Strasbourg, 31 August 2026 T-PVS/Files(2026)2024-02_comp_rev

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE

AND NATURAL HABITATS

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Standing Committee
46th meeting
Strasbourg, 7-11 December 2026

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Bureau of the Standing Committee

22 – 24 September 2026

Strasbourg

New File: 2024/02

Deforestation in an Emerald Network site (UA0000338) in Kyiv Region

(Ukraine)

- REPORT BY THE COMPLAINANT –

Document prepared by Markhalivka. Support

Update report, 23 July 2026

The PUBLIC ORGANIZATION “MARKHALIVKA. SUPPORT”, which is a nature conservation organization involved in the examination of a complaint submitted by its member, Ms Viktoriia Chechenkova, a citizen of Ukraine (Case No. 2024/02), continues to inform the Secretariat of the Bern Convention of the circumstances relevant to the examination of the aforementioned case.

As previously brought to the Secretariat’s attention, in violation of Article 129¹ of the Constitution of Ukraine, and despite the existence of a final decision by the Supreme Court dated January 29, 2026, in Case No. 320/25649/24, which confirmed the illegality of changing the designated use and transferring a land plot within the territory of the Emerald Network UA0000338 for the construction of the National Military Memorial Cemetery, Ukrainian state authorities continue to take new actions aimed at circumventing the aforementioned court decision and effectively destroying the territory protected under the Bern Convention.

In this regard, we hereby report that, by a subsequent decision of the Kyiv Regional Commercial Court dated June 5, 2026, in court case No. 911/2678/25, the complaint filed by the public organization “MARKHALIVKA. SUPPORT” was granted, and it was ruled that the State Institution “National Military Memorial Cemetery” has no right to use the aforementioned land plot.

Despite these court decisions, the implementation of the National Military Memorial Cemetery project has not been halted. On the contrary, work related to the development of the cemetery continues within the territory of the Emerald Network UA0000338; trees are being cut down, and natural vegetation is being destroyed, excavation works are being carried out and burials are taking place.

We would also like to report that the authorities have reburied the remains of a prominent figure in Ukrainian history – Colonel of the Ukrainian People’s Republic Army and OUN leader Andriy Melnyk, along with his wife, Sofia Melnyk – on the grounds of the National Military Memorial Complex.

In our view, this temporary reburial is being used not as a standalone memorial event, but as a tool to create the impression among the public that the implementation of the National Military Memorial Cemetery project is irreversible, thereby legitimizing it further and promoting the perception that the project is now unstoppable. It is particularly telling that these actions were carried out despite the existence of final court rulings establishing the illegality of the land transfer and the absence of proper legal grounds for its use in the construction of the cemetery.

Furthermore, it is of particular concern that the project is being implemented while a significant area of the National Military Memorial Cemetery remains flooded. Specifically, in early July 2026, heavy rainfall caused significant flooding of the cemetery grounds, including burial sites, which received widespread public attention and was documented by numerous photos and videos.

These events once again confirmed the validity of the public's concerns regarding the unsuitability of this site for the National Military Memorial Cemetery and demonstrated that government authorities had ignored both the ecological characteristics of the area and numerous warnings from scientists, representatives of environmental organizations, and the local community.

In addition, the Organization had previously informed the Secretariat that Draft Law No. 13693 was under consideration by the Verkhovna Rada of Ukraine; its provisions would have significantly weakened the legal framework for protecting the territories of the Emerald Network and created conditions for Ukraine's failure to fulfill its obligations under the Bern Convention.

We would like to report that, despite numerous appeals by activists and environmental organizations to members of the Ukrainian Parliament, the relevant committees of the Verkhovna Rada of Ukraine, and media coverage highlighting the risks of adopting Draft Law No. 13693, the latter was adopted by the Verkhovna Rada of Ukraine, signed, and has entered into force as a law (Law of Ukraine No. 4869-IX dated April 30, 2026).

The adoption of this law has significantly weakened the national legal mechanisms for protecting the territories of the Emerald Network and, in our view, has created the legislative conditions for the continued implementation of activities that threaten the conservation of territories protected under the Bern Convention.

These circumstances demonstrate the systematic failure of Ukrainian state authorities to comply with court decisions aimed at protecting the Emerald Network site UA0000338, as well as the continued implementation of the project in violation of national legislation and Ukraine's international obligations under the Bern Convention. We request that the Secretariat take these circumstances into account during its further consideration of Case No. 2024/02.

Attachment:

- Photos of the flooding in the area where the project to build the National Military Memorial Cemetery is being carried out (номер UA0000338 Pryirpinnya and Chernechyi Forest).



бернський.mp4

111.mp4

PUBLIC ORGANIZATION "MARKHALIVKA. SUPPORT", an environmental organization involved in the consideration of a complaint filed by its member, Ukrainian citizen Viktoria Chechenkova (Case No. 2024/02), continues to inform the Secretariat of the Bern Convention of the circumstances relevant to the consideration of the aforementioned case.

As previously communicated to the Secretariat, with the final decision of the Supreme Court dated January 29, 2026, in court case No. 320/25649/24, the decisions of the lower courts were upheld, effectively confirming the illegality of the change in land use designation and the transfer of the land plot within the Emerald Network territory UA0000338 for the construction of a military cemetery.

We hereby inform the Secretariat that despite the existence of the aforementioned decision of Ukraine's highest judicial body, which is binding pursuant to Article 129[1] of the Constitution of Ukraine, Ukrainian state bodies and organizations continue to commit unlawful acts that indicate the destruction of the nature conservation area and a gross disregard for Ukraine's international obligations.

Indeed, over the past few months, despite the existence of the aforementioned court decision, approximately 30 hectares of valuable forest within the Emerald Network have been cleared for the construction of the cemetery. This is confirmed by numerous photos and videos taken in February–March 2026, some of which are attached to this statement.

In addition, soil removal is being carried out in the specified area, as well as interference with hydrological processes, resulting in a negative impact on the conservation status of natural habitats and species of wild flora and fauna.

At the same time, as previously reported, environmentalists and the public have repeatedly brought to the attention of the competent state authorities information regarding the availability of alternative sites for the military cemetery, the development of which would not cause destructive consequences for nature.

However, given that the implementation of the cemetery project has already begun in an area of high ecological value, and against the backdrop of numerous public reports of possible corruption violations, the further development of the situation is causing serious concern.

According to available public information, Ukrainian government agencies are currently preparing sweeping legislative changes aimed, in particular, at creating the legal framework to continue implementing the relevant project, nullifying the legal consequences of previous unlawful actions, and circumventing the proper enforcement of the aforementioned Supreme Court decision.

Furthermore, such initiatives could have a much broader systemic impact, particularly regarding the potential for the continued destruction of Emerald Network sites throughout Ukraine without the possibility of effectively challenging such unlawful actions in court.

Thus, draft law No. 13693 has been registered with the Verkhovna Rada of Ukraine; while formally aimed at technical clarifications and standardizing terminology in the funeral industry, it also introduces amendments to the Land Code of Ukraine. An analysis of the relevant provisions indicates that such changes will lead to a significant weakening of the legal regime for the protection of Emerald Network territories. In particular, the aforementioned draft law proposes to supplement Article 20 of the Land Code of Ukraine with a new paragraph reading as follows: "13. The presence of an Emerald Network territory and/or structural elements of the ecological network on a land plot shall not constitute grounds for prohibiting a change in the designated use of such a land plot for the establishment of a National Military Memorial Cemetery and military memorial cemeteries thereon."

Thus, if the draft law is adopted in its proposed form, the fact that a territory is within the Emerald Network will not, de facto, be a legal obstacle to the establishment of any military cemeteries throughout Ukraine.

In addition, the Transitional Provisions of Draft Law No. 13693 stipulate the following: "It is hereby established that, in the absence of any other satisfactory solution regarding the location of the National Military Memorial Cemetery, the location of such a cemetery shall be deemed to have been determined in accordance with the provisions of Article 9 of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, September 19, 1979), ratified by Law of Ukraine No. 436/96-VR of October 29, 1996."

Thus, despite the fact that the Supreme Court has clearly established that the location of the NMMC within the territory of the Emerald Network No. UA0000338 does not comply with the requirements of Article 9 of the Bern Convention, Ukrainian state authorities are currently taking measures aimed at circumventing this court decision, in particular by enshrining in national legislation the compliance of such construction with the provisions of the Convention.

This approach indicates an attempt to formally bring national legislation into compliance with the Convention's requirements without actually adhering to its substance and objectives. This practice once again demonstrates Ukraine's lack of good faith in fulfilling its international obligations.

Please take this information into account when considering the complaint in case No. 2024/02: Ukraine: Deforestation in the Emerald Network (UA0000338) in Kyiv Oblast, and take measures to prevent the destruction of the Emerald Network site, in particular, by stopping the implementation of the National Military Memorial Cemetery project on the territory of the Emerald Network (number UA0000338 Pryirpinnya and Chernechyi Forest).

Attachment:

- Photographic evidence of deforestation in the Emerald Network area (No. UA0000338 Pryirpinnya and Chernechyi Forest).

Update Report, 9 February 2026

Dear Ms. Alessandra!

The Public Organization “MARKHALIVKA. SUPPORT” is a nature conservation organization involved in the examination of a complaint submitted by its member, Ms Viktoriia Chechenkova, a citizen of Ukraine (Case No. 2024/02: Ukraine: Deforestation within the Emerald Network site (UA0000338) in Kyiv Region).

Previously, within the framework of the above-mentioned Case No. 2024/02, Ms Viktoriia Chechenkova, as well as the Public Organization “MARKHALIVKA. SUPPORT”, submitted to the Secretariat of the Bern Convention a number of materials and documents indicating the unlawfulness of the destruction of species and habitats within the Ukrainian part of the Emerald Network of Europe (site UA0000338 Pryirpinnya and Chernechyi Forest) in connection with the construction of the National Military Memorial Cemetery (hereinafter – the NMMC).

In response to the latest request of the Secretariat to provide an update on recent actions and other additional information required for the consideration of the complaint at the Spring Bureau meeting (7–9 April 2026), **we hereby report the following.**

As previously communicated to the Secretariat, by the Decision of the Sixth Administrative Court of Appeal dated 5 August 2025 in court case No. 320/25649/24, the appellate complaints filed by a number of state authorities were dismissed, and the lawfulness of the decision of the court of first instance was upheld. The court of first instance had established the illegality of the decision of public authorities to change the designated purpose of a land plot belonging to the Emerald Network and to transfer it for the implementation of a large-scale construction project.

The aforementioned decision of the Court of Appeal came into legal force on the day it was announced, namely on 5 August 2025.

Contrary to the above Court decision, and despite the ongoing examination of Case No. 2024/02 by the Secretariat of the Bern Convention, at the end of August 2025 the first burials of fallen Defenders of Ukraine were carried out within the Emerald Network site UA0000338. In our view, such actions were deliberate in nature and aimed at the further speculation on the memory of the fallen heroes in the event of new decisions being made confirming the unlawfulness of locating the NMMC within a protected natural area.

Subsequently, by the Decision of the Supreme Court of 29 January 2026 in the above-mentioned court case No. 320/25649/24, the cassation appeals lodged by state authorities and by the state institution “National Military Memorial Cemetery” were dismissed, and the decisions of the lower courts were left unchanged.

In the said Decision, the Supreme Court stated the following:

“…The Court proceeds from the premise that the construction of the National Military Memorial Cemetery on a land plot classified as forestry land (code 09.01) and forming part of the Emerald Network, by its legal and factual nature, cannot be a project that may merely potentially have a significant impact on natural habitats, but rather represents a form of land use that is structurally and functionally incompatible with the objectives of their conservation. Such activity entails complete or selective logging of forest stands, capital construction, engineering preparation of the territory, alteration of relief and soil cover, disruption of the hydrological regime, construction of access roads and infrastructure, as well as prolonged anthropogenic pressure, which in their totality result in the actual loss of the forest ecosystem and the associated natural habitats of wild flora and fauna species.

95. Under such circumstances, the issue concerns not a possible deterioration of the condition of natural habitats, but the creation of a real threat of their destruction, which

indicates a breach of the imperative prohibition of deterioration established by Article 6(2) of Directive 92/43/EEC, as well as the failure to fulfil the fundamental objectives of this Directive set out in Articles 1 and 2, which are aimed at preserving and restoring the favorable conservation status of natural habitats and wild flora and fauna species. This approach is also consistent with the protective nature of the provisions of the Bern Convention, in particular Articles 3 and 4 thereof.

96. Consequently, the implementation of the project for the construction of the National Military Memorial Cemetery, which by its very essence entails a change in the designated purpose of forest lands, their logging and the irreversible transformation of a natural habitat, is incompatible both with the conservation imperative of the Bern Convention and with the habitat-based biodiversity conservation concept enshrined in Directive 92/43/EEC, and cannot be justified either by reference to public expediency or by other considerations that fall outside the objectives of conserving natural habitats and species…

115. In these circumstances, the Supreme Court, while fully acknowledging the exceptional social importance of establishing the National Military Memorial Cemetery as a place of dignified commemoration of servicemen and servicewomen, the defenders of Ukraine who gave their lives for the independence and territorial integrity of Ukraine, notes that such an objective cannot be achieved through the violation of provisions of international treaties whose binding nature has been approved by the Verkhovna Rada of Ukraine, and the requirements of national legislation, in particular those relating to the protection of lands of the nature reserve fund and other especially valuable protected areas.

Honouring the memory of heroes must take place within the framework of the rule of law, in compliance with the constitutional principle of the supremacy of law, as well as the principle of conscientious fulfillment of the State's international obligations, the priority of environmental safety and ensuring the balanced development of society, which, in turn, will be a manifestation of respect for the heroes who gave their lives for Ukraine and its future, since it is precisely for the establishment of freedom, legality and the rule of law that the Defenders of Ukraine have fought and continue to fight in defence of a democratic and law-governed State.

116. In light of the foregoing, the panel of judges notes that the Kyiv Regional Military Administration, when adopting Order No. 275 of 14 March 2024, failed to take into account the special conservation status of the land plot with cadastral number 3222481200:05:002:0457, with the area of 258.7298 hectares, which, firstly, forms part of the Emerald Network territories and, secondly, pursuant to Article 7 of Law No. 2456-XII and Article 46 of the Land Code of Ukraine, belongs to lands of other conservation designation.

At the same time, the fact that the land plot belongs to the Emerald Network territories means that it is subject to the application of an enhanced standard of protection arising both from national environmental legislation and from Ukraine's international obligations. In this connection, the Supreme Court concludes that the Kyiv Regional Military Administration lacked legal grounds to change the designated purpose of the land plot with cadastral number 3222481200:05:002:0457, with an area of 258.7298 hectares, and, accordingly, to transfer it for use by the State Institution "National Military Memorial Cemetery", and that the courts of previous instances came to a reasonable conclusion that there were grounds for recognizing as unlawful and repealing paragraphs 2–5 of Order No. 275 of 14 March 2024."

Subsequently, in view of the significant public resonance surrounding this case, the Supreme Court provided clarifications regarding its decision on its official website, stating: "The law prohibits the use of lands of the nature reserve fund for the construction of the National Military Memorial Cemetery" (https://supreme.court.gov.ua/supreme/pres-centr/news/1963652/).

The Supreme Court is the highest judicial authority in Ukraine, and its decisions, including the Decision of 29 January 2026, are final and not subject to appeal or revocation.

Pursuant to Article 129¹ of the Constitution of Ukraine, court decisions are rendered in the name of Ukraine and are binding.

Contrary to these provisions, representatives of Ukrainian state authorities are taking actions that effectively demonstrate disregard for the Supreme Court's decision, dissemination of inaccurate information regarding the circumstances of the court case and the content of the conclusions of the highest judicial authority. Furthermore, these persons are deliberately manipulating public opinion by appealing to the need to duly honour the memory of fallen soldiers, as a result of which a distorted public perception of the circumstances of this case is being formed.

At the same time, as has repeatedly been communicated by experts from various fields to judicial authorities, the public, and representatives of the highest state authorities of Ukraine, the protected land plot on which the construction of the cemetery has been initiated is absolutely unsuitable for such a purpose, and its use for cemetery construction may lead to disastrous consequences.

In particular, according to the Expert Opinion of a water resources specialist, hydraulic engineer, PhD in Technical Sciences, Mr Serhii Shevchuk, dated 20 May 2025, the circumstances identified and thoroughly examined therein indicate that the presence of water bodies within the land plots allocated for the construction of the NMMC may point to violations of environmental protection and water legislation during construction, which will have negative consequences for protected natural areas and human health, and may also lead to an emergency situation.

We kindly request that this information be taken into account when considering Complaint No. 2024/02: Ukraine: Deforestation within the Emerald Network (UA0000338) in Kyiv Region, and that measures be taken to prevent the destruction of the Emerald Network site, in particular by suspending the implementation of the National Military Memorial Cemetery project within the Emerald Network territory (site No. UA0000338 Pryirpinnya and Chernechyi Forest).

Appendix 1

INDIVIDUAL ENTREPRENEUR

SHEVCHUK SERHII ANATOLIYOVYCH

Client:
NGO "Markhalivka.Support"

EXPERT OPINION

regarding the presence of water bodies on the land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458, allocated for the construction of the National Military Memorial Cemetery (NMMC)

On February 3, 2025, the Non-Governmental Organization "Markhalivka.Support," acting under the concluded Agreement, requested an expert opinion regarding the presence of water bodies and the determination of conditions for their conservation within the relevant territory. The objective is to prevent violations of environmental and water legislation, preclude the destruction of water bodies, and avoid damage to the ecosystem of this environmentally significant area.

In March 2024, the construction of the National Military Memorial Cemetery (NMMC) commenced on the territory of land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458, totaling 266.7 hectares. These plots are located within a forest massif in the Hatne village territorial community of the Fastiv district, Kyiv region, bordering the villages of Markhalivka, Vita-Poshtova, and Ivankovychi (Obukhiv district, Kyiv region). The project is commissioned by the State Institution "National Military Memorial Cemetery."

Questions submitted for consideration and specialized research:

1) *Are there any water bodies present on the land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458? If so, what is their type, location (specify coordinates), status, and the required width of the riparian protection zone (buffer strip) around them?*
2) *Are there any lands of the water fund (water fund lands) present within the specified territory?*
3) *Do the water bodies originate from the territory encompassing the land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458 for their recharge (feeding)? If so, how critical is this territory for the recharge of such water bodies?*
4) *Are the water bodies located on encompassing the land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458 interconnected with other water bodies of local or national significance? Is the transport of filtration products from the*

groundwater and water bodies of this area to other water bodies of local and national significance possible?

5) *Given the characteristics of the specified territory and the presence of water bodies, is it permissible to perform land reclamation via drainage, groundwater level lowering (dewatering), or land desiccation? What would be the consequences of such actions for the water bodies that originate in this area?*

Specialized expert hydrographic and morphometric studies were conducted by Serhii Shevchuk, PhD in Technical Sciences, Senior Researcher, and Head of the Hydrography Sector of the Department of Hydrology and the State Water Cadastre. He is a specialist in the fields of hydraulic engineering, water engineering, and water technologies, as well as hydrology and the state water cadastre, with 23 years of experience at the Institute of Water Problems and Land Reclamation, higher education institutions in the "Water Resources" field, and the specialized structural unit of the Central Geophysical Observatory in "Hydrology and State Water Cadastre." He holds a foundational degree as a Hydraulic Engineer.

Materials and Methodologies Used. This expert opinion was developed in accordance with the legislation in force at the time of the study—the Water Code and the Land Code of Ukraine — and regulatory documents in force in the field of Earth Remote Sensing (ERS), namely:

- State Standard of Ukraine 4220-2003: "Earth Remote Sensing from Space. Terms and Definitions";
- State Standard of Ukraine 4758:2007: "Earth Remote Sensing from Space. Data Processing. Terms and Definitions";
- State Standard of Ukraine 7894:2015: "Earth Remote Sensing from Space. Data Processing Methodology. Development Procedure."

The primary sources of information regarding the boundaries of the specified land plots are the cadastral data provided by the client and archival data from the "Public Cadastral Map of Ukraine" website (https://map.land.gov.ua) and the geoportal of the National Spatial Data Infrastructure (NSDI).

High-resolution satellite imagery from various years was obtained using Google Earth software (https://www.google.com/intl/en/earth/).

Chronological changes confirming construction activities were identified based on Earth satellite imagery data provided by NASA for the U.S. Geological Survey (USGS) and the ESA (European Space Agency – Copernicus) through the satellite programs Corina, Landsat (https://glovis.usgs.gov/), and Sentinel (https://www.esa.int/).

The informational framework for historical and cartographic research is based on printed cartographic sources held in the State Cartographic and Geodetic Fund of Ukraine, the funds of the Topographic Service of the Armed Forces of Ukraine, the Ukrainian Aerogeodetic Enterprise, and the Vernadsky National Library of Ukraine.

The study of changes in the morphometric parameters of small rivers was conducted through a comparative analysis of multi-temporal large-scale maps, Earth Remote Sensing (ERS) materials, hydrological analysis of the territory, and historical records.

Highly reliable topographic materials dating back to 1940 were utilized. Overlay plans (composite maps) of the Siverka River tributary channel, water bodies, and water fund lands were constructed based on multi-temporal cartographic materials and satellite imagery to determine temporal changes in parameters for further hydrological and morphometric assessment.

To present the cartographic and satellite information, GIS software was used to harmonize all data into a single coordinate system WGS 1984 UTM Zone 36N.

All hydrographic characteristics of the water bodies and their catchment areas (watersheds) were determined using methods recommended by the *"Manual for Determining Hydrographic Characteristics via Cartometric Methods"* (Leningrad, 1986), based on cartographic materials. In contemporary practice, electronic maps, satellite data, and specialized software were also employed to determine the hydrographic characteristics.

In the event of the absence of a state topographic map for the specified territory, orthophotomaps (photomaps) for the relevant date must be used.

The primary objective of orthophotomaps is the rapid supply of cartographic materials for specific territories and their application in geographic information systems as geospatial data for topographic maps. This is achieved by transforming images obtained through aerial and satellite surveys and applying a minimal number of line elements, which enables the acquisition of precise information regarding distances, areas, angles, roads, terrain features, vegetation, etc.

The determination of changes in the morphometric parameters of water bodies is based on a comparative analysis of multi-temporal large-scale topographic maps, Earth Remote Sensing (ERS) materials, hydrological analysis of the territory, statistical data from state institutions and organizations, and historical/archival records.

Current and historical changes in the planimetric characteristics of water bodies are determined using state topographic maps, aerial photography and satellite imagery through specialized cartographic work with the preparation of corresponding descriptions covering:

- Hydrographic characteristics of water bodies – quantitative and qualitative descriptions of specific water bodies, detailing their location, size, regime, local conditions, etc.
- Hydrological characteristics – quantitative assessment of the elements of the hydrological regime and morphometric features of the river basin.
- Surveying of water bodies – compilation of a topographic plan of a water body section using topo-geodetic instruments.
- Cartometric work – determination of hydrographic characteristics of water bodies using topographic maps.
- Morphometric characteristics – quantitative assessment of the dimensions of valleys, river channels, bedforms, lake basins, mires/swamps, and their catchment areas.
- Ground surveys of water bodies – field inspections conducted to collect information on the morphology, regime, and economic utilization of water bodies.

One of the first instrumentally created topographic maps depicting the Siverka River tributary (ancient name Vita River, "r. Veta"), which originates from the territory of land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458 designated for the construction of the NMMC, is a fragment of sheet M-36-VII of the 1:100,000 scale map as of September 1940 (Fig. 1).

Given the small scale of the map (Fig. 1), the depiction of the Siverka River tributary indicates significant water discharge within its channel, with the width and depth of the tributary being comparable to the main river channel.



Fig. 1. Fragment of sheet M-36-VII, map scale 1:100,000 as of August 1940, indicating the river source within the current territory of the projected NMMC (red outline indicates the boundaries of land plots 3222481200:05:002:0457 and 3222481200:05:002:0458).

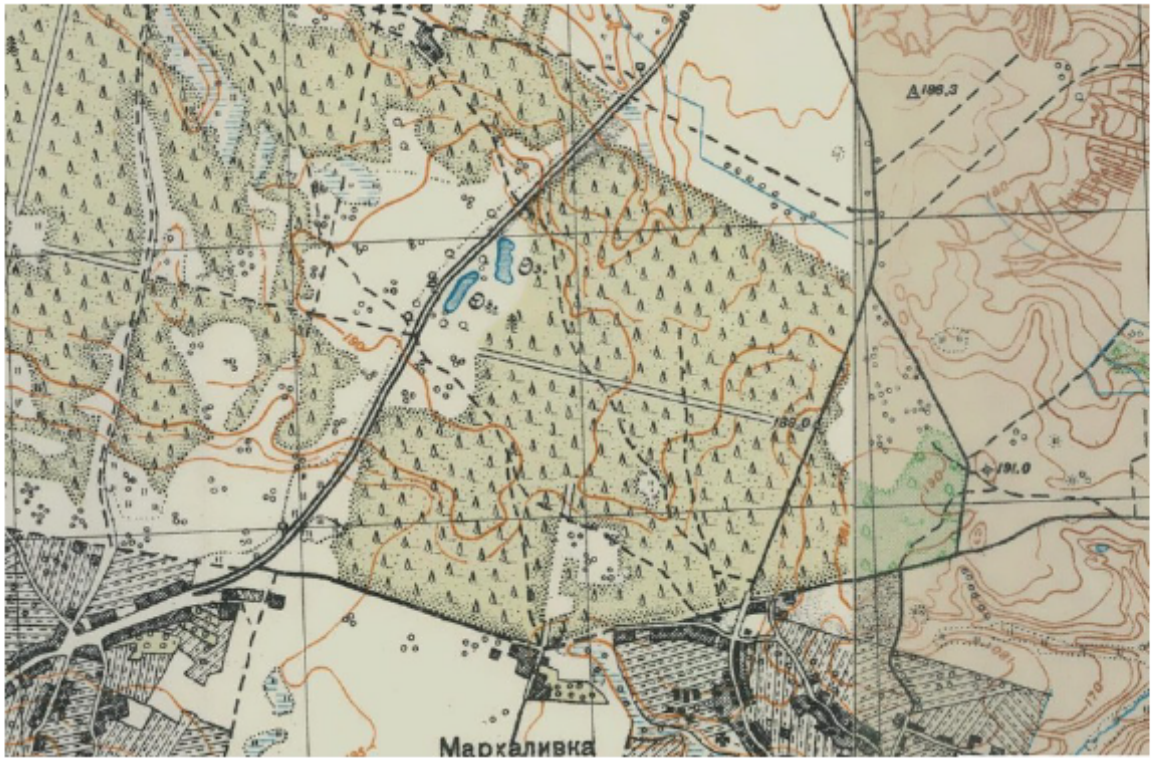


Fig. 2. Fragment of a military topographic map sheet, scale 1:25,000, dating from 1935, indicating lakes and wetlands within the projected location of the NMMC. The settlement located in the lower

part of the map is identified as the village of Markhalivka (Мархалівка).The abbreviation 'Оз.' on the map corresponds to 'озеро' (Lake), indicating a natural or artificial standing water body.

More detailed mapping from 1935 (Fig. 2) already recorded lakes (labeled "Oz." – ozero [lake]) and wetlands within the projected site of the NMMC. Similarly, water bodies and wetlands are recorded using standardized conventional symbols in the adjacent territory, in close proximity to the current boundaries of land plots 3222481200:05:002:0457 and 3222481200:05:002:0458. Likewise, the 1:100,000 scale topographic survey from 1961 records water bodies within the projected location of the NMMC (Fig. 3).



Fig. 3. Fragment of a topographic map sheet, scale 1:100,000, dating from 1961, indicating lakes within the projected location of the NMMC with the corresponding label "оз." – озеро (lake). The settlement located in the lower part of the map is identified as the village of Markhalivka (Мархалевка).

Mapping conducted during different seasons (spring, summer, autumn), as well as during various hydrological phases (low-water and high-water periods) over a multi-year span, along with variations in map scale, detail, or the complexity and accessibility of the terrain, can lead to the "omission" of water bodies in records. This specifically pertains to the headwaters of small rivers and wetlands in densely forested areas with limited visibility and difficult access.

The standart solution to this issue is the execution of topo-geodetic survey and engineering site investigations works to create a 1:500 scale topographic plan for small areas, which serves as the foundational document for the design and subsequent construction of engineering structures and utilities.

For this purpose, in July 2023, commissioned by the NMMC, a 1:500 scale topographic plan (Fig. 4) was produced by "GeoTema" LLC (Fig. 5) (developed by V.V. Khomenko, director O.B.

Yurkivskyi). This plan displays the outline of a wetland object using black dots—a violation of conventional symbology standards—yet this outline precisely coincides with the boundaries of the water mirror (water surface) when the object is filled with water.

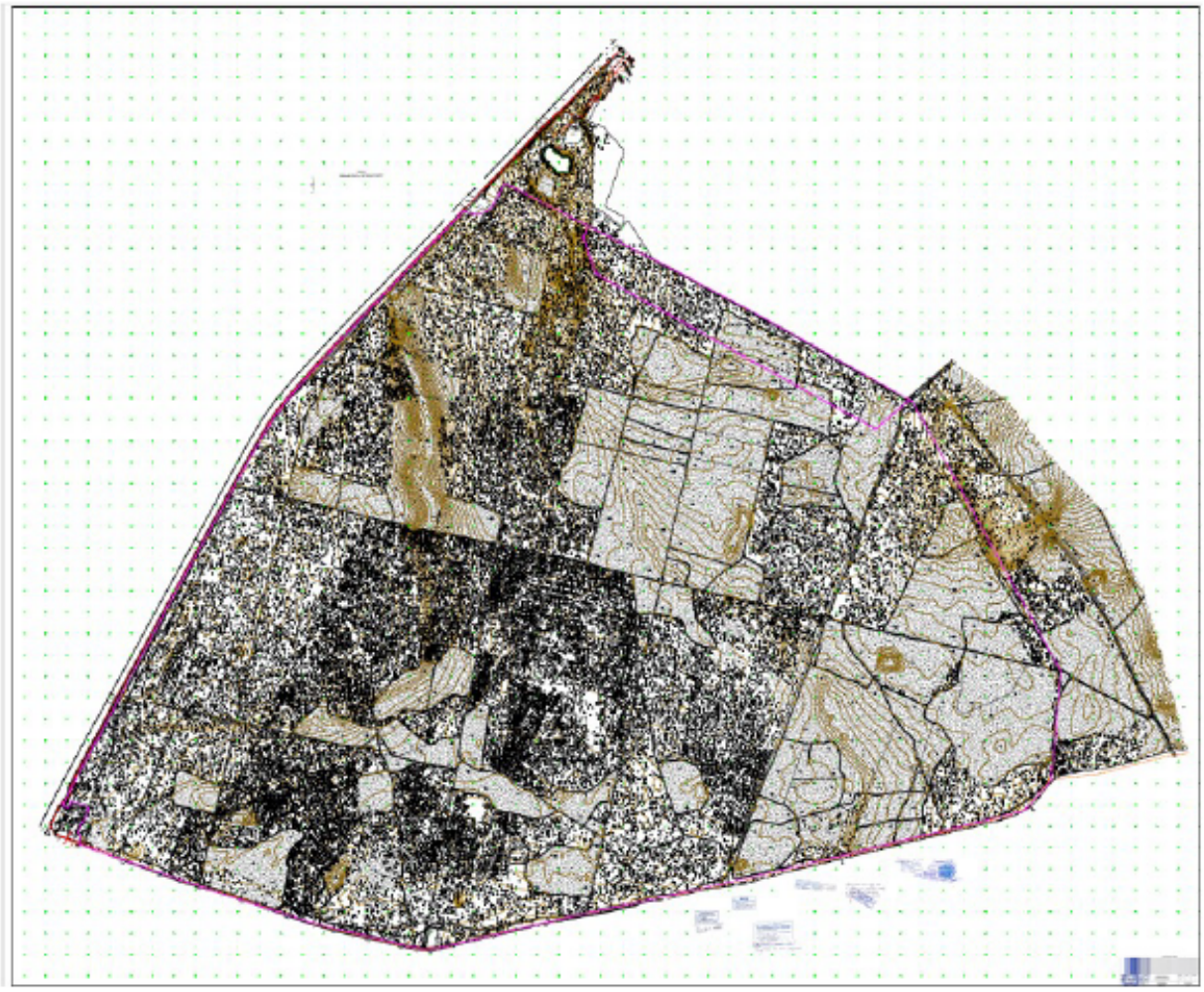


Fig. 4. Sheet of the 1:500 scale topographic plan developed by "GeoTema" LLC in July 2023.

The aforementioned materials and actions may indicate a deliberate concealment of information aimed at the subsequent elimination of water bodies, wetlands, and mires from the projected NMMC territory. This appears to be a conscious attempt to evade the legal grounds for restrictions on its design, specifically within the territory of the first construction phase. Under such circumstances, there are no guarantees regarding the reliability of the topo-geodetic works conducted in July 2023 for the entire area of the two NMMC land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458.

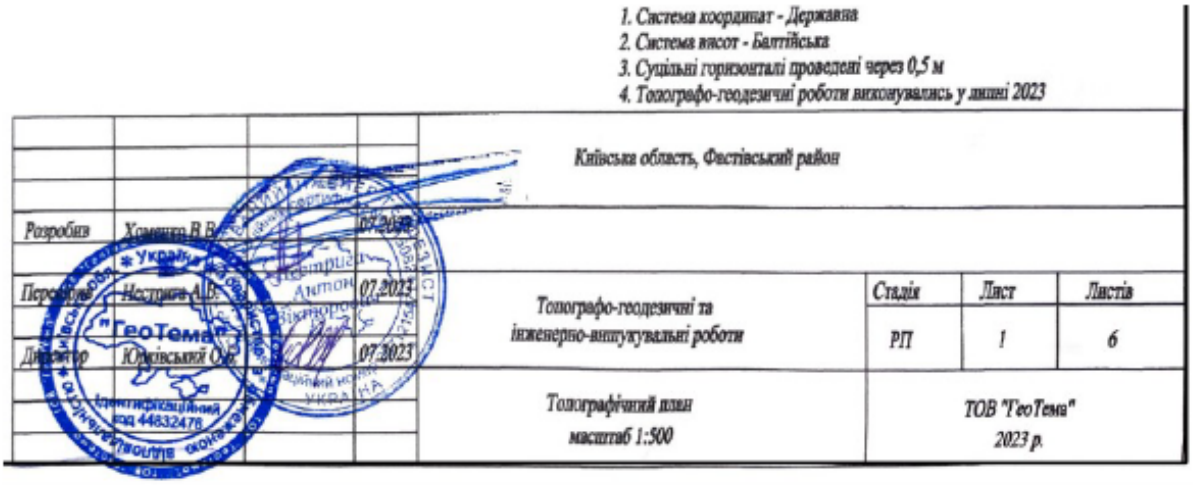
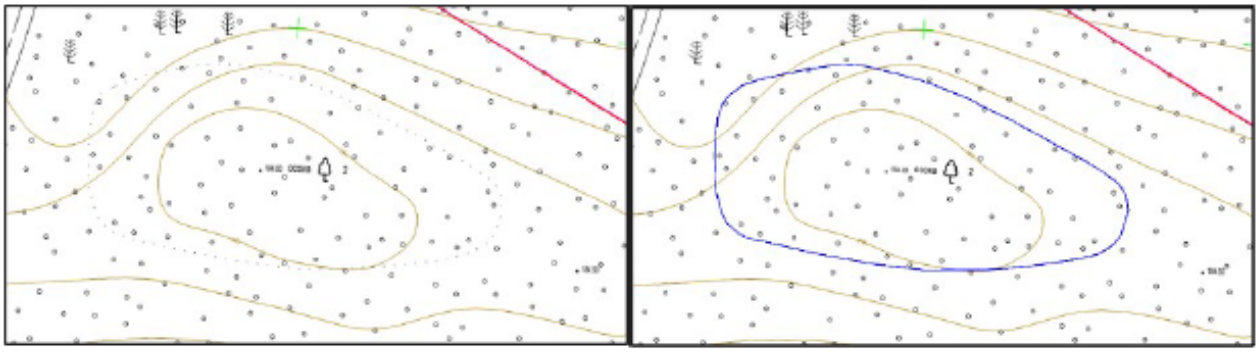


Fig. 5. Information regarding the executors of the 1:500 scale topographic plan developed by "GeoTema" LLC in 2023.

The inscriptions in the upper part of the image contain the key technical specifications of the geodetic survey:

1. *Coordinate System — State (Система координат — Державна)*
2. *Elevation System — Baltic (Система висот — Балтійська)*
3. *Contour interval — 0.5 m (Суцільні горизонталі проведені через 0,5 м)*
4. *Topographic and geodetic works were performed in July 2023 (Топографо-геодезичні роботи виконувались у липні 2023)*

The left part of the table contains information about the responsible persons and the time of the works' execution: Developed by: Khomenko V.V. (07.2023) (Розробив: Хоменко В.В. 07.2023), Verified by: Nestryha A.V. (07.2023) (Перевірив: Нестряга А.В. 07.2023), Director: Yurkivskyi O.B. (07.2023) (Директор: Юрківський О.Б. 07.2023)



a b

Figure 6. Fragment of the topographic plan sheet (Fig. 5) showing violations of conventional symbology: (a) the outline of a wetland object marked with black dots, and (b) the same outline restored as a blue line.

In the absence of a reliable topographic map for the specified NMMC territory, it is necessary to utilize orthophotomaps (photomaps) for the required dates.

The primary objective of orthophotomaps is the rapid supply of cartographic materials for specific territories and their application in geographic information systems as geospatial data for topographic maps. This is achieved by transforming images obtained through aerial and satellite surveys and applying a minimal number of line elements, which enables the acquisition of precise information regarding distances, areas, angles, roads, terrain features, vegetation, etc.

By utilizing a publicly available satellite imagery database, the presence of a water body was confirmed as of 2018–2019 within the area marked by the "black dots" in Fig. 6; this object can be clearly identified as a lake.



24.05.2018 11.06.2019

Fig. 7. High-resolution satellite imagery of the water body (lake) corresponding to Figure 6(b).

Hydrographic networks and hydraulic structures are depicted on topographic maps with precision and generalization appropriate to the map's scale. In accordance with the regulatory and technical documentation in the field of topo-geodetic and cartographic activities, the names of terrain features, explanatory labels, and their qualitative and quantitative characteristics are applied to the maps.

It is essential to note that topographic data serve as the foundation for the coordinate-spatial referencing of thematic data obtained from engineering-geodetic, engineering-geological, and engineering-hydrogeological surveys, land cadastral works, territorial planning, statistical research, and other specialized studies and assessments.

Accordingly, such thematic data include the materials of the forest plantation plan of the Boyarka Forest District of the Separate Structural Unit of the National University of Life and Environmental Sciences of Ukraine "Boyarka Forest Research Station" indicating forest management data as of 2017 at a scale of 1:25,000 (Fig. 8).

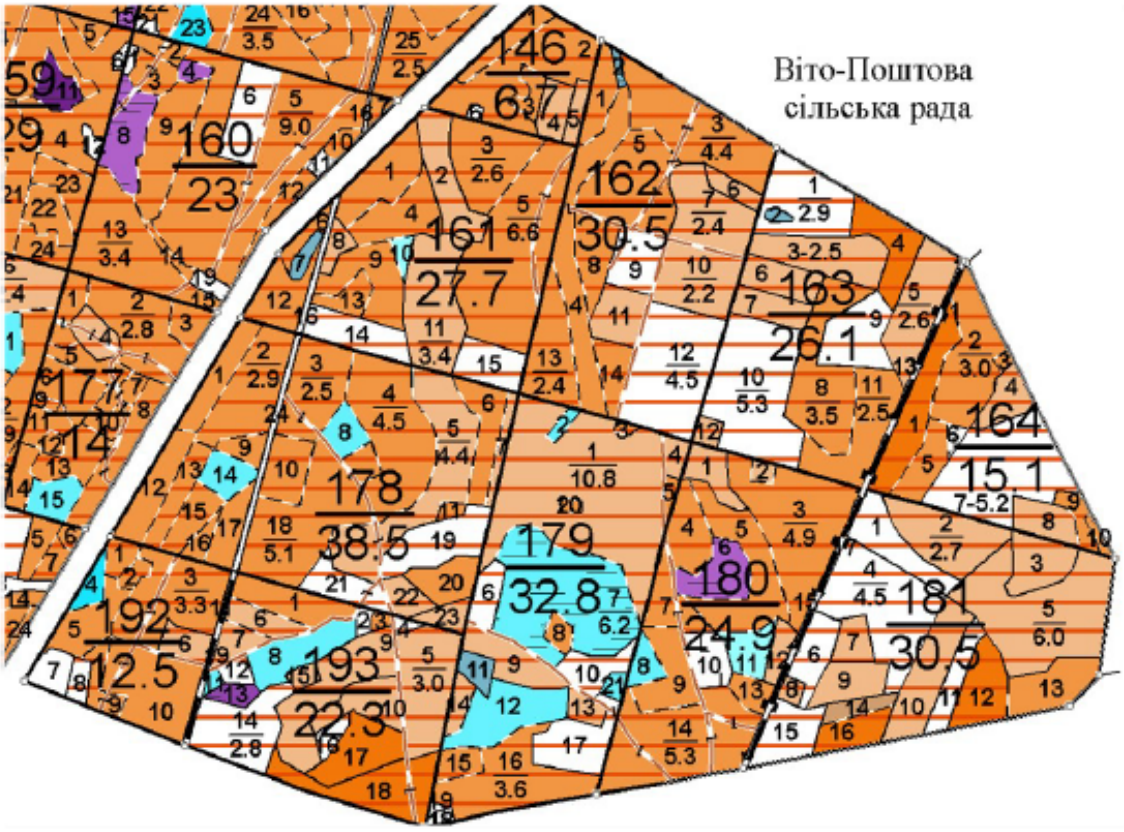


Fig. 8. Fragment of the graphical materials of the Separate Structural Unit of the National University of Life and Environmental Sciences of Ukraine "Boyarka Forest Research Station" in the form of a forest plantation plan, indicating water bodies and mires within the territory of forest compartments 161, 162, 163, 179, 180, and 193.
Inscription in the upper left corner of the image:
Forest Stand Plan (План лісонасаджень)
Kyiv Region (Київська область)
Total area: 7,989.0 ha (Загальна площа: 7,989,0 га)
Forest management of 2017 (Лісовпорядкування 2017 року)
Scale 1:25,000 (Масштаб 1:25000)

The virtually complete coincidence of the outline and shape (Fig. 9) of the blue-colored water body (lake) from the 1:500 scale topographic plan developed by "GeoTema" LLC in July 2023 (Fig. 6(b)) with the wetland (mire) labeled with the number "2" in compartment 163 on the forest plantation plan of the SSU of NULES of Ukraine "Boyarka Forest Research Station," further confirms the long-term existence of this wetland. Moreover, it confirms the attempt to deliberately conceal the actual state and presence of water bodies and water fund lands within the two NMMC land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458.



Fig. 9. The blue-colored outline of the water body (lake) from Fig. 6(b) superimposed on the wetland (mire) labeled with the number "2" in compartment 163 of the forest plantation plan of the SSU of NULES of Ukraine "Boyarka Forest Research Station."



Fig. 10. Legend for Figures 8–9 of the forest plantation plan of the Boyarka Forest District (the SSU of NULES of Ukraine "Boyarka Forest Research Station"), indicating forest management data as of 2017.

In addition to the graphical materials, statistical information regarding the distribution of the total area of forest fund land plots by land category for the SSU of NULES of Ukraine "Boyarka Forest Research Station" (Fig. 11) was analyzed. The purpose was to evaluate the compartment-by-compartment totals of forest land distribution by category (in hectares), specifically for forest compartments 146, 161, 162, 163, 164, 178, 179, 180, 181, 192, and 193 (Fig. 12), which are located within the two NMMC land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458.


ДЕРЖАВНЕ АГЕНТСТВО ЛІСОВИХ РЕСУРСІВ УКРАЇНИ
УКРАЇНСЬКЕ ДЕРЖАВНЕ ПРОЕКТНЕ ЛІСОВПОРЯДНЕ ВИРОБНИЧЕ ОБ'ЄДНАННЯ
КОМПЛЕКСНА ЛІСОВПОРЯДНА ЕКСПЕДИЦІЯ

ЗМІНИ ДО МАТЕРІАЛІВ ЛІСОВПОРЯДКУВАННЯ
на підставі актуалізованих матеріалів лісовпорядкування
станом на 01.01.2023 року

ВП НУБіП УКРАЇНИ „БОЯРСЬКА ЛДС"
КИЇВСЬКОЇ ОБЛАСТІ

за 2022 рік

Начальник лісовпорядної партії Василь Ворох

Інженер-таксатор Михайло Дмитрук

Ірпінь – 2023

Fig. 11. Title page of the statistical materials "Amendments to forest management materials based on updated forest management data as of January 1, 2023, of the SSU of NULES of Ukraine 'Boyarka Forest Research Station'."

Text on the figure: Amendments to forest management materials based on updated forest management materials as of January 1, 2023 SSU of NULES of Ukraine "Boyarka Forest Research Station" for the year 2022 (Зміни до матеріалів лісовпорядкування на підставі актуалізованих матеріалів лісовпорядкування станом на 01.01.2023 року ВП НУБіП України «Боярська ЛДС» за 2022 рік)

- *Head of the Forest Management Party: Vasyl Vorokh (Начальник лісовпорядної партії: Василь Ворох)*
- *Forest Inventory Engineer: Mykhailo Dmytruk (Інженер-таксатор: Михайло Дмитрук)*
- *Irpin – 2023 (Ірпінь – 2023)*

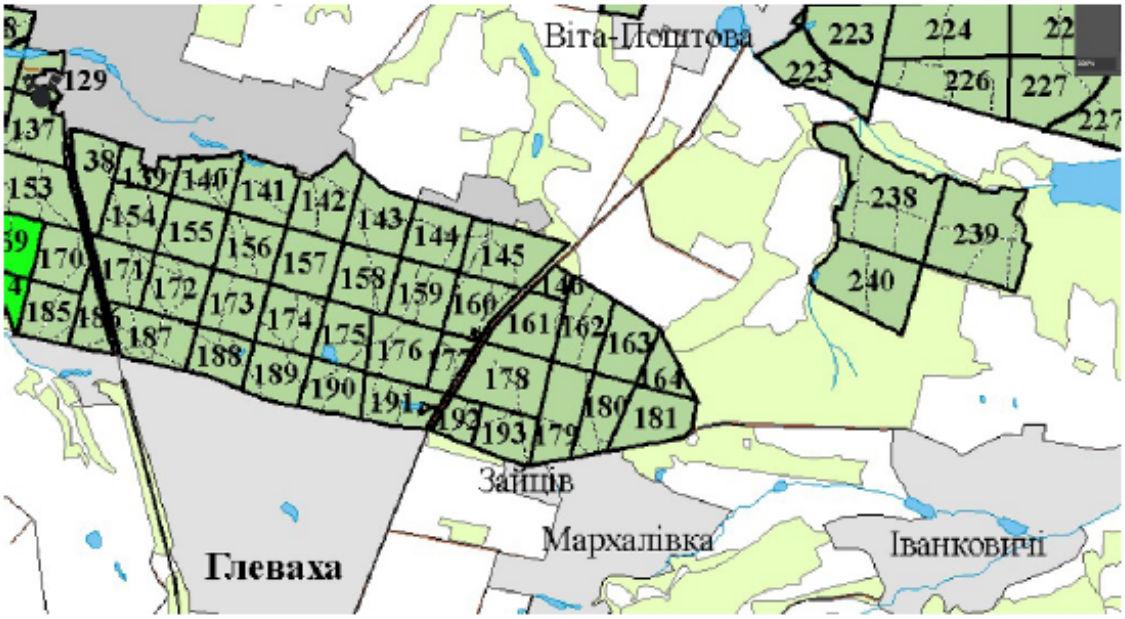


Fig. 12. Map of the forest compartments of the SSU of NULES of Ukraine "Boyarka Forest Research Station".

The presence of natural habitats protected under the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), which belong to the Ukrainian part of the Emerald Network (site code UA0000338 "Pryirpinnya and Chernechyi Forest", total area 6,094.7 ha), is documented in the "Amendments to forest management materials based on updated forest management data as of January 1, 2023, of the SSU of NULES of Ukraine 'Boyarka Forest Research Station'" (Fig. 13)

Інформація про місцезнаходження видів флори та фауни і їх природних середовищ існування, які охороняються відповідно до Конвенції про охорону дикої флори та фауни і природних середовищ існування в Європі

У списку територій цієї мережі України знаходиться 377 територій. Pryirpinnya and Chernechyi Forest знаходиться у списку під номером UA0000338 площею 6094,7 га, в тому числі земельні ділянки ВП НУБіП «Боярська ЛДС» - 4826,7 га. Irpin river valley знаходиться у списку під номером UA0000342 площею 15039,0 га, в тому числі земельні ділянки ВП НУБіП «Боярська ЛДС» - 796,2 га.

Назва лісництва	Перелік кварталів	Площа, га	Коротка характеристика території
Боярське	38-53		Придніпрянська та чернечий ліс - UA0000338
	79-181		
	218-237		
	240-243		
Разом по лісництву		*4826,7*	

Fig. 13. Fragment of page 33 of the "Amendments to forest management materials based on updated forest management data as of January 1, 2023, of the SSU of NULES of Ukraine 'Boyarka Forest Research Station'," featuring the list of compartments corresponding to Fig. 12.

Text on the figure:

Information on the locations of flora and fauna species and their natural habitats protected under the Convention on the Conservation of European Wildlife and Natural Habitats (Інформація про місцезнаходження видів флори та фауни і їх природних середовищ існування, які охороняються відповідно до Конвенції про охорону дикої флори та фауни і природних середовищ існування в Європі)

There are 377 territories in the list of this network of Ukraine. Pryirpinnya and Chernechyi Forest is in the list under number UA0000338 with an area of 6094.7 hectares, including land plots of the Separated Subdivision of NULES of Ukraine "Boyarka Forestry Experimental Station" - 4826.7 hectares. Irpin river valley is in the list under number UA0000342 with an area of 15039.0 hectares,

including land plots of the Separated Subdivision of NULES of Ukraine "Boyarka Forestry Experimental Station" - 796.2 hectares. (У списку територій цієї мережі України знаходиться 377 територій. Pryirpinnya and Chernechyi Forest знаходиться у списку під номером UA0000338 площею 6094,7 га, в тому числі земельні ділянки ВП НУБіП «Боярська ЛДС» - 4826,7 га. Irpin river valley знаходиться у списку під номером UA0000342 площею 15039,0 га, в тому числі земельні ділянки ВП НУБіП «Боярська ЛДС» - 796,2 га.)

Forestry Name (Назва лісництва)	*List of Quarters (Перелік кварталів)*	*Area, ha (Площа, га)*	*Brief Description of the Territory (Коротка характеристика території)*
Boyarske (Боярське)	*38-53 79-181 218-237 240-243*		*Pryirpinnya and Chernechyi Forest - UA0000338 (Приірпіння та чернечий ліс - UA00003383)*
Total for the forestry (Разом по лісництву)		*4826.7*	

The presence of water fund lands in the form of wetlands and mires is confirmed by the compartment-by-compartment statistical information from the "Amendments to forest management materials based on updated forest management data as of January 1, 2023, of the SSU of NULES of Ukraine 'Boyarka Forest Research Station'" (Fig. 14). Specifically, there are 0.3 ha of mire in compartment 161, 0.1 ha of mire in compartment 162, and 0.1 ha of mire in compartment 163 (Fig. 14).

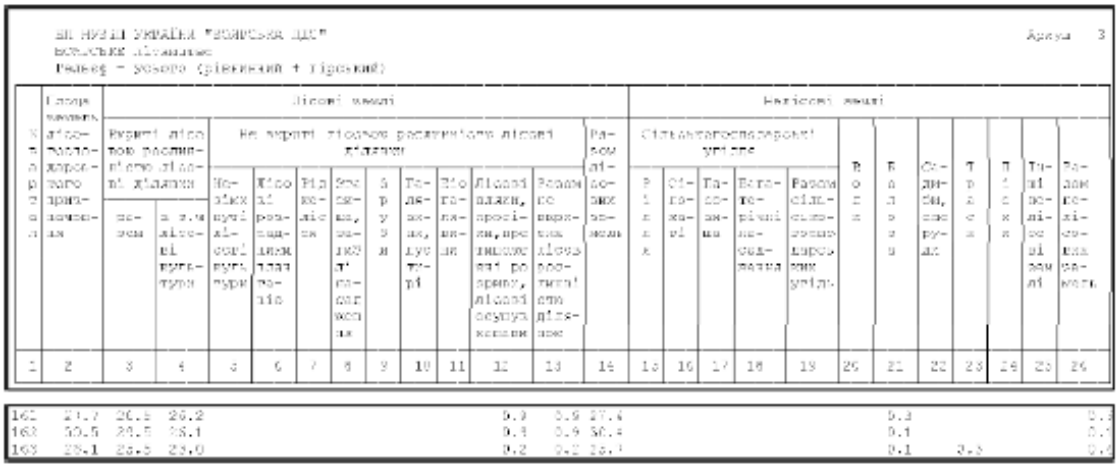


Fig. 14. Fragment of page 37 of the "Amendments to forest management materials based on updated forest management data as of January 1, 2023, of the SSU of NULES of Ukraine 'Boyarka Forest Research Station'," featuring the list of compartments corresponding to Fig. 12.

Following the processing of official cartographic (Fig. 8) and statistical (Fig. 14) information from the Boyarka Forest Research Station, confirmation was obtained regarding the presence of water bodies in the form of wetlands and mires within the specified forest compartments of the Boyarka Forest Research Station, which is part of the Ukrainian segment of the Emerald Network of Europe.

According to the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding the Construction and Operation of the National Military Memorial Cemetery" dated December 8, 2023, No. 3505-IX, specifically based on clause "22-1": "For the placement of the National Military Memorial Cemetery, the transfer into permanent use and the change of the

designated purpose of state and communal land plots shall be carried out with the following specifics: ... A change in the designated purpose of land plots under the conditions defined by this sub-clause is not permitted on ***lands of the nature reserve fund and other nature conservation purposes, water fund lands,*** as well as residential development areas defined by approved urban planning documentation at the local level." Consequently, an unambiguous conclusion has been drawn: the selected NMMC site **does not comply with the provisions of the Law of Ukraine dated December 8, 2023, No. 3505-IX.**

The forest area of the projected National Military Memorial Cemetery (NMMC) is the headwater region for three rivers—the Siverka, Petil, and Prytvarka—which subsequently flow into the Vita, Bobrytsya, Irpin, and Dnipro rivers within the Kyiv region. According to Article 79 of the Water Code of Ukraine ("Classification of Rivers of Ukraine"), the Siverka, Petil, and Prytvarka are classified as small rivers, each having a catchment (watershed) area of less than 2,000 square kilometers.

Article 80 of the Water Code of Ukraine establishes specific requirements for the use of small rivers. To protect their water flow, it is strictly prohibited:

1. To alter the relief of the river basin;
2. To destroy the beds of intermittent rivers, streams, and watercourses;
3. To straighten river channels, deepen their beds below natural levels, or block them without installing culverts, overflows, or aqueducts;
4. To reduce natural vegetation cover and forestation within the river basin;
5. To plow floodplain lands or apply chemical agents on them;
6. To conduct drainage reclamation work in wetlands and tracts located in the upper reaches of rivers;
7. To allocate land plots in river floodplains for any construction (except for hydraulic, hydrometric, and linear structures), as well as for gardening or horticulture;
8. To carry out other works that may negatively affect or do affect the river's water flow and water quality.

As of May 2025, within the NMMC construction site, the relief of the Siverka river basin has already been altered, the channels of intermittent streams and watercourses have been destroyed, works to straighten the river channel have been conducted, the bed has been deepened below the natural drainage level, and the channel has been blocked without providing a water bypass. Furthermore, the natural vegetation cover and forestation of the Siverka basin have been reduced (Fig. 15), drainage reclamation works have been carried out in the wetlands and tracts at the headwaters of the Siverka (Fig. 16), and the construction of the cemetery—including the installation of a drainage system—is ongoing, which will negatively impact the water flow and water quality of the Siverka River (Fig. 17).



Fig. 15. Medium-resolution satellite imagery (10 m/pixel, Sentinel-2) of the first phase of NMMC construction at the headwaters of the Siverka small river as of April 21, 2025, with the overlaid outline of the wetlands corresponding to Fig. 6.



Fig. 16. Naturally saturated wetlands within the first phase of NMMC construction, corresponding to Fig. 15.

From the very beginning of construction, unidentified trucks have been removing highly valuable soils—peat—from the territory of the National Military Memorial Cemetery, specifically from the wetland area indicated in Figures 15–16.

The Resolution of the Cabinet of Ministers of Ukraine "On Approval of Special Rates for Calculating the Amount of Damage Caused by Violation of Legislation on the Nature Reserve Fund" dated May 10, 2022, No. 575, specifies rates for calculating damages for offenses regarding mires (marshes) and their biodiversity (Table 1).

Table 1

Додаток № 8. Такси для обчислення розміру шкоди, заподіяної порушенням законодавства про ПЗФ внаслідок пошкодження карстово-спелеологічних, геологічних та гідрологічних об'єктів		
Вид об'єкта	**Одиниця виміру**	**Такса, гривень**
Гідрологічні об'єкти (водні об'єкти в межах територій ПЗФ)		
Пошкодження водного об'єкта, болота:		
випрямлення, поглиблення русла, зміна конфігурації берегової лінії тощо	за 0,1 га	14387
забирання ґрунту (гравію, піску, мулу тощо) з водойм, прориття каналів	за 1 куб. м об'єму	2877
Знищення боліт:		
знищення рослин деревного та трав'яного ярусів верхового оліготрофного болота	за 0,1 га	27491
знищення рослин деревного та трав'яного ярусів низинного евтрофного болота	за 0,1 га	145917
забирання торфу	на площі 0,1 га на глибину 1 м	3204762

The destruction of mires (marshes) in the headwaters of small rivers and the installation of drainage systems significantly impair the conditions for natural runoff formation, which will ultimately lead to irreversible landscape changes.

For millennia, natural water flows from precipitation and groundwater have shaped the relief of this area, resulting in the formation of a gully for a tributary of the Siverka River, which, until recently, contained a flowing stream. The construction of an embankment road (Fig. 17c) has blocked this watercourse, creating an artificial pond. Furthermore, the discharge of drainage water has caused rapid water accumulation in this pond, creating a current risk of embankment failure (Fig. 17c).

Geological surveys have confirmed a high natural groundwater level across almost the entire NMMC construction site. In some areas, water emerged onto the surface. The flat terrain with minimal slopes retained water, forming open water bodies and wetlands. This allowed the rivers to be fed by groundwater during the summer period. The installation of drainage has accelerated water outflow, but it will not be able to completely dry out the area. With every rainfall, the water level will rise, while the natural drainage—the forest—has already been removed.

Consequently, any drainage measures will fail to permanently dry this territory. Any technical failure or malfunction of the drainage system will return the groundwater to its natural high levels, resulting in the flooding of the burial sites.



a b c d

Fig. 17. Natural water level within the NMMC on December 22, 2024, and the installation of a drainage system to support cemetery construction (a, b); works carried out to block the river channel without installing a culvert (c, d).

The placement of the NMMC within the land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458 is a direct violation of the State Sanitary Rules and Regulations "Hygienic Requirements for the Arrangement and Maintenance of Cemeteries in Settlements of Ukraine" (State Sanitary Rules and Regulations 2.2.2.028-99), approved by the Resolution of the Chief State Sanitary Doctor of Ukraine No. 28 dated July 1, 1999, specifically:

1. The territory of the plot allocated for a cemetery must not be subject to landslides, collapses, flooding, or waterlogging by meltwater, rainwater, or floodwaters, and must be characterized by well-aerated soils. The plot must have a slope facing away from settlements and open water bodies used for domestic and household needs.
2. The maximum groundwater level from the surface of the ground on the site must be at least 2 meters. If the groundwater level is higher than 2 meters from the surface, the land plot must be declared unfit for a cemetery.

The principles and design standards set forth in State Building Norms of Ukraine B 2.2-1:2008 "Cemeteries, Crematoria, and Columbaria. Design Standards" do not provide for the construction of drainage systems within a cemetery:

1. To avoid the risk of water contamination in networks, the underground laying of water supply networks on the cemetery territory is prohibited.
2. Drainage of atmospheric and meltwater from the territory of cemeteries and columbaria must be surface-based — via gutters along the roadway network.
3. Drainage from cemetery plots with traditional burial methods into low-lying areas of adjacent territories is permitted only with the agreement of local sanitary and epidemiological supervision authorities. When placing cemeteries on slopes, mountain ditches must be installed to protect the territory from flooding from the upper side.

The drainage system already constructed on the NMMC territory will bypass the natural rainwater filter (the soil layer) and accelerate the infiltration of water contaminated with "corpse decomposition products" into every water body along the Siverka, Petil, and Prytvarka rivers.

Every day, tens of thousands of cubic meters of water 'contaminated with corpse decomposition products' (State Building Norms of Ukraine B 2.2-1:2008 'Cemeteries, Crematoria, and Columbaria. Design Standards') will flow through Vita-Poshtova, Yurivka, Markhalivka, Boyarka, Tarasivka, Zabirya, Bobrytsya, Ivankovychi, Khodosivka, Kruhlyk, Kremenyšče, and even Vita-Lytovska, endangering the health of local residents (Fig. 18).

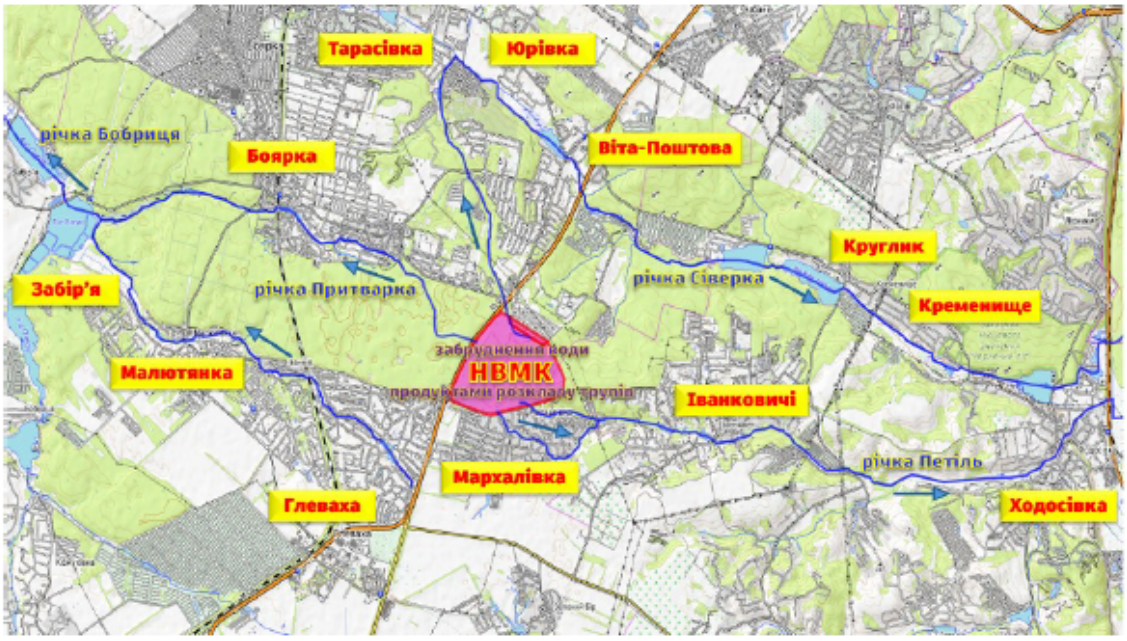


Figure 18. Direction of spread of contaminated surface and groundwater from traditional burials at the National Military Memorial Cemetery (NMMC).

Conclusion. The site selected for the NMMC construction inherently possessed a high natural groundwater level. Currently, the first phase of the drainage system has been constructed to divert excess groundwater. However, due to the vast volumes of water, the drainage fails to effectively lower the groundwater levels. Since the burials will be located in waterlogged soils, decomposition products will infiltrate the groundwater and be diverted via the drainage system directly into water bodies.

These waters feed three rivers that can transport contamination downstream into residential areas.

The cemetery has a projected operational lifespan of over 100 years, yet the drainage system has a warranty period of only 10–15 years, with an estimated effective lifespan of 20–25 years.

Once the drainage system fails, the water table will rise again, making the groundwater contamination even more critical. Groundwater levels will return to their natural state—the levels that existed prior to the construction of the cemetery and the drainage system.

Since three rivers are fed by this groundwater, toxic substances from the cemetery will enter the river network and the drinking water intakes of nearby settlements. The decomposition of bodies in an excessively moist environment can lead to the spread of dangerous bacteria and viruses, posing a significant threat to public health.

Due to the persistently high water levels, toxic substances may leach into aquifers, and from there, into rivers and sources of drinking water. The drainage system only accelerates the transport of contaminated water to surface water bodies. Once the drainage system fails (within 10–20 years), the situation could become critical, resulting in mass water contamination.

The aforementioned circumstances regarding the presence of water bodies on the land plots with cadastral numbers 3222481200:05:002:0457 and 3222481200:05:002:0458, allocated for the construction of the National Military Memorial Cemetery (NMMC), indicate a violation of environmental and water legislation. These violations will have severe negative consequences for protected natural areas and public health, and may ultimately lead to an environmental emergency.

Final Provisions

The developer of this scientific and expert opinion has been warned of criminal liability for providing a knowingly false opinion and for refusing to perform the assigned duties without valid reasons, in accordance with Articles 384 and 385 of the Criminal Code of Ukraine.

The results obtained in this scientific and expert opinion will be submitted to the courts, state executive authorities, and local self-government bodies.

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