

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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UKRAINE/RUSSIA: THE USE OF ANTI-PERSONNEL MINES IN OCCUPIED RESIDENTIAL AREAS

EXECUTIVE SUMMARY

In August 2022, six months after Russia's full-scale invasion of Ukraine, Ukrainian forces launched an offensive that expelled Russian forces from Mykolaiv oblast, as well as large parts of Kherson and Kharkiv oblasts. The Russian withdrawal was accompanied by emerging evidence of gross human rights violations, and the discovery of mass graves in Izium.¹ With the occupation of this territory at an end, many civilians who had fled the fighting were able to return to their homes. In many cases, they were greeted by widespread destruction and a hidden danger.

The use of anti-personnel mines in Ukraine has been widely documented. According to the 2023 Landmine Monitor, Ukraine suffered the second most landmine casualties in the world, behind only Syria.² According to data from an international NGO working in Ukraine, as of 2024 anti-personnel mines have caused more civilian casualties than any

¹ Amnesty International, "Ukraine: Mass graves in Izium is a macabre reminder of the cost of Russian aggression", 16 September 2022, <https://www.amnesty.org/en/latest/news/2022/09/ukraine-mass-graves-in-izium-is-a-macabre-reminder-of-the-cost-of-russian-aggression/>

² International Campaign to Ban Landmines, "Landmine Monitor 2023", November 2023, <https://www.the-monitor.org/online-reader/landmine-monitor-2023?anchor=The-Impact-21003>

other type of mine or any explosive remnants of war.³

Anti-personnel mines are inherently indiscriminate, and their use is prohibited under customary international humanitarian law (IHL).⁴ Their use in residential areas, particularly in a way that deliberately targets the civilian population, may amount to a war crime. Between 6–17 May 2024 Amnesty International carried out 15 interviews with victims of anti-personnel mines, as well as with international and national demining organizations in Ukraine. Amnesty International found evidence that Russian forces deployed anti-personnel mines in or near residential areas in Kherson, Mykolaiv and Kharkiv oblasts.

While Russia has not ratified or acceded to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1997 (the Ottawa Convention), it is a state party to Protocol II to the Certain Conventional Weapons (CCW) Convention on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices.⁵ Protocol II prohibits directing the use of anti-personnel mines “against the civilian population as such or against individual civilians” as well as their “indiscriminate use,” further requiring states parties to take “[a]ll feasible precautions ... to protect civilians from the effects” of anti-personnel mines.⁶ Ukraine became a state party to the Ottawa Convention in December 2005 and Protocol II to the CCW Convention in June 2005.⁷

Moreover, the use of anti-personnel mines by parties to the conflict is governed by the IHL principles of distinction, proportionality and precautions in attack.⁸ IHL establishes that the civilian population and individual civilians are protected against direct attacks.⁹ Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities constitutes a war crime.¹⁰ IHL also prohibits the use of weapons which are by their nature indiscriminate, such as anti-personnel mines.¹¹ Finally, IHL requires all parties to a conflict to take “constant care ... to spare the civilian population, civilians and civilian objects,” including to adopt “all feasible precautions in the choice of means ... of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.”¹²

The evidence gathered by Amnesty International suggests that anti-personnel mines may have been used throughout the formerly occupied territories of Ukraine. Such use would constitute a serious violation of IHL and may amount to a war crime if carried out with intent. It is essential that the use of anti-personnel mines is investigated by competent, fair, independent and impartial national and international authorities in order to ascertain the facts, and ensure individual responsibility for possible perpetrators of war crimes. With regard to demining, national and international mine clearance operators are currently engaged in complex, dangerous, painstaking work to clear mined areas and must be given the requisite support to carry out this work effectively. The scale of the task is so enormous that many civilians

³ Interview conducted by Amnesty International in Mykolaiv oblast, May 2024

⁴ International Committee of the Red Cross (ICRC), Customary International Humanitarian Law Study, Rules 11-12.

⁵ Russia became a state party on 10 June 1982.

⁶ Protocol II to the Certain Conventional Weapons Convention on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, Article 3. See also Articles 4-5.

⁷ United Nations Treaty Collection: Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-5&chapter=26&clang=en ; United Nations Office of Disarmament Affairs, “High Contracting Parties and Signatories CCW”, <https://disarmament.unoda.org/the-convention-on-certain-conventional-weapons/high-contracting-parties-and-signatories-ccw/>

⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (AP I), Articles 48, 51-52 and 57.

⁹ AP I, Article 51(2).

¹⁰ AP I, Article 85(3)(a).

¹¹ AP I, Article 51(4); ICRC, Customary International Humanitarian Law Study, Rule 71, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule71#:~:text=Weapons%20that%20are%20by%20nature%20indiscriminate%20are%20those%20that%20cannot,see%20Rules%2011%E2%80%9312>.

¹² AP I, Article 57(1) and (2)(a)(ii).

continue to take desperate risks to work agricultural land, or even resort to demining the land themselves.

In order to mitigate the devastating effect of anti-personnel mines on the civilian population of Ukraine, Russia must immediately end its war of aggression against Ukraine, become a party to the Ottawa Convention and comply with it, including the absolute prohibition on future use of these weapons and the clearance of those already deployed. Ukraine, as a state party to the Ottawa Convention, must abide by its terms. Accordingly, it must comply with its obligations under the Convention, including investigating the alleged use of anti-personnel mines by Ukrainian forces.

USE OF MINES AND BOOBY-TRAPS IN RESIDENTIAL AREAS

According to data shared with Amnesty International by the Ukrainian National Mine Action Authority,¹³ there have been at least 76 incidents across the country where civilians have been injured or killed by anti-personnel mines laid in residential areas since the beginning of the full-scale invasion in 2022. According to this data, there was a noticeable spike in casualties in September to November 2022, at the time of the Russian retreat from the occupied territories in Kharkiv and Kherson oblasts, as well as in the spring of 2023, when many civilians began preparing agricultural activity in their homesteads and private land.

SNIHURIVKA

Russian forces occupied the town of Snihurivka, in Mykolaiv oblast, on 19 March 2022. Oleksandr* lived with his mother on the fourth floor of an apartment building in the town. According to Oleksandr's mother, a Russian intelligence unit based themselves in the apartment block, evicting the residents and confiscating their belongings. Russian forces treated Oleksandr, as well as other men of fighting age, with suspicion. They apprehended and held him in a facility in occupied Nova Kakhovka for over a month. On release, he returned to Snihurivka and lived with his mother in a rented flat in the town, where they remain to this day.



Oleksandr's apartment building was badly damaged. A "Danger, Mines" sign, placed by Ukrainian deminers following the incident is visible at the front entrance



Oleksandr lost both his left leg and left arm in the incident.

¹³ The National Mine Action Authority is a Ukrainian governmental body that gathers information on landmine incidents for purely humanitarian purposes. Its data gathering is designed to inform humanitarian mine action activities only.

* Not his real name

During the Ukrainian offensive, there was fierce fighting around Snihurivka and the town was repeatedly shelled. Oleksandr's apartment building, where Russian soldiers were still present, was badly damaged in the fighting.

In November 2022, following the Russian retreat, Oleksandr went back to his apartment building to assess how bad the damage was. He went inside the building, and as he descended to the basement, he stepped on a chipboard plank that disguised two PFM-1 "butterfly" anti-personnel mines. When Oleksandr stepped on the board, they exploded. He fell, and as he put his arm out to break his fall there was another explosion: he had landed on at least one more disguised mine. Oleksandr was evacuated to Mykolaiv and was operated on immediately. Doctors were unable to save his injured left leg and arm, and he now lives with prosthetics.

Deminers from the local police force inspected the building and found other PFM-1 mines in the basement. PFM-1 mines are anti-personnel mines laid from remote mining systems such as multiple rocket launch systems or aircraft. They are not designed to be laid by hand. Nonetheless, the fact that these mines were placed inside a building, disguised by a piece of chipboard, suggests that they had been moved from their original location and deliberately placed in a manner likely to target anyone entering the basement of a civilian apartment building.

It is not possible to ascertain the provenance of these mines, given that both Russian and Ukrainian forces have used them, and both sides shelled the town of Snihurivka. However, the presence of Russian forces in the building and the nature of the mines' placement strongly suggest that these forces had laid the mines, as they were the only ground force with access to the civilian building prior to the victim's return. While both civilians and Ukrainian military personnel may have been the intended target of the PFM-1 mines, this case is emblematic of how the use of inherently indiscriminate weapons harms civilians. Investigations into this case and similar reported cases should take place to determine whether such use of anti-personnel mines may amount to a war crime.

MYKOLAIVKA

In September 2022, three days after Russian forces withdrew from his village of Mykolaivka, Kharkiv oblast, Vyacheslav Nestorenko returned to his property to find he was not able to get back in.¹⁴ Police were carrying out demining, having found around his house four boobytraps consisting of tripwire-operated grenades. Drone footage of fighting in Mykolaivka seen by Amnesty International showed two Russian armoured personnel carriers had previously been stationed outside Vyacheslav's house, suggesting Russian forces were present therein.

According to Vyacheslav, deminers found other three such grenades in the garden of the house opposite to his. He is still afraid to walk in certain areas of his property which have not been fully demined. While he considers himself fortunate not to have been involved in an accident, other people in the village were injured by an unknown mine while taking scrap metal from a building site.¹⁵

BEZIMENNE

The village of Bezimenne in Kherson oblast is now abandoned following occupation, fierce fighting and significant landmine contamination. The village was one of the first areas to be liberated by Ukrainian forces as they advanced into Kherson oblast in September 2022. Russian forces abandoned the village, leaving it encircled with anti-vehicle and anti-personnel mines. They also left PMN-2 anti-personnel mines scattered on the ground in and among the houses and buildings within the village.

In May 2024, Amnesty International researchers visited the site of an incident where a civilian was injured by a PMN-2 anti-personnel mine in March 2024. According to deminers working in the area, PMN-2 mines had been laid between the main road of the village and what used to be the local medical and first aid centre.

¹⁴ Interview with Amnesty International in Chuhuiv, Kharkiv oblast, May 2024

¹⁵ Interview with Amnesty International in Chuhuiv, Kharkiv oblast, May 2024



In Bezimenne, mines have been laid around former civilian homes and infrastructure, now abandoned due to damage caused by fighting and the danger posed by mines

DEMINING UKRAINE

The most densely mined areas of Ukraine are highly likely to be those which comprise the current front lines of the conflict. The intensity of the ongoing fighting renders any accurate assessment of landmine contamination there impossible. Yet even in areas further from the current front lines, civilians are in dire need of assistance to clear arable land and remove the threat of mines from the places in which they live. As highlighted by Human Rights Watch in 2023, PFM-1 mines employed by both sides in the conflict continue to cause high levels of civilian casualties, as they often land in gardens and homesteads.¹⁶ In response to Human Rights Watch's reporting, Ukraine has pledged to launch an investigation into its armed forces' use of mines.¹⁷ Amnesty International wrote to the Government of Ukraine on 12 June 2024 asking for a comment on the progress of this investigation, and at the time of writing, no response has been received by Amnesty International.



A civilian interviewed by Amnesty International in Kharkiv oblast was injured by a PFM-1 mine that landed in his garden in November 2022

¹⁶ Human Rights Watch, "Ukraine: Banned landmines harm civilians", 31 January 2023, <https://www.hrw.org/news/2023/01/31/ukraine-banned-landmines-harm-civilians>

¹⁷ Human Rights Watch, "Ukraine promises inquiry into banned landmine use", 30 June 2023, <https://www.hrw.org/news/2023/06/30/ukraine-promises-inquiry-banned-landmine-use>

Mine clearance is a slow, painstaking process that is far beyond the capacity of Ukraine to manage by itself. The international community has provided significant funds for mine action in Ukraine. 2022 saw a huge uplift in global funding for mine action, increasing by \$254.9 million (a 47% increase from 2021).¹⁸ While 20% of this funding (amounting to \$162.3 million) went to Ukraine, according to the United Nations Office for the Coordination of Humanitarian Affairs, this amounted to only 24% of the funding required to address the problem in that year.¹⁹

This has resulted in civilians carrying out risky “artisanal demining” as they cannot afford to wait for help from the Ukrainian authorities or international NGOs.²⁰ Clearing Ukraine of mines, educating the civilian population, particularly younger generations, about the risks involved, and supporting victims is a process likely to take decades. It is therefore vital that Ukraine receives a sustained commitment from international donors to finish the job.

RECOMMENDATIONS

Amnesty International calls on the Government of the Russian Federation to:

- End the war in Ukraine, which is an act of aggression under international law;
- End all direct attacks on civilians and civilian objects, indiscriminate attacks and other serious violations of international humanitarian law;
- Cease employing anti-personnel mines and other indiscriminate weapons in compliance with treaty and customary IHL;
- Sign and ratify or accede to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1997, and comply with its obligations, including:
 - The immediate cessation of the use of anti-personnel mines;
 - The immediate cessation of the manufacturing of anti-personnel mines;
 - The safe destruction of all stockpiles of anti-personnel mines;
 - The mapping, marking, and clearing of any areas under its effective control contaminated with anti-personnel mines, and sharing maps of mined areas which it no longer occupies;
- Immediately take all necessary steps to ensure the protection of all civilians, in line with applicable IHL, including by demining areas under its effective control, and holding all those responsible for alleged war crimes, as well as other crimes under international law, accountable in criminal proceedings which ensure the right to a fair trial without recourse to the death penalty;

Amnesty International calls on the Government of Ukraine to:

- Report on the progress in the pledged investigation into the Ukrainian Armed Forces’ use of anti-personnel mines and publish its findings and ensuing actions;
- Cease the use of anti-personnel mines in accordance with Ukraine’s obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1997, as well as other applicable rules of treaty and customary IHL.

Amnesty International calls on the international community to:

- Ensure the prompt investigation of serious violations of IHL with regard to the use of anti-personnel mines in Ukraine;
- Increase and maintain the amount of funding allocated to mine action in Ukraine in accordance with the needs specified in the Humanitarian Response Plan and in accordance with their obligations under Article 6(4) of the

¹⁸ International Campaign to Ban Landmines, “Landmine Monitor 2023”, November 2023, previously cited, p. 86

¹⁹ UNOCHA, “Humanitarian response plan Ukraine”, February 2023, <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2023/02/Ukraine-HRP-2023-Humanitarian-Response-Plan-EN-20230214.pdf>, p.33

²⁰ Interviews carried out by Amnesty International in Yevhenivka, Mykolaiv oblast, May 2024

Ottawa Convention;

- Pledge long-term funding over multiple years to ensure a sustained commitment to mine action and enable mine action operators to plan strategically

Amnesty International calls on all states to:

- Comply with their obligation to ensure respect for IHL, under Common Article 1 of the Geneva Conventions and customary international law, by refraining from transferring anti-personnel mines to any parties to the conflict and exerting their influence on such parties not to use these weapons.