

Ukraine: military endangering civilians by locating forces in residential areas - new research



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Schools and hospitals used as military bases by Ukrainian forces

‘We have no say in what the military does, but we pay the price’ - resident in city of Bakhmut

‘Being in a defensive position does not exempt the Ukrainian military from respecting international humanitarian law’ - Agnès Callamard

The Ukrainian military has endangered Ukrainian civilians by establishing bases and operating weapons systems in residential areas - including in schools and hospitals - as it has sought to repel the Russian invasion, Amnesty International said today.

Ukraine’s tactics have violated international humanitarian law as they’ve turned civilian objects into military targets. The ensuing Russian strikes in populated areas have killed civilians and destroyed civilian infrastructure.

Not every Russian attack documented by Amnesty has followed this pattern. In certain locations in which Amnesty concluded that Russia had committed war crimes - including in some areas of the city of Kharkiv - Amnesty did not find evidence of Ukrainian forces located in civilian areas unlawfully targeted by the Russian military.

Between April and July, Amnesty researchers spent several weeks investigating Russian strikes in the Kharkiv, Donbas

and Mykolaiv regions. Amnesty inspected strike sites, interviewed survivors, witnesses and relatives of victims of attacks, and carried out remote-sensing and weapons analysis. Throughout these investigations, Amnesty found evidence of Ukrainian forces launching strikes from within residential areas as well as basing themselves in civilian buildings in 19 towns and villages in the regions. Amnesty's Crisis Evidence Lab analysed satellite imagery to further corroborate some of these incidents.

Most residential areas where soldiers located themselves were miles away from front lines and viable alternatives were available that would not have endangered civilians - such as military bases, densely-wooded areas or other structures further from residential areas. In the cases it documented, Amnesty is not aware that the Ukrainian military asked or assisted civilians to evacuate nearby buildings - a failure to take feasible precautions to protect civilians.

The mother of a 50-year-old man killed in a rocket attack on 10 June in a village south of Mykolaiv told Amnesty:

Amnesty researchers found military equipment and uniforms at the house next door.

Mykola, who lives in a tower block in a neighbourhood of Lysychansk (Donbas) repeatedly struck by Russian attacks which killed at least one older man, told Amnesty, "I don't understand why our military is firing from the cities and not from the field." Another resident, a 50-year-old man, said, "There is definitely military activity in the neighbourhood. When there is outgoing fire, we hear incoming fire afterwards." Amnesty researchers witnessed soldiers using a residential building some 20 yards from the entrance to an underground shelter used by the residents where the older man was killed.

On 6 May in one town in Donbas, Russian forces used widely-banned and inherently indiscriminate cluster munitions over a neighbourhood of mostly single or two-storey homes where Ukrainian forces were operating artillery. Shrapnel damaged the walls of the house where Anna, 70, lives with her son and

95-year-old mother. Anna said:

In early July, a farm worker was injured when Russian forces struck an agricultural warehouse in the Mykolaiv area. Hours after the strike, Amnesty researchers witnessed the presence of Ukrainian military personnel and vehicles in the grain storage area, and witnesses confirmed that the military had been using a warehouse located across the road from a farm where civilians are living and working.

In Bakhmut, several residents told Amnesty that the Ukrainian military had been using a building barely 20 yards across the street from a residential high-rise building. On 18 May, a Russian missile struck the front of the building, partly destroying five apartments and damaging nearby buildings. Three residents told Amnesty that before the strike Ukrainian forces had been using a building across the street from the bombed building and that two military trucks were parked in front of another house that was damaged when the missile hit. Amnesty researchers found signs of military presence in and outside the building, including sandbags and plastic sheeting covering the windows, as well as new US-made trauma first-aid equipment.

“We have no say in what the military does, but we pay the price,” a resident whose home was also damaged in the strike told Amnesty.

International humanitarian law requires that all parties to a conflict should avoid locating, to the maximum extent feasible, military objectives within or near densely-populated areas. Other obligations to protect civilians from the effects of attacks include removing civilians from the vicinity of military objectives and giving effective warning of attacks that may affect the civilian population.

Amnesty contacted the Ukrainian Ministry of Defence with its findings on 29 July, but at the time of publication it had not yet responded.

Amnesty researchers witnessed Ukrainian forces using hospitals as de facto military bases in five locations. In two towns, dozens of soldiers were resting, milling about and

eating meals in hospitals. In another town, soldiers were firing from near a hospital. A Russian airstrike on 28 April injured two employees at a medical laboratory in a suburb of Kharkiv after Ukrainian forces had set up a base in the compound. Using hospitals for military purposes is a clear violation of international humanitarian law.

The Ukrainian military has also routinely set up bases in schools in towns and villages in Donbas and in the Mykolaiv area. Schools have been temporarily closed to students since the conflict began, but in most cases the buildings were located close to populated areas.

At 22 out of 29 schools visited, Amnesty researchers either found soldiers using the premises or found evidence of current or prior military activity - including the presence of military fatigues, discarded munitions, army ration packets and military vehicles. Russian forces struck many of the schools used by Ukrainian forces. In at least three towns, after Russian bombardment of the schools, Ukrainian soldiers moved to other schools nearby, putting the surrounding neighbourhoods at risk of similar attacks.

In a town east of Odesa, Amnesty witnessed Ukrainian soldiers using civilian areas for lodging and as staging areas, including basing armoured vehicles under trees in purely residential neighbourhoods and using two schools located in densely-populated residential areas. Russian strikes near the schools killed and injured several civilians between April and late June - including a child and a woman killed in a rocket attack on their home on 28 June.

In Bakhmut, Ukrainian forces were using a university building as a base when a Russian strike hit on 21 May, reportedly killing seven soldiers. The university is adjacent to a high-rise residential building which was damaged in the strike, alongside other civilian homes roughly 50 yards away. Amnesty researchers found the remains of a military vehicle in the courtyard of the bombed university building.

International humanitarian law does not specifically ban parties to a conflict from basing themselves in schools that

are not in session. However, militaries have an obligation to avoid using schools that are near dwellings with civilians putting these lives at risk, unless there is a compelling military need. If they do so, they should warn civilians and, if necessary, help them evacuate. This did not appear to have happened in the cases examined by Amnesty.

Armed conflicts seriously hamper children's right to education and military use of schools can result in destruction that further deprives children of this right once the war ends. Ukraine is one of 114 countries that have endorsed the Schools Safe Declaration, an agreement to protect education amid armed conflict.

Many of the Russian strikes that Amnesty has documented in recent months were carried out with inherently indiscriminate weapons, including internationally-banned cluster munitions or other explosive weapons with wide-area effects. The Ukrainian military's practice of locating military objectives within populated areas does not in any way justify indiscriminate Russian attacks. All parties to a conflict must at all times distinguish between military objectives and civilian objects and take all feasible precautions - including in their choice of weapons - to minimise civilian harm. Indiscriminate attacks which kill or injure civilians or damage civilian objects are war crimes.

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