



Mass-casualty Burials in the Uncontrolled Territories of Donetsk and Luhansk regions

On February 16, the Investigative Committee of the Russian Federation opened a criminal case over the discovery of 4 mass graves in the occupied Luhansk region and one in the occupied Donetsk region. It is alleged that the remains of those killed in indiscriminate shelling by the Ukrainian armed forces were found there.

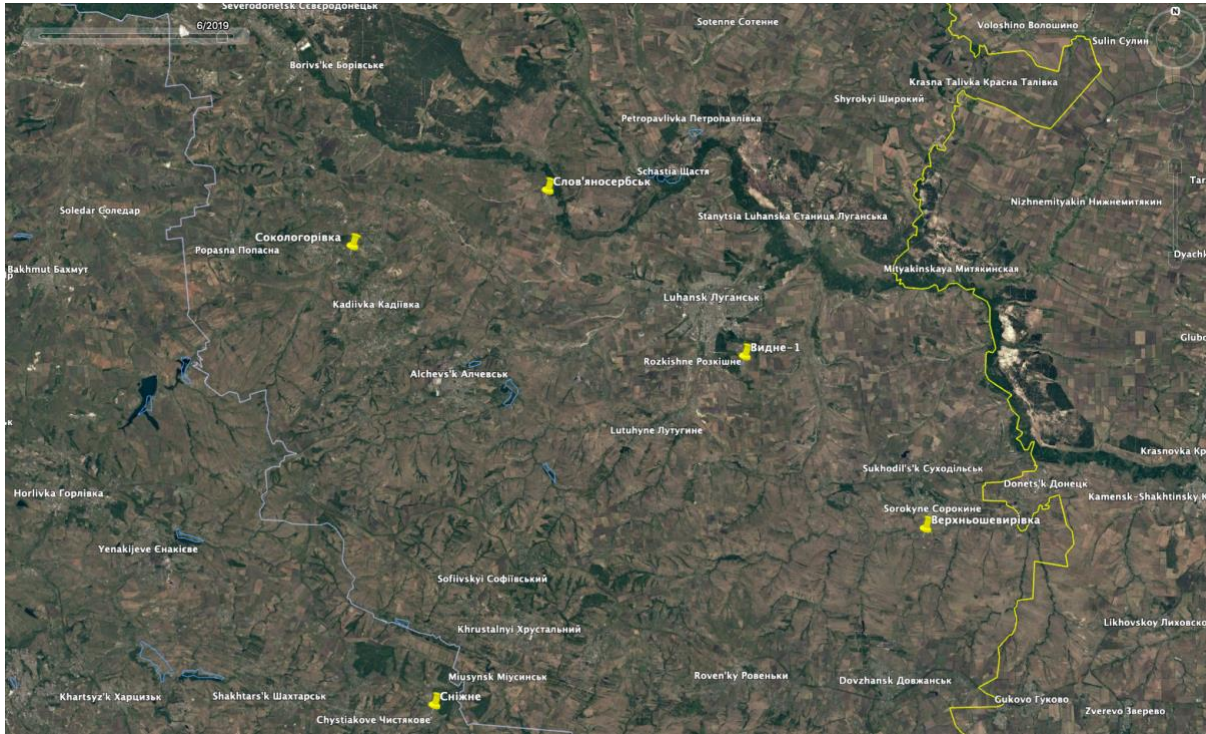
Reports of mass-casualty burials have been received almost since the beginning of an armed conflict in eastern Ukraine. One of the first reports appeared in late September 2014th, about a mass burial discovered near the mine №22 *Communarsk* in the suburbs of Makiyivka¹. It was then reported that the remains of nine tortured locals had been found at the temporary location of the Ukrainian military, on the territory of the mine itself. Amnesty International then confirmed that four men aged 25 to 30 in a mass grave near the Communarsk mine were indeed victims of Ukrainian combatants. However, the other 5 bodies, including female ones, were found in an area controlled exclusively by the so-called DPR². Since then, there have been no reports of mass graves found in non-government-controlled areas of Eastern Ukraine.

Between August and October 2021, five mass graves were reported³. The places of these burials are allegedly located in the town of Snizhne, the town of Slovyanoserbksk, the residential area of Sokolohorivka in Pervomaisk, the village of Vydatne-1 (also known as Vydne-1), and the village of Verkhnoshevyrivka. It is stated that at least 295 civilians who died from indiscriminate shelling by the Ukrainian armed forces in 2014 were exhumed from these burials.

¹ Донбасс в ужасе: в братской могиле жертв нацгвардии нашли беременную: <https://www.ntv.ru/novosti/1220116>.

² Eastern Ukraine conflict: Summary killings, misrecorded and misreported: <https://www.amnesty.org/en/latest/news/2014/10/eastern-ukraine-conflict-summary-killings-misrecorded-and-misreported>.

³ Возбуждено уголовное дело об обнаружении массовых захоронений мирных жителей на территории Донбасса: <https://sledcom.ru/news/item/1656580>.

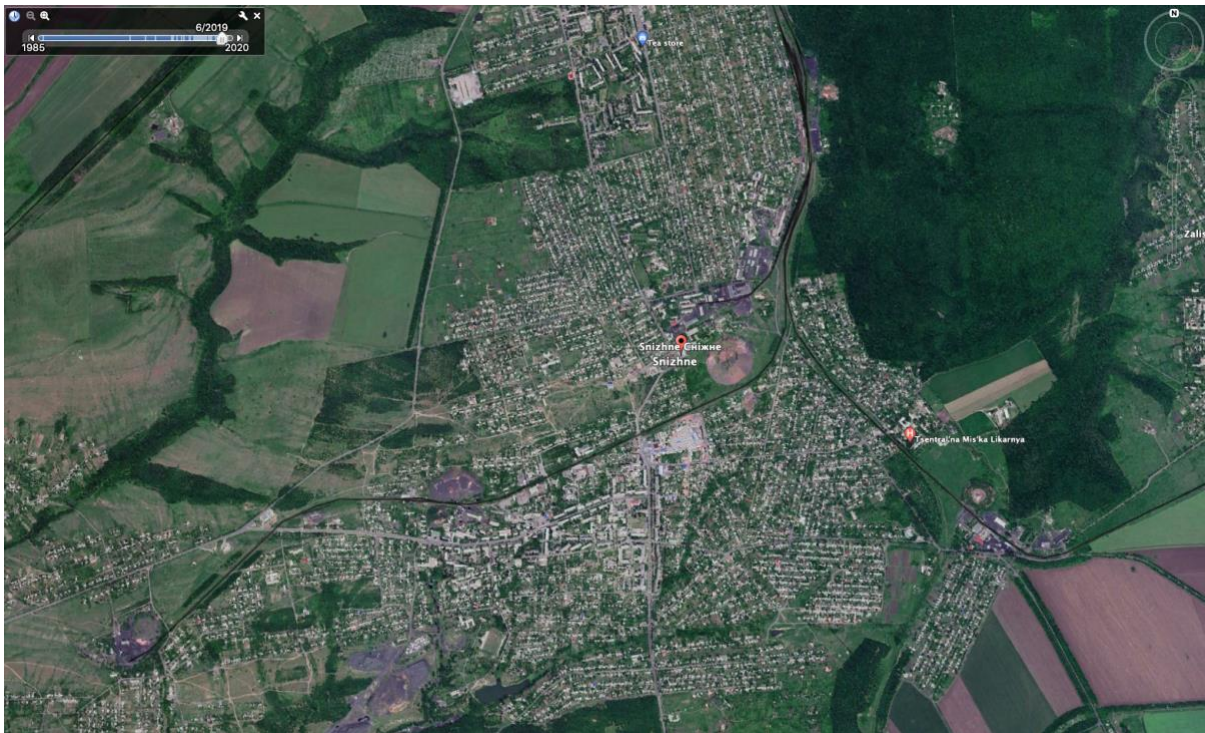


Locations of alleged burial sites, according to pro-Russian media reports.

Truth Hounds analyzed mentions of these locations from 2014 in official statements of the Russian Federation and the so-called LPR / DPR, media, social networks, and testimonies of civilians; consulted with the Department of Forensic Science of the Bohomolets National Medical University to understand the accuracy of information about the very existence of these burials, as well as the involvement of the Armed Forces of Ukraine.

Snizhne

From the beginning of summer 2014, the town was under the control of non-state armed groups controlled by the Russian Federation (hereinafter – NSAGs). On July 15, 2014, an airstrike on Snizhne happened, killing 11 civilians⁴. Then pro-Russian forces, as well as Russian media reported that the attack was carried out by Ukrainian Armed Forces. The Ukrainian authorities reported that the attack was carried out by an unknown aircraft⁵. This is the only fact when there was at least a theoretical possibility of Ukrainian forces involved in the attack on the civilian population in Snizhne. In the future, the Ukrainian armed forces were not present either in or near Snizhne.

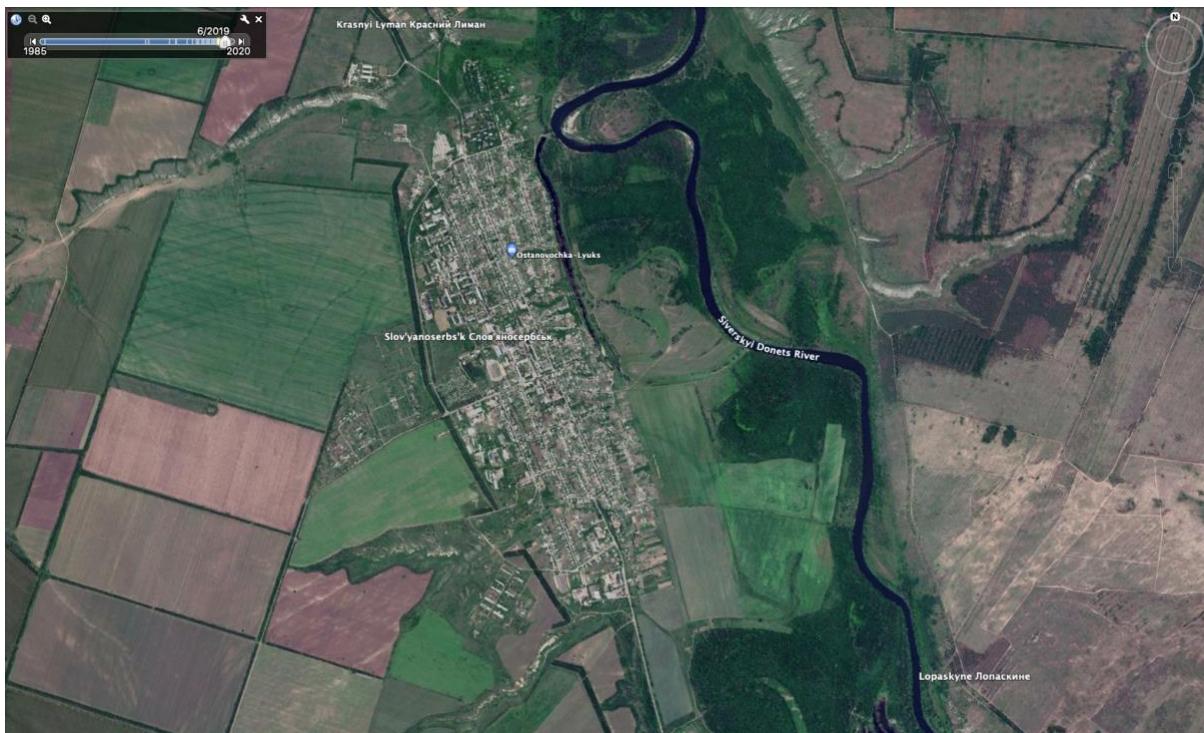


⁴ Авианалет на Снежное: ополченцы сообщают о погибших мирных гражданах: vesti.ru/article/1842254; г.Снежное 15.07.2014 Авиабомбардировка мирных жителей Украинскими карателями / Спасение ребёнка: <https://www.youtube.com/watch?v=pl0XS9lgJBY>

⁵ Обстрел Снежного совершил неизвестный самолет – СНБО: <https://korrespondent.net/ukraine/events/3392678-obstrel-snezhnoho-sovershyl-neyzvestnyi-samolet-snbo>.

Slovyanoserbbsk

Representatives of the so-called Luhansk People's Republic have only twice reported on the fact of civilians being killed by combatants of the armed forces of Ukraine in the vicinity of Slovyanoserbbsk. The first is an alleged murder of two residents of the Sokolniki village (near Slovyanoserbbsk) on October 21, 2014⁶. The second is about the Ukrainian military having dumped flyers infected with tuberculosis over the village⁷. There was no other the so-called LPR-furnished information of Slovyanoserbbsk' civilian deaths at the hands of the Ukrainian combatants. Ukrainian armed forces were not present in Slovyanoserbbsk itself or nearby after the summer of 2014.

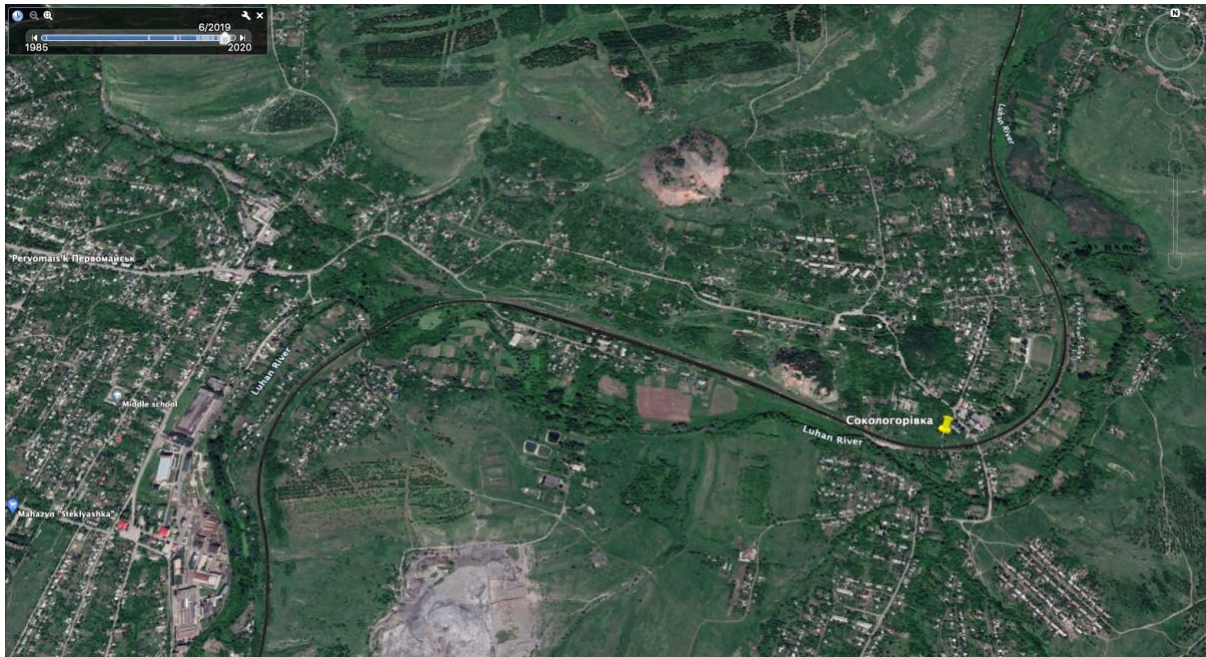


⁶ Славяносербське почили пам'яті погибших мирних жителів села Сокольники: <https://mir-lug.info/novosti-terotdelenij/v-slavyanoserbbske-pochtili-pamyat-pogibshih-mirnyh-zhitelej-sela-sokolniki>.

⁷ «Туберкулезные «сторублевки»: жителей оккупации напугали странным фейком: <https://www.radiosvoboda.org/a/tuberkulioznie-storubliovki-zhitelej-okkupatsii-napugali-feikom/30988607.html>

Sokolohorivka, Pervomaisk

The settlement is located northeast of Pervomaisk. Pervomaisk itself was badly affected by shellings carried out by Ukrainian artillery (about 200 civilians were killed in early August 2014, according to the OSCE SMM). We can assume that some of these victims may have been temporarily buried in a mass grave in Sokolohorivka due to the constant intense shelling of Pervomaisk at that time. Sokolohorivka is the most remote part of the city center. News of the deaths of civilians in this settlement appeared on September 1, 2021, i.e. after the announcement of the presence of mass-casualty burials there⁸. On August 31, 2021, representatives of the so-called LPR reburied the remains of 30 civilians who were allegedly found in a mass grave⁹. Ukrainian armed forces were not been present in Pervomaisk or nearby since August 2014.

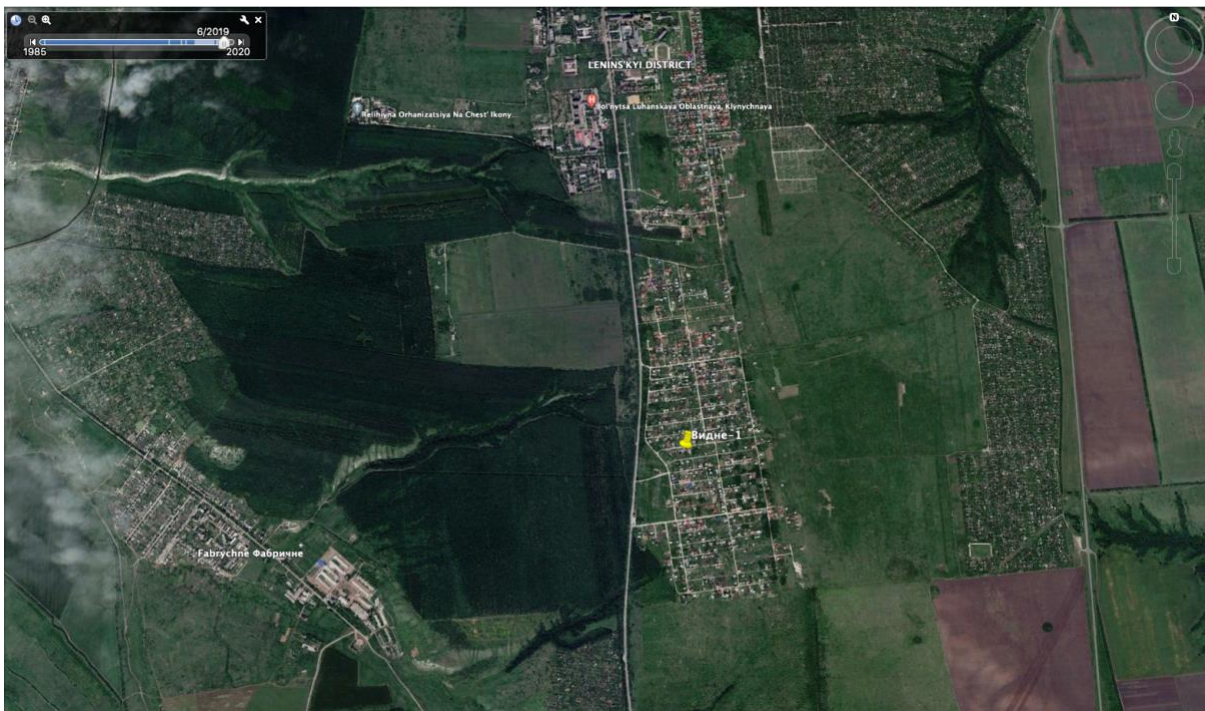


⁸ «Хоронили в огородах», – жительница Первомайська о событиях 2014 года: <https://gtrklnr.com/2021/09/01/xoronili-v-ogorodax-zhitelnica-pervomajska-o-sobytyyah-2014-goda>.

⁹ В ЛНР перезахоронили останки тридцати жертв конфликта в Донбассе: <https://ria.ru/20210831/donbass-1748041586.html>.

Vydatne-1 (also known as Vydne-1)

If a mass grave was indeed found in the village, it is most likely that the dead from the southern part of Luhansk were buried there. However, this settlement never appears in reports, media materials, or personal testimonies until November 2021. It was then announced that the remains of 165 bodies¹⁰ had been found, which, according to the so-called LPR executives, had been brought there both from Luhansk and from nearby settlements.



¹⁰ Церемонія перезахоронення останків 115 жертв ВСУ состоялась в луганском поселке Видное: <https://lug-info.com/news/ceremoniya-perezahoroneniya-ostankov-115-zhertv-vsu-sostoyalas-v-luganskom-poselke-vidnoe>

Verkhnoshevyrivka

According to representatives of the so-called LPR, at the end of August 2021, the remains of 36 civilians were allegedly found in this village, located near the town of Krasnodon¹¹. As in the case of other settlements described above, the village appeared in pro-Russian media reports only in August 2021, when mass graves were allegedly discovered there. There were no reports of civilian casualties from the Ukrainian Armed Forces in it or nearby.



¹¹ Из массового захоронения в Донбассе извлекли останки 36 жертв конфликта: <https://ria.ru/20210924/donbass-1751688120.html>



On July 22, 2021, the Russian Federation filed a lawsuit with the European Court of Human Rights over the "war crimes of the Ukrainian army and nationalist battalions in the Donbas." Established in August, 2021 "Interdepartmental commissions to search for missing persons, search for burial places of bodies (remains) of the dead (deceased) in areas of armed conflict in the Donbass" in the so-called DPR and LPR on August 11, 2021 began to remove the remains. It is these commissions that seem to have found the remains of 292 people on the territory of the so-called DPR and LPR¹².

At present, the commissions' statements cast doubt on its ability to conduct independent, reliable information. First of all, it is rather strange that there was no information about mass burials in the mentioned locations, neither in the media, nor in blogs, nor in comments or posts on social networks. According to information provided in the media of the so-called Luhansk People's Republic, during the reburial in Vydne-1, one person stated that he knew that his brother's remains were in that mass grave¹³. At the same time, this is the only evidence of the actual presence of these mass graves. It is unknown how important information such as the burial place of relatives and close ones in mass graves escaped even the slightest publicity. The commissions, in turn, do not comment on this fact in any way, although it directly affects any further assessments of burial information.

Another doubtful point is the clear position of the commissions on the time of death of the buried. Complete skeletonization with ligament disintegration and bone dislocation is completed in 5 years. The age of the remains can be settled by two methods:

- Method for determining the duration of decalcification of bone tissue. The method establishes the age of bone remains through the process of decalcification of bony tissue. For this method, it is necessary to take into account the acidity of the soil: the more acidic the soil, the more likely it is to date the remains. However, in this case, we are talking about a steppe climate in which soil acidity is below average. Therefore, it is impossible to determine the age of the remains by this method.
- Emission spectral analysis method. According to it, the evaluation of spectrograms determines the age of bony tissue according to the presence of manganese, aluminum, silicon, iron and strontium. The method determines the age of burial within 4-10 years. Thus, the limitation period of the remains is 2006–2016. It is impossible to determine the time of burial in more detail, and therefore it is impossible to determine exactly whether the victims were victims of the Armed Forces of Ukraine in 2014, or were buried in mass burial at any other time until the summer of 2016.

¹² Спецгруппа с начала работы извлекла из захоронений в ЛНР останки 292 жертв ВСУ: <https://lug-info.com/news/specgruppya-s-nachala-raboty-izvlekla-iz-zahoronenij-v-lnr-ostanki-292-zhertv-vsuv>

¹³ Церемония перезахоронения останков 115 жертв ВСУ состоялась в луганском поселке Видное: <https://lug-info.com/news/ceremoniya-perezahoroneniya-ostankov-115-zhertv-vsuv-sostoyalas-v-luganskom-poselke-vidnoe>



International organizations claim there are mass graves related to the armed conflict in Donetsk and Luhansk oblasts. Human Rights Watch testifies to the exhumation from a mass grave in Slovyansk¹⁴. The authors of the report of the Office of the United Nations High Commissioner for Human Rights said that they were aware of mass graves near Slovyansk and near the Communarsk mine #22, but representatives of the UN mission were not allowed to investigate those¹⁵. Representatives of some pro-Russian media report that the UN did not pay attention to the fact of mass burials¹⁶; and others claim that the UN did inspect mass graves, referring to the mission's survey near the Communarsk mine¹⁷.

During eight years of interviewing witnesses and victims of the armed conflict in eastern Ukraine, Truth Hounds recorded information about mass burials near Lysychansk, Horlivka, Orikhovo (near Antratsyt), Holubivka (Kirovsk), Pervomaisk, and Chornukhino. The only place in relative proximity to the places of mass burials mentioned by the Investigative Committee of the Russian Federation is the Hrakove cemetery in the north of Pervomaisk.

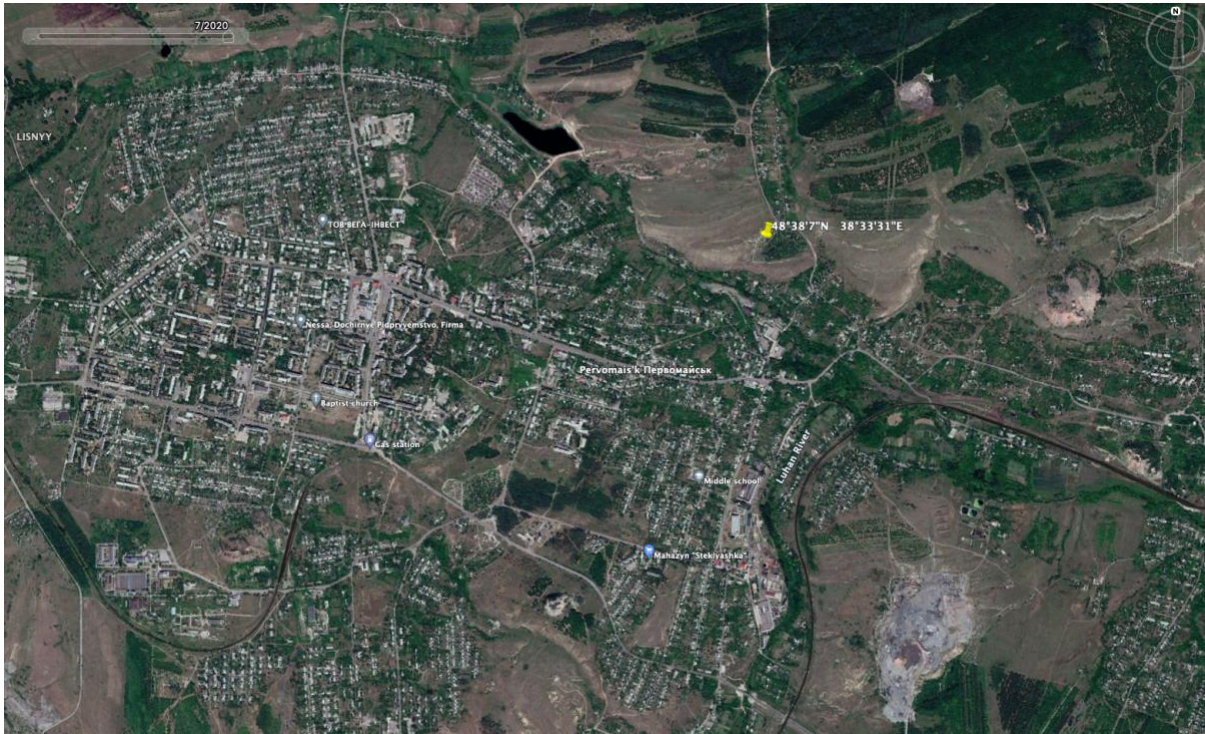
"They came to us at night and told me: you will work. In the morning, I and other detainees were put in a car and taken to the Hrakove cemetery. There we dug pits (graves). A car came and brought corpses. The bodies were in bags – 5 per one plastic bag. We put them in the pit without taking them out of the bags and buried them"

¹⁴ Dispatches: Mass Grave Found in Eastern Ukraine: <https://www.hrw.org/news/2014/07/24/dispatches-mass-grave-found-eastern-ukraine>

¹⁵ Эксперты ООН не имеют возможности расследовать сообщения о массовых захоронениях в Украине: <https://news.un.org/ru/audio/2014/10/1024871>

¹⁶ Тема массовых захоронений под Донецком не нашла отражения в докладе ООН: <https://tass.ru/mezhdunarodnaya-panorama/1492784>

¹⁷ Миссия ООН расследует сообщения о захоронениях под Донецком: <https://m.infox.ru/news/245/136840-missia-oon-rassleduet-soobsenia-o-zahoroneniiah-pod-doneckom>



Hrakove cemetery.

But this testimony refers to the burial of victims of NSAGs. Truth Hounds has no information from witnesses, media, or social networks about any burial mentioned by the so-called DNR / LNR commissions.

Moreover, the commissions and the Investigative Committee of Russia not only report the facts but also provide legal qualifications. Thus, recent reports mention civilian casualties. At the same time, it is not specified how it was established that the dead were civilians. Moreover, even if the bodies of the dead were indeed found in the burials, and if the remains really belonged to local residents, this does not mean that such civilians did not participate in the armed conflict and were therefore illegitimate targets.

In addition to pointing to civilians, the information from the Investigative Committee refers to the deaths from indiscriminate attacks. Let's leave behind the question of why it was necessary to bury people who, according to the Committee, died from the shelling, at the risk of coming under shelling or stepping on an enemy mine. But even with this caveat, it is still unclear how the commissions and the Investigative Committee were able to conclude that the attacks were indiscriminate.

Such attacks are indeed prohibited by international humanitarian law (IHL). They involve firing on both military and civilian targets. At the same time, the attacking party is not trying to hit a specific military facility but is shelling the territory as a whole. Even from this succinct explanation, it is clear that the very indication of the indiscriminate nature of the attack means acknowledging the existence of military facilities alongside civilian ones. In addition, the mention



of ineligibility means that in order to establish a violation of IHL, it is necessary not only to prove the fact of hitting a civilian object but also to demonstrate that such a hit was the result of an indiscriminate attack against targets. Such proof is a very complicated process. Especially when it comes to events that happened eight years ago.

Finally, the Investigation Committee seems to add the term genocide to indiscriminate attacks. Genocide, or crime of crimes, as it is called, can be stated only when the so-called genocidal intent in perpetrators' actions is established. That is when there is an intention to destroy all or in part of a nation, ethnic, religious, or racial group. Genocide through indiscriminate attacks is a kind of an oxymoron, as the latter implies the indifference of the performers as to where they hit, and not the intention to completely or partially destroy the group.

Therefore, the information published by the Investigative Committee of the Russian Federation and picked up by the Russian media is extremely politicized and cannot be taken for granted. It seems, unfortunately, that Russia is once again trying to use human tragedy to stage a demonstration process. And it seems that Russia is once again forgetting that such processes can take place within Russia, but not at the international level. The lessons of Nuremberg, despite their protection by the Criminal Code of the Russian Federation, have not been learned.

Instead of politicizing the deaths of civilians in eastern Ukraine, Russia could, as Ukraine does, agree to cooperate with the International Criminal Court and provide it with information on possible crimes it has identified. In addition, Russia could adopt the principle that members of Truth Hounds, paraphrasing Franklin Roosevelt, define as *he may be our son of a bitch, but he's a son of a bitch*. Ukraine, although perhaps not fully, has agreed to this principle. Investigations, lawsuits, and real verdicts over the events in Donetsk and Luhansk oblasts concern both representatives of Ukrainian combatants and the NSAGs. This demonstrates a commitment to the idea of justice and concern for the establishment of historical truth. Unfortunately, this cannot be said of what currently looks like an imitation of justice administered by the Russian Federation.

Therefore, we cannot draw a conclusion about the existence of mass graves or the fact that the armed forces of Ukraine joined them. The only available facts about these burials are statements in the pro-Russian media and the results of the work of the commissions of the so-called DPR / LPR. There is no evidence from the local population, no conclusions from investigations by international organizations. Moreover, there are no signs of genocide. In addition, if these mass graves were indeed discovered, the question remains as to who buried the people there.