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# **UKRAINE-RUSSIA: Controversies around Amnesty's report on Ukraine**

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*Some reflections about the objective and the methodology of the report*

By Willy Fautré, director of Human Rights Without Frontiers

HRWF (12.08.2022) – In any war, violations of international humanitarian law are committed by all belligerents and Russia's warfare on Ukraine is shedding further light on the need to protect civilians in the context of intensified urban warfare. In Ukraine, overtaking cities is of strategic value for Russia and is part of their warfare tactics. The terrain thus becomes very complex with the inevitable proximity of the military with the civilian population.

Documenting violations of the law of war in an impartial manner and making recommendations to avoid the recurrence of civilian casualties is highly commendable. Indeed, one of the goals of human rights organisations is to prevent them in case of non-compliance with the Geneva Conventions, a body of fundamental rules of international humanitarian law that set limits to the barbarity of war and protect those not or no longer taking part in hostilities.

In the case of Amnesty's short report "Ukrainian fighting tactics endanger civilians" published on 4 August, the interpretation of the notions of neutrality and impartiality as well as their concrete application is questioned by many international observers who do not doubt the reality of the facts collected by its investigators. However, they criticise the report's methodology and communication strategy, suggesting that there are serious flaws in the methodology of Amnesty's controversial report.

The case of a war of aggression, invasion and occupation of a sovereign country with the aim of annexing it completely has been a unique case since Amnesty exists and covers the law of warfare. Ukraine is an aggressed country in a self-defence situation. The methodological terrain for covering this kind

of conflict, unique since Hitler's invasion of Poland and many other countries in Europe before and during the Second World War, is therefore like a white page and vulnerable to all sorts of risks.

First of all, the authors of the report had to be fully aware of the existence and power of the Russian propaganda and disinformation machinery and adapt their methodology so as not to feed it. However, Amnesty fell into this trap: its report is being shamefully instrumentalised by the aggressor country for war purposes, which was entirely predictable given the report's titles and structure. This has provoked sharp comments from Ukrainian political leaders, not necessarily justified in their wording, well-founded criticism from neutral observers and analysts abroad, but also a stir within Amnesty.

### ***The head of Amnesty International/ Ukraine resigns***

The head of Amnesty International in Ukraine, Oksana Pokalchuk, has resigned after the NGO published a report blaming the Ukrainian armed forces for endangering their own civilians.

"I am resigning from Amnesty International in Ukraine," Pokalchuk said in a [statement on her Facebook page](#), blaming the report for unwittingly serving "Russian propaganda".

"If you don't live in a country that has been invaded and is tearing it apart, you probably don't understand what it means

to condemn an army of defenders,” the Amnesty Ukraine official added.

She said she had tried to convince Amnesty International’s management that the report was partial and did not take into account the views of the Ukrainian Defence Ministry.

Pokalchuk claimed that Amnesty had approached Ukraine’s defence ministry but “gave it very little time for a response”.

Pokalchuk has been the head of Amnesty’s office in Kyiv for seven years.

The writer and co-founder of Amnesty Sweden in 1964, **Per Wästberg**, also resigned due to disagreement with the report: “I have been a member of the organization for almost 60 years. Because of Amnesty’s statements regarding the war in Ukraine, it is with a heavy heart that I end my long and fruitful work.” He is also a member of the Nobel Prize in Literature committee, and was previously president of the International PEN Club.

[Amnesty’s Polish branch](#) stressed that Ukraine’s military is “defending itself from a cruel and unjust attack, fighting in unequal conditions imposed by the aggressor,” as Russian troops have been carrying out “inhumane attacks not only on individual civilian targets but also cities, towns, and villages. The comments come as a response to Amnesty International’s Aug. 4 claiming that Ukrainian troops are endangering civilians by deploying weapons in residential areas.

Of course the report is not pro-Russian and it is not

illegitimate to analyze the defense warfare of Ukraine after publishing quite a number of damning reports about the warfare of the aggressor country. However, the question is: "Does the way it is presented contribute to a better protection of the civilian populations and wasn't there a less controversial way to do it?"

### ***Alternative approaches were possible***

1. The formulation of the titles of the report and of the focus areas is questionable in a constructive strategy: Ukrainian fighting tactics endanger civilians – Launching strikes from populated civilian areas – Military bases in hospitals – Military bases in schools. This immediately gives the impression that Ukraine is gravely failing in this regard. Hence the rejection of the report by the Ukrainian authorities in violent terms and a closed door to a constructive dialogue.

The philosophy and the objective of the report could have been different, being titled "Civilian populations in Russia's war on Ukraine." By collecting data about the respect or not of international humanitarian law by both parties in the conflict and supporting it with statistics about the extent of the damage caused to civilians, Amnesty would not have departed from its principles of neutrality and impartiality. Moreover, its report could not have been misused by the Russian propaganda and disinformation machine.

2. If the purpose of the report was to warn Ukraine, the aggressed country in a situation of self-defense, against the perpetuation of the alleged failure to protect its own

citizens on various theatres of war while avoiding the instrumentalisation by the Russian aggressor, it was possible to start with a confidential and constructive approach with the Ukrainian authorities.

First step. Contacts with relevant Ukrainian officials could have been organized about the content of the report in the making. Nothing in the report indicates that the collected data was checked and double-checked with the authorities and non-Ukrainian military experts during the investigation.

Second step. An amended version in the light of this multiple consultation could then have been confidentially provided to the Ukrainian authorities with concrete recommendations: the immediate transmission of clear instructions to the relevant authorities and actors on the ground about the management of civil populations on territories where Ukrainian troops are fighting.

Third step. Publishing a final report after assessing the implementation of the recommendations, after one month for example, including the will and the capacity of the Ukrainian authorities and actors at all levels to improve the protection of their own civil populations.

3. Some additional investigation about the prosecution, or not, of alleged violations of the civilian non-combatants' rights committed by both sides would also have contributed to a more balanced picture of the reality.

## **Conclusions**

The security of civilians in wartime is an important issue that human rights NGOs have the right to monitor but all belligerent parties need to be scrutinized with the same criteria and properly documented.

By releasing its report, Amnesty claimed their sole objective was to ensure that civilians are protected. In contrast, it ended up causing anger, pain and distress, and was accused of it being a propaganda gift for Moscow. A number of flaws led to this unfortunate outcome.

While Amnesty mentioned 19 towns and villages where the security was allegedly not guaranteed by the Ukrainian army, it does not explain the choice of those specific locations and the number of other investigated towns and villages where civilians were found not to be put at risk was not mentioned.

A separate report last month by Human Rights Watch identified three occasions in which Ukrainian forces were based among residential homes and four occasions when Russian forces set up military bases in populated areas of Ukraine.

Amnesty's report fails to publish details of the incriminated cases, which makes a transparent counter-inquiry impossible. It also fails to say if there were victims among civilians allegedly endangered and to identify the possible responsibilities in the Ukrainian army or at the level of the government.

The statements of civilians interviewed by Amnesty are also insufficient material to establish causality and responsibility in the cases vaguely raised by the report.

Moreover, there is well established evidence that the Russian army has shelled over 17,000 civilian targets in five months in Ukraine and this is silenced in the report. In addition, there is no data concerning the endangering of Ukrainian civilians by the Russian army on territories they have and are occupying although the massacres in Bucha have quickly been documented by the International Criminal Court after the departure of the Russian soldiers. The official toll is now known: 457 civilians were shot down and killed after torture.

A final question remaining without any answer is the reason why Amnesty put the alleged endangering of civilians by the sole Ukrainian army on top of its priorities as if there were not other pressing issues.

These few points listed above, among many others raised in the media enjoying press freedom, are highly indicative of the serious flaws in the methodology of Amnesty's controversial report.

Fundamentally, Amnesty has ignored the complexity of the urban warfare that Russia is imposing on Ukraine.

Ukrainians are intent on avoiding breaches of humanitarian law



and in this regard they deserve to be helped in a constructive and humane way by the international community to have a strong command and control structure, clear chain of command, military doctrine, standard operating procedures to address issues related to protection of civilians.

### ***Further reading about the issue***

[Amnesty International Assessment That Ukraine 'Put Civilians in Harm's Way' Stirs Outrage \(New York Times\)](#)

[Ukrainian army's residential bases endangering civilians: Amnesty \(Al Jazeera\)](#)

[Amnesty regrets 'distress' caused by report rebuking Ukraine \(Reuters\)](#)

[Ukraine 'endangers civilians' with army bases in residential areas, says Amnesty \(The Guardian\)](#)

[Amnesty regrets 'distress' caused by claims in Ukraine report \(The Guardian\)](#)

[Outrage in Kyiv after Amnesty accuses it of endangering civilian life \(Euronews\)](#)

[Amnesty International's report criticizing Ukraine is dividing the rights group \(NPR\)](#)

[Amnesty Accuses Ukrainian Forces Of Endangering Civilians, Sparking Angry Response From Kyiv \(Radio Free Europe/ Radio Liberty\)](#)

[Amnesty International regrette « la détresse et la colère » causées par son rapport mettant en cause l'armée ukrainienne \(Le Monde\)](#)

Amnesty International dans la tourmente après la publication de son rapport sur la guerre en Ukraine (Le Monde)

Un rapport de l'ONG Amnesty International décrié en Ukraine (Le Figaro)

*Photo credits: Heidi Levine for The Washington Post*

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