

AID MEMOIRE

ON MAIN INTERNATIONAL LAW CRIMES AND OFFENCES OF THE RUSSIAN FEDERATION IN THE COURSE OF AGGRESSIVE WAR IN UKRAINE UNLEASHED ON THE 24TH OF FEBRUARY 2022

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“...the whole civilized world respects and adheres to the fundamental values of the international law, democracy and human rights. The new aggressive round of intrusion of the Russian Federation in Ukraine, full-scale military action, including against the civilian population and infrastructure, is a flagrant violation of international law. The Armed Forces of Ukraine, all branches of government, civil society, in particular, scientists are defefending our Motherland. It is the scientists who have to explain and disseminate reliable information and assess the actions of the aggressor, which has been done by the academics of the State University of Trade and Economics. This is the first step of a great work that awaits academia...”

The Russian Federation systematically violates and fails to fulfil its international obligations. **On February 21, 2022**, the President of the Russian Federation has

signed the decrees that recognise the "independence" of the "DPR" and the "LPR" by the Russian Federation. On February 22, 2022, there were two laws adopted, namely: the Federal Law № 33-SFO "On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Donetsk People's Republic" and Federal Law № 34-SFO "On Ratification of the Treaty of Friendship, Cooperation and Mutual Assistance between the Russian Federation and the Luhansk People's Republic. " **By these actions, the Russian Federation deliberately and unilaterally terminated the Minsk Agreements, which contradicts, in particular, Article 26 of the Vienna Convention on International Treaties, which stipulates the need for good faith implementation of international treaties.**

There has been committed another brazen violation of international treaty obligations by the Russian Federation **on February 24, 2022**, when its troops invaded Ukraine at around 5 am with the use of air, land and naval forces. The goal of Russian offensive military operation is to destroy the Ukrainian state, to seize Ukrainian territory by force, and to establish occupation control.

During the air attack, the enemy continued to inflict fire on military and civilian airfields, military control points (forces), air defence facilities, important critical infrastructure, settlements and units within defence areas. Having violated the norms of International Humanitarian Law, the occupiers insidiously inflicted and continue to inflict missile strikes on residential buildings and social infrastructure throughout Ukraine.

According to the norms of public international law, the latter is qualified as a **direct violation of paragraph 4 of Art. 2 of the UN Charter, which defines the obligation of states to refrain from the threat or use of force against the territorial integrity and independence of any state in terms of international relations.** However, the Russian Federation violated this obligation in 2014. Article 2, paragraph 4, of the UN Charter stipulates that all UN members in terms of their international relations refrain from the threat of force or its use, both against the territorial integrity or political independence of any state, and in any other way incompatible with the purposes of the United Nations. The UN Charter also prohibits the interference in the internal affairs of states. It should be noted that these rules are binding on all countries of the world and, above all, permanent members of the UN Security Council, among whom there still remains the Russian Federation.

Under general international law, the military occupation of a state, as a result of the use of force in violation of the UN Charter, is prohibited, as well as the organisation and encouragement of irregular forces or armed gangs, including mercenaries, to invade another state. No acquisition of territory, as a result of a

threat or use of force, shall be recognized by other States (**Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation between States under the 1970 UN Charter**).

According to the resolution on the definition of aggression in 1974, the military occupation of another state or part of it, whatever its temporary nature and regardless of the declaration or non-declaration of war, including annexation, are classified as acts of aggression - "use of force by the state against sovereignty, territorial inviolability or political independence of another state." The qualification of the occupation remains unchanged and does not depend on whether the act was carried out by the regular armed forces, or by exile by the state, or on behalf of the state, or with significant state involvement of armed gangs, groups, irregular forces or mercenaries. No acquisition of territories as a result of aggression cannot be recognized as lawful (Articles 1, 3, 5).

The Helsinki Final Act of the CSCE of 1975, signed by the USSR (the Russian Federation is the successor), established the principle of respect for borders in Europe. Recognition of this principle also means recognizing existing borders as legally established in accordance with international law and renouncing any territorial claims. **The air, land and naval forces of the Russian Federation have illegally crossed the state border of Ukraine.** For the eighth year in a row, the Russian Federation is encroaching on the state border of Ukraine, and since February 24, 2022, such encroachment is full-scale, which demonstrates the violation by the Russian Federation of another rule of international law.

The Russian Federation has violated the 1949 Statute of the Council of Europe, which earlier joined in 1996 and fails to adhere to the principles of the Organization enshrined in Article 3 of the Statute of the Council of Europe, namely: the rule of law and respect for human rights and fundamental freedoms. Therefore, in accordance with Article 8 of the Statute of the Council of Europe, the Organisation suspended the representation of the Russian Federation in the Council of Europe by consensus decision on 25 February 2022. Nevertheless, Russia is still obliged to abide by the European Convention on Human Rights, and individuals will apply to the European Court of Human Rights for violations.

The 1994 Budapest Memorandum between Russia, the United States, Britain and Ukraine, which is also guaranteed by France and China, i.e. all permanent members of the UN Security Council, established security guarantees and clear recognition of Ukraine's borders in the event of a renunciation of approximately 2000 nuclear warheads. The annexation of Crimea, the temporary occupation of Donetsk and Luhansk oblasts, and then full-scale hostilities throughout Ukraine,

launched on February 24, 2022, are evidence of a gross violation of the norms enshrined in the Budapest Memorandum by the Russian Federation.

On February 24, 2022, Russian troops have captured the Chernobyl nuclear power plant and the exclusion zone in Ukraine. Today, the whole world is facing a new terrible threat of nuclear danger: Russian armed groups have seized all the facilities of the Chernobyl nuclear power plant. There are more than 22,000 spent reactor fuel assemblies in the spent nuclear fuel storage facilities of SNF-1 and SNF-2. In the terrible hands of the aggressor, this significant amount of plutonium-239 can turn into a nuclear bomb, which will turn thousands of hectares into a dead lifeless desert.

Nuclear power plants, other nuclear and radiation facilities of Ukraine are objects of peaceful use of nuclear energy, they are not intended for hostilities and should not be attacked **in accordance with Article 56 of the Additional Protocol to the Geneva Conventions of 12 August 1949 on the Protection of Victims of International armed conflicts.** Nuclear power plants and other nearby facilities, even military ones, should not be attacked, as this could lead to the release of dangerous forces and further heavy losses.

At the same time, there should be noted numerous gross violations of the norms of international humanitarian law applicable to armed conflict, in particular the Geneva Conventions and their Additional Protocols, which provide for the protection of victims of armed conflict. According to the provisions of these agreements, the parties must ensure the protection of the civilian population and civilian objects and take all measures **to avoid exposing the civilian population to even greater risk.** International humanitarian law also obliges parties to seek and **provide all available information** on missing persons and those who are considered missing in order to ensure the right of families to receive information on the fate of their relatives. Dwelling houses, kindergartens, medical institutions, cities in no way should be a theatre of hostilities. **The Third Geneva Convention** also prohibits the improper use of flags, military emblems, insignia or military uniform of the enemy, and the disguise of the military in civilian uniform.

Thus, as of today, there is an international armed conflict on the territory of Ukraine defined by Article 2 (paragraph 2) of the four Geneva Conventions of August 12, 1949. Russia is shelling the territory of Ukraine with the help of its armed forces.

Exiled sabotage and reconnaissance groups are breaking into city streets and killing civilians. The Russian armed forces are shelling civilian objects, hospitals, kindergartens, ambulances, and residential buildings. In response

to blatant violations of international law, as well as fundamental human rights, Ukraine in response to Russian aggression lawfully applied Art. 51 of the UN Charter, which allows the use of force in the exercise of the right to individual self-defense.