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The rule of law at the national and international levels

Letter dated 15 March 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to bring to your attention an abhorrent attack that took place on 14 March in the city of Donetsk. At about 11.30 a.m. Moscow time, a Tochka-U tactical missile with a cluster warhead was fired at a residential block in the centre of the city from the territory controlled by the Kiev regime. This assault led to the killing of more than 20 civilians, while 37, including children, women and elderly people, were injured and taken to medical institutions.

The attached photo- and video evidence (accessible through web-link) from the Russian Ministry of Defence provides a shocking illustration that this attack was carried out with the use of a cluster warhead and led to the death of civilians in the street.

This horrific attack by the Kiev regime violates the very basic rule of international humanitarian law as enshrined in article 48 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977: “Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives”.

International humanitarian law is clear in determining what attacks can be considered disproportionate: under article 51, paragraph 5 (b), of the Protocol these are attacks “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”. In addition, article 51, paragraph 4, clearly stipulates that indiscriminate attacks, which are prohibited, are those which are not directed at a specific military objective and those which employ a method or means of combat which cannot be directed at a specific military objective.

There were, however, no military objectives whatsoever in the above-mentioned residential block in Donetsk, so there could be no “military advantage anticipated” for the Ukrainian armed forces from this barbaric act.



This circumstance, along with the choice of the time of the attack (at noon) and the location (the widely populated centre of the city), as well as the weapon – a tactical missile with a cluster munitions warhead – clearly point to that fact that the main objective was the civilian population and the goal was to cause as much damage among civilians as possible.

Under article 51, paragraph 2, of the Protocol, “the civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited”. Therefore, the attack perpetrated by Ukrainian armed forces represents not only a serious violation of international humanitarian law, but amounts to an act of terror and a war crime against civilian population.

Given the proven record of the Kiev regime of promoting false allegations and fake evidence, it should be noted that Tochka-U tactical missiles are not in service in the Russian Armed Forces.

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 85, and of the Security Council.

(Signed) Vassily **Nebenzia**

Annex to the letter dated 15 March 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Russian]

Briefing by the Russian Ministry of Defence, 14 March 2022 (1545 hours)

On 14 March, at about 11:30 a.m. Moscow time, a Tochka-U tactical missile was fired at a residential block in Donetsk from territory controlled by the Kiev nationalist regime.

The shelling of the city came from a north-western direction, from the area of Krasnoarmeysk, which is controlled by Ukrainian nationalist units.

As a result of the explosion of a cluster warhead in the centre of Donetsk, 20 civilians were killed. Another 28 people, including children, were seriously injured and taken to medical facilities.

The use of such weapons against a city where there are no firing positions of the armed forces, i.e. deliberately targeting civilians, is a war crime.

The arming of the Tochka-U tactical missile with a cluster munition proves that the aim of the nationalists' strike on the city was to kill as many civilians as possible.

I would like to draw attention to the fact that a decision to use this type of missile weaponry is taken, at the very least, by the command of the Ukrainian group of forces following approval by the leadership of the Armed Forces of Ukraine in Kiev.

All of this confirms once again the Nazi and anti-human nature of the current regime in Ukraine.

https://z.mil.ru/spec_mil_oper/news/more.htm?id=12412962@egNews

https://eng.mil.ru/en/special_operation/news/more.htm?id=12412962@egNews

The video footage and photos are available through the following link:

<https://disk.yandex.ru/d/9FFZ1LYeccI4-g>.