

THE CRIMEAN BRIDGE AS A (UN)LEGITIMATE MILITARY TARGET

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After the illegal annexation of the Crimean Peninsula in violation of international law in 2014, the Russian Federation's leadership decided to begin constructing a capital infrastructure project bridging the Kerch Strait to connect the Taman Peninsula of the Krasnodar Krai in Russia and Crimea. In question were two parallel and approximately 19-kilometer-long road and railway bridges, one for a four-lane road and one for a double-track railway. The first preparatory activities began in the spring of the following year, while the official work on the bridge's construction began in February 2016. Stroygazmontazh, a company headed by oligarch Arkady Rotenberg,¹ who was brought into a close relationship with Vladimir Putin, the President of the Russian Federation, was appointed to design and build a bridge as the only land connection of Russia with the annexed territory of Crimea.

For many people a historical project, this is the longest bridge in Europe in length.² It is first named the Kerch Bridge, after the strait over which it crosses. However, in addition to that name, names such as "Crimean Bridge," "Kerch Strait Bridge" or "Putin's Bridge" were also in circulation. When it was completed in 2018, the bridge and the access roads leading to it became part of the Russian highway A290 Kerch-Novorossiysk, i.e., R260 "Tavrida" Kerch-Simferopol-Sevastopol. Additionally, it

should be noted that when deciding to build the bridge, in addition to all the reasons presented to the public, the Russians also had a plan to close and control entirely the Sea of Azov, on which Mariupol, a Ukrainian city and one of the most important Ukrainian ports was located. When the bridge was built, the Russians controlled the flow of goods and services and directed maritime traffic to the central corridors, which, due to the bridge's low construction, were the only spaces to navigate. Based on the above, it can be concluded that the construction of the Crimean Bridge for Russia from the beginning was not exclusively for civilian purposes but also to hinder access to the Ukrainian coast of the Sea of Azov and the exit from Azov to the Black Sea.

However, from the very beginning of construction, the Crimean Bridge has had not just a significant strategic role in creating a direct transport connection between Russia and Crimea and control of access to the Sea of Azov, but also a symbolic meaning. The bridge was and remains a symbol of occupation and Russian aggression against Ukraine. At the same time, for Russia, it became a symbol of annexing the Crimean peninsula to the rest of the country. Because of this, as well as the conflict in Donbas, the construction of the bridge was covered by almost all the global media, but the special attention was undoubtedly paid to the ceremonial opening of the bridge by Vladimir Putin,³ who crossed from one side of the



The Crimea Bridge (Source: www.insightsonindia.com/2023/07/18/kerch-bridge-crimea)

coast to the other sitting behind the wheel of an orange KAMAZ heavy truck.⁴ It was a clear symbolism and a message of the whole project's importance to him personally.

Today, while Russian aggression against Ukraine continues, the Crimean Bridge, which constitutes the only land connection between Crimea and Russia, can be viewed from civil and military viewpoints.⁵ Therefore, there is a debate among experts whether this bridge is a civilian or military facility and, accordingly, whether or not it can be a legitimate military target. The starting point and answer to this question is in Protocol I of the Geneva Convention Article 52 paragraph 1, which prescribes the general protection of civilian objects. According to this Protocol, civilian objects cannot be the subject of attacks or reprisals, and under them are considered all objects that are not defined as military by paragraph 2 of the same article. On the other hand, paragraph 2 specifies that "military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action" with the explanation that their "total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage."⁶

However, the question arises, what if the bridge has the characteristics of both a civilian and a military facility?

Namely, through this land connection between Crimea and Russia, civilians, goods, and services are moved from both directions every day. Up to 40,000 vehicles can pass over the bridge within 24 hours, which reflects its importance from a civilian perspective.⁷ On the other hand, this bridge is strategically necessary from a military point of view, mainly because Russia uses this bridge to transport its troops and large quantities of weapons, ammunition, artillery and missile systems, heavy armored vehicles and tanks, as well as any other equipment that it is necessary for Russia in the Kherson and Zaporizhzhia directions in the current aggression against Ukraine.

As already mentioned, the qualification of the Crimean Bridge is the subject of debate by many authors. However, one of the alternative solutions is to qualify the bridges according to their use, purpose, location, or future purpose. Except in rare situations (when a bridge is built by engineering units of the army, exclusively for the needs of deployment of troops and military equipment), bridges do not fall under the category of inherently military objectives. This analogy suggests that the Crimean Bridge can be considered a military facility based on the parameters of its use and location. Namely, any military use of an object makes it a military objective, even if it was originally built for civilian purposes. In this case, the circumstances seem to be clear as this road-rail bridge has

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been used daily as the primary line of communication for Russian forces since the moment it was built and put into traffic (initially to supply the occupation forces in Crimea and since the beginning of the aggression against Ukraine for supporting the operations of Russian troops in the south of this country). In addition, the bridge qualifies as a military target based on its location because it allows the supply and reinforcement of forces from Russia. Railway trains and military trucks use Crimea as a transit route to occupied Ukrainian territories where fighting is underway, so any disruption or damage to its use and function can significantly affect the situation on the battlefield.

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that the bridge is a military facility. Even just the damage to a part of the bridge, the repair of which can take several hours (which would not be such a problem if it was only a civilian object) during the war, can directly affect the course of the battle. But, even when the bridge qualifies as a military facility when we talk about an attack on it, that attack must be under the principle of proportionality of International Humanitarian Law from Protocol I of the Geneva Convention (Articles 51 and 57) and customary law. This rule prohibits "an attack that can be expected to cause accidental loss of civilians, injury to civilians, damage to civilian objects, or a combination thereof"⁸ and "which would be excessive in relation to the specific and direct intended military advantage."⁹

Attacks on the Bridge

Since the Russian army continuously supplies its troops in the Zaporizhzhia and Kherson regions via Crimea, this bridge represents the lifeblood of combat operations on this part of the front, and, as such, becomes a legitimate military target. That is why the Armed Forces of Ukraine are trying to damage or completely disable its functioning for road and rail traffic with various actions, including attacks with precision-guided missiles and unmanned platforms of air and sea bases. In this regard,



Picture 1 – Attack on the Crimea Bridge on 8 October 2022. Source: Cameron David (2022), After the attack on Kerch Strait bridge, Russia launches "massive strike" against Ukraine

special attention should be focused on two attacks on the bridge, one in October 2022 and the other in July 2023. It should also be noted that both attacks took place in the early morning hours when there was highly light traffic on the bridge, which is linked to the efforts of the Ukrainians to avoid collateral damage and mass casualties of civilians.

The first attack occurred the day after Putin's 70th birthday, on 8 October 2022, at 6:07 a.m. local time when a truck bomb exploded while crossing the Crimean Bridge. The satellite image (Picture 1) shows that the explosion extensively damaged the bridge, and two of the four roadway lanes collapsed into the water. In addition, the force of the explosion, in addition to damaging the structure, caused a fire and a chain reaction on railroad cars that were transporting fuel on a parallel track at the time of the bomb explosion. The explosion killed five people: the truck driver and four people in a civilian car passing by the truck at the time of the explosion.¹⁰

The day after the explosion, Russian President Vladimir Putin met with Alexander Bastrykin, who has been the head of the Investigative Committee of Russia since January 15, 2011. Putin gave Bastrykin the authority to investigate the attack. After the investigation, Bastrykin pointed out that forensics and explosives experts examined the location and determined that the truck with the bomb passed through Bulgaria, Georgia, Armenia, North Ossetia, and Krasnodar, as well as that they identified the persons who participated in organizing the movement of the truck and the suspects who organized the attack. On that occasion, he pointed out that it was a terrorist attack prepared by the Ukrainian special services to destroy a sizeable civilian facility that is of crucial importance for the Russian Federation, especially for Crimea.¹¹

It is debatable, however, whether this statement by Russia really represented its position on the Kerch Bridge as a civilian object or a prelude to the attacks that followed. That is, shortly after this event, Russia launched more than 80 missiles at command and communication centers and energy infrastructure facilities in Ukraine, during which more than 40 of them managed to break through Ukrainian air defenses and reach their targets, causing great damage.¹² In this attack, rockets hit facilities in 12 cities, including Kyiv, Lviv, Kharkiv, Dnipro, and Zaporizhzhia, after which Putin issued a statement stating that:

Forensic and other expert data, as well as operational information, show that the explosion on October 8 was an act of terrorism aimed at destroying the civilian and critical infrastructure of Russia. It is also clear that the Ukrainian special services were the organizers and perpetrators of the attack.¹³

Continuing, Russian President Vladimir Putin pointed out:

This morning, at the proposal of the Defence Ministry and in accordance with the plan of Russia's General Staff, a massive strike was launched with long-range precision air, sea, and land-based weapons against Ukrainian energy, military, and communications facilities. In the event of more attempts to stage terrorist attacks on our territory, Russia's response will be harsh and commensurate with the threats posed to the Russian Federation. Nobody should have any doubts about that.¹⁴

The second attack occurred on 17 July 2023, when two maritime drones packed with explosives struck the bridge in the early morning.¹⁵ Although Ukraine has not claimed responsibility for the attack, its security services have stated that details of the attack will be released after Ukraine wins the war.¹⁶ The statement of Andriy Yusov, a spokesperson for Ukrainian military intelligence, was also interesting because he said: "The Russians use the peninsula as a large logistical hub for moving forces and assets deep into the territory of Ukraine. Of course, any logistical problems are additional complications for the occupiers."¹⁷

This statement reflects the essence of treating the Crimean Bridge as a legitimate military objective for Ukraine's Armed Forces because it represents Russia's only land connection with Crimea as a "large logistical hub" for Russian forces. On the other hand, the question arises whether this kind of provocation addressed to Russia is actually for 'feeling the pulse' of Russia's readiness to defend the Crimean Bridge or is it just an expression of Ukraine's intention to damage, and then in the best scenario for them, destroy the bridge, which would greatly change the course of the war in their favor.

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The July attack resulted in one part of the bridge being blown up, killing two people and injuring a child.¹⁸ A video released by Russian media showed part of the bridge tilted and hanging. Rail traffic was restored six hours after the attack, but the road was still closed for some time.¹⁹ Although Ukraine did not claim responsibility for the attack, Ukrainian President Volodymyr Zelensky said this was one of the more successful attacks by the Ukrainian army.

Proportionality in Attack

As mentioned earlier, when it comes to attacks on facilities used for military purposes, assessing proportionality is one of the biggest tasks facing the attacker. The reason for this is reflected in the fact that there is no predetermined formula or matrix that could include the expected and guaranteed military advantage of an attack and any expected collateral damage.²⁰ In the case of the attack on the Crimean Bridge, considering all the facts, it can be said that the attack was proportionate because there are justified expectations that the damage to the bridge will affect Russian military operations throughout the southern battlefield, as well as the military activities of Russian forces in Crimea. In both attacks, a total of seven people were killed, and one person was injured. Still, considering the military advantage that the attackers could reasonably expect from cutting this strategic communication (cutting Russian lines of supply of weapons, military equipment, and troops), the attack could be considered proportional. At the same time, damage to the bridge itself can hardly be qualified as collateral damage, although it is also used for civilian purposes. This thesis is also supported by the fact that when an object is used for military and civilian purposes, it is generally characterized as a legitimate military target. Of course, the attack was expected also to affect the civilian population regarding movement and supply.

However, these parameters have no significance for the analysis of proportionality, which in the text of the previously mentioned Protocol is limited to loss of life, physical injuries, and damage to exclusively civilian objects.

If, on the other hand, the Crimea Bridge is viewed exclusively as a civil infrastructure object, damage to it could be viewed as an attack on the civilian population. An example of this would be a situation where the attack led to famine or disease on a large scale, which did not happen in this particular case. Nevertheless, regardless of when in an attack against a military target, the expected collateral damage is minor compared to the expected military advantage, the activities undertaken must be under the obligation to take all precautionary measures so that the damage to civilian objects and civilians is minimal. In the previous attacks on the Crimean Bridge, which took place around six o'clock and three o'clock in the morning, the attackers intended to choose the moment for the attack when it was expected that there would be a minimal number of civilians or none on the bridge. Of course, this thesis cannot be asserted with certainty because it is not known whether the timing of the attack indicates a deliberate effort to comply with all measures of international humanitarian law, the given set of circumstances, or simply that the attackers did not have an alternative means of attacking the bridge that would have less impact on the civilian population.

Based on all of the above, it is clear that for Ukraine, the destruction of the Crimean bridge, the only land link between Russia and Crimea, is still one of the primary goals from the military point of view. However, on the other hand, this bridge is strategically and militarily crucial for Russia as it has been Russia's only road and rail link with Crimea for years. These circumstances gained additional importance after 24 February 2022, when Russia began its aggression against Ukraine. Since then, the bridge has increasingly served as a key military supply route, allowing Russian forces to service and supply their bases and troops in the Ukrainian territories they hold under their control.

The Crimean Bridge - Symbol of Russian occupation or Russian power

Regarding Russia, the bridge is a symbol of Crimea's annexation or the so-called return of Crimea to the Russian borders. The Crimea Bridge is also personally essential to Vladimir Putin and the Kremlin, as it symbolizes Putin's ability to implement large-scale infrastructure projects and his dreams of restoring Russia to its former greatness.²¹ On the other hand, for Ukraine, the Crimean Bridge is a symbol of Russian occupation and aggression, which is why it should not be surprising that the attack that took place in October 2022 was



ATACMS missile being launched by an M270 (Source: Wikipedia, <http://sill-www.army.mil>)

greeted with enthusiasm by many people throughout Ukraine.

Finally, there is another dimension through which the importance of the Crimea Bridge can be seen because its destruction represents a very important psychological moment for Ukraine. As mentioned, the bridge is an essential logistical item for Russia. So, although Ukrainian attacks caused only some damage, restriction, and interruption of traffic, the attacks showed that despite strong security measures, the bridge is still vulnerable. However, it seems there are some limitations regarding future attacks by Ukraine on this bridge. That is, the question is whether GMLRS missiles, which Ukrainians most often launch from the HIMARS system, can currently reach the Crimea Bridge. Instead of GMLRS missiles used by the Ukrainian Armed Forces, ATACMS missiles are much more powerful, but Ukraine has not yet received them at the time of the writing of this article. These missiles range 300 km, doubling Ukraine's ability to hit targets deep behind enemy lines, including the Crimea Bridge.²² On the other hand, the Storm Shadow cruise missiles, which have a longer range, can cause serious damage and cut off road and rail communication. Still, the question is how many of these missiles Ukraine

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has in stock and whether the Russian defense systems around the bridge would completely thwart a potential smaller-scale attack.

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success.²³ In the future, we can, therefore, expect further efforts by the Ukrainian army to destroy the Crimean Bridge, which would completely cut off the Russian troops in Crimea. This would put the Russian troops in a similar situation as when, due to the damage to the bridges on the Dnieper last year, Russian forces were forced to retreat from Kherson to the other side of the river with losses. Of course, if the bridge collapses or closes completely, Russia can still deliver supplies to its troops and population in Crimea through the occupied part of Ukrainian territory they hold under their control. It is a coastal highway that passes through Mariupol and

by the Sea of Azov, but it is risky and significantly longer than the route over the bridge.

Therefore, the question that arises is when that crucial Ukrainian strike will come. Analyzing the results of the battles so far, it seems that the most adequate moment would be immediately before or during the breakthrough of the key lines of the Russian defense in the Kherson and Zaporizhzhia regions (if that happens). With the further potential success of the Ukrainian offensive, the land corridor between Crimea and Donbas will also be significantly damaged, and the bridge will also be within the range of Ukrainian long-range artillery.

Endnotes

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