

Shelling of Horlivka using BM-21 Grad MLRS on July 27, 2014 at 12:30

INVESTIGATION OF THE NON-GOVERNMENTAL ORGANIZATION "FAIR DEFENSE"

Donetsk 27.07.2019

PREAMBLE

On July 27, 2014, Horlivka sustained artillery shelling three times.

At 5:30 a.m. local time the first artillery shelling was conducted. The center of Horlivka and the private sector of the village of Korolenko were affected. In the center of Horlivka, residential buildings were damaged, and the building of a drug treatment clinic laboratory was hit.

At 12:30 local time, the center of Horlivka came under massive artillery fire for the second time that day.

At 19:00 local time, the next artillery shelling of the town of Horlivka occurred and caused repeated damage to buildings and structures located in Pobedy Ave., Hertsenka St., Rudakova St., Lenina St., and others.

In total, on July 27, 2014, in Horlivka, 22 civilians were killed by artillery shelling, and 43 people got injuries of varying degrees of severity.¹

The largest number of civilians were injured as a result of the artillery shelling that occurred at 12:30. Shells exploded near the *Melodiya* public transport stop (Pobedy Ave.); spontaneous market, near the *ATB* store (Pobedy Ave.); in Kommunarov Square, near school No. 85. As a result, 13 civilians were killed and more than 30 civilians were injured.

This investigation focuses on an artillery attack that occurred on July 27, 2014 at 12:30 (local time).

¹ Anniversary of "Bloody Sunday" in the hero city of Horlivka. Komsomolskaya Pravda
URL <https://www.donetsk.kp.ru/online/news/3186594/> (published on 27.07.2018)

INCIDENT LOCATION

After studying photo and video materials published in the media and on the Internet, and after interviewing witnesses to the artillery shelling that occurred on July 27, 2014 at 12:30 and the victims, we were able to identify 14 shell hits in the center of Horlivka, but there were many more hits. This investigation considers only those shell hits that can be analyzed based on available sources.



Figure 1. Scheme of shell hits analyzed by specialists of the NGO “Fair Defense”, Horlivka, 27.07.2014.

Shell hit 1 Residential building at Pobedy Ave. The **northern** wall of the building was hit at the level of the upper (fifth) floor, part of the wall and the apartment were destroyed.



Figure 2. Residential building at Pobedy Ave., Horlivka, 27.07.2014.²

² Mortar hail: photos of the shelling effects in residential areas of Horlivka. Horlivka.UA website. URL: <https://gorlovka.ua/news/article/7179/> (published on 28.07.2014)

Shell hit 2 A spontaneous market near the road opposite the residential building at 50, Pobedy Ave. **Civilians who visited the market were killed (6 people) and injured** (including one child).



Figure 3. The spontaneous market near the ATB store, the body of a killed girl, Horlivka, 27.07.2014.³

Shell hit 3 The public transport stop (*Melodiya bus stop*), next to the residential building at 56, Pobedy Ave. **Civilians** who were at the bus stop and nearby **were killed (4 persons) and injured**.



Figure 4. Bus stop pavilion next to Melodiya store, Horlivka, 27.07.2014.⁴

³ Ukraine, Donbass, Horlivka. Consequences of shelling attacks on the city on 27 07 2014 YouTube via torch browser com. YouTube Video hosting. URL: https://youtu.be/wow7_KEI26g (published on 28.07.2014)

⁴ Egor Voronov. The town born to live. LIVA.com.ua Internet journal. URL: <http://liva.com.ua/war-city.html> (published on 27.07.2016)

Shell hit 4 Road pavement opposite the residential building at 48, Pobedy Ave. The road surface and the lightbox near the road were damaged.



Figure 5. A crater from shell hit on the asphalt pavement opposite the residential building at 48, Pobedy Ave., Horlivka, 27.07.2014.⁵

Shell hit 5 Residential building at 43, Pobedy Ave. The **northern** wall of the four-storeyed building was hit at the level of the second floor. The wall was damaged.



Figure 6. Residential building at 43, Pobedy Ave., Horlivka, 27.07.2014.⁶

⁵ 27.07.2014 Strike on Horlivka. YouTube Video hosting. URL: <https://youtu.be/oWfNtvam92w> (published on 27.07.2014).

⁶ Center of Horlivka fired from Grad, civilian casualties possible (photo). OstroV Information Agency. URL: http://testm.ostro.org/general/society/news/451237/?USE_DESKTOP=0 (published on 27.07.2014)

Shell hit 6 A crater from shell hit in front of the northern part of the residential building at 50, Rudakova St. The **northern** wall of the four-storeyed building and glazing were damaged.



Figure 7. Residential building at 50, Rudakova St., Horlivka, 27.07.2014.⁷

Shell hit 7 Building at 46, Rudakova St., (School No. 85) The **northern** wall of the school building was hit at the level of the upper floor. The wall and the roof were damaged.



Figure 8. General Secondary School No 85, Horlivka 27.07.2014.⁸

⁷ War in Horlivka 2. YouTube Video hosting. URL: <https://youtu.be/k3gTBdYVdhc> (published on 28.07.2014)

⁸ Shelling effects in Horlivka on 27.07.14. YouTube Video hosting. URL: <https://youtu.be/LS3mGfhNA6g> (published on 27.07.2014)

Shell hit 8 Building at 35, Gagarina St. (Horlivka Institute of Foreign Languages). The **northern** wall of the four-storeyed building was hit between the first and the second floors. The wall was damaged.



Figure 9. The building of the Institute of Foreign Languages, Horlivka, 27.07.2014.⁹

Shell hit 9 Asphalt pavement nearby school No. 85, at the intersection of Rudakova St. and Chernogo-Didenko St.



Figure 10. A crater in the road pavement next to School No. 85, Horlivka, 27.07.2014.¹⁰

⁹ War in Horlivka. YouTube Video hosting. URL: <https://youtu.be/IB8frwWekec> (published on 28.07.2014)

¹⁰ June 27, at 7 p.m., Horlivka, school 85, Rudakova St. Odnoklassniki Social Network. URL: <https://ok.ru/video/14832765505> (published on 27.07.2014)

Shell hits 10, 11 and 12 Three shell hits in the south-eastern part of Kommunarov public garden (today it is Heroes' public garden) **Civilians** who were in the public garden **were killed (3 persons) and injured.**



Figure 11. Bodies of civilians killed by a shell explosion, Kommunarov public garden, Horlivka, 27.07.2014.¹¹

¹¹ Horlivka. Shelling of the town on 27.07.14 Ukraine. Today. Ukrainian army kills own people. YouTube Video hosting. URL: <https://youtu.be/hzNLcS5bP0s> (published on 27.07.2014)



Figure 12. A shell crater in Kommunarov public garden on the GOOGLE satellite image, Horlivka, 27.07.2014.



Figure 13. A shell crater in Kommunarov public garden, Horlivka, 27.07.2014.¹²

Shell hit 13 Tramway track in Gagarina St. between the building at 28 Gagarina St. and the church located opposite it. Road pavement and glazing in neighboring buildings were damaged.



Figure 14. A crater from shell explosion on the tramway track opposite the residential building at 28, Gagarina St., Horlivka, 27.07.2014.¹³

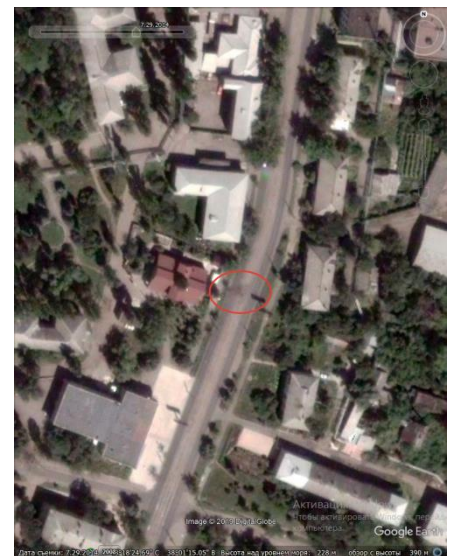


Figure 15. A crater from shell explosion on the tramway track - satellite image, Horlivka, 27.07.2014.

¹² June 27, at 7 p.m., Horlivka, school 85, Rudakova St. Odnoklassniki Social Network. URL: <https://ok.ru/video/14832765505> (published on 27.07.2014)

¹³ War in Horlivka. YouTube Video hosting. URL: <https://youtu.be/1B8frwWekec> (published on 28.07.2014)

Shell hit 14 Sports ground to the west of school No. 85. Sports ground pavement was damaged.



Figure 16. A crater from shell hit on the sports ground next to school 85, Horlivka, 27.07.2014.¹⁴



Figure 17. A crater from shell hit on the sports ground next to school 85 - satellite image, Horlivka, 27.07.2014.

¹⁴ War in Horlivka 2. YouTube Video hosting. URL: <https://youtu.be/k3gTBdYVdhc> (published on 28.07.2014)

WEAPON TYPE

Fragments of shells were found near all the shell hit sites, which clearly indicated the use of the BM-21 Grad MLRS.



Figure 20. Debris of the BM-21 Grad projectile missile part found nearby the Residential building at 48, Pobedy Ave., Horlivka, 27.07.2014.¹⁷



Figure 18. Debris of the BM-21 Grad projectile missile part inside the crater from the explosion next to school 85, Horlivka, 27.07.2014.¹⁵



Figure 19. Debris of the BM-21 Grad projectile missile part found inside the crater from the explosion next to school 85, Horlivka, 27.07.2014.¹⁶

¹⁵ June 27, at 7 p.m., Horlivka, school 85, Rudakova St. Odnoklassniki Social Network. URL: <https://ok.ru/video/14832765505> (published on 27.07.2014)

¹⁶ June 27, at 7 p.m., Horlivka, school 85, Rudakova St. Odnoklassniki Social Network. URL: <https://ok.ru/video/14832765505> (published on 27.07.2014)

¹⁷ 27.07.2014 Strike on Horlivka. YouTube Video hosting. URL: <https://youtu.be/oWfNtvam92w> (published on 27.07.2014)



Figure 21. Fragments of the BM-21 Grad projectiles found after the artillery shelling in the center of Horlivka, 27.07.2014.¹⁸

The BM-21 Grad projectile consists of a fuze, head and missile parts. As a result of contact with an obstacle, the detonator initiates an explosion of the shell head, which scatters into fragments. The rocket often remains more or less intact, though deformed. It is usually found either inside the shell crater, or in the immediate vicinity of it. For clarity, we present the design of the most common projectile used for firing from the BM-21 Grad MLRS.

¹⁸ Grad - a day in Horlivka (27.07.14) YouTube Video hosting. URL: <https://youtu.be/7mQeSfkHwSQ> (published on 04.11.2014)

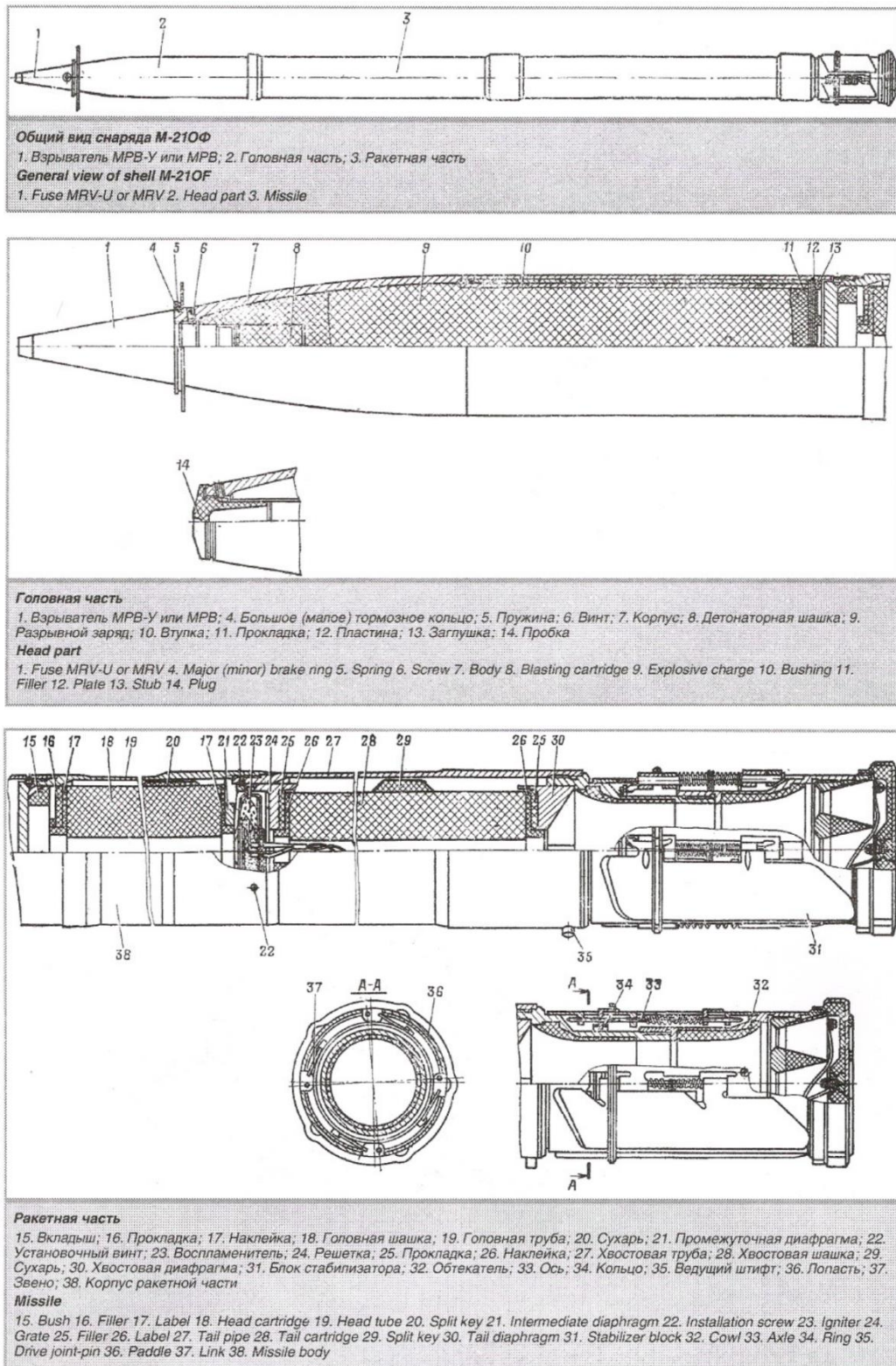


Figure 22. M-210F projectile design (a high explosive fragmentation projectile, used for firing from BM-21 Grad MLRS).¹⁹

¹⁹ Gun in Russia – BM-21 GRAD. Russian motor books 2002. 37 p.

PROBABLE SECTOR OF SHELLING

Based on the data presented above, the most probable version is that the artillery shelling of the town of Horlivka was conducted from the BM-21 Grad MLRS with high-explosive fragmentation shells M-21OF.

Калибр, мм	122
Длина снаряда со взрывателем, мм	2870
Тип головной части	осколочно-фугасная
Вес, кг:	
- окончательно снаряженного снаряда	66
- снаряда в укупорке	100
- головной части	18.4
- взрывчатого вещества в головной части	6.4
- порохового заряда	20.45
Наибольшая скорость снаряда при нормальных условиях, м/с	690
Дальность стрельбы, м:	
- максимальная	20400
- с большим тормозным кольцом	до 12000
- с малым тормозным кольцом	от 12000 до 16000
Температурный диапазон применения снаряда, °С	-40 – +50
Габаритные размеры укупорки, мм	2810x290x254

Figure 23. Specifications of high-explosive fragmentation shell M-21OF²⁰

All detected craters have a shape characteristic of the contact of a projectile with a surface at a high angle.

When the projectile hits the ground at a high angle, a circular crater is formed. In this type of craters, the soil at the front edge is raised. The rear edge of the crater is devoid of vegetation and loosened by fragments. The ground surrounding the crater is riddled with grooves from debris that emanate from the point of detonation. The ends of the fragmentation grooves on the back side are approximately in one line. This line is perpendicular to the direction from which the projectile was fired. The formation of a “fuse hole” is caused by the fact that the fuse flies away from the point of detonation into the lower part of the crater.²¹

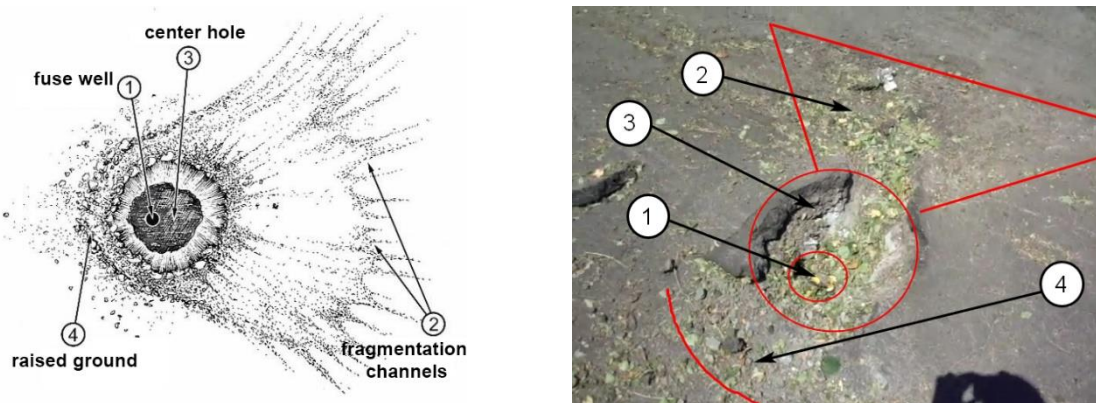


Figure 24. The scheme of a crater caused by a projectile hitting the surface at a high angle (left) and a real crater in front of the residential building at 48, Pobedy Ave. (right).

²⁰ Unguided M-21OF missile. “Missilery” Information and news system. URL: <http://rbase.new-factoria.ru/missile/wobb/grad/shema.shtml> (published on 23.07.2010)

²¹ Nikiforov N.N., Turkin P.I., Zherebtsov A.A., Galienko S.G. Artillery. M.N. Chistyakov. (Ed.). 5th edition, revised and expanded. Moscow: Voenizdat USSR MoD, 1953.

Tactical Employment of Mortars. Army Tactics, Techniques, and Procedures Headquarters No. 3-21.90 (FM 7-90) Department of the Army Washington, DC. URL: <https://fas.org/irp/doddir/army/attp3-21-90.pdf>;

CRATER ANALYSIS AND SHELL REPORTS. United States Army Field Artillery School. Fort Sill, Oklahoma, 73503-5600. Edition Date: Nov 1992

In the cases of shell hits 1, 5, 7 and 8, the northern walls of the buildings were damaged, which indirectly indicates that the shelling was carried out from north to south. In addition, we have the opportunity to analyze craters of shell hits 13 and 14 using video and satellite imagery.

Thus, let us analyze craters of shell hit 13 at first. The satellite image shows its triangular shape. We draw a line along the ends of the fragmentation grooves, which should be perpendicular to the shelling direction. We obtain the direction to the north.



Figure 25. Analysis of the crater of shell hit 13 based on satellite image as of July 29, 2014

Shell hit 14 can be analyzed even more clearly. The triangular shape of this crater is clearly visible in the satellite image. Having drawn the lines necessary for analysis, we also obtain the northern direction.



Figure 26. Analysis of the crater of shell hit 13 based on satellite image as of July 29, 2014

All other craters suitable for analysis also show the northern direction. Thus, we come to the conclusion that the center of Horlivka on July 27, 2014 at 12:30 was fired from north to south. When determining the shelling sector, we made an error of plus minus 15 degrees from the northern direction.

In compliance with the performance characteristics of high-explosive fragmentation shells used for firing from the BM-21 Grad MLRS, it can be seen that the maximum firing range for this type of ammunition is 20.4 km. However, when using brake rings, it can be reduced to 12-16 km.

Based on the shape of the craters, it can be argued that the projectile came into contact with the surface at a high angle. Thus, there is a high probability that the shelling was conducted from a distance close to the maximum. Hence, the most probable sector from which the artillery shelling of the center of Horlivka was conducted on July 27, 2014 at 12:30 is the sector located at a distance within 12 - 20.4 km in the northern direction from the shell hit sites.

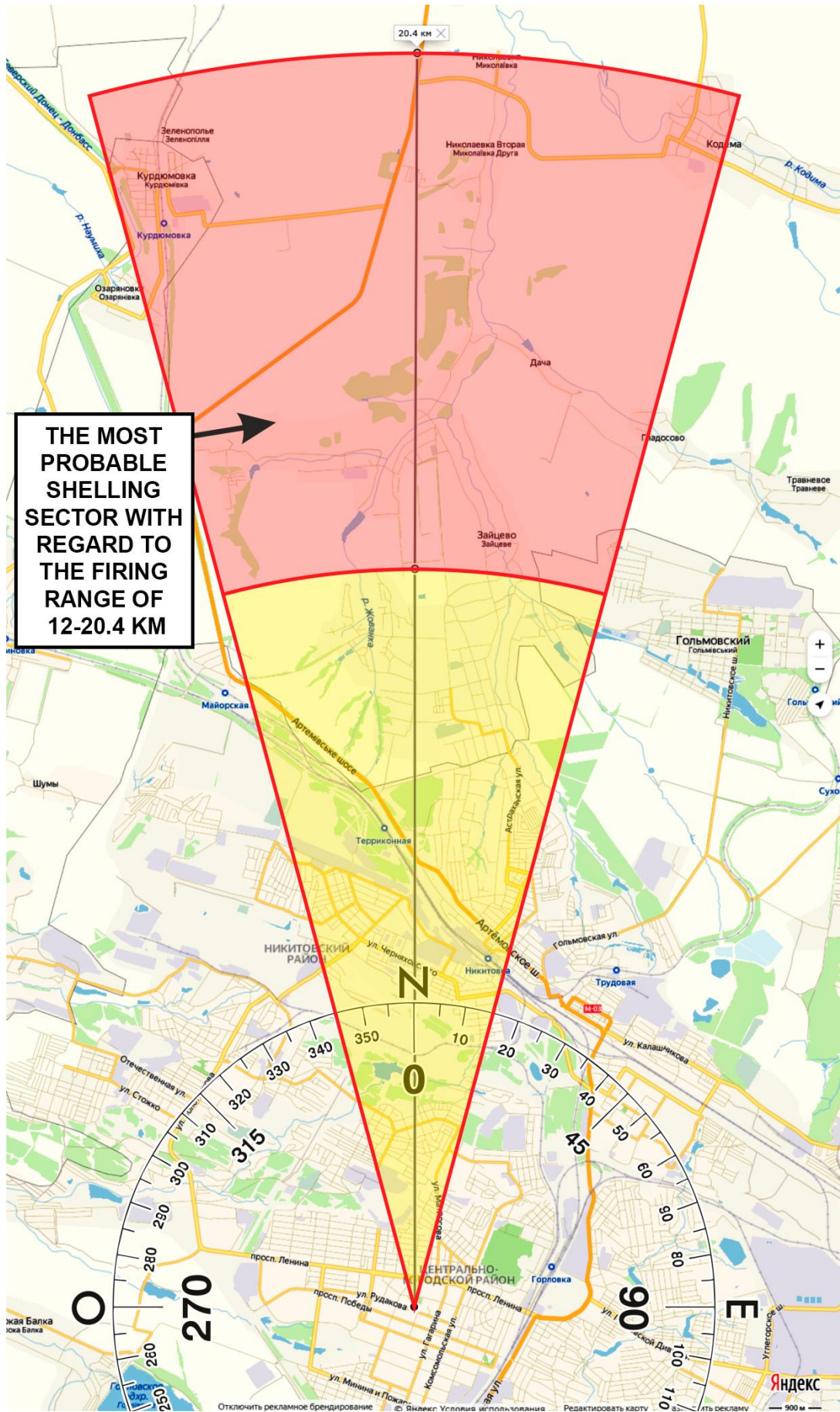


Figure 27. The shelling sector from which the center of Horlivka was fired on 27.07.2014.

MILITARY PRESENCE

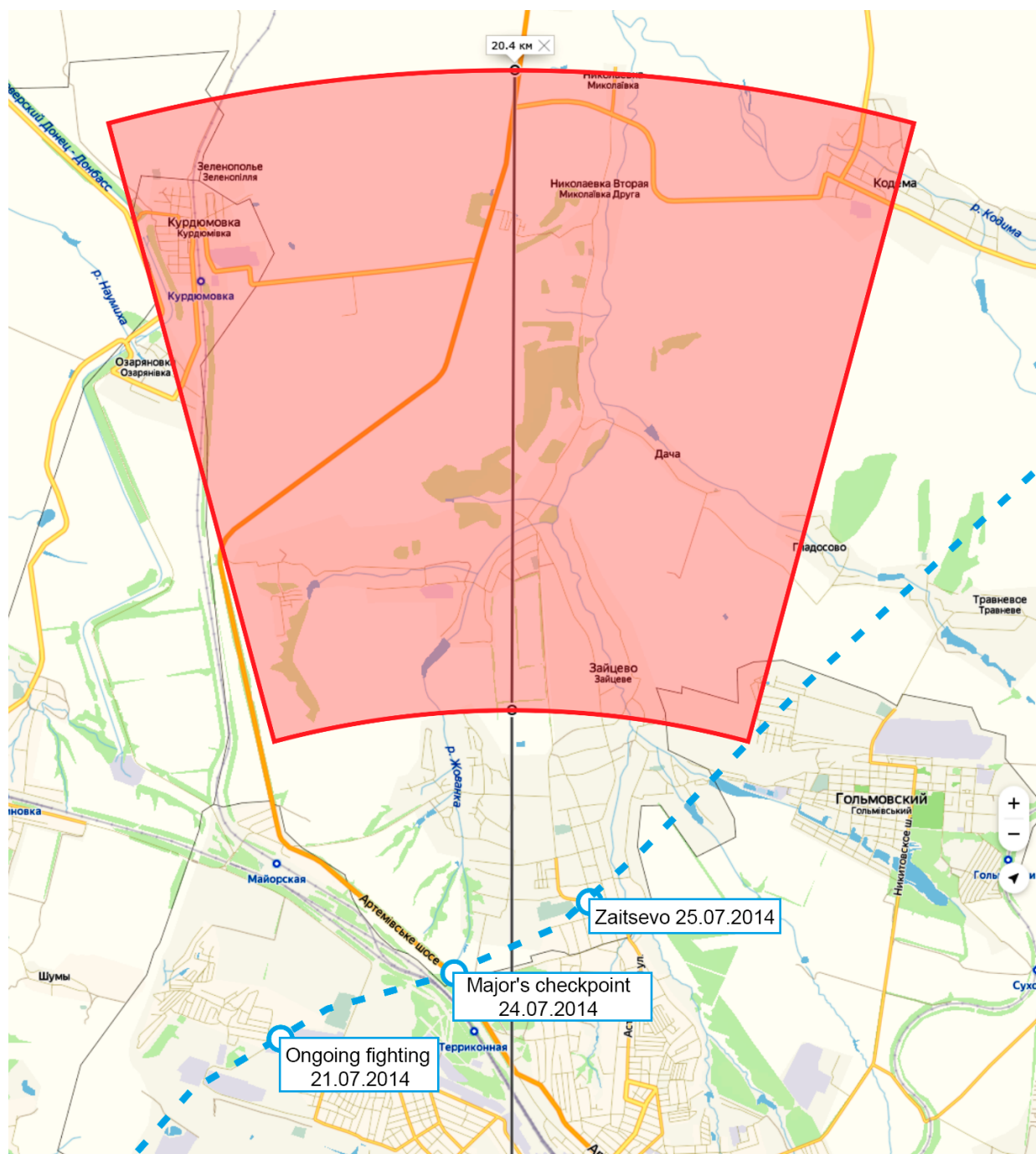


Figure 28. Controllability of the territory of the sector, from where the artillery shelling of the center of Horlivka was carried out on July 27, 2014.

Establishing control over Horlivka was a priority for the Ukrainian army, since it was “a direct path to the regional center - Donetsk”.²²

²² Tymchuk: A Ukrainian flag hung out on the outskirts of Horlivka. Gordon.UA.

URL: <https://gordonua.com/news/separatism/tymchuk-na-okraine-gorlovki-vyvesili-ukrainskiy-flag-33392.html> (published on 25.07.2014)

On July 21, 2014, Ukrainian units entered the town of Dzerzhinsk (from February 4, 2016, Toretsk)²³, and then attacked the settlement of Mayorsk (in the suburbs of Horlivka).²⁴

On July 24, 2014, the Ukrainian flag was installed in the suburbs of Horlivka. It was raised by soldiers of the “Artemovsk” battalion at the Mayorsk checkpoint, which was previously controlled by the militia. There was half a kilometer left until Horlivka itself.²⁵

On July 25, 2014, the “Artemovsk” battalion took under control the settlement of Zaitsevo.²⁶

On July 27, 2014, after a breathing spell, the fighting for Horlivka resumed. Ukrainian units began an attack on the town. According to the UAF press center, they destroyed the DPR checkpoint on the outskirts of the town and began encircling it.²⁷

Having plotted data about these events on the map, we can see that the entire sector, from where the artillery shelling of the center of Horlivka was most likely carried out on July 27, 2014 at 12-30, was under the control of Ukrainian armed units (see Figure 29).

As for the units that were deployed on July 27, 2014 in the sector we are considering, it was the aforementioned “Artyomovsk” battalion, and the 93rd Independent Mechanized Brigade (hereinafter 93rd IMBr), which was armed with the BM-21 Grad MLRS.

The presence of the 93rd IMBr is proven by a video from the TV channel “Ukraine”, which was shown in the “Events” program on July 27, 2014 at 19:00²⁸.

Determining the location from which the video of the TV channel “Ukraine” was filmed.

1) The newscaster calls the place “the checkpoint farthest from Horlivka”.²⁹ Thus, we can conclude that this place is located outside the combat zone not far from the town of Horlivka.

2) The video shows: a road with a downward slope and two barriers across the road, each of which consists of two rectangular parallelepipeds (presumably concrete ones).

3) The first frames of the video show the characteristic appearance of two pipes on the horizon; the background for them is a dirt road with an infantry fighting vehicle in a caponier to the right of it.³⁰ According to witnesses, the pipes of the Uglegorsk thermal power plant are visible in this image. After analyzing the image, we came to the conclusion that this view can only be seen from the checkpoint located on the Artyomovsk highway, near the village of Nikolayevka vtoraya, Artyomovsk (Bakhmut) district.

²³ UAF liberates Toretsk (Dzerzhinsk). YouTube Video hosting.

URL: <https://gordonua.com/news/separatism/tymchuk-na-okraine-gorlovki-vyvesili-ukrainskiy-flag-33392.html> (published on 04.03.2016)

²⁴ Horlivka. July 21, 2014. Maxim call sign Korshun tells about the first attack on Horlivka and about the dead guys. YouTube Video hosting. URL: <https://youtu.be/IgVt5Iqqc0w> (published on 23.07.2018)

²⁵ The Ukrainian flag installed in the suburb of Horlivka. TSN website. URL: <https://ru.tsn.ua/video/video-novini/ukrainskiy-flag-ustanovili-v-prigorode-gorlovku.html> (published on 24.07.2014)

²⁶ The “Artemovsk” battalion liberates the settlement of Zaitsevo, Horlivka district. YouTube Video hosting. URL: <https://youtu.be/sDUdjKvuRVc> (published on 25.07.2014)

²⁷ The course of the ATO hostilities on 27.07.2014. YouTube Video hosting. URL: <https://youtu.be/MQQ0uPoIIEE> (published on 25.07.2014)

²⁸ Events - full release for 27.07.2014 19:00 Odnoklassniki Social Network. URL: <https://ok.ru/video/5565646152> (published on 27.07.2014)

²⁹ Horlivka is free. Mopping-up operation under way. YouTube Video hosting. URL: <https://youtu.be/8rKZp0YS7ic?t=63> (published on 27.07.2014)

³⁰ Horlivka is free. Mopping-up operation under way. YouTube Video hosting. URL: <https://youtu.be/8rKZp0YS7ic?t=23> (published on 27.07.2014)



Figure 31. Blocks across the road at a checkpoint. On the left - on a still frame from a video of the “Ukraine” TV channel. On the right - on a satellite image as of 30.10.2014.



Figure 29. Landscape in the video of the TV channel “Ukraine”.

Figure 30. View of Ugegorsk TPP.³¹

An analysis of the heights between the video recording point and the pipes of the Ugegorsk TPP, performed using the “Elevation Map” service,³² shows that both points are located at a relative elevation, and there is a depression between them and nothing blocks the view. The distance between these points on the map is 14.5 km, and the height of the pipes of the Ugegorsk thermal power plant is 320 m.

³¹ Photo from the “Information Resistance” website.

URL: https://sprotyv.info/sites/sprotyv/files/styles/big/public/images/2016/12801171_1691380251144137_4994453369026058437_n.jpg?itok=gp1dt-jj

³² Elevation map. QRZ: Portal for radio amateurs. URL: <https://qrz.pp.ua/vysota>



Figure 32. Satellite image as of 30.10.2014 of a checkpoint near the village of Nikolayevka vtoraya.

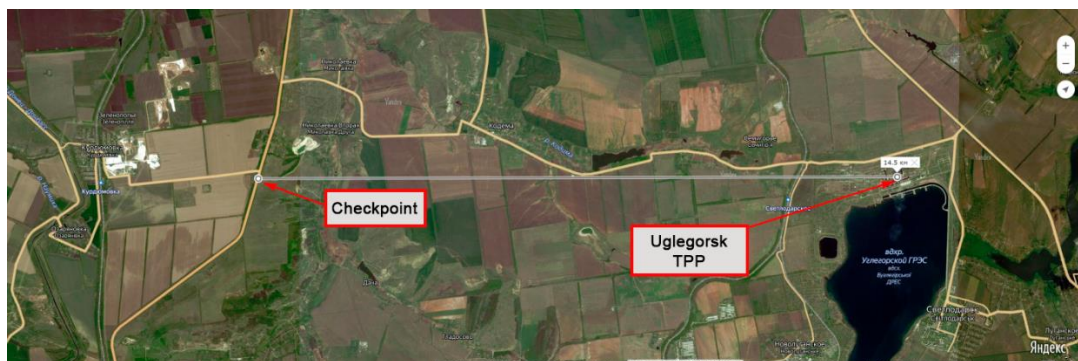


Figure 33. The distance between the checkpoint near the village of Nikolayevka vtoraya and the Uglegorsk TPP.

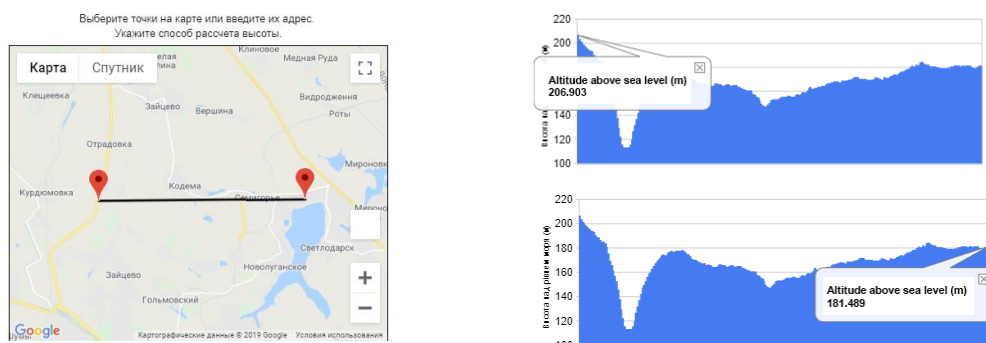


Figure 34. The difference in elevation and terrain between the checkpoint near the village of Nikolayevka vtoraya and the Uglegorsk TPP.

4) Also, there is another landscape in the video, where three pipes are visible (two large ones nearby and a smaller one to the left)³³. According to witnesses, these pipes are the pipes from the Nikitovsky dolomite plant, located in the settlement of Golmovsky. In addition, the same view was recorded in a TSN story dated 24.07.2014.³⁴ An analysis of the heights between the video recording point and the pipes of the Nikitovsky dolomite plant, performed using the “Elevation Map” service, also shows that both points are located at a relative elevation, and there is a depression between them and nothing blocks the view. And the distance between these points on the map is 8.5 km.



Figure 35. View of the Nikitovsky Dolomite Plant. On the left - in the video of the TV channel “Ukraine” dated 27.07.2014. On the right - in the TSN release dated 24.07.2014.

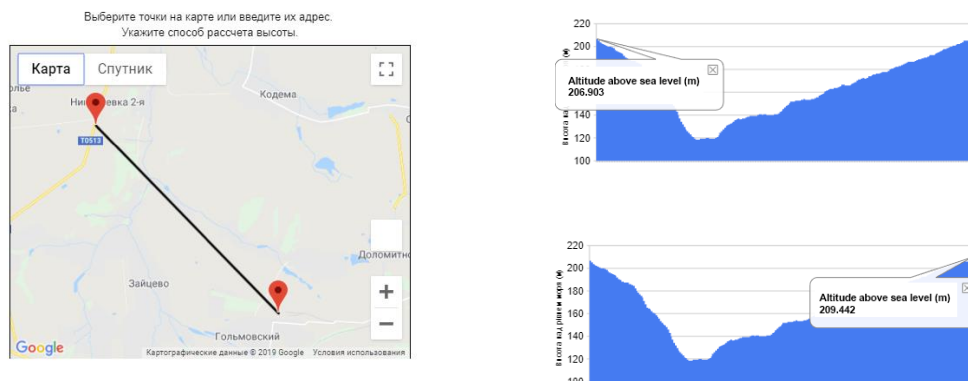


Figure 36. The difference in elevation and terrain between the checkpoint near the village of Nikolayevka vtoraya and the Nikitovsky Dolomite Plant.

In addition, the journalist in the TSN video says that the distance from the filming location to Horlivka is approximately 7 km, which further indicates the fact that the video was recorded from a checkpoint of the Ukrainian armed forces located near the village of Nikolayevka Vtoraya, since the distance from the checkpoint in a straight line to Horlivka is a little more than 7 km.

³³ Horlivka is free. Mopping-up operation under way. YouTube Video hosting.
URL: <https://youtu.be/8rKZp0YS7ic?t=148> (published on 27.07.2014)

³⁴ TSN release. 19:30 of July 24, 2014. YouTube Video hosting.
URL: <https://youtu.be/13Ns2PZSm5Y?t=1875> (published on 24.07.2014)



Figure 37. The shortest distance in a straight line from the checkpoint near the village of Nikolayevka vtoraya to Horlivka.

The fact of BM-21 Grad MLRS location near the checkpoint is confirmed by a video of the “Ukraine” TV channel of 07.27.2014. The third minute of the video shows a man in a military uniform, signed in the captions as “serviceman Anton Nikityuk”. He stands against the background of the rear of the BM-21 Grad MLRS. Anton says: “Everything is working, everything is fine. We personally fixed this machinery up. When we arrived, the equipment did not work at all. Everything works, everything shoots, everything is fine”³⁵. This fact proves the presence of BM21 Grad MLRS on July 27, 2014 at the checkpoint near Nikolaevka-2 settlement”.

In addition, there are the following persons in the video: Alexander Skoda, serviceman of the 93rd IMBr; Andrey, soldier of the 93rd IMBr; Alexey Dmitrashkovsky, press secretary of the ATO headquarters.

³⁵ Horlivka is free. Mopping-up operation under way. YouTube Video hosting. URL: <https://youtu.be/8rKZp0YS7ic?t=133> (published on 27.07.2014)



Figure 38. Persons captured on the video of the TV channel “Ukraine” dated 27.07.2014.

On the Ukrainian website “Electronic Declarations” we find information about Anton Dmitrievich Nikityuk³⁶. He is a soldier of the military unit B2830 (93rd IMBr),³⁷ where he serves as the battalion sergeant major (apparently of a missile battalion).

As follows from the above facts, on July 27, 2014, at the checkpoint near the village of Nikolayevka Vtoraya there were servicemen of the 93-rd IMBr of the UAF, operating a serviceable BM-21 Grad MLRS. Moreover, this checkpoint is located in the sector from where the artillery shelling of Horlivka was carried out. Furthermore, this sector at that time was entirely under the control of UAF.

³⁶ Anton Dmitrievich Nikityuk, 2016, Kirovograd Region, Military Unit B2830, battalion sergeant major, Annual, filed on March 21, 2017. Electronic Declarations website.

URL: https://declarations.com.ua/declaration/nacp_09281670-d7ac-4ca7-b82f-32736e1c1bec

³⁷ Vitaliy Leonidovych Dombrovskiy, 2016, Kherson region, serviceman of military unit 2830 (93 IMBr), platoon commander, Annual, Updated, filed on 10.03.2017 “Electronic Declarations” website. URL: https://declarations.com.ua/declaration/nacp_ae4dd301-f7ba-4c64-888a-6d0eb71406c3

93rd IMBr

The 93rd Independent Kholodny Yar Mechanized Brigade (93rd IMBr, military unit A1302, military post V-2830) is the formation of mechanized troops as part of the Ground Forces of the Ukraine Armed Forces. It was formed on the basis of the 93rd mechanized division. The site of deployment is Cherkasskoye urban-type settlement (Novomoskovsky District, Dnepropetrovsk Region).

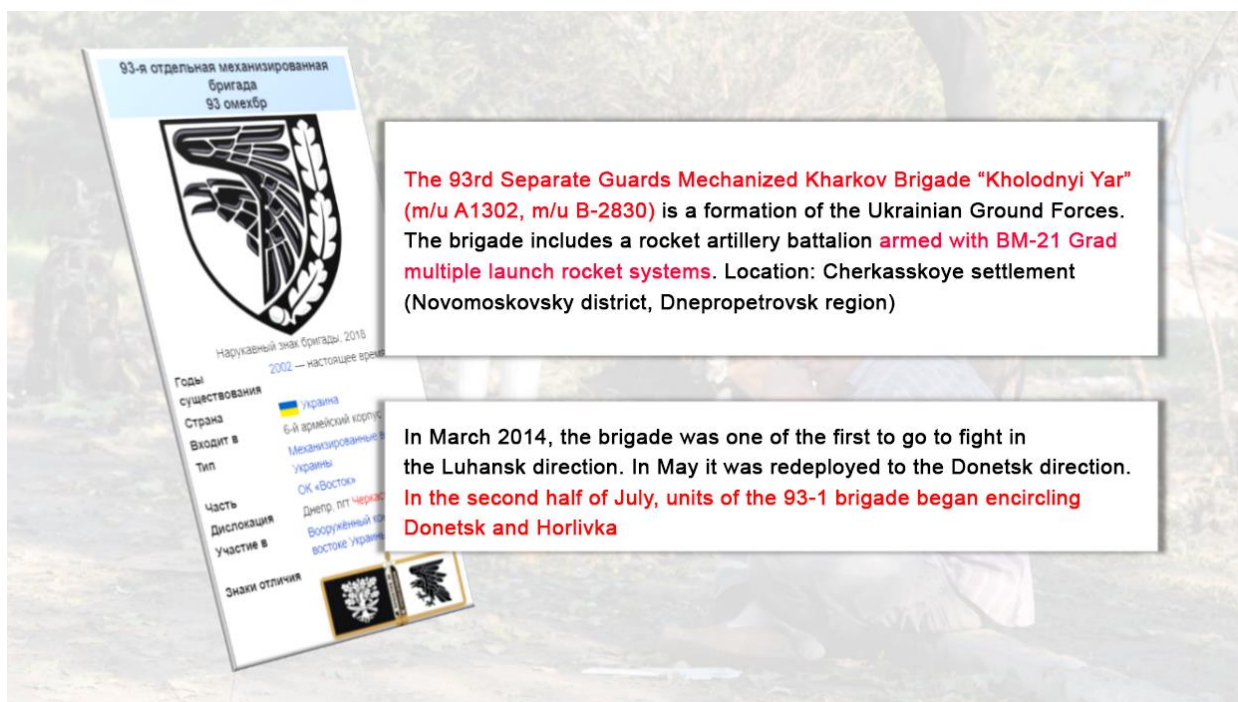


Figure 39. A slide from the presentation of the non-governmental organization "Fair Defense".

In March 2014, the brigade was one of the first to go to Donbass, moving to the settlements of Melovoe and Troitskoe, Luhansk Region.

On July 24, the soldiers of the 93rd brigade, together with the forces of the Dnepr-1, VUC Right Sector, Donbass and Shakhtersk battalions, participated in the battles for the settlement of Peski, taking control over the Dnepropetrovsk-Donetsk highway.³⁸

³⁸ Official website of the 93rd Independent Kholodnyi Yar Mechanized Brigade. Facebook social Network. URL: https://www.facebook.com/93OMBr/?_tn=HHH-R (accessed on 01.07.2019)

Commander of the 93rd Separate Mechanized Brigade “Kholodnyi Yar”



Oleh Mykhalovych Mikats

Major General of the UAF

Commander of the 93rd SBr from 2013 to 2015

Fighting in Donbass since March 2014

In September 2014, the Investigative Committee of the Russian Federation opened a criminal case against O. Mikats. According to the investigation, his actions show signs of crimes under Part 3 of Art. 33, cl. “a”, “b”, “e”, “g”, “l”, part 2 of Art. 105, part 3 Art. 33, part 1 art. 356, part 3 art. 33 Art. 357 of the Criminal Code of the Russian Federation, that is, organizing murders, using prohibited means and methods of warfare and genocide.

Figure 40. A slide from the presentation of the non-governmental organization “Fair Defense”.

Colonel of the Armed Forces of Ukraine Oleg Mikats was the commander of the 93rd IMBr in 2014.³⁹ He became known as one of the leaders of the attack on Donetsk airport.

In the early parliamentary elections in 2014, O.M. Mikats was number three in the list of the Ukrainian Nationalist Party “Right Sector”.⁴⁰

He was removed from command of the brigade due to an incident during which Mikats beat badly several people.⁴¹

CONCLUSIONS

On July 27, 2014 at 12:30 the town of Horlivka came under artillery fire from the north. BM-21 Grad Multiple Launch Rocket Systems were used for shelling. The shelling was carried out from a distance close to the maximum.

The entire territory of the shelling sector was under the control of the armed formations of Ukraine. Moreover, in this sector there was at least one unit of the BM-21 Grad MLRS, belonging to the 93rd Independent Mechanized Brigade of the UAF.

The person directly in command of the above-mentioned vehicle was the sergeant major of the 93rd IMBr missile battalion, Anton Dmitrievich Nikityuk.

³⁹ 93rd Independent Kholodnyi Yar Mechanized Brigade (Ukraine). Wikipedia Free Encyclopaedia (Ukrainian version) URL: https://uk.wikipedia.org/wiki/93-тя_окрема_механізована_бригада_«Холодний_Яр» (published on 02.07.2019)

⁴⁰ The “Right Sector” unveiled the top ten list, Yarosh is on the majority vote. 112.Ua website. URL: <https://112.ua/politika/pravyi-sektor-obnarodoval-pervuyu-desyatku-spiska-yarosh-idet-po-mazhoritarke-115140.html> (published on 15.09.2014)

⁴¹ A scandal erupted around the commander of the “Desna” center - he is accused of beating four people. The colonel denies. Prestupnosti Net website. URL: <https://news.pn/ru/criminal/134174> (published on 27.05.2015)

Colonel of the Armed Forces of Ukraine Oleg Mikhailovich Mikats was the commander of the 93rd IMBr in 2014.

NGO “FD” believes that responsibility for this specific crime, and for all previous war crimes committed by paramilitary forces of Ukraine within the framework of the so-called “anti-terrorist operation”, along with the above-mentioned individuals, shall be borne by the military and political leadership of Ukraine, including the President of Ukraine (P.A. Poroshenko), Secretary of the National Security and Defense Council of Ukraine (from 16.12.2014 - A.V. Turchynov), Minister of Defense of Ukraine (from 14.10.2014 – S.T. Poltorak), Chief of the General Staff - the UAF Commander-in-Chief (from 03.07.2014 - V.N. Muzhenko).

LEGAL QUALIFICATIONS

Indiscriminate shelling of a densely populated residential area in the town of Horlivka, in which civilians were killed and injured, is a crime for which responsibility is provided by the norms of national legislation of Ukraine and by the norms of international law.

In compliance with **Art. 438 of the Criminal Code of Ukraine**, for “... use of methods of the warfare prohibited by international instruments, or any other violations of rules of the warfare recognized by international instruments consented to be binding by the Verkhovna Rada (Parliament) of Ukraine, and also giving an order to commit any such actions”, shall be punishable by imprisonment for a term of eight to twelve years, and if the same acts accompanied with an intended murder, shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment.

In compliance with **Art. 13 of Additional Protocol II to the Geneva Conventions** of 12 August 1949, concerning the protection of victims of armed conflicts of a non-international character, dated 8 June 1977: “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”.

In compliance with **Rule 71 of Customary International Humanitarian Law (Volume 1, ICRC, 2006)**: “States must never make civilians the object of attack and must consequently never use weapons that are incapable of distinguishing between civilian and military targets” “The use of weapons which are by nature indiscriminate is prohibited”.

In compliance with part 2 (c), (e) of **Art. 8 of the Rome Statute**, war crimes also include acts committed in the event of an armed conflict not of an international character and which constitute a serious violation of Art. 3, which is common to the four Geneva Conventions of August 12, 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

Part 2 (c) i) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

Part 2 (e) i) intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

Part 2 (e) ii) intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

Part 2 (e) iv) intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

REFERENCES

In-the-text references

1. The “Right Sector” unveiled the top ten list, Yarosh is on the majority vote. 112.Ua website. URL: <https://112.ua/politika/pravyy-sektor-obnarodoval-pervuyu-desyatku-spiska-yarosh-idet-po-mazhoritarke-115140.html> (published on 15.09.2014)
2. 27.07.2014 Strike on Horlivka. YouTube Video hosting. URL: <https://youtu.be/oWfNtvam92w> (published on 27.07.2014).

3. June 27, at 7 p.m., Horlivka, school 85, Rudakova St. Odnoklassniki Social Network. URL: <https://ok.ru/video/14832765505> (published on 27.07.2014)
4. 93rd Independent Kholodnyi Yar Mechanized Brigade (Ukraine). Wikipedia Free Encyclopaedia (Ukrainian version) URL: https://uk.wikipedia.org/wiki/93-тя_окрема_механізована_бригада_«Холодний_Яр» (published on 02.07.2019)
5. Gun in Russia – BM-21 GRAD. Russian motor books 2002. 37 p.
6. Nikiforov N.N., Turkin P.I., Zherebtsov A.A., Galienko S.G. Artillery. (Ed.) M.N. Chistyakov. H. 5th edition, revised and expanded. Moscow: Voenizdat USSR MoD, 1953. Tactical Employment of Mortars. Army Tactics, Techniques, and Procedures Headquarters No. 3-21.90 (FM 7-90) Department of the Army Washington, DC. URL: <https://fas.org/irp/doddir/army/attp3-21-90.pdf>;
CRATER ANALYSIS AND SHELL REPORTS. United States Army Field Artillery School. Fort Sill, Oklahoma, 73503-5600. Edition Date: Nov 1992
7. The “Artemovsk” battalion liberates the settlement of Zaitsevo, Horlivka district. YouTube Video hosting. URL: <https://youtu.be/sDUdjKvuRVc> (published on 25.07.2014)
8. TSN release.19:30 of July 24, 2014. YouTube Video hosting. URL: <https://youtu.be/13Ns2PZSm5Y?t=1875> (published on 24.07.2014)
9. War in Horlivka. YouTube Video hosting. URL: <https://youtu.be/1B8frwWekec> (published on 28.07.2014)
10. War in Horlivka 2. YouTube Video hosting. URL: <https://youtu.be/k3gTBdYVdhc> (published on 28.07.2014)
11. A scandal erupted around the commander of the “Desna” center - he is accused of beating four people. The colonel denies. Prestupnosti Net website. URL: <https://news.pn.ru/criminal/134174> (published on 27.05.2015)
12. UAF liberates Toretsk (Dzerzhinsk). YouTube Video hosting. URL: <https://youtu.be/37F5eJuVDRk> (published on 04.03.2016)
13. Anniversary of “Bloody Sunday” in the hero city of Horlivka. Komsomolskaya Pravda. URL <https://www.donetsk.kp.ru/online/news/3186594/> (published on 27.07.2018)
14. Horlivka. Shelling of the town on 27.07.14 Ukraine. Today. Ukrainian army kills own people. YouTube Video hosting. URL: <https://youtu.be/hzNLcS5bP0s> (published on 27.07.2014)
15. Horlivka is free. Mopping-up operation under way. YouTube Video hosting. URL: <https://youtu.be/8rKZp0YS7ic> (published on 27.07.2014)
16. Horlivka. July 21, 2014. Maxim call sign Korshun tells about the first attack on Horlivka and about the dead guys. YouTube Video hosting. URL: <https://youtu.be/lgVt5Iqqc0w> (published on 23.07.2018)
17. Grad - a day in Horlivka (27.07.14) YouTube Video hosting. URL: <https://youtu.be/7mQeSfkHwSQ> (published on 04.11.2014)
18. Vitaliy Leonidovych Dombrovskiy, 2016, Kherson region, serviceman of military unit 2830 (93 IMBr), platoon commander, Annual, Updated,, filed on 10.03.2017 “Electronic Declarations” website. URL: https://declarations.com.ua/declaration/nacp_ae4dd301-f7ba-4c64-888a-6d0eb71406c3
19. Egor Voronov. The town born to live. LIVA.com.ua Internet journal. URL: <http://liva.com.ua/war-city.html> (published on 27.07.2016)
20. Elevation map. QRZ: Portal for radio amateurs. URL: <https://qrz.pp.ua/vysota>
21. Mortar hail: photos of the shelling effects in residential areas of Horlivka. Horlivka.UA website. URL: <https://gorlovka.ua/news/article/7179/> (published on 28.07.2014)

22. Unguided M-21OF missile. "Missilery" Information and news system. URL: <http://rbase.new-factoria.ru/missile/wobb/grad/shema.shtml> (published on 23.07.2010)
23. Anton Dmitrievich Nikityuk, 2016, Kirovograd Region, Military Unit B2830, battalion sergeant major, Annual, filed March 21, 2017. Electronic Declarations website. URL: https://declarations.com.ua/declaration/nacp_09281670-d7ac-4ca7-b82f-32736e1c1bec (accessed on https://declarations.com.ua/declaration/nacp_09281670-d7ac-4ca7-b82f-32736e1c1bec)
24. Official website of the 93rd Independent Kholodnyi Yar Mechanized Brigade. Facebook social Network. URL: https://www.facebook.com/93OMBr/?_tn=H-H-R (accessed on 01.07.2019)
25. Shelling effects in Horlivka on 27.07.14. YouTube Video hosting. URL: <https://youtu.be/LS3mGfhNA6g> (published on 27.07.2014)
26. Events - full release for 27.07.2014 19:00 Odnoklassniki Social Network. URL: <https://ok.ru/video/5565646152> (published on 27.07.2014)
27. Tymchuk: A Ukrainian flag hung out on the outskirts of Horlivka. Gordon.UA. URL: <https://gordonua.com/news/separatism/tymchuk-na-okraine-gorlovki-vyvesili-ukrainskiy-flag-33392.html> (published on 25.07.2014)
28. Ukraine, Donbass, Horlivka. Consequences of shelling attacks on the city on 27 07 2014 YouTube via torch browser com. YouTube Video hosting. URL: <https://youtu.be/wow7KEI26g> (published on 28.07.2014)
29. The Ukrainian flag installed in the suburb of Horlivka. TSN website. URL: <https://ru.tsn.ua/video/video-novini/ukrainskiy-flag-ustanovili-v-prigorode-gorlovku.html> (published on 24.07.2014)
30. Photo from the "Information Resistance" website. URL: https://sprotyv.info/sites/sprotyv/files/styles/big/public/images/2016/12801171_1691380251144137_4994453369026058437_n.jpg?itok=gp1dt-jj
31. The course of the ATO hostilities on 27.07.2014. YouTube Video hosting. URL: <https://youtu.be/MQQ0uPoIIEE> (published on 25.07.2014)
32. Center of Horlivka fired from Grad, civilian casualties possible (photo). OstroV Information Agency. URL: http://testm.ostro.org/general/society/news/451237/?USE_DESKTOP=0 (published on 27.07.2014)

Additional materials

33. 13.00, Horlivka center. Odnoklassniki Social Network. URL: <https://ok.ru/video/14810417729> (published on 27.07.2014)
34. 27.07.14 Horlivka. Victims of shelling of residential areas +18. YouTube Video hosting. URL: <https://youtu.be/kfRYohc4mec> (published on 27.07.2014)
35. 27.07.2014 Horlivka. Shelling by Grad 1. YouTube Video hosting. URL: https://youtu.be/ykqk59_9_sw (published on 27.07.2014)
36. 27.07.2014 Horlivka. Shelling by Grad 2. YouTube Video hosting. URL: <https://youtu.be/Fro8fM00AZw> (published on 27.07.2014)
37. July 27, 2014, Horlivka 12-32. YouTube Video hosting. URL: <https://youtu.be/P-jAty9CLds> (published on 08.12.2015)
38. The Donetskoblenergo building on fire in Horlivka (July 27). YouTube Video hosting. URL: <https://youtu.be/AowDVa6rnUg> (published on 28.07.2014)
39. Horlivka now after shelling by Grad, city center. Odnoklassniki Social Network. URL: <https://ok.ru/video/14831979073> (published on 27.07.2014)
40. Horlivka Bloody Sunday of 27/07/2014 Gagarina St. YouTube Video hosting. URL: <https://youtu.be/54UgQXvxL20> (published on 27.07.2014)

41. Horlivka Chronicle of the war. Video channel. YouTube Video hosting.
URL: <https://www.youtube.com/user/albahok/videos>
42. Horlivka on fire (July 27). YouTube Video hosting. URL: <https://youtu.be/1ctq6qMt-yI>
(published on 27.07.2014)
43. Horlivka. Shelling of the town on 27.07.14 Ukraine. Today. Ukrainian army kills own people. YouTube Video hosting. URL: <https://youtu.be/hzNLcS5bP0s> (published on 27.07.2014)
44. Horlivka. Effects of shelling by Grad on 27.07.2014 18+ (HD). VKontakte Social Network.
URL: https://vk.com/video118833899_170919899 (published on 27.05.2015)
45. Horlivka after the shelling - school (part 2) on 27.07.2014. Odnoklassniki Social Network.
URL: <https://ok.ru/video/5557978478> (published on 28.07.2014)
46. A resident of Horlivka about the bombing. HORLIVKA. 27 07 2014. YouTube Video hosting. <https://youtu.be/q0EnKYt-CUE> (published on 28.07.2014)
47. HOW ukies FIGHT WITH CIVILIAN POPULATION video. HORLIVKA. 27 07 2014. Odnoklassniki Social Network. URL: <https://ok.ru/video/17013018912> (published on 28.07.2014)
48. Ukraine, Donbass, Horlivka. Consequences of shelling attacks on the city on 27 07 2014 YouTube via torch browser com. YouTube Video hosting.
URL: https://youtu.be/wow7_KEI26g (published on 28.07.2014)
49. ✓ Gorlovka - 27.07.2014 - Ukrainian death squads shot down civilians. VKontakte Social Network. URL: https://vk.com/video11877165_169785441 (published on 29.07.2014)