

# ***Amnesty International Assessment That Ukraine ‘Put Civilians in Harm’s Way’ Stirs Outrage***

The human rights group accused the Ukrainian military of establishing bases and weapons systems in schools and hospitals.



**By Valerie Hopkins and Thomas Gibbons-Neff**

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The director of Amnesty International’s Ukraine office resigned on Friday to protest a lengthy statement by the wider organization that accuses Ukrainian soldiers of employing tactics of war that endanger civilians.

In what it called an “extended press release” the group said on Thursday that “Ukrainian forces have put civilians in harm’s way by establishing bases and operating weapons systems in populated residential areas, including in schools and hospitals.”

News of the statement ignited an internal debate in Amnesty International and was met with widespread and almost universal condemnation in Ukraine, which has been defending itself against a Russian army that has vastly more firepower, which it has used to decimate urban areas and to torture and kill thousands of civilians.

The news release said that the organization’s findings in no way justified the Russian forces’ tactics, and that Amnesty International had previously documented Russian war crimes, but that was not enough to placate the group’s critics, including its Ukraine director, Oksana Pokalchuk.

“If you don’t live in a country that’s been invaded by occupiers who are tearing it apart, you probably don’t understand what it is like to condemn the defending army,” she wrote in a Facebook post announcing her resignation after seven years with the organization. “And there are no words in any language that are able to explain it to someone who has not felt this pain.”

She also worried that the statement, which was prepared in the group’s main office, not by its Ukrainian arm, would be used and abused by the Kremlin. “Without wanting it, the organization created material that sounded like support for Russian narratives,” Ms. Pokalchuk said. “Seeking to protect civilians, this research instead became a tool of Russian propaganda.”



Ukrainian soldiers watching emergency crews clearing rubble from a home hit by multiple rocket attacks near Sloviansk, in eastern Ukraine, last month. Mauricio Lima for The New York Times

Internally, some employees said that while it was important to call out potential Ukrainian violations of the laws of war and practices that could endanger civilians, the accusations presented in the statement and their wording were too vague. That is partly because the rules on soldiers carrying out their duties from civilian areas are murky, analysts say.

President Volodymyr Zelensky of Ukraine accused the organization of trying to “amnesty the terrorist state and shift the responsibility from the aggressor to the victim.”

“Aggression against our state is unprovoked, invasive and openly terroristic,” he continued in his nightly video address on Thursday. “And if someone makes a report in which the victim and the aggressor are allegedly the same in something, if some data about the victim is analyzed and what the aggressor was doing at that time is ignored, this cannot be tolerated.”

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The statement has underscored the problems raised by Ukrainian forces fighting in urban settings, one of the most destructive forms of warfare. In the five months since Russia invaded Ukraine, the country's cities have become the focal point for both offensive and defensive operations.

Experts in the rules of war said there were no proscriptions against using schools, hospitals, museums and other public places as military command posts or bases, so long as they were not being used for their peacetime purposes.

And the Ukrainian military has said that Russia's prolonged shelling of towns and cities, like the eastern city of Kharkiv, has forced it to position its troops and artillery within neighborhoods to properly defend them.

Neighborhoods in Kharkiv have mostly emptied out, though some stalwart residents remain. But further east, in the industrial Donbas region where Russian forces have focused much of their firepower, more residents are choosing to stay behind.

Ukrainian officials say this has left the country's military in an increasingly tenuous position: They are putting more civilians in danger with their presence but, especially in bigger towns and cities, have fewer and fewer options when it comes to where they locate their forces.



A publishing house was heavily damaged on July 31 by Russian bombs in Kharkiv, in northeastern Ukraine. Mauricio Lima for The New York Times

Before Russian units captured the eastern city of Lysychansk, for example, some of the city's remaining citizens, many of them pro-Russian, had soured on their Ukrainian defenders.

It was understood that around 30,000 to 40,000 people of Lysychansk's prewar population of around 100,000 people had stayed behind, ensuring that Ukrainian forces were sometimes sharing apartment buildings and other structures with civilians, many of whom were hoping for their defeat.

The Russians "have bombed the school, the technical school, the 'Silpo' shop, and more," said Mykhailo, a resident of an apartment complex in Lysychansk who gave only his first name to avoid retribution. "Everywhere the Ukrainian military settle is bombed and everything is being destroyed."

Russian officials claim not to attack civilian areas, but Ukrainian and international investigators say they have incontrovertible evidence to the contrary. And Ukrainian politicians and human rights defenders, as well as international scholars, have argued that Ukrainian soldiers have largely been forced to defend territory under Russian attack.

"The complete absence of any positions, equipment, or even a single soldier near a school, hospital, kindergarten, church or museum will not protect them from Russian attacks with air, artillery, tanks, incendiary or cassette ammunition," Roman Avramenko, the director of the TruthHounds NGO, which investigates war crimes, wrote on Facebook. "The presence of civilians never stopped the Russians from attacking these objects."

Others pointed to the well-documented atrocities the Russian Army has committed in urban areas.

"In hundreds of occupied cities, towns and villages, what we saw in Bucha, Irpin, Gostomel is happening right now," said Olha Reshetylova, of the Media Initiative for Human Rights, a Ukrainian advocacy organization, referring to Kyiv suburbs that have become synonymous with barbarity. "Therefore, I do not want the Ukrainian Army to leave my city."





Police officers and forensic investigators exhuming bodies of Ukrainian civilians near Bucha in June. The civilians are believed to have been killed by Russian forces months earlier. Nicole Tung for The New York Times

Amnesty International's language statement, she said, "duplicates the theses of Russian propaganda that allegedly the Ukrainians themselves are to blame for the fact that they are being shelled. In fact, it has nothing to do with international humanitarian law."

Ms. Pokalchuk also complained that Amnesty International had initially not planned to ask the Ukrainian Ministry of Defense for a comment on its allegations, and then when it did it gave officials only a few days to respond.

Marc Garlasco, a United Nations war crimes investigator specializing in civilian harm mitigation, wrote on Twitter that Amnesty International "got the law wrong." "Ukraine can place forces in areas they are defending — especially in urban warfare," he wrote. "There is no requirement to stand shoulder to shoulder in a field — this isn't the 19th century. Ukraine still has an OBLIGATION to protect civilians — but they are taking steps to do so, like helping civilians relocate."

He said he feared that the statement could endanger Ukrainian civilians.

"While nothing has stopped Russia from hitting civilian areas, now they have an excuse," Mr. Garlasco said. "A respected human rights org. said the targets are there. I fear they will expand their targeting of civilian areas at worst. At best they can claim a defense."

The outcry has not altered Amnesty International's position.

“While we fully stand by our findings, we regret the pain caused,” Alexander Artemyev, a spokesman, said in an email on Sunday. “Amnesty International’s priority in this and in any conflict is ensuring that civilians are protected. Indeed, this was our sole objective when releasing this latest piece of research.”

Some analysts said the backlash against the statement also highlighted another angle: the difficulty of discussing possible Ukrainian atrocities when it is the clear underdog defending its territory.

“As in the former Yugoslavia, in long, brutal conflicts, even the attacked can at times do things they should not do,” said Iva Vukusic, a scholar of postconflict justice at the University of Utrecht. “That’s not unimaginable. Pointing that out is not equalizing blame, it’s discussing the complex wars in all the nuances that exist.”

Amnesty International Ukraine has exposed Russian atrocities in Ukraine, including an in-depth investigation of the infamous March 16 attack on a Mariupol theater that it concluded was a clear war crime.

Ms. Pokalchuk noted that all of Amnesty’s local staff had been affected by the war in Ukraine. A board member, Maksym Butkevych, who joined the military after the full-scale invasion began in February, is a Russian prisoner of war. That might make any Amnesty International statement that would appear to give talking points that favor Russia, as many argued the statement did, all the more painful.

Maria Varenikova contributed reporting from Vinnytsia, Ukraine, and Natalia Yermak from Kyiv.

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