda Coakley, “Lukashenko Is Letting Putin Use Belarus to Attack Ukraine”, <i>Foreign Policy</i>;</p> <p>“Russian troop withdrawal depends in part on NATO pullback, Belarus says”, <i>Reuters</i>;</p> <p>Niklas Reetz, “Belarus is Complicit in Russia’s War of Aggression”, <i>EJIL: Talk</i>;</p> <p>Natasha Bertrand et al., “Belarusian military could 'soon' join war in Ukraine, US and NATO officials say”, <i>CNN</i>.</p> <p>Mansur Mirovalev, “Europe’s ‘last dictator’: Who is Belarus’s Alexander Lukashenko?”, <i>Al Jazeera</i>;</p>

		Tatsiana Kulakevich, “3 reasons Belarus is helping Russia wage war against Ukraine” , <i>The Conversation</i> .
16. Mercenaries	<p>Article 47 of the Additional Protocol I to the Geneva Conventions of 1949 defines ‘Mercenaries’:</p> <p>“A mercenary is any person who:</p> <ol style="list-style-type: none"> a) Is specially recruited locally or abroad in order to fight in an armed conflict; b) Does, in fact, take a direct part in the hostilities; c) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party; d) Is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict; e) Is not a member of the armed forces of a Party to the conflict; and f) Has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces.” <p>The International Convention against the Recruitment, Use, Financing and Training of Mercenaries also contains a similar definition of mercenaries under Article 1. Article 2 of this Convention states that, “Any person who recruits, uses, finances or trains mercenaries, as defined in article 1 of the present Convention, commits an offence for the purposes of the Convention.” Article 3 stipulates that a mercenary, as defined by Article 1 is an individual “who participates directly in hostilities or in a concerted act of violence...commits an offence for the purposes of the Convention.” Belarus and Ukraine are parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, but Russia is not.</p> <p>Mercenaries are also explicitly mentioned under Article 3(g) of the UN General Assembly Resolution 3314 Definition of Aggression, “[t]he sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries which carry out acts of armed force against another State”.</p>	<p>Protocol Additional to the Geneva Conventions (Protocol I);</p> <p>International Committee of the Red Cross: ICRC on the ‘Issue of Mercenaries’.</p> <p>International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 4 December 1989</p> <p>UNGA Resolution 3314 (XXIX) Definition of Aggression</p>

	<p>News reports state that Russia is deploying hundreds of mercenaries to Ukraine. As of 4 March 2022, approximately 200 mercenaries have allegedly been killed in the conflict. On 19 April 2022, the number of mercenaries deployed by Russia had risen to 20,000.</p> <p>A mercenary force connected to Putin ally Yevgeny Prigozhin, the Wagner Group, had ostensibly been in Ukraine for months leading up the conflict, but their role in the conflict is currently unknown. This mercenary group fought alongside Russian forces in Ukraine back in 2014. The US government has imposed sanctions against the Wagner Group and Prigozhin for human rights abuses. The UN is investigating the deaths of over 30 civilians alleged to have been killed by this mercenary group.</p>	<p>Natasha Bertrand et al., “Russia poised to deploy up to 1,000 more mercenaries to Ukraine as official warns Moscow could ‘bombard cities into submission’”, <i>CNN</i>;</p> <p>Julian Borger, “Russia deploys up to 20,000 mercenaries in battle for Ukraine’s Donbas region”, <i>The Guardian</i>.</p> <p>Borzou Daragahi, “Guns for hire: How shadowy Wagner Group mercenaries support Russian soldiers in Ukraine conflict”, <i>The Independent</i>.</p>
<p>17. International Human Rights</p>	<p>There are nine core International Human Rights (‘IHR’) instruments: the ICCPR; the ICESR; the International Covenant on the Elimination of All Forms of Racial Discrimination (‘CERD’); the Convention on the Elimination of All Forms of Discrimination against Women (‘CEDAW’); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (‘CAT’); Convention on the Rights of the Child (‘CRC’); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (‘ICMW’); the International Convention for the Protection of All Persons from Enforced Disappearance (‘CPED’); and the Convention on the Rights of Persons with Disabilities (‘CRPD’).</p>	<p>OHCHR: The Core International Human Rights Instruments and their monitoring bodies.</p>

1. ICCPR and its first optional protocol have been signed and ratified by Russia. The ICCPR's second optional protocol has not been either signed or ratified by Russia; whereas, the ICCPR and both its optional protocols have been signed and ratified by Ukraine.
2. ICESCR has been signed and ratified by Russia but the optional protocol has not been signed or ratified by Russia; whereas the ICESCR and its optional protocol have been signed and ratified by Ukraine.
3. CERD has been ratified by both Russia and Ukraine.
4. CEDAW and its optional protocol have been signed and ratified by both Russia and Ukraine.
5. CAT has been signed and ratified by Russia, but not its optional protocol; whereas CAT and its optional protocol have been signed and ratified by Ukraine.
6. CRC and two of its three optional protocols has been signed and ratified by Russia; whereas CRC and all its optional protocols have been signed by Ukraine
7. ICMW has not been signed or ratified by Russia or Ukraine.
8. CPED has not been signed or ratified by Russia; whereas CPED has been signed and ratified by Ukraine
9. CRPD has been signed and ratified by Russia, but not its optional protocol; whereas CRPD and its optional protocol have been signed and ratified by Ukraine.

Russia has undertaken a numerous acts against its own people that may amount to breaches of the ICCPR and other human rights instruments:

- Arbitrary detentions of protestors (nearly 15,000 reported as of 17 March 2022) .
- Vague and overbroad legislation resulting in the deprivation of liberty: Russian Prosecutor General's office published a warning that any individual "determined to be providing financial or any other support to a foreign state, foreign/international organizations" to "the detriment of Russia" will be prosecuted on "high treason" and punished with up to 20 years' imprisonment.
- Arbitrary detention and the prosecution of individuals who hang flags/posters or post about the crackdowns or war.
- Improper treatment of detainees, including deprivation of medical care, access to phones, and access to lawyers.
- Excessive use of force by police in detaining protestors.
- Journalists threatened with criminal prosecution for reporting on Russian invasion of Ukraine.
- Only information from official sources can be used while reporting on the "special operation" in Ukraine. Requiring the media to repeat claims that the Russian offensive had caused no civilian casualties.

Live blog from OVD-Info: "[Actions in support of the people of Ukraine and against the war](#)";

Human Rights Watch: "[Russia: Arbitrary Detentions of Anti-War Protesters](#)";

Euronews: "[Russia warns assistance to foreign state can be treason](#)";

OVD-News: "[Russian Protests against the War](#)"

- Arbitrary detention and threats against journalists, lawyers, activists, and organizers.
- Escalation of repression against religious or ethnic minorities.
- Deprivations of the right to life, including the right to life of children.
- Continued blocking of websites (e.g. BBC, News Russian, Deutsche Welle, Instagram, Facebook), including by declaring organizations that own the websites (e.g. ‘Meta’) as extremist.

[with Ukraine. A Chronicle of Events”](#);

The Moscow Times: [“Russia Blocks 2 Independent Media Sites Over War Coverage”](#);

Scott Simon, [“Russian law bans journalists from calling Ukraine conflict a ‘war’ or an ‘invasion’”](#), *NPR*;

Human Rights Watch: [“Russia: With War, Censorship Reaches New Heights”](#);

Agnieszka Pikulicka-Wilczewska, [“Russia’s crackdown on Crimean Tatars foreshadows wider repression”](#), *Al Jazeera*;

DW: [“Viral protests: Russians continue to denounce war, risking imprisonment”](#);

Human Rights Watch: [“Russia-Ukraine War”](#);

	<p>There is also evidence of human rights violations committed by other States. For instance in Belarus there has been a consistent pattern of cracking down on those speaking out against Russia’s invasion, which includes arbitrary detention, torture, and the ill-treatment of protestors. There are also reports of discrimination based on protected characteristics including race against refugees fleeing the invasion of Ukraine to other States.</p>	<p>Human Rights Center Memorial: “Human rights activist Bakhrom Khamroev detained in Moscow”;</p> <p>Radio Free Europe Radio Liberty: “Russian Media Watchdog Blocks Facebook After Limiting Access To Multiple Other Sites”;</p> <p>CBS News: “Black Ukraine refugees allege discrimination while trying to escape Russian invasion”;</p> <p>Andrei Popoviciu, “Ukraine’s Roma refugees recount discrimination en route to safety”, <i>Al Jazeera</i>.</p> <p>UN Human Rights Council: “Situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath”.</p>
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<p>18. International Criminal Law and the Role of the ICC</p>	<p>The ICC is a significant actor in the practice and development of International Criminal Law. Neither Ukraine nor Russia are party to the Rome Statute; ordinarily, the ICC would not have jurisdiction to investigate or prosecute violations of International Criminal Law occurring within Ukraine’s borders.</p> <p>Ukraine has accepted the jurisdiction of the ICC, by a series of declarations, concerning violations occurring from 21 November 2013 onwards pursuant to article 12, paragraph 3 of the Rome Statute. Additionally, 41 states party to the ICC have referred the ongoing situation in Ukraine to the prosecutor. Following years of preliminary investigations, on 2 March 2022, the ICC began a full investigation into possible war crimes, crimes against humanity, and genocide that have been committed (or will be committed) in the territory of Ukraine from 21 November 2013 onwards.</p> <p><u>Genocide:</u></p> <p>Article 6 of the Rome Statute defines genocide as the commission —with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such— of at least one of the following acts:</p> <ul style="list-style-type: none"> (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; or (e) forcibly transferring children of the group to another group. <p>Many commentators assert that, in the context of the Russian invasion of Ukraine and preceding conflict in Southeastern Ukraine, it is unlikely that the commission of acts enumerated under article 6 were accompanied by the intent necessary to constitute the crime of genocide.</p> <p>However, the ICC investigation is not barred from investigating claims of genocide within the territory of Ukraine.</p> <p>Russian officials, including Putin, have claimed that Ukraine committed genocide in DPR and LPR from 2014 onwards —and have used such allegations to justify Russia’s invasion of Ukraine. These claims have been thoroughly debunked as unsubstantiated. For example, the OSCE Special Monitoring Mission to Ukraine found no evidence of any systematic killing of civilians.</p>	<p>Rome Statute; Ukraine ICC Investigation; Announcement of Prosecutor;</p> <p>Human Rights Watch: “Russia-Ukraine War”;</p> <p>Human Rights Watch: “Ukraine: Russian Cluster Munition Hits Hospital”;</p> <p>Amnesty: “Cluster munitions kill child and two other civilians in Ukrainian Nursery”;</p> <p>Reuters: “Ukraine health centres have been attacked, WHO chief says”;</p> <p>UN: “Ukraine: Civilian casualties as of 20 April 2022”;</p> <p>Joel Gunter, “Siege of Mariupol: Fresh Russian attacks throw evacuation into chaos”, <i>BBC News</i>;</p> <p>Rhodri Davies & Yaroslav Lukov,</p>
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War Crimes:

Article 8 of the Rome Statute defines war crimes in the context of international armed conflict as

- (a) ‘Grave breaches’ of the 1949 Geneva Conventions, including the wilful killing or torture of protected persons such as civilians and extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly;
- (b) other serious violations of the laws and customs applicable in international armed conflict, including intentionally using indiscriminate weapons, attacking civilians or buildings that are not military objectives, or using starvation as a weapon of war.

Additionally, article 8 defines war crimes in the context of armed conflict that is not of an international character in paragraphs (c), (d), (e), and (f).

Open-source investigation organization Bellingcat has, as part of its testimony to a 16 March 2022 US House of Representatives Foreign Affairs Committee hearing, submitted nearly 40 cases of verified incidents that may amount to war crimes or crimes against humanity. Possible war crimes include the use of cluster munitions and other indiscriminate weapons —attacks which resulted in civilian deaths and damage to protected buildings, including hospitals and residential buildings— such as in the case of Russia’s attacks in Vuhledar, Kharkiv, Uman, Mariupol; the use of siege tactics, including in Russia’s continuing siege of Mariupol; the targeting of humanitarian corridors, including Russia’s shelling, bombing, and mining of agreed-upon humanitarian evacuation corridors out of Mariupol and shelling of a refugee column in Irpin; the possible use of thermobaric weaponry by Russia; torture and targeting of Ukrainian civilians allegedly undertaken Chechen and Russian forces. There have been cases where Ukrainian forces (or militia) have, since 2014, been accused of war crimes including the use of indiscriminate weapons.

Crimes Against Humanity:

Article 7 of the Rome Statute defines crimes against humanity as the commission of at least one of 10 enumerated kinds of acts —including murder, rape, or torture— as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Additionally, it is important to note that the Rome Statute’s definition of crimes against humanity is not limited to acts it enumerates: subparagraph 1(k) of Article 7 asserts that “other human acts of a similar character [to the enumerated acts above] intentionally causing great suffering, or serious injury to body or to mental or physical health” may constitute crimes against humanity if knowingly

[“Mariupol steelworks: We have wounded and dead inside the bunkers”](#), *BBC News*; Amnesty: [“As a result of an airstrike by a Russian unguided bomb in Chernihiv, civilians were killed”](#);

Jack Detsch, [“‘It Is Horrendous’: Russia Prepares Vacuum Bombs to Blitz Ukraine”](#), *Foreign Policy*;

Bill Hutchinson, [“Russia’s alleged ‘vacuum bomb’ use in Ukraine highlights weapons race with the US”](#), *ABC News*;

Bellingcat: [“Invasion of Ukraine: Tracking use of Cluster Munitions in Civilian Areas”](#);

PBS: [“House Foreign Affairs committee holds hearing on possible Russian war crimes in Ukraine”](#);

committed as part of a widespread or systematic attack directed against any civilian population. In paragraph 2(a) of article 7, an “attack directed against any civilian population” requires the multiple commission of acts against any civilian population “pursuant to or in furtherance of a State or organizational policy to commit such attacks.”

Many of the abovementioned acts possibly constituting war crimes may also constitute crimes against humanity. However, to constitute crimes against humanity, it is necessary to establish that these acts were committed as part of a widespread and systematic attack against civilians, in furtherance of a State or other organizational policy to commit this attack against civilians, and with knowledge of such attack. As the situation develops —and taking note of the numerous instances of hacks against the Russian military as well as fears that Russia wishes to demoralize the Ukrainian population— it is essential to watch for evidence suggesting the existence of a State (or other organizational) policy to commit widespread and systematic attacks against civilian populations.

Amnesty: [“Ukraine: Russian ‘dumb bomb’ air strike killed civilians in Chernihiv – new investigation and testimony”](#);

Ukraine Crisis: [“War crimes of the Russian Federation: as a result of an air strike on the residential sector killed 21 civilians, including 2 children”](#);

Olha Hluschenko, [“Sumy airstrikes: 22 killed, another child retrieved from rubble dead”](#) *Ukrayinska Pravda*;

Ukraine Crisis: [“Update on Russia Kills Journalists in its Full-scale War in Ukraine”](#);

Ukraine Crisis: [“Ukraine Resists Russia's Invasion. Day 57: Mariupol Russian Forces Mobilize Men in kherson Region new Babyn Yar in Manhush”](#);

		<p>UN: “Ukraine: Humanitarian Impact Situation Report as of 28 March 2022”;</p> <p>Human Rights Watch: “Ukraine: Respect the Rights of Prisoners of War” (This situation is unlikely to amount to war crimes since the relevant Geneva Convention provisions relating to treatment of POWs are not included in the ‘grave breaches’ regime);</p> <p>Note: Disturbing Content Russia-Ukraine Monitor Map (a repository, updated in real time, of verified incidents including attacks on civilians and the use of prohibited weapons).</p>
<p>19. International Humanitarian Law</p>	<p>Under International Humanitarian Law (‘IHL’), civilians and civilian objects are to be protected at all times, which includes avoiding indiscriminate attacks. The focus of any attack should solely be on military objects. Russia has already disregarded this IHL proposition as they have been using ballistic missiles and explosive weapons, that cannot be well-targeted, within highly populated civilian areas. For instance, a ballistic missile exploded near a hospital in Vuhledar, which killed 10 civilians. Hospitals are part of the crucial civilian infrastructure of a State and, according to IHL, should never be targeted. The International Rescue Committee has reported that hundreds</p>	<p>Amnesty International: “Russian military commits indiscriminate attacks during the invasion of Ukraine”;</p>

of civilians have been killed already. In addition to this, critical public infrastructure has been damaged or destroyed, which prevents civilian access to water, electricity, and markets.

Prisoners of War ('POW'):

Civilians in Ukraine have taken up arms in the fight against Russia, many of whom were given weapons by the government. This raises the question of whether they will be granted POW status if captured?

Under article 4A(2) of the Geneva Convention III, fighters who are not officially a part of the State's armed forces may be eligible for POW status if they are under responsible command, wear distinct signs that would be recognizable at a distance, carry weapons openly, and follow the laws of armed conflict. There are reports that many civilian groups involved in the fighting are following these rules, i.e. they have a commander and are wearing yellow armbands.

The Geneva Convention III, article 4A(6), recognizes the concept of levée en masse, i.e. that civilians will take up arms to defend themselves when there is an invading force, and under this provision, participants will be treated as POWs if captured so long as specific criteria are met:

1. civilians taking up arms to defend themselves must occur during an actual invasion, not after the opposing force is already established. (paras 1064-65 of the commentary);
2. it must occur spontaneously, i.e. the civilians have not had time to form themselves into "regular armed units" and "have not been organized in advance by organs of the state" (see paras 1066 of the commentary);
3. the civilians must carry their weapons openly but are not required to have a distinct sign (see paras 1067 of the commentary);
4. the civilians must follow all laws.

In places where Russia has already established itself, the concept of levée en masse will not apply. In addition, it is also possible that due to the Ukrainian government's encouragement of civilian action levée en masse may not apply. However, some civilians, particularly near the border, may constitute a levée en masse.

International Rescue Committee: "[IRC calls for adherence to international humanitarian law as civilians are killed and infrastructure is destroyed in Ukraine](#)".

POW:
[Commentary of 2020 on POWs:](#)

Emily Crawford, "[Armed Ukrainian Citizens: Direct Participation in Hostilities, Levée en Masse, or Something Else?](#)", *EJIL: Talk*.

Additional information
Christopher Waters, [New Hacktivists and the Old Concept of Levee en Masse](#), Dal LJ vol. 37 (2014) p 771 (Not specifically relevant to Ukraine).

<p>20. International Court of Justice</p>	<p>On 27 February 2022 Ukraine instituted measures against Russia under the Convention on the Prevention and Punishment of the Crime of Genocide, 1948 ('Genocide Convention') requesting provisional measures from the International Court of Justice ('ICJ').</p> <p>Ukraine alleged that Russia falsely claimed that there was a genocide in DPR and LPR after which Russia declared and implemented a 'special military operation' against Ukraine. Ukraine has argued that the Genocide Convention in combination with the general principle of good faith when interpreting and applying a treaty establishes a duty of sincerity. Therefore, to either falsely interpret the Genocide Convention or provide a false account of the facts should be a breach of law. Such a falsification would be an 'abuse of right'.</p> <ul style="list-style-type: none"> • Ukraine and Russia are both members to the ICJ under article 36(1) of the ICJ statute. • The oral arguments for the request for provisional measures filed by Ukraine was heard on 7 March 22 (Ukraine's oral arguments) and 8 March 22 (Russia's oral arguments). • Russia did not present oral arguments before the ICJ. • On 16 March 2022 the ICJ delivered provisional measures: <ul style="list-style-type: none"> ○ By 13 votes to 2 (Judge Gevorgian and Judge Xue) that "the Russian Federation shall immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine." ○ By 13 votes to 2 (Judge Gevorgian and Judge Xue) that "the Russian Federation shall ensure that any military or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control or direction, take no steps in furtherance of the military operations referred to in point (1) above." ○ Unanimously decided that both "[p]arties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve." <p>Note the dissents of Judge Gevorgian and Judge Xue, both dissents observe, among other issues, that the Genocide Convention does not give rise to justiciable rights.</p>	<p>ICJ Ukraine case: ICJ: "Verbatim Record of Proceedings on 7 March 2022, Ukraine v Russian Federation";</p> <p>ICJ Press Release: "Ukraine institutes proceedings against the Russian Federation and requests the Court to indicate provisional measures".</p> <p>ICJ: "Order on the Allegations of Genocide under the Convention on the Prevention and Punishment of Genocide issued on 16 March 2022";</p> <p>ICJ: "Declaration of Vice President Gevorgian";</p> <p>ICJ: "Declaration of Judge Xue".</p> <p>Additional information Marko Milanovic, "ICJ Indicates Provisional</p>
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		<p>Measures Against Russia, in a Near Total Win for Ukraine; Russia Expelled from the Council of Europe”, <i>EJIL: Talk</i></p>
<p>21. Other Security Agreements (1994 Budapest Memorandum; Minsk Agreements)</p>	<p>The Budapest Memorandum of 1994 concerned the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear weapon state. Under paragraph 1, the US, Russian Federation, and the UK reaffirmed their commitment to respect Ukraine’s independence and sovereignty. Under paragraph 2, these same States also reaffirmed their obligation to refrain from the threat or use of force against Ukraine, and only to use weapons against Ukraine in self-defence. In 2014, Russia violated the Budapest Memorandum when it annexed Crimea.</p> <p>The Treaty on the Non-Proliferation of Nuclear Weapons only allows five countries to have nuclear weapons: China, France, Russia, the UK, and the US.</p> <p>The First Minsk Agreement, known as the Minsk Protocol, was signed on 5 September 2014, by Ukraine, Russia, the OSCE, and —without recognizing their status— the leaders of the self-proclaimed DPR and LPR. This Agreement was meant to be a 12-point ceasefire deal. In addition, it was supposed to facilitate prisoner exchanges, humanitarian aid, and heavy weapon withdrawal. The First Minsk Agreement eventually failed.</p> <p>The Second Minsk Agreement was signed by the same parties in February 2015, with the additional involvement of France and Germany and monitoring by the OSCE. It comprised 13-points, including an immediate ceasefire, an exchange of hostages and prisoners, and the restoration of Ukraine’s control of its borders.</p> <p>In February 2022, the Ukrainian Foreign Minister refused to grant special status to DPR and LPR, citing the Minsk agreements.</p>	<p>The Budapest Memorandum of 1994; The Treaty on the Non-Proliferation of Nuclear Weapons;</p> <p>Brooklyn Neustaeter, “What is the Budapest Memorandum and how does it impact the current crisis in Ukraine?”, <i>CTV News</i>.</p> <p>Minsk Protocol (First Minsk Agreement) - Russian;</p> <p>Al Jazeera: “Ukraine-Russia crisis: What is the Minsk agreement?”.</p> <p>Radio Free Europe Radio Liberty: “Ukrainian Foreign Minister Rejects Special Status For Areas Controlled By Separatists”.</p>

<p>22. Ceasefires and Humanitarian Corridors</p>	<p>After ceasefire talks failed in Belarus, two ceasefires were finally negotiated between Ukraine and Russia on 5 March 2022. These ceasefires were supposed to create safe evacuation routes for residents from the port city of Mariupol, and the Eastern city of Volnovakha. Russia almost immediately broke the agreement as thousands of people in Mariupol were fired upon while trying to use one of the routes.</p> <p>Another temporary ceasefire was negotiated on 6 March 2022 for the same cities, with evacuations starting at noon local time. Again, Russia did not adhere to this ceasefire. In April, Russia rejected calls by the UN and other States for another ceasefire.</p> <p>Those working with Médecins Sans Frontières have stated that one-off humanitarian corridors are not enough to prevent harm to civilians. Indeed, they note that some civilians refuse to leave, including medical workers who wish to help.</p>	<p>CBC News: “Russian forces intensify shelling in Ukraine’s Mariupol after breaking ceasefire, says mayor”;</p> <p>Yuras Karmanau, “Putin says Ukraine’s future in doubt as ceasefires collapse”, <i>AP News</i>;</p> <p>Associated Press: “War in Ukraine: Second attempt at ceasefire in two cities ahead of talks between Ukraine and Russian delegates”;</p> <p>Farnaz Fassihi, “Russia rejects calls for a ceasefire to enable evacuations, saying Ukraine only wants time to arm”, <i>NY Times</i>.</p> <p>Médecins Sans Frontières: “Corridors are not enough for civilians and humanitarian aid in Ukraine”;</p> <p>Amnesty International: “Ukraine: Humanitarian corridors for civilians</p>
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		fleeing Russian attacks must provide safety - new testimonies
23. 'Big Tech'	<p>'Big Tech' companies such as Meta and Alphabet are restricting Russian State media outlets on their platforms. Russia has responded by curtailing access to platforms, such as Facebook and Twitter.</p> <p>Actions taken by Big Tech against the Russian government appear to be motivated by public (or shareholder) pressure rather than government mandates.</p> <p>There are numerous potential issues with the involvement of Big Tech and the response by Russia:</p> <ul style="list-style-type: none"> • Freedom of expression due to censorship both by government or by Big Tech • Complicity of big tech in illegal acts of governments • Propaganda and the spread of propaganda through platforms run by Big Tech (all sides) • The possible use of misinformation banners on Big Tech platforms 	<p>Elizabeth Culliford, "Analysis: Moscow battles big tech to control the narrative", <i>Reuters</i>;</p> <p>CBC News, "MasterCard, Visa suspend operations in Russia over invasion of Ukraine";</p> <p>Steven Feldstein, "4 Reasons Why Putin's War Has Changed Big Tech Forever", <i>Foreign Policy</i>;</p> <p>NY Times: "Ukraine Made Big Tech Pick a Side - But Who are the Losers".</p>
24. Nazism Rhetoric	<p>Putin claimed that the invasion of Ukraine was a "special military operation" with a goal to "strive for the demilitarization and de-Nazification of Ukraine" and protect people who "have been abused by the genocide of the Kyiv regimes for eight years." In other words, Putin claims Ukraine's large ethnic Russian population are separated from their motherland and potential victims of ethnic cleansing by the "neo-Nazi Ukrainian government." However, there is no evidence that the Ukrainian government is participating in large-scale exterminations of Russians or that the Ukrainian government is ideologically neo-Nazi. Ostensibly, Putin is creating propaganda to justify the invasion of Ukraine.</p>	<p>Jeffrey Veidlinger, "Analysis: Putin's claim that war on Ukraine is to target Nazis is absurd. Here's why", <i>PBS NewsHour</i>;</p> <p>Zack Beauchamp, "Putin's 'Nazi' rhetoric"</p>

	<p>Putin has used similar rhetoric in the past, claiming that the annexation of Crimea was undertaken because Ukraine’s government, at the time, was trying to seize Crimea through murder and terrorism, with the main culprits allegedly being ‘Russia-phobes’ and anti-Semites. There are concerns that Putin is actually nurturing Nazism not fighting it.</p>	<p>reveals his terrifying war aims in Ukraine”, <i>Vox</i>.</p> <p>Faith Karimi, “Is Russia’s annexation of Crimea opportune or opportunistic?”, <i>CNN</i>;</p> <p>Ali Soufan, "One of the worst ways Putin is gaslighting the world on Ukraine", <i>NBC News</i>.</p>
<p>25. EU State Media Ban</p>	<p>On 27 February 2022, European Commission President Ursula von der Leyen announced that Russia Today and Sputnik, along with their subsidiaries, would be banned.</p> <p>On 1 March 2022, the European Council prohibited broadcasts from Russia Today and Sputnik, including on cable, satellite, IP-TV, internet service providers, and internet video sharing platforms or apps.</p>	<p>European Council Decision (CFSP 2022/351).</p> <p>European Council Regulation (EU) 2022/350;</p> <p>Michael O’Kane, “EU removes 7 banks from SWIFT & sanctions Russian state-owned media outlets”, <i>EU Sanctions News</i>;</p> <p>Igor Bonifacic, “EU to ban Russian state-backed media outlets RT and Sputnik” Engadget;</p>

	<p>This ban appears to constitute a violation of the freedom of expression under article 19(2) of the ICCPR. Some commentators claim that EU citizens are entitled to freedom from disinformation/propaganda extrapolated from the right to information also under article 19(2) of the ICCPR.</p> <p>It also remains to be seen what the impact of such media bans might be on social media companies and the manner in which moderation of social media platforms occurs.</p> <p><i>(infra issue 23 on Big Tech)</i></p>	<p>Al Jazeera: “EU ups the ante with Russia; closes airspace, bans media”.</p> <p>Mark MacCarthy, “Why a push to exclude Russian state media would be problematic for free speech and democracy”, <i>Brookings</i>;</p> <p>Igor Popović, “The EU Ban of RT and Sputnik: Concerns Regarding Freedom of Expression”, <i>EJIL: Talk</i>.</p>
<p>26. Cyberattacks</p>	<p>Both Ukraine and Russia have been hit with multiple cyber-attacks targeting their critical infrastructure. Through April 2022, concerns have arisen that Russia’s cyberattacks in Ukraine have escalated, including targeting the Ukrainian power grid. Russia has so far denied responsibility for any attacks</p>	<p>Joe Tidy, “Ukrainian power grid 'lucky' to withstand Russian cyber-attack”, <i>BBC News</i>;</p> <p>Joe Tidy, “Ukraine crisis: ‘Wiper’ discovered in latest cyber-attacks”, <i>BBC News</i>;</p> <p>Kari Paul, “Russia’s slow cyberwar in Ukraine begins to escalate, experts say”, <i>The Guardian</i>.</p>

	<p>In response, Ukraine has created a volunteer cyber army as a way to hit back against Russian cyberattacks, engaging in various tasks such as launching distributed denial of service attacks against more than 25 Russian websites.</p> <p>Hacking group Anonymous has claimed distributed denial of service attacks against Russian targets and taken data from Belarusian weapons manufacturer Tetraedr.</p>	<p>Matt Burgess, <u>“Ukraine’s Volunteer ‘IT Army’ Is Hacking in Uncharted Territory”</u>, <i>Wired</i>.</p> <p>Dan Milmo, <u>“Anonymous: the hacker collective that has declared cyberwar on Russia”</u>, <i>The Guardian</i>.</p>
<p>27. Women’s Experience</p>	<p>Women are bearing the brunt of getting children out of Ukraine because the imposition of martial law prohibits men aged 18 to 60 from leaving Ukraine. Many Ukrainian women have been forced to give birth in hospital basements and bomb shelters, where the lack of equipment puts their lives and the lives of their newborns at risk. Some women give birth only to immediately be required to hide in the basement due to air raid sirens. Others are giving birth alone because their partners are protecting the city. While still some others are too afraid to go to the hospital. Russia also appears to be targeting hospitals and other places where women are giving birth.</p>	<p>Paul Waldie, <u>“Fleeing their homeland, Ukrainian women fear for the men unable to leave”</u>, <i>The Globe and Mail</i>;</p> <p>UNFPA: <u>“Ukraine: Conflict compounds the vulnerabilities of women and girls as humanitarian needs spiral”</u>;</p> <p>Maya Oppenheim, <u>“Ukrainian women’s ‘lives at risk’ by giving birth in bomb shelters with lack of equipment”</u>, <i>Independent</i>;</p>

	<p>The International Planned Parenthood Federation is providing reproductive health services to women and girls in Poland so that women who are fleeing Ukraine are not without access to reproductive health care.</p> <p>Even before the current conflict, Amnesty International reported on high rates of domestic violence occurring in DPR and LPR. Amnesty International also stated that “members of the military and police are exempt from administrative proceedings in courts of general jurisdiction, which effectively serves to protect them from criminal prosecution for domestic violence”.</p> <p><i>(infra issue 31 on Sexual Violence)</i></p>	<p>Li Cohen, “‘We are living in real hell’: Ukrainian women describe giving birth in the middle of Russian invasion”, <i>CBS News</i>.</p> <p>International Planned Parenthood Federation: “Statement on the growing humanitarian crisis in Ukraine” UN: “Concern for women and children caught up in Ukraine conflict”.</p> <p>Amnesty International: “Ukraine: Epidemic of violence against women in conflict-torn east”.</p>
<p>28. Internal Displacement and Refugees</p>	<p>There are reports of racism experienced by persons of African heritage trying to flee Ukraine. For example, the Polish embassy in Nigeria reiterated that Nigerians entering Poland from Ukraine would only be allowed to stay for 15 days after which they must leave or apply for international protection.</p>	<p>Notice provided by Polish embassy in Abuja, Nigeria; Patrick Gathara, "Why Africa does not appear to be ‘standing with Ukraine’", <i>Al Jazeera</i>;</p> <p>Arese Sylvester, “Nigerian students on facing racism as they fled the Ukraine war”, <i>Open Democracy</i>.</p>

European countries, particularly in Eastern Europe, have decided to welcome refugees from Ukraine. For instance, the Bulgarian PM said, “[t]hese are not the refugees we are used to [...] these people are Europeans,” These people are intelligent, they are educated people. [...] This is not the refugee wave we have been used to, people we were not sure about their identity, people with unclear pasts, who could have been even terrorists.” This statement is closely related to the issue of racism discussed above.

There is a high volume of persons fleeing Ukraine. According to the UN High Commissioner for Refugees over five million people have fled and gone to a number of Eastern European countries, with over half having gone to Poland. Other countries include Romania, Moldova, Slovakia and Hungary. Most countries that people have fled to are signatories to the Convention on the Status of Refugees and its accompanying optional protocol, though Moldova is not a signatory for either document.

Under article 1 of the Convention on the Status of Refugees the definition of refugee only applied to “events occurring before 1 January 1951”. The Protocol changed this definition so that the cut-off date of 1 January 1951 was removed. As a result, a refugee is now defined as someone who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

As of 31 March 2022, approximately 2 million children have fled Ukraine, making up half of all refugees who have fled from Ukraine. 1.1 million children have fled to Poland, with the rest fleeing to Romania, Moldova, Hungary, Slovakia, and the Czech Republic. Another 2.5 million children have been internally displaced within Ukraine. In total, over 11 million people have fled their homes either to other places within Ukraine or to other countries they consider safer.

Anthony Faiola, Rick Noack and Karla Adam, [“Suddenly welcoming. Europe opens the door to refugees fleeing Ukraine”](#), *Washington Post*.

Al Jazeera: [“UN: Over 5 million people have fled Ukraine since Russia invasion”](#);

[1951 Refugee Convention & 1967 Protocol](#)

UNICEF: [“Two Million Refugee Children Flee War in Ukraine in Search of Safety Across Borders”](#);

BBC News: ["How many Ukrainians have fled their homes and where have they gone?"](#)

	<p>The US government has created a new asylum program for Ukrainian refugees.</p>	<p>Al Jazeera: “US unveils new sponsorship programme for Ukrainian refugees”</p>
<p>29. Disability and war</p>	<p>Millions of people with disabilities are being “abandoned” in Ukraine as aid organizations have warned that very few persons with disabilities are reaching borders. People with disabilities are forced to flee care homes as assault intensifies.</p> <p>Convention on the Rights of Persons with Disabilities (CRPD) mandates protection of those with disabilities: “Article 11: States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.”</p>	<p>Rebecca Thomas , May Bulman, "Millions with disabilities ‘abandoned’ in Ukraine, charities fear", <i>The Independent</i>;</p> <p>CBC News: “People with disabilities feel trapped in Ukraine as war continues”;</p> <p>Al Jazeera: “War in Ukraine: What support do people with disabilities need?”;</p> <p>Inclusion Europe: “People with intellectual disabilities and families in Ukraine affected by Russian war - updates”.</p> <p>UN Convention on the Rights of Persons with Disabilities and the Optional Protocol.</p>

<p>30. Combatant status</p>	<p>Combatants are protected in international law either as POWs or civilians: there is no ‘grey area’ without protection. It is likely that foreign volunteers would also be similarly protected. However, there remains a question about whether non-combatants can be targeted due to plainclothes status of some militia members?</p> <p>The Ukrainian government has released prisoners with combat experience to support military efforts and also encouraged civilians to take part in defence. The government has issued rifles and other arms to ‘volunteers’; broadcasting instructions on how to make improvised weapons on TV. Furthermore, various “militias” —with ranging degrees of State support and authority— are taking part in the conflict. In addition, the Ukrainian government is encouraging foreigners to volunteer to fight and is waiving visa requirements for those who do.</p>	<p><u>Human Rights Watch: “Russia, Ukraine & International Law: On Occupation, Armed Conflict and Human Rights”</u></p> <p>Isabella Khurshudvan et al., <u>“Weapons to Anyone: Across Ukraine, militias form as Russian Forces Near”</u>, <i>Washington Post</i> The Telegraph on Youtube: <u>“Zelesnky announcement re: prisoner release”</u>;</p> <p>Aditi Sangal et al., <u>“February 25, 2022 Russia-Ukraine News”</u>, <i>CNN</i>;</p> <p>CBC News: <u>“Ukraine waives entry visa requirements for foreigners willing to join fight against Russia”</u>;</p> <p><u>Amy Cheng and Claire Parker, “West sends Ukraine Heavy Weapons Amid Fighting in Donbas”</u>, <i>Washington Post</i>;</p>
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Geneva Convention III article 4 provides guidance on categories of persons who could be considered prisoners of war. For militias/volunteer corps, the requirements for POW status eligibility are:

- (a) being commanded by a person responsible for his subordinates;
- (b) having a fixed distinctive sign recognizable at a distance;
- (c) carrying arms openly;
- (d) conducting their operations in accordance with the laws and customs of war.

In addition to those meeting the above criteria, “[i]nhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war” are eligible for POW status. Moreover, the 1958 Commentary on Geneva Convention IV article 4 states that,

“[e]very person in enemy hands must be either a prisoner of war and, as such, be covered by the Third Convention; or a civilian covered by the Fourth Convention. There is no intermediate status; nobody in enemy hands can be outside the law”

According to the Commentary on combatant status and *levée en masse*,

“[f]oremost is the rule that parties to a conflict must distinguish at all times between combatants and civilians. Civilians may never be the deliberate target of attacks. As discussed below, parties to the conflict are required to take all feasible precautions to minimize harm to civilians and civilian objects and not to conduct attacks that fail to discriminate between combatants and civilians, or would cause disproportionate harm to the civilian population.”

(infra issue 19 on IHL)

Terry Davidson,
“Trudeau not optimistic
on helping if any
Canadian combatants
captured in Ukraine”,
The Lawyers Daily.

[Geneva Convention III](#)
[article 4.](#)

[1958 Commentary on](#)
[Geneva Convention IV](#)
[article 4;](#)

[Commentary on](#)
[combatant status and](#)
[levée en masse.](#)

<p>31. Sexual violence</p>	<p>In 2008, UN Security Council Resolution 1820 recognized rape as a tactic of war, which can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide.</p> <p>The Office of the High Commissioner of Human Rights has reported conflict-related sexual violence against men and women in Crimea between 2014-2017. The majority of these cases “occurred in the context of deprivation of liberty by Government forces or armed groups”, but “there are no grounds to believe the sexual violence has been used for strategic or tactical ends”</p> <p>Moreover, women are likely to be among those hardest hit by Russia’s ‘full-scale invasion.’” There have been many instances of sexual violence by Russia-backed separatists in both DPR and LPR. Advocates identify Ukraine’s failure to ratify the Rome Statute as a major hurdle for victims to access justice for such war crimes.</p>	<p>UN Security Council Resolution 1820;</p> <p>Maya Oppenheim, “Sexual violence as ‘weapon of war’ to rise after Russia’s invasion, campaigners warn”, <i>The Independent</i>.</p> <p>UN Office of the High Commissioner of Human Rights: “Conflict related Sexual Violence in Ukraine”;</p> <p>Cora Engelbrecht, “Reports of sexual violence involving Russian soldiers are multiplying, Ukrainian officials say”, <i>NY Times</i>;</p> <p>Bethan McKernan, “Rape as a weapon: huge scale of sexual violence inflicted in Ukraine emerges”, <i>The Guardian</i>;</p> <p>Tetiana Iarmoshchuk, “For Victims Of Sexual Violence In Ukraine's Donbas, Justice Seems</p>
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		Distant ”, <i>Radio Free Europe Radio Liberty</i> .
32. Role of Council of Europe	<p><u>Statute of the Council of Europe</u></p> <p>Article 1</p> <p>“The aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress”</p> <p>Article 3</p> <p>“Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council as specified in Chapter I.”</p> <p>Article 8</p> <p>“Any member of the Council of Europe which has seriously violated Article 3 may be suspended from its rights of representation and requested by the Committee of Ministers to withdraw under Article 7. If such member does not comply with this request, the Committee may decide that it has ceased to be a member of the Council from such date that the Council will determine.”</p> <p>On 21 February 2022, the Council of Europe issued a statement on affirming its unwavering support for the sovereignty and territorial integrity of Ukraine within its internationally recognized borders. The statement noted that Russia’s recognition of the “people’s republics” of DPR and LPR is a “violation of international law” and “represents a unilateral breach of the Minsk agreements”. Further, it observed that the Minsk agreements remain the only basis for a settlement of the conflict in DPR and LPR. Ultimately, through its statement the Council of Europe called upon Russia to reverse this decision and solve disagreement through “dialogue based on respect of principles enshrined in the Statute of the Council of Europe and in the European Convention on Human Rights”.</p> <p>On 25 February 2022, Russia’s ‘rights of representation’ were suspended by the Council of Europe as a result of the armed attack on Ukraine. This suspension meant that Russia could no longer be represented on the Committee of Ministers and in the Parliamentary Assembly. However, Russia would still be a member of the Council of Europe</p>	<p>Statute of the Council of Europe.</p> <p>Statement of the Council of Europe, 21 February 2022.</p> <p>Council of Europe statement, 25 February 2022.</p>

and party to the EU conventions, including the European Convention on Human Rights. Consequently, the Russian Judge of the European Court of Human Rights could remain a member of the European Court of Human Rights and applications introduced against Russia would continue to be examined and decided by the Court. At its core, such a suspension is considered a temporary measure that leaves “channels of communication open”.

On 2 March 2022, the Council of Europe adopted a resolution on legal and financial consequences of the suspension of the Russian Federation from its ‘rights of representation’ in the Council of Europe. By this resolution the Council of Europe made a number of observations. The Council of Europe condemned the active participation of Belarus in the current aggression against Ukraine; it invited the Secretary General to submit proposals on possible steps to be taken with regard to relations between the Council of Europe and Belarus; and it agreed, in the present circumstances, not to invite Belarus to the 11th Council of Europe Conference of Ministers of Culture.

On 10 March 2022, Russia announced its imminent withdrawal from the Council of Europe, inevitably to be accompanied by a denunciation of the European Convention on Human Rights. At this point, it was unclear whether Russia had formally filed a notice of withdrawal from the Council of Europe, or whether Russia was simply indicating its intention to do so.

On 14 March 2022, Italian Under-Secretary of Foreign Affairs and International Co-operation Benedetto Della Vedova addressed The Parliamentary Assembly of the Council of Europe,

“Together we have created a system of protection of human rights and democracy unique in the world, offering guarantees and hopes to the millions of citizens of the states of the Council of Europe, including the citizens of the Russian Federation. The very serious responsibilities of the leadership of the Russian Federation must not diminish the need to carefully evaluate the consequences of the measures we will adopt on the system of guarantees that the Council of Europe has built to protect the rights of all European citizens.”

[Resolution CM/Res \(2022\)1 on legal and financial consequences of the suspension of the Russian Federation from its rights of representation in the Council of Europe.](#)

Marko Milanovic, [“Russia’s Submission to the ICJ in the Genocide Case; Russia’s Withdrawal from the Council of Europe”](#), *EJIL: Talk*.

[Statement by Della Vedova on 14 March 2022.](#)

On 15 March 2022, Russia announced that it has formally left the Council of Europe. This announcement triggered the procedure that would expel Russia from the Council of Europe under article 8 of the Statute of the Council of Europe and the Parliamentary Assembly of the Council of Europe unanimously decided that Russia should no longer be a member State. Russia remains a party to the European Convention on Human Rights and complaints against the Russian Federation can be heard by the European Court of Human Rights till 16 September 2022. The expulsion on 15 March 2022 is not the first time that Russia has been suspended from the Parliamentary Assembly of the Council of Europe, a similar suspension also occurred in 2014. Ultimately, in 2019 Russia's rights in the Council of Europe were restored.

[Recording of the livestream of the Council of Europe meeting to discuss the Russian invasion of Ukraine](#);

Council of Europe: [Expulsion of the Russian Federation from the Council of Europe appears imminent](#);

Council of Europe Newsroom: ["Russia ceases to be a Party to the European Convention on Human Rights on 16 September 2022"](#);

The DW: ["Russia announced that it has formally left the Council of Europe"](#);

European Court of Human Rights: ["Factsheet on the European Court of Human Rights"](#);

European Court of Human Rights Blog: ["Russia will no longer](#)

	<p>The Council of Europe monitors human rights and rule of law and provides early warnings if violations of these two concepts are imminent. The Council of Europe works on behalf of member states and reflects the concerns of European citizens to meet the challenges of modern society. As such, according to civil society organizations there is serious concern that if Russia leaves the Council of Europe it would be disastrous for human rights organizations operating within Russia.</p>	<p>participate in the Council of Europe”.</p> <p>Jannika Jahn, “The Council of Europe Excludes Russia: A Setback for Human Rights”, <i>EJIL: Talk</i>;</p> <p>Council of Europe: “Practical impact of the Council of Europe monitoring mechanisms”.</p>
<p>33. Role of other regional Human Rights bodies</p>	<p>On 28 February 2022, Ukraine filed a request at the European Court of Human Rights regarding the need for urgent interim measures against Russia.</p> <p>On 1 March 2022, the European Court of Human Rights issued a decision under rule 39 of the Rules of European Court of Human Rights. The Court stated that the conflict has given rise to a risk of serious violations to various rights under the European Convention on Human Rights, including article 2 guaranteeing the right to life, article 3 prohibiting torture, and article 8 the right to respect for private and family life. The request has now been registered in the European Court of Human Rights as application number 11055/22, Ukraine v. Russia.</p>	<p>European Court of Human Rights Press Releases.</p> <p>European Convention on Human Rights.</p> <p>Rules of European Court of Human Rights;</p> <p>Giulia Pecorella, “Ukraine and Russia Before International Courts - Recent Developments”, <i>International Law Blog</i>;</p> <p>Amnesty International Ukraine, International Society for Human Rights-Ukrainian</p>

		<p>Branch, Moscow Helsinki Group: Ukraine Takes Russia to EU Human Rights Court over ‘Targeted Assassinations’ ;</p> <p>Kanstantsin Dzehtsiarou and Laurence Helfer, “Russia and the European human rights system: Doing the right thing ... but for the right legal reason?”, <i>EJIL:Talk</i>.</p>
<p>34. World Trade Organization and Trade</p>	<p>Numerous States have imposed sanctions against Russia, including Canada, the US, UK, EU, Australia, Japan, Germany, and Taiwan. These States are also World Trade Organization (‘WTO’) members and subject to the General Agreement on Tariffs and Trade (‘GATT’). Moreover, Russia and Ukraine are also WTO member States. Economic sanctions generally violate GATT, but Art. XX and XXI of GATT provide situations in which economic sanctions can be imposed.</p> <p>Article XX provides general exceptions to GATT-inconsistent behaviour. Article XX(a) includes exceptions to GATT-inconsistent behaviours necessary to protect public morals. In <i>US-Gambling</i>, the WTO Appellate Body upheld the interpretation of “public morals” as the “standards of right and wrong conduct maintained by or on behalf of a community or nation.” For unilateral sanctions to be justified under article XX(a) the risk posed by a product to public morals must be identified. For instance, in <i>EC-Seal</i>, the panel accepted that the risk of complicity in human rights violations could be one of the moral concerns.</p> <p>Article XXI provides security exceptions to States’ trade behaviours inconsistent with GATT, including unilateral economic sanctions. Article XXI(c) allows the State to impose economic sanctions “pursuant of its obligations under the United Nations Charter for the maintenance of international peace and security.” For example, States can impose economic sanctions against Russia and/or Ukraine by a resolution of the UN Security Council or</p>	<p>WTO Analytical Index - Article XX (Jurisprudence);</p> <p>US-Gambling case; EC-Seal case.</p> <p>WTO Analytical Index - Article XXI.</p>

	<p>recommendation by UN General Assembly under the U4P resolution. Such sanctions could likely be justified under article XXI(c).</p> <p>Article XXI (b) provides other exceptions that could possibly apply to the Russia-Ukraine situation, allowing states, absent a recommendation by the UN General Assembly or UN Security Council, to protect their security interests:</p> <ul style="list-style-type: none"> (i) relating to fissionable materials or the materials from which they are derived; (ii) relating to the traffic in arms, ammunition and implements of war and such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment; or (iii) taken in time of war or other emergency in international relations. 	<p><u>Additional Information</u> Mona Pinchis Paulsen, “Characterizing War in a Trade Context”, <i>Opinio Juris</i>;</p> <p>WTO: “Russia-Ukraine conflict puts fragile global trade recovery at risk”;</p> <p><u>Julinda Beqiraj and Munhee Jung</u>, “Economic Sanctions Against Russia and their Compatibility with WTO Law: Questions and Answers”, <i>British Institute of International and Comparative Law</i>.</p>
35. Children	<p>Russia and Ukraine have both ratified the CRC. In addition, Ukraine has also endorsed the Safe Schools Declaration, “which includes commitments to strengthen the protection of schools during armed conflict and to restrict their use for military purposes”.</p> <p>Article 38 of the Convention on the Rights of the Child:</p>	<p>Convention on the Rights of the Child: Safe Schools Declaration.</p>

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39 of the Convention on the Rights of the Child:

“States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

As of 27 February 2022, at least 10 children had already been killed in the fighting. Amnesty International reported that cluster munitions were dropped on a nursery and kindergarten in Okhtyrka — located in northeastern Ukraine — killing two adults and a child, and wounding another child. Amnesty International states that the “strike may constitute a war crime”. As of April 2022, more than 100 children had been killed and 134 had been confirmed injured.

Other schools have also been struck or damaged by the fighting, including a kindergarten in Stanytsia Luhanska, one in Mariupol, and a kindergarten in Chernihiv.

As of 31 March 2022, two million children fled Ukraine, making up half of all refugees in this war. 1.1 million fled to Poland, with the rest fleeing to Romania, Moldova, Hungary, Slovakia, and the Czech Republic. Another 2.5 million children have been internally displaced within Ukraine.

Emma Graham-Harrison, [“‘It’s stomach-turning’: the children caught up in Ukraine war”](#), *The Guardian*;

Amnesty International: [“Ukraine: Cluster munitions kill child and two other civilians taking shelter at a preschool”](#);

		<p>Mary Kekatos, “Mental health effects of Ukraine war zone on children”, <i>ABC News</i>; UNICEF: “Two Million Refugee Children Flee War in Ukraine in Search of Safety Across Borders”;</p> <p>Robert Hart, “More Than 500 Ukrainian Children Killed Or Injured Since Russia Invaded, Ukraine’s Prosecutor’s Office Says”, <i>Forbes</i>.</p>
<p>36. Nuclear Power Plants</p>	<p>Ukraine is the seventh largest producer of nuclear energy in the world, with 55% of its electricity produced by its four nuclear power plants: Rivne, Khmelnytsky, Zaporizhzhya, and South Ukraine. Fighting near Ukraine’s four operating nuclear plants could cause radioactive contamination. On 4 March 2022, Russia seized a nuclear power plant in Zaporizhzhya, Ukraine. During the fight over this plant, a fire broke out at the facility.</p> <p>On 20 March 2022, the International Atomic Energy Agency (‘IAEA’) released a statement that said that radiation levels at all four plants were in the normal range and that safety systems were operating satisfactorily. The IAEA has a list of ten fundamental safety principles in the operation of nuclear power plants. Each one is detailed in “IAEA Safety Standards”:</p> <ol style="list-style-type: none"> 1. Responsibility for safety; 2. Role of government; 3. Leadership and management for safety; 4. Justification of facilities and activities; 5. Optimization of protection; 	<p>IAEA: IAEA Director General Statement on Situation in Ukraine.</p> <p>IAEA: “Update 27 - IAEA Director General Statement on Situation in Ukraine”;</p> <p>International Atomic Energy Agency’s regular updates on ‘Nuclear Safety and Security in Ukraine’;</p>

6. Limitation of risks to individuals;
7. Protection of present and future generations;
8. Prevention of accidents;
9. Emergency preparedness and response;
10. Protective actions to reduce existing or unregulated radiation risks.

Chernobyl

The Russian seizure of the Chernobyl nuclear plant has raised concerns of another disaster. There are also fears that any fighting in the area could lead to radioactive waste spillage. On 9 March 2022, Ukraine claimed that there was a risk of a radiation leak at Chernobyl after a high-voltage power line was damaged during fighting, which subsequently caused the plant to be cut off from the national power grid. Power is integral to the safe functioning of a nuclear power plant because it helps cool the nuclear fuel that is stored at the plant. The IAEA noted that the interrupted power supply violates a “key safety pillar” but it does not critically impact safety. On 14 March 2022, Chernobyl was reconnected to the power grid. There are now concerns from the IAEA over staffing at the plant, as workers were originally unable to leave when Russian forces captured the decommissioned facility. As of 20 March 2022, it appears that staff are now able to rotate and return home. On 31 March 2022, Russian troops withdrew from Chernobyl and handed the site back to Ukraine. Ukrainian authorities claim that Russian soldiers were exposed to “‘significant doses’ of radiation from digging trenches in the exclusion zone around the plant, although there has been no independent confirmation of Russian soldiers being exposed to radiation yet.

IAEA: [“IAEA Safety Standards for protecting people and the environment: Fundamental Safety Principles”](#)

BBC News: [“Russian forces seize Chernobyl nuclear power plant”](#);

Natalia Zinets, [“Ukraine sees risk of radiation leak at Chernobyl, IAEA sees ‘no critical impact’ on safety”](#), *CTV News*;

Mariya Petkova, [“Is a nuclear disaster likely in Ukraine?”](#), *Al Jazeera*; [“Russian seizure of Ukrainian nuclear power plant raises global alarm”](#), *Global National* (Video);

[“U.S. calls Russian attack on Ukraine nuclear power plant a ‘war crime’”](#), *CBS News* (Video);

Nebi Qena & Yuras Karmanau, [“Russians](#)

		<p>leave Chernobyl as fighting rages elsewhere”, <i>CTV News</i>;</p> <p>Yogita Limaye, “Inside Chernobyl: We stole Russian fuel to prevent catastrophe”, <i>BBC News</i></p>
<p>37. Nuclear Weapons</p>	<p>An ICJ advisory opinion, “Legality of the Threat or Use of Nuclear Weapons, 1996”, condemned the use of nuclear weapons but did not ban them outright. On 22 January 2021, the Treaty on the Prohibition of Nuclear Weapons was adopted by a two-thirds majority of UN member States. This treaty made it illegal to develop, possess or use nuclear weapons.</p> <p>Russia and Ukraine have ratified the Treaty on the Non-Proliferation of Nuclear Weapons. Neither have signed the 2021 Treaty on the Prohibition of Nuclear Weapons.</p>	<p>Legality of the Threat or Use of Nuclear Weapons: Treaty on the Prohibition of Nuclear Weapons;</p> <p>Amnesty International: “UN: Nuclear powers must join historic treaty making nuclear weapons illegal”;</p> <p>Christopher Vail, “The Legality of Nuclear Weapons for Use and Deterrence”, <i>Georgetown Journal of International Law</i>.</p> <p>The Treaty on the Non-Proliferation of Nuclear Weapons.</p> <p>Yuras Karmanau et al, “Putin puts nuclear forces on high alert”.</p>

On 27 February 2022, Vladimir Putin placed Russian nuclear forces on high alert citing various NATO statements and sanctions.

Ukraine does not have any nuclear weapons in accordance with the 1994 Budapest Memorandum, in which Ukraine transferred its nuclear arsenal to Russia for decommissioning as these weapons were a part of the Soviet Union's arsenal. There is no evidence that Ukraine is attempting to reacquire any nuclear weapons.

According to the Federation of American Scientists, Russia has 5,977 nuclear warheads, with approximately 1,500 weapons scheduled for dismantling. Most of the remaining warheads are strategic nuclear weapons, or long-range ballistic missiles, while the rest are meant for short-range use. Of all these warheads, 1,500 are currently deployed.

Three NATO countries —the US, UK, and France— have a combined 5,943 nuclear warheads, with the US having 5,428 nuclear warheads.

According to Russian policy, there are four scenarios where nuclear weapons may be used:

1. When ballistic missiles are launched in an attack on the Russian Federation or its allies;
2. When nuclear weapons or any other weapon of mass destruction is used against the Russian Federation or its allies;
3. An attack on critical Russian government or military sites that threatens nuclear capability; or
4. Aggression against the Russian Federation by conventional weapons which put the existence of the state in jeopardy.

(infra issue 21 on Security Agreements)

[escalating tensions](#)”,
CTV News.

Brooklyn Neustaeter,
[“What is the Budapest Memorandum and how does it impact the current crisis in Ukraine?”](#), *CTV News*.

The Visual Journalism Team,
[“How many nuclear weapons does Russia have?”](#), *BBC News*.