

Civilian Endangerment and Human Shield Tactics in the Siege of Mariupol

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Abstract: Among the dramatic events of the Russo-Ukrainian War was the Siege of Mariupol in 2022, with the use of human shield tactics and resulting human casualties among civilian populations. This study will therefore assess the extent of human shielding the Ukrainian and Russian forces to ascertain the effects on the civilian population, and zero in on the legal implications under international humanitarian law. A descriptive qualitative research approach was used in this research, whereby information was obtained through wide-scale literature research, specifically reports by international bodies, educational material, and journalistic information by trusted sources. Both parties have done much to bring war closer to civilians and deny humanitarian groups access to them: deploying military infrastructure near residential areas and refusing access and evacuations. Like in most conflicts, civilians have accounted for most of the casualties; destroyed structures in cities or other critical parts were not spared, which has serious humanitarian effects. The study concludes that the use of human shield tactics in Mariupol involves grave violations of IHL and, in this respect, underlines an urgent need for strict adherence to legal norms in the protection of civilians during hostilities.

Keyword: International Humanitarian Law, Siege of Mariupol, Human Shield Tactics, Civilian Endangerment.

INTRODUCTION

Humanitarian crises have traditionally involved territorial disputes and military invasions to ensure long-term destruction, civilian losses, and socio-economic consequences (Kaldor, 2012). The Siege of Mariupol would serve as an example of a critical event in the 2022 Russian invasion of Ukraine known to describe in detail the devastating effect of urban warfare on civilian populations. Mariupol is a strategically important port city in southeastern Ukraine, famous for its industrial capacity and maritime access on the northern coast of the Sea of Azov (Gardner, 2022). Its capture has been deemed crucial to make a land corridor from the Crimean Peninsula to the Donetsk region-two areas of high geopolitical interest for Russia.

The fighting in Mariupol started at the end of February this year, following Russia's full-scale military invasion of Ukraine. The Russian forces besieged the city and launched a prolonged

siege until May 2022. The sieges exposed dire humanitarian situations characterized by the estimated killing of thousands of civilians and the destruction of a huge number of city infrastructures (United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), 2024). Food and water, electricity, and medical supplies were extremely scarce, and the civilians seemed to get trapped in ceaseless bombardments (International Committee of the Red Cross (ICRC), 2022).

Reports by international organizations, journalists, and human rights groups evidenced that both sides of forces employed methods that put civilians in harm's way. Most importantly, there were allegations of human shielding-essentially, combatants deliberately using civilians to deter attacks against military targets (Global Rights Compliance (GRC), 2024). Events of this nature consequently carry serious implications under IHL and, more specifically, under the principles of distinction and protection of non-combatants under the Geneva Conventions (Dörmann et al., 2016). Human shielding not only serves as a violation of the legal norms but also contributes to the ever-increasing misery of civilian populations.

Similarly, the Mariupol district has repeatedly faced accusations of placing military equipment alongside residential areas and impeding civilian evacuation corridors, exacerbating this humanitarian crisis (Beaumont et al., 2022). The action further saw civilians in Mariupol being exposed to constant bombardment and airstrikes targeting them. This resulted in mass casualties and traumatization among residents. Further complicating the plight of the civilians was the destruction of critical infrastructure such as hospitals, schools, and shelters (World Health Organization (WHO), 2022). One of the most harrowing incidents during this time was the bombing of the Mariupol Drama Theatre (Reuters, 2022a).

The siege has also underlined troubles in modern fighting in the cities, where the line between combatant and non-combatant is increasingly blurred. The dense population and use of civilian structures for military purposes make efforts to minimize civilian harm challenging in this case (Ljungkvist, 2022). Furthermore, misinformation and propaganda from both opposing sides further muddled the verification of facts on the ground, impeding international response efforts (Pierzchała, 2019).

Understanding the events in Mariupol puts into context the intricacies and the moral dilemmas that come with modern urban warfare, where military objectives and civilian areas increasingly coincide (Kilcullen, 2013). This has wider ramifications for international security, with questions being raised about what international organizations such as the United Nations and the International Criminal Court can do to prevent civilian suffering and prosecute war crimes (Kennedy, 2023). However, the research will limit its scope to analyzing the extent of the human shield practices by the Russian and Ukrainian militaries in Mariupol and the legality of the practices under IHL.

METHOD

The current research has employed a qualitative description in-depth to explore complex civilian endangerment and the use of human shields during the Siege of Mariupol. Data collection was through extensive library research, and the information was sourced from academic books, peer-reviewed journals, official reports from international organizations like the United Nations and the International Committee of the Red Cross, news from credible news outlets, and eyewitness accounts (Rusandi & Muhammad Rusli, 2021). The findings are presented narratively to show the events in a chronology of events manner, interpreted without manipulation, hence giving an in-depth understanding of the situation. The identified focus will permit an in-depth analysis of the legal implications according to international humanitarian law and the humanitarian impact on the civilian population during the siege.

RESULTS AND DISCUSSION

Historical Context Leading Up to the Siege of Mariupol

The 2022 Siege of Mariupol needs to be considered against a long and very problematic Russian-Ukrainian relationship, with historical, cultural, and political ties going back many centuries (Plohij, 2021). The immediate precursor to the siege, however, was the 2014 Ukrainian Revolution, or Euromaidan protests. These began as a public outcry against then-President Viktor Yanukovych for his decision to back away from an association agreement with the European Union in favor of closer ties with Russia (Risch, 2019).

Demonstrations went on to snowball into a more general reformist movement that, in fact, climaxed when Yanukovych was overthrown in February 2014. This political uprising initiated extensive transitions within Ukraine, one of them being lessening of the Russian grip upon the country and further integrating it with Europe. Following these events, Russia annexed the Crimean Peninsula in March of 2014, which was widely condemned internationally as a breach of international law and Ukrainian sovereignty (Allison, 2014). This annexation was defended by the government on the grounds of securing ethnic Russians and Russian-speaking people in Crimea following a controversial referendum.

Precisely, that was a provocative act with serious effects, increasing tensions between Russia and the West, including sanctions and a worsening of diplomatic relations. The conflict in Eastern Ukraine, specifically around the two breakaway self-proclaimed republics of Donetsk and Luhansk, jointly known as Donbas, pitted Russian-backed separatists against Ukrainian government forces (Mankoff, 2014). In the wake of the conflict, a number of diplomatic efforts toward de-escalation resulted in the Minsk Agreements of 2014 and 2015, mediated by the OSCE with the participation of France and Germany (International Crisis Group, 2020).

Still, the constant violations by both Ukrainian forces and separatists have undermined these accords as hostilities continued at fluctuating levels. The inability to fully actualize these agreements extended the deteriorating security situation. Beginning in late 2021, Russia began a serious military buildup along the common border shared with Ukraine, mobilizing some estimated 100,000 troops and much military equipment. According to The Guardian (2021) (2021), Russian officials claimed they were doing so over concerns of NATO enlargement eastward and against what they said was persecution against Russian-speaking minorities in Ukraine.

The crisis was mitigated through sustained diplomatic efforts, which included several rounds of talks between Russia, the United States, NATO, and other European powers. At stake were the differing positions regarding security guarantees that Russia required-the withdrawal of NATO forces in Eastern Europe and the commitment that Ukraine would not join the alliance (Charap & Colton, 2017). The hardest issues facing them were the security guarantees demanded by Russia, which included the withdrawal of NATO forces from Eastern Europe and an undertaking that Ukraine would not join the alliance. As expected, no settlement was reached satisfying both parties through those talks.

On February 24, 2022, Russian President Vladimir Putin announced a "special military operation" in Ukraine, with the goals of "demilitarization and denazification" of the country, and protection of civilians from what he described as "abuse and genocide" by Ukraine's government (The Kremlin, 2022). The declaration ushered in an all-out invasion, with coordinated attacks launched from the north, east, and south of Ukraine.

Mariupol sits on the Sea of Azov and is a strategic port city and economic hub for extensive key metallurgic industries. Because of that, it has become one of the prime targets of the Russian forces. If controlled by Russia, Mariupol would ascertain a land corridor between annexed Crimea and the separatist-held territories in the Donbas for it, cementing its territorial gains and reinforcing the strategic posture it has carved out in the region (AP News, 2022).

The Siege and the Use of Human Shield Tactics

In early March 2022, the siege of Mariupol began in earnest, as the Russians encircled the city and initiated heavy artillery bombardments and airstrikes (UNOCHA, 2024). The Ukrainian defenders, comprising the Azov Regiment-a unit with controversial far-right affiliations-and other military units, dug into the city's urban landscape, ready for protracted urban warfare (Reuters, 2022b). The encirclement of Mariupol marked the beginning of this brutal siege, characterized by heavy bombardment, airstrikes, and ground assault.

Urban combat poses dilemmas of another dimension where large concentrations of the population blur the distinction between military targets and civilian infrastructure (Gisel et al., 2021). They positioned themselves in residential neighborhoods, on industrial estates, and in public buildings (Amnesty International, 2022d). While such tactics could be reasoned as necessary given the circumstances, they indirectly put civilians at greater risk due to drawing fire into populated areas.

There were reports of accusations that Ukrainian forces used human shields, a forbidden act under international humanitarian laws: civilian structures by Ukrainian troops were allegedly used to deter the attacks by Russian forces (Henckaerts et al., 2005, Rule 97). There was military equipment present near schools, hospitals, and apartment buildings, maybe to protect the assets but put the civilians in the vicinity in danger (The Wall Street Journal, 2024).

The other side accused the Russian forces of carrying out indiscriminate shelling, targeting civilian infrastructure, and utter disregard for the principle of distinction-a basic tenet of IHL that demands parties to a conflict distinguish between military objectives and civilian objects (Additional Protocol I, Article 48). The unceasing bombardment destroyed broad swaths of this city's critical infrastructure, including water facilities, power stations, and medical centers (Human Rights Watch, 2024). The most flagrant of them was the bombing of the Mariupol Drama Theatre on 16 March 2022, where civilians had sheltered, including older children. Satellite images showed large Cyrillic letters placed in front of the building spelling out "children," readable from the air; nevertheless, this building was hit by a powerful explosion, causing considerable loss of life (Amnesty International, 2022b).

This incident was universally condemned and raised serious questions of deliberate targeting with impunity (Amnesty International, 2022c). There were also reports that the Russian forces were hindering the evacuation by refusing to agree to ceasefires, something very critical for humanitarian corridors. according to Amnesty International (2022a). Civilians who attempted to flee were also shelled, and convoys bringing in aid were not given safe passage, adding to the humanitarian crisis inside the city (UN Security Council, 2022).

Impact on the Civilian Population

The siege of Mariupol was one of the harshest humanitarian crises in the conflict to its civilian population. Before the invasion, Mariupol was a very vibrant city with a population estimated at over 430,000 people (Reuters, 2022c). The heavy bombardment and shelling brought total destruction to homes. Basic services collapsed as the infrastructure was destroyed; there was no electricity, heating, or even water supply, and telecommunications could hardly function (World Food Programme, 2022). Thousands of houses have been destroyed or heavily damaged, leaving numerous families homeless, while all the residents have been forced to flee to basements, underground shelters, and makeshift bunkers (Human Rights Watch, 2024).

Food shortages became acute as supply chains were severed because of the encirclement of the city. The markets and food shops were either destroyed or beyond reach, and humanitarian convoys still could not address the needs of the besieged population because of continuous hostilities and the lack of safe corridors (Mykytenko, 2022). By this time, residents were being forced to take sources of water from rivers and wells or mostly by melting snow. Sources were questionable, leading to waterborne diseases (Financial Times, 2024). Food was limited and

their way of living was on scanty rations, with some eating edible plants while others used other improvised ways of sustenance by cooking over open fires among the ruins.

The civilian casualties were an extraordinary number, though the exact figures are hard to establish given the chaotic status of place and limitation of access to the city. According to local authorities, the civilian deaths were estimated to run into thousands, with some reports saying as many as 10,000 people may be feared dead (AP News, 2022). Often, the bodies remained uncollected in the streets or hastily dug mass graves, as ongoing shelling and sniper fire was too dangerous to collect them.

The visions of mass graves and inability to conduct proper funerals added to the psychological trauma the survivors have to cope with. (BBC News, 2022). According to Médecins Sans Frontières (2024), the psychological trauma inflicted on the population is profound and likely to have long-term consequences. Long exposure to violence, fear for one's safety, the loss of loved ones, and the destruction of homes contribute to mental health disorders like post-traumatic stress disorder, depression, and anxiety. The worst case is that of children, with disruptions to their schooling, as extreme stress may also impact development (Human Rights Watch, 2024).

Displacement added another layer of hardship for the people of Mariupol. By 2022, the United Nations High Commissioner for Refugees (UNHCR) estimated that 11.6 million Ukrainians had been displaced due to the conflict as internally displaced persons or as refugees in neighboring countries, a good number from Mariupol and neighboring areas (UNHCR, 2022). The challenges faced by the displaced persons were many: finding shelter, getting food and water, getting to health facilities, and integrating into new societies. They also became highly vulnerable to exploitation, human trafficking, and every other form of abuse, especially women and unaccompanied minors. According to the International Organizational for Migration (2023), the sudden loss of livelihoods and support networks compounded the difficulties of displacement, leading to economic hardship and social isolation.

Legal Implications Under International Humanitarian Law

Events in Mariupol have raised serious concerns about the observance of international humanitarian law. Both the Russian Federation and Ukraine are parties to the Geneva Conventions and are bound by customary international law, imposing stringent obligations to protect civilians and civilian objects in case of an armed conflict. The way hostilities had been conducted against Mariupol gives reasons to believe that such legal standards might have been violated by both conflict actors.

A cornerstone of IHL is the principle of distinction, which obligates parties to a conflict at all times to distinguish between civilians and combatants, and between civilian objects and military objectives (Rule 1, Customary IHL). This principle is violated by the indiscriminate shelling of the civilian areas carried out by the Russian forces.

Such actions would run counter to the duties to direct attacks only against military objectives, and to take all feasible precautions so as to avoid or minimize incidental loss of civilian life, injury to civilians, and damage to civilian objects (Additional Protocol I, Article 57). Under this scope falls closely related the principle of proportionality itself prohibiting an attack that may be expected to cause incidental loss of civilian life injury to civilians or damage to civilian objects, which would be excessive in relation to the concrete and direct military advantage anticipated (Rule 14, Customary IHL).

The wide destruction and large numbers of civilian casualties raise suspicion that the proportionality principle might have been violated by the Russian forces. The wide use of heavy artillery and unguided munitions in densely populated urban areas greatly increases the likelihood of disproportionate civilian harm (Droege, 2022). Article 51(7) of the Additional Protocol I of the Geneva Conventions prohibits the use of civilians as a shield for military

objectives against attacks. If the Ukrainian forces did this intentionally-that is, placing military assets within or near civilian structures to defeat Russian attacks-they would be in violation of IHL. Such precautions against that put civilians in danger and make them prospective targets, hence undermining protection accorded to civilians under international humanitarian law. It is not only a violation of legal obligations but also a denigration of moral standards expected even in times of armed conflict. All the same, what needs to be understood, as fact, with regard to this war, is that the human shield argument has time and time again been gotten behind by the Russian forces to justify its attack against Ukraine (Al Jazeera, 2022).

IHL demands that parties to a conflict permit and facilitate the rapid and unimpeded passage of humanitarian relief for, amongst others, civilians in need thereof (Additional Protocol I, Article 70). Deliberate obstruction of humanitarian assistance and evacuation efforts, as reported against the Russian forces, violates these. Civilians trapped in besieged areas should be given access to essentials, and humanitarian organizations should be allowed to work safely. Furthermore, starvation of civilians as a method of combat is prohibited under customary IHL, according to Rule 53 of Customary IHL. The siege conditions with which Mariupol was put are such that there is a severe shortage of food, water, and medical supplies that it could amount to a grave breach of IHL by using starvation as a method of warfare (Mykytenko, 2022). Ensuring compliance with IHL and investigating any violations have been some of the most intricate hurdles to push forward in the international legal system. The ICC has jurisdiction for war crimes and crimes against humanity on the Ukrainian territory, under a declaration of Ukraine accepting the Court's jurisdiction in 2014 and 2015 (ICC, 2015).

The ICC Prosecutor has opened an investigation into events in Ukraine, which is alleged to include crimes committed while Mariupol was under siege (The Guardian, 2024). This initiative represents a significant step toward holding perpetrators accountable and deterring future violations. This is an important step toward accountability of the perpetrators and the deterrence of such violations in the future. In practice, however, this is far from easy to realize. Gathering evidence in a conflict zone is fraught with practical obstacles: access is restricted, security is at risk, and potential evidence destroyed (The Conversation, 2023). Accountability efforts are further complicated by geopolitical concerns.

The problem is that Russia is a permanent member of the United Nations Security Council and, therefore, has quite an influence on international responses thereto (Klosterkamp & Jeffrey, 2024). Additionally, Russia's withdrawal from the ICC's founding treaty in 2016 reduces the court's leverage. It has to be noted, however, that under the Statute, persons could be prosecuted for crimes done on the terrain of a state party or which has accepted the jurisdiction of the court (Sayapin, 2016). The siege has brought into sharp focus that violations of IHL can only be prevented through rigorous international mechanisms for holding violators accountable in time. That can be achieved by a more substantial capacity of international institutions for monitoring conflict, gathering evidence, and facilitating prosecutions (United Nations Human Rights Council, 2022). It further requires fresh resolve from all parties to continue adherence to legal obligations and from the international community for decisive action to enforce compliance. If left unaddressed, IHL's protections will increasingly be undermined, with greater suffering ensuing and the erosion of legal order at the international level.

CONCLUSION

The Siege of Mariupol constitutes but one example of the unprecedented human suffering and legal intricacies that arise in modern urban warfare. This research has proven that the use of human shield tactics by both forces, Russian and Ukrainian, is not only in violation of international humanitarian law but has also greatly enhanced the plight faced by the civilian population. The premeditated placing of military personnel and equipment in civilian areas, the indiscriminate targeting of non-military objectives, and hindering the work of humanitarian

agencies in providing assistance and conducting evacuations together turned what otherwise might have been unfortunate acts of war into a large-scale humanitarian catastrophe. The catastrophic impact on civilians is the vivid illustration of what happens when combatants ignore legal and ethical strictures that are intended to protect non-combatants from armed conflicts.

These findings underpin the urgent need for all parties in situations of armed conflict to scrupulously adhere to the principles of international humanitarian law, with renewed emphasis on protection for civilians. The international community needs to further develop mechanisms for the observation of compliance and accountability, and contribute to minimizing the impact on civilian populations. The present research contributes to developing in-depth awareness of those different challenges expected during the prosecution of international legal norms related to urban warfare theatres, as generally described in Mariupol. It underlines the moral obligation for the protection of human life and dignity, and it calls for a coordinated international effort to strengthen the legal framework with the aim of avoiding in the future such occurrences in conflicts yet to come.

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