



PROSECUTOR
GENERAL'S
OFFICE

PROSECUTING ENVIRONMENTAL WAR CRIMES

FACTS – NATURE AND SCALE

APPLICABLE LEGAL FRAMEWORK

INFORMATION ON KAKHOVKA DAM CASE

KEY CHALLENGES

OUR AIMS

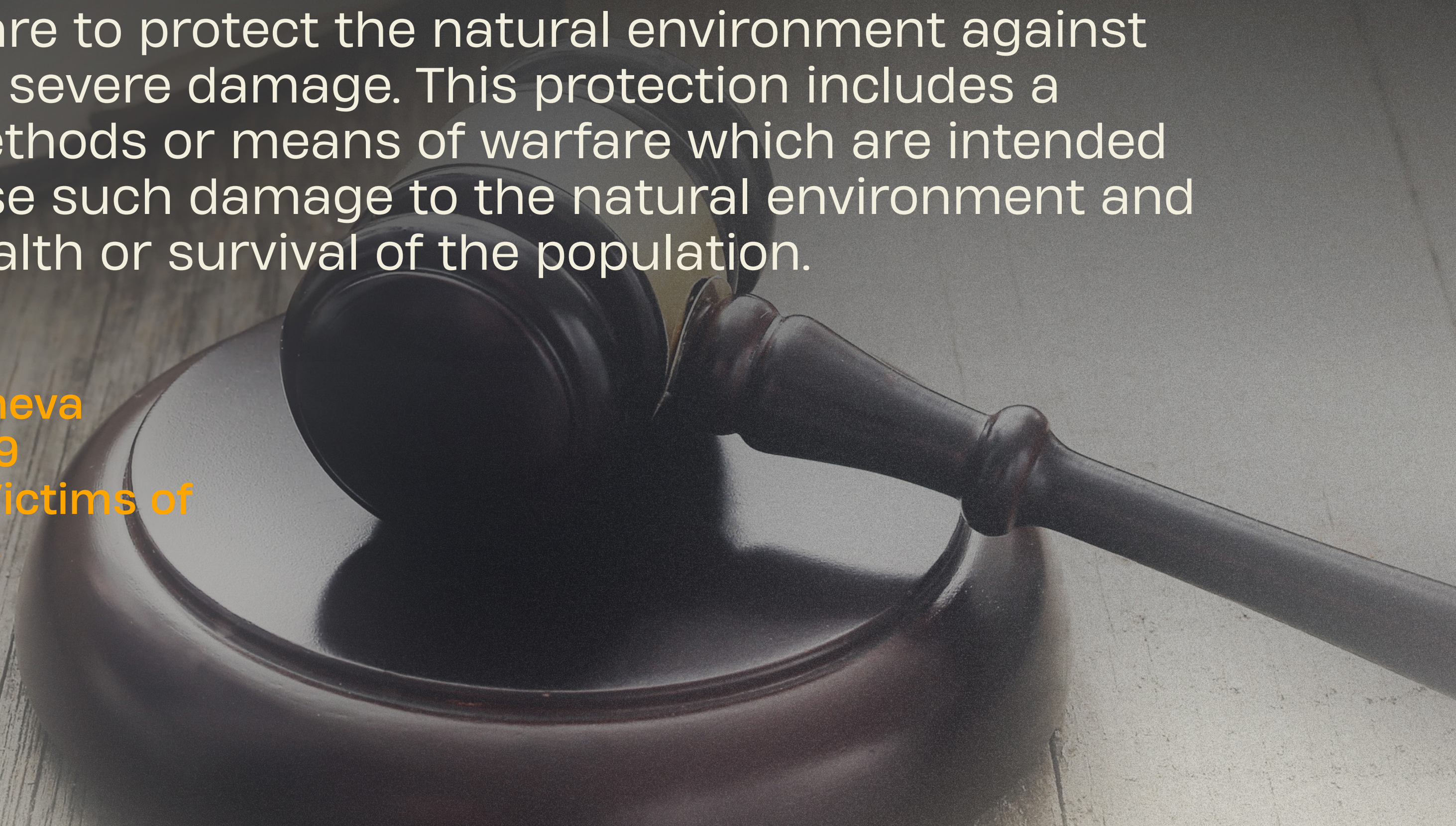
LEGAL FRAMEWORK OF THE PROTECTION OF THE ENVIRONMENT IN TIMES OF ARMED CONFLICT



It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.

— Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts



THE KEY FACTS



Investigation
opened in

15

incidents of ecocide

committed as part of Russia's
aggressive war against Ukraine



Total number of war crimes
resulting into damage to the
environment

205

cases

Type of cases:

- ▶ Direct attacks against environment
- ▶ Attacks on civilian objects causing consequential damage to environment

Examples:

- ▶ Forests, fresh water, marine systems;
- ▶ Civilian objects – food warehouse, water infrastructure
- ▶ Protected objects – nuclear facilities and Kakhovka dam



LEGAL AVENUES



NATIONAL PROCEEDINGS IN UKRAINE:

- ▶ Crime of Ecocide – Article 441 of the Criminal Code of Ukraine
- ▶ War Crimes – Article 438 of the Criminal Code of Ukraine
- ▶ Guide to Identifying and Framing Environmental War Crimes in Ukraine



INTERNATIONAL CRIMINAL COURT (ICC)

- ▶ War Crimes – Article 8 of the Rome Statute



JOINT INVESTIGATION TEAM (JIT) AND THIRD STATES

KAKHOVKA DAM CASE



- ▶ On 6 June 2023 – around 03:00 a.m., Russian military blew up the dam of the Kakhovka HPP in Kherson region. Damage:



Flooded area –
610 km²



80
settlements
were flooded



35
people died
due to flooding



**Severe Impact
on ecosystem**
(living habitat,
national parks, etc.)

- ▶ Very same day investigation opened into the fact of War Crime and Ecocide:
 - ▣ **National Interagency Investigative Group** composed of 172 prosecutors from 5 regional prosecutor's offices, War Crimes Department and SEPO along with 500 investigators in charge of the Kakhovka Dam Case
- ▶ Cooperation with the ICC – under the umbrella of the Task Force:
 - ▣ 11 June 2023 – joint visit to Kherson region

OUR PRIORITIES



Effective investigation and prosecution of the environmental war crimes in Ukraine in line with the relevant rules of IHL and ICL



Raising awareness regarding the environmental crimes committed in Ukraine – damage caused to the environment and its severe consequences



Development of the Strategic Plan on the Implementation of Powers of the Prosecutor General's Office in the Field of Criminal Prosecution of Environmental War Crimes and Ecocide



Campaigning for similar accountability before the ICC and third states for crimes committed in Ukraine and elsewhere



Promoting adoption of the international crime of Ecocide



Implementation of the Environmental Compact for Ukraine

CHALLENGES



Lack of case-law related to environmental war crimes in Ukraine, before international courts and tribunals as well as in third states' practice:

- ▶ Ukraine being a first state undertaking efforts to prosecute environmental war crimes and ecocide



Lack of universal definition of the crime of Ecocide on international level:

- ▶ It does not exist as a distinct international crime



Complexity of investigation – evidence collection requires high technical capabilities and scientific expertise

- ▶ Restricted access to crime scenes



OUR NEEDS AND POSSIBLE AVENUES FOR COOPERATION



Strengthening the capability of the Specialized Environmental Prosecutor's Office

- ▣ sharing guidelines with the best practices for the investigation and prosecution of environmental crimes
- ▣ designing/conducting/funding the training, study visits for the prosecutors and investigators



Technical assistance:

- ▣ providing us with the data gained through high-resolution satellite imaginary platforms.
- ▣ creation of digital evidence platform about wartime environmental damage.



Expert support:

- ▣ Assessment of the environmental impact using both remote and on-ground assessment methods, considering both direct and indirect impacts.
- ▣ Extensive field-level assessment work
- ▣ Assessment of long-term environmental consequences of war
- ▣ Verification of already made assessment and reports

