

Use of Internationally Forbidden Methods of Warfare against Civilian Health Facilities

*Preliminary documents of the international monitoring group
according to the results of the monitoring mission carried out from
October 23 to 30, 2016 in areas of the Donetsk region*



Imprint

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Project

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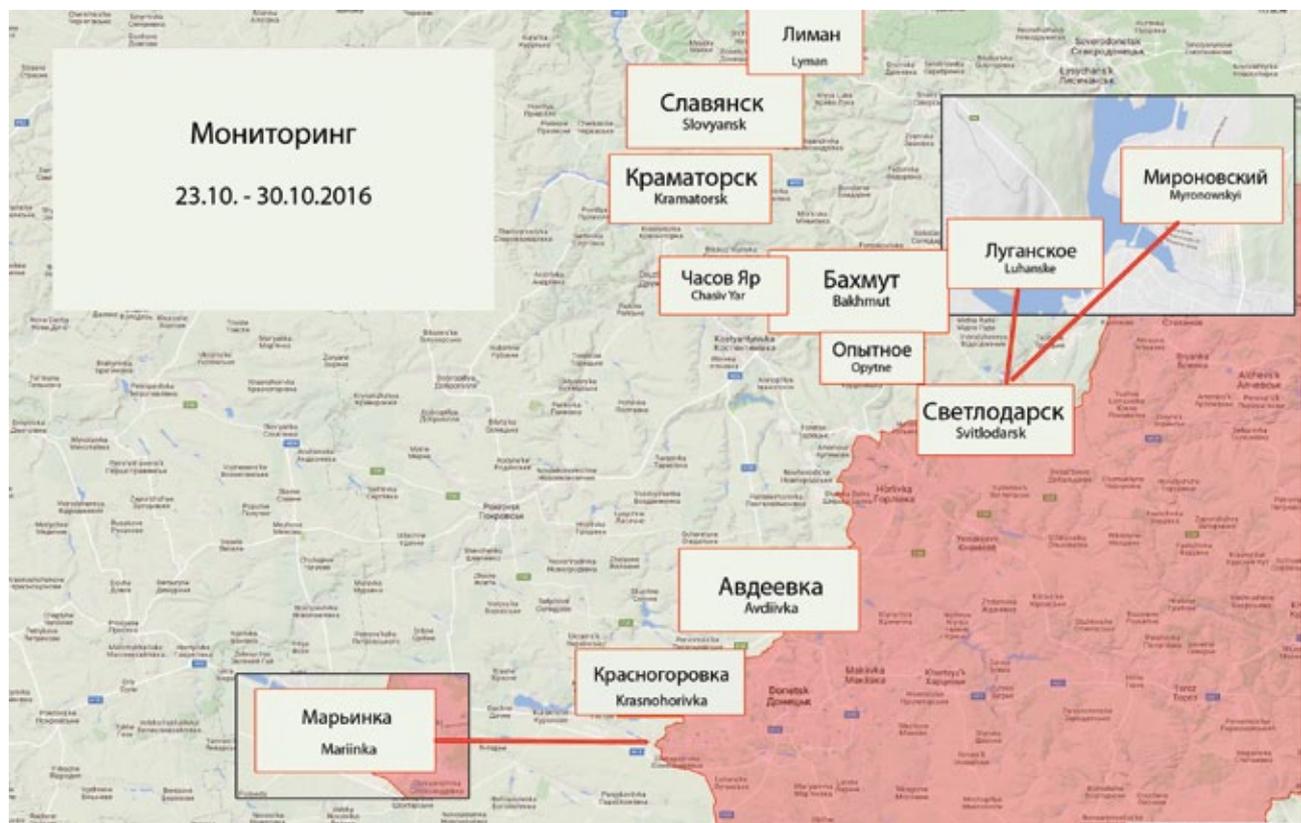
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The preliminary report has been prepared by members of the international monitoring group according to the results of the mission, which took place from October 23 to 30, 2016 in the territory of the Donetsk region under Ukrainian control. The mission's participants were representatives of civil society organisations from Germany, Ukraine, Poland and Russia.

The group consisted of:

- Anastasia Koehler (Germany), German-Russian Exchange
- Thomas Schneider (Germany), German-Russian Exchange
- Valerii Novikov (Ukraine), Luhansk Regional Human Rights Centre 'Alternatyva'
- Denis Denisenko (Ukraine), Luhansk Regional Human Rights Centre 'Alternatyva'
- Natalia Ponomareva (Ukraine), Starobelskii civil organisation 'Volia'
- Grzegorz Russek (Poland), 'Wschodnia Perspektywa' Association
- Dmitrii Egoshin (Russia), human rights activist

As part of the mission, the group visited cities and settlements in the Donetsk region, where public health facilities are situated, which had been subject to damage resulting from shelling in the context of the armed conflict during 2014 and 2015. These places were namely: Slovyansk, Semenivka, Kramatorsk, Lyman, Bakhmut, Opytne, Myronivsky, Luhanske, Svitlodarsk, Mariinka, Krasnohorivka, Avdiivka and Chasiv Yar.



Preliminary conclusions and recommendations

In 2014–2015, during hostilities between the Ukrainian army and the armed units of the so-called 'LPR' and 'DPR' supported by the Russian Federation, cities and settlements of the Luhansk and Donetsk regions found themselves at the centre of the confrontation and were subject to shelling. As a result of the shelling, health facilities situated in these areas were damaged to varying degrees of severity.

This monitoring mission visited cities and settlements, which are currently under the control of the Ukrainian authorities in the Donetsk region and are situated close to the line of demarcation. At the moment, the closest medical facilities to the zone of armed operations are 2 km away.

The aim of the mission consisted of documenting cases where civilian health facilities were shelled and where medical facilities were used for military purposes during the time of the active phase of the armed conflict in eastern Ukraine.

In total, the group of observers visited 12 medical facilities. 38 respondents were interviewed and three meetings with representatives of local self-government agencies and state authorities were organised. Seven of the interviewees were doctors, who were working in hospitals, outpatient clinics and polyclinics at the time when the stated areas were under the control of armed units of the so-called 'DPR'.

Included in the preliminary report are key observations, initial conclusions and recommendations of the international group. The full report according to the results of the monitoring research will be presented later and will be found on the websites of partner organisations.

Documents and information, presented by medical personnel, received in the course of the interviews carried out, confirm the facts about the destruction of medical facilities in 2014–2015. As a result of the shelling with heavy weaponry, there were fatalities and injured amongst medical personnel. It was noted by practically all respondents (with the exception of the employees at the Luhansk outpatient clinic in the Bakhmut region¹), that in hospitals situated in the territory under control of the Ukrainian authorities, as well as in the direct vicinity of them, there were no cases of deployment of military units, no heavy weaponry and from these territories no shelling occurred.

According to medical workers, as a result of the shelling of areas not only health facilities were damaged, but also other parts of infrastructure. From this it is possible to conclude that disordered, chaotic shellings were carried out, where hospitals and outpatient clinics were not the intended targets. This would testify to the theory that the parties of the conflict disregarded the norms of international humanitarian law, according to which medical facilities are under special protection. In some cases, it is possible to presume the likelihood of conscious shelling of inhabited areas carried out by armed units of the so-called 'DPR' supported by Russia, with the aim of intimidating the civilian population. These facts remain for the time being uninvestigated.

The monitoring group received evidence that in spring 2014, armed units of the so-called 'DPR' carried out shelling of infrastructure in the town of Slovyansk with the help of the self-propelled artillery system 'Nona'. The shelling was carried out from various parts of the town, which at that time were not under control of the Ukrainian authorities, supposedly to discredit the Ukrainian army. At that time in Slovyansk, ten health facility buildings were damaged.



¹ Information about the situation in the Luhansk outpatient clinic in the Bakhmut region will be presented in the full report according to the findings of the monitoring research.



On the day of the liberation of the town of Lyman by the Ukrainian army on June 3, 2014, as a result of artillery fire, the building of the Lyman railway hospital was severely damaged. On the hospital site, nine shells exploded and a surgeon died during work.²

Medical personnel and patients use the basements of the visited health facility buildings as bomb shelters. As

² No direct proof implicating one of the sides of the conflict in the shelling of the Lyman railway hospital exists. Official agencies did not provide information upon request.



opposed to the basements of multi-storey houses, which are frequently unsuited in the event of military operations, the basements of hospitals can guarantee a higher level of safety. That is why they also serve as shelter for the local civilian population. The reasons prompting people to seek protection in the basements of medical facilities are the possibility of receiving first aid in the case of injury, as well as the assurance that hospitals, outpatient clinics and polyclinics cannot be the target of shelling.

On October 27, participants of the group met with workers from the ambulance stations in the towns of Mariinka and Krasnohorivka, who told of an incident of shelling carried out by the armed units of the so-called 'DPR' of an emergency vehicle in April 2015. As a result of the shelling, those who were in the vehicle - the driver, the paramedic and the patient - died. It is important to note that the vehicle was marked with the relevant inscriptions and the red cross - the identification mark of ambulances.

In settlements close to the contact line, medical employees continue to work under conditions of heightened danger. In carrying out their duties, they move around shelled territory in unarmoured vehicles. Out of all the respondents interviewed, only workers from the medical facility in Mariinka reported having one armoured vest and one helmet.

In 2014-2015, multiple cases of hijacking of official medical vehicles by representatives of both sides of the conflict took place, which negatively influenced the promptness of providing medical services to the population.



The interviewed health workers characterised the relationship with representatives of the Ukrainian army and the armed units of the so-called 'DPR' differently. Health workers did not mention the psychological and physical impact of Ukrainian army military personnel on them in the interviews. At the same time, incidents were detailed, when representatives of the armed units of the so-called 'DPR', supported by Russia, threatened medical personnel with violence for using the Ukrainian language and for not fulfilling orders. The psychological pressure on doctors manifested itself through the presence of armed representatives of the so-called 'DPR' in medical rooms. In such a way, control was maintained over the progress of operations on soldiers. For additional intimidation of medical personnel, on the premises of health facilities shots would be fired into the ceiling or floor. In summer 2014, in the town of Avdiivka, during the period of the absence of control by the Ukrainian authorities an incident took place, where representatives of the armed unit supported by Russia forced a doctor to turn off the life support machine of a wounded Ukrainian soldier, which then led to his death.³

In the summer of 2014, on the premises of the regional clinical traumatological hospital of Donetsk, a roadblock with a barrier was set up by armed men and with those on duty inspected passing cars. Shelling from heavy weaponry was carried out from the military base captured by the armed units of the so-called 'DPR'. Because of the shelling, the glass of the Kuibyshev regional hospital campus neighbouring the military base broke.

In autumn 2016, there was a recorded case of a precision targeted sniper bullet from a barracks of armed units from

the so-called 'DPR', which was shot through the window into the door of one of the medical rooms of the outpatient clinic in Mariinka, which is situated in the direct vicinity of the demarcation line.⁴

Participants of the monitoring mission recorded cases, which allow it to be assumed that law enforcement agencies of Ukraine did not carry out investigations in response to shelling of health facilities as required. This substantially worsens the quality of the evidence base in the preparation of essential materials for future submissions to international judicial authorities.

Regardless of the relative fall in intensity of military operations in 2016, the shelling of health facilities continues. The threat to the life and health of medical workers remains, workers who are forced to deliver help in stressful circumstances.

4 There is no official information about the offenders behind this incident. According to the accounts of witnesses, the shot came from the barracks of the armed units of the so-called 'DPR'.

3 A doctor who was working at the given medical facility reported this incident. Several further respondents confirmed this as fact.



Recommendations:

- for the conflicting parties to observe the inviolability of all civilian medical facilities;
- to stop the practice of using indiscriminate weapons – it is possible to include in this the multiple rocket launch system 'Grad', which cannot be directed towards a concrete military target. The use of such weaponry in the conditions of inhabited areas represents an illegal means of warfare from the point of view of international humanitarian law;
- for the law enforcement agencies of Ukraine to carry out a quality investigation of crimes connected to the shelling of medical facilities and the use of them for military purposes;
- for international organisations to provide all possible support to Ukraine in the investigation of crimes connected to the shelling of medical facilities and the use of them for military purposes;
- for the monitoring mission of the OSCE to investigate the medical facilities in the territory of the Luhansk and Donetsk regions not under Ukrainian authorities' control and to document the facts of all cases of their use for military purposes;
- to provide for the allocation of funds for the renovation and rebuilding of destroyed health facilities and the acquisition of official vehicles for the operative provision of medical services to the population;
- to take measures to increase the level of safety for health workers, when providing medical services in settlements close to the demarcation line.





European Support for the Effective Monitoring of Human Rights in Eastern Ukraine

The content presented here has been produced as part of the project 'European Support for the Effective Monitoring of Human Rights in eastern Ukraine' conducted by the German-Russian Exchange with support from the Federal Foreign Office of Germany. In the course of 2016, three monitoring trips have been undertaken, dedicated to examining the situation of the civilian population in the Donetsk and Luhansk regions. For each trip, an international monitoring group was formed and an independent report written according to each trip's findings. The preliminary report presents findings of the third monitoring mission, which took place from October 23 to 30, 2016 in a series of cities and settlements in the Donetsk region.

The main aim of the project 'European Support for the Effective Monitoring of Human Rights in Eastern Ukraine' is the systematic and consistent documentation of the civilian population's situation and of violations of human and humanitarian rights in eastern Ukraine. An important part of the project is the creation of a network of European human rights organisations participating in the undertaking of international monitoring, which should enable detailed and unbiased spreading of information to a wide public about the situation surrounding the conflict in eastern Ukraine.

The work on the project is founded on the conviction that the documentation of the on-the-ground reality and violations of human rights should lead to the cessation of violence and serve as a signal to the violators of these human rights that they cannot rely on impunity. The European monitoring of human rights violations in eastern Ukraine is a contribution to the peace process and the possibility of reconciliation in the future.

The project is implemented by the following non-governmental organisations: in Ukraine by Vostok-SOS (<http://vostok-sos.org>), Eastern Ukrainian Centre for Civil Initiatives (<http://totalaction.org.ua>), Luhansk Regional Human Rights Centre 'Alternativa', in Poland by Helsinki Foundation for Human Rights (www.hfhr.pl) and in Germany by DRA e.V. (www.austausch.org).

The preliminary documents and other information regarding the situation of civilians and human rights in eastern Ukraine are available online at www.civicmonitoring.org.