



PROSECUTOR  
GENERAL'S  
OFFICE

# PROSECUTING ENVIRONMENTAL WAR CRIMES

FACTS – NATURE AND SCALE

APPLICABLE LEGAL FRAMEWORK

INFORMATION ON KAKHOVKA DAM CASE

KEY CHALLENGES

PRIORITIES

PROGRESS





TEMPORARILY  
OCCUPIED  
TERRITORIES OF  
UKRAINE AS OF

02.22.2022

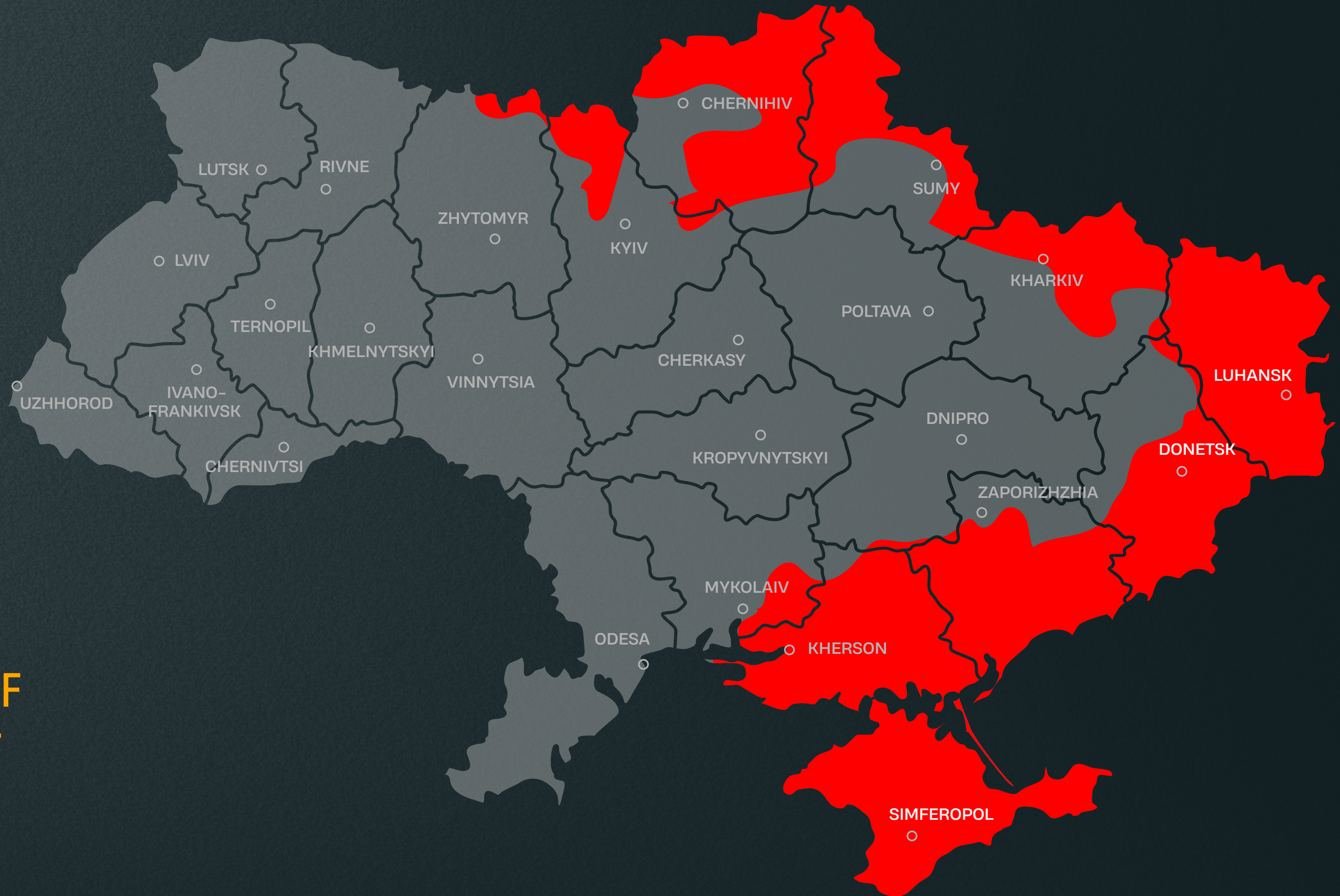






TEMPORARILY  
OCCUPIED  
TERRITORIES OF  
UKRAINE AS OF

03.23.2022





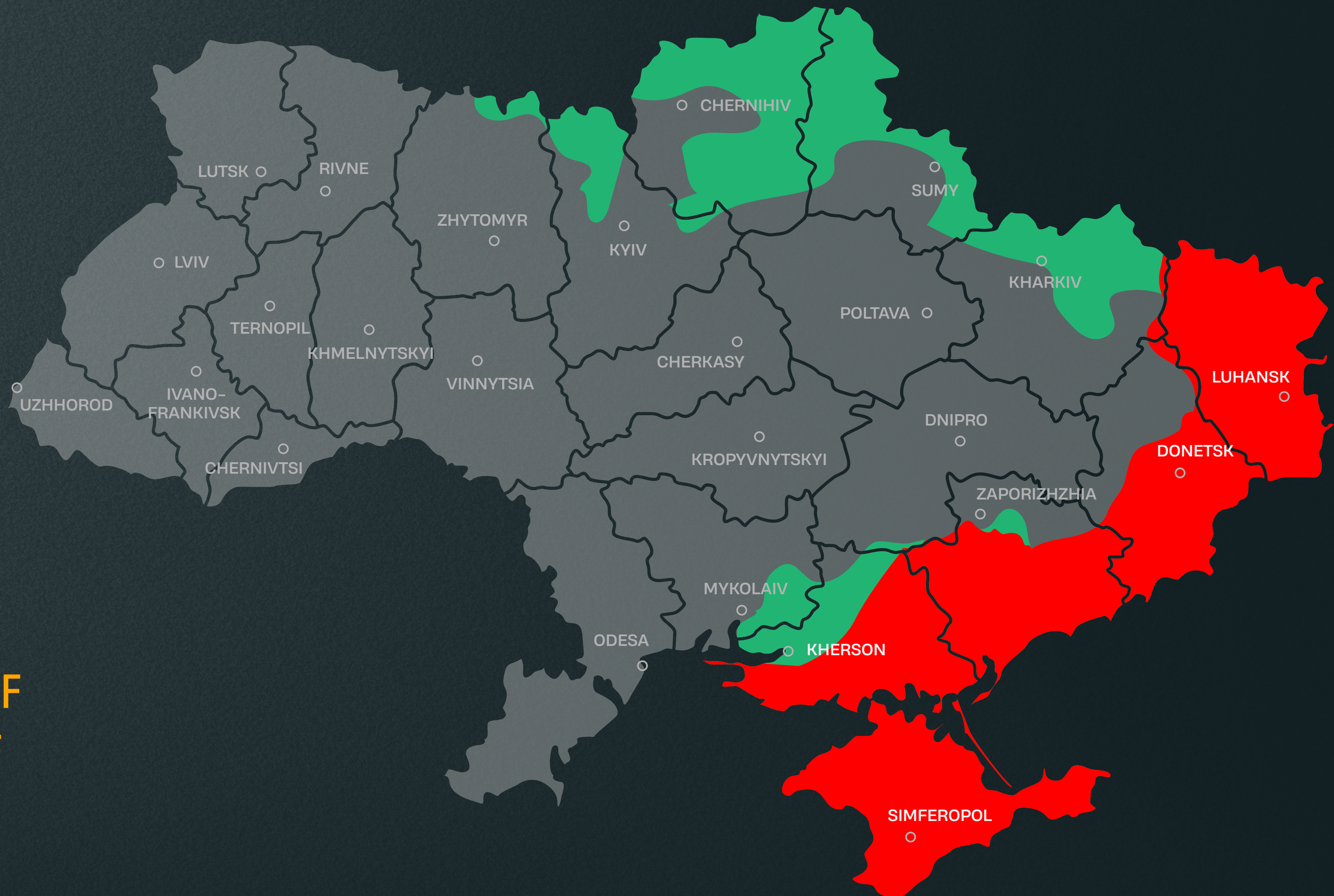


Liberated  
territories



TEMPORARILY  
OCCUPIED  
TERRITORIES OF  
UKRAINE AS OF

09.25.2023





# THE KEY FACTS

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Investigation  
opened in

# 14

## incidents of ecocide

committed as part of Russia's  
aggressive war against Ukraine



Total number of war crimes  
resulting into damage to the  
environment over

# 265

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, oil depots and refineries
- ▶ Protected objects – nuclear facilities and Kakhovka dam





# LEGAL AVENUES

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## **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



## **INTERNATIONAL CRIMINAL COURT (ICC)**

- ▶ War Crimes – Article 8 of the Rome Statute



## **JOINT INVESTIGATION TEAM (JIT) AND THIRD STATES**





# KAKHOVKA DAM CASE

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- ▶ 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 km<sup>2</sup>**



**80**

settlements  
were flooded



**15**

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 285 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



# CHALLENGES

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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 PRIORITIES

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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



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



# OUR PROGRESS

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A team of

# 10

**international  
legal experts**  
assembled



# 3

**international  
forensic experts**  
are assisting  
the investigators



The team of  
**environmental  
scientists** who  
provide advice to  
the prosecutors and  
investigators in these  
criminal cases has  
been established



**Joint training**  
for the prosecutors,  
technical experts  
and scientists held  
in July 2023 by the  
US Environmental  
Protection Agency



**Engaged NGOs**  
through the  
establishment of  
Environmental  
workstream within  
the International  
Expert Council

