

REPORT

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

Use of Internationally Forbidden Methods of Warfare Against Civilian Health Facilities



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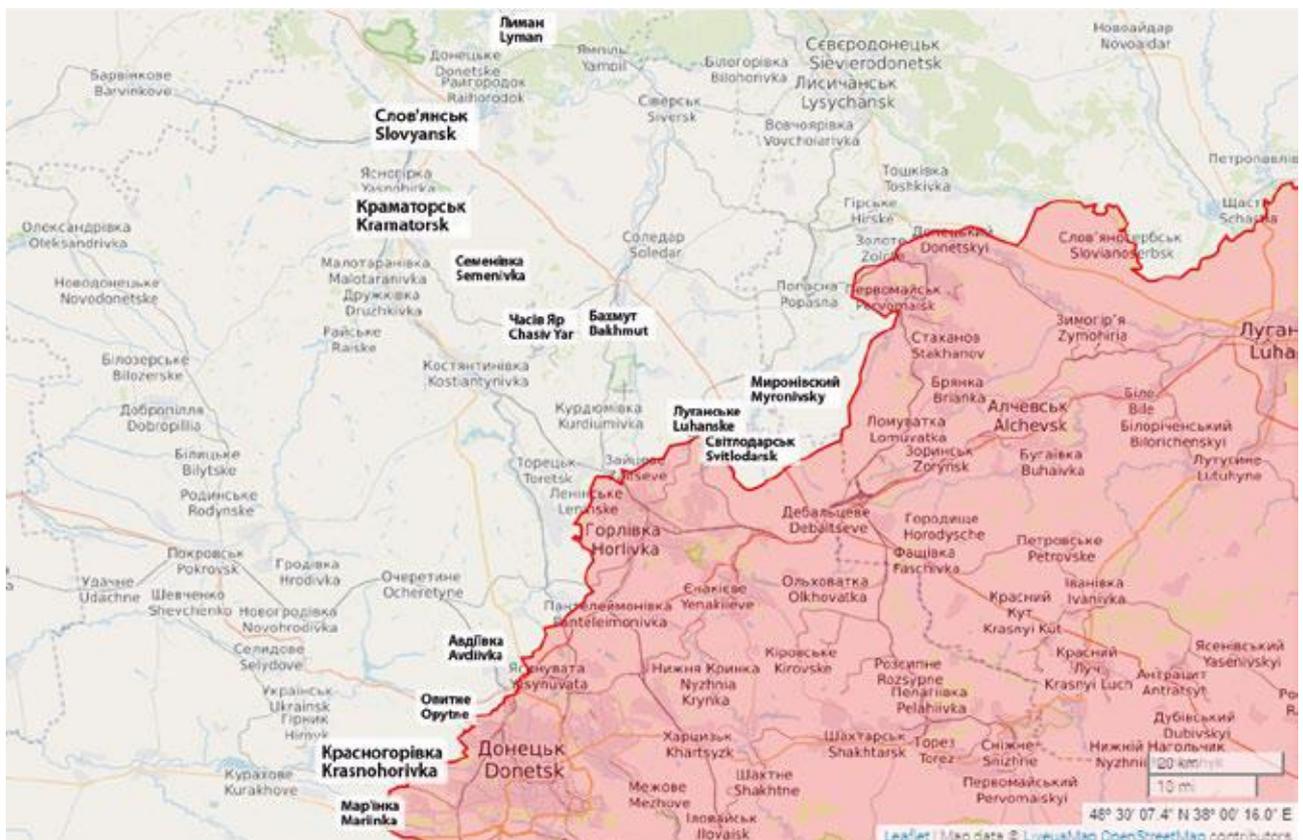
Use of Internationally Forbidden Methods of Warfare Against Civilian Health Facilities

The 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:

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- 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.



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Introduction

According to paragraph 'd' of Art. 23 of the Hague Convention regarding the laws and customs of war on land and paragraph 2 of Art. 35 of the Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I), it is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

The restrictions established by international law regarding permitted uses of weapons and warfare state that it is forbidden to attack and to bomb undefended towns, settlements, housing and buildings, including military and civilian hospitals etc., on the condition that these buildings and towns do not simultaneously serve military purposes.

In 2014-2015, during armed hostilities between the Ukrainian army and the armed units of the so-called Luhansk People's Republic ('LPR') and Donetsk People's Republic ('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. Health facilities situated in these cities and settlements sustained damage to varying degrees of severity.

According to data from the World Health Organisation, as a result of armed hostilities in Donbas, 32 health facilities have been completely taken out of action¹. At the same time, information about damaged health facilities is incomplete and with a dubious level of reliability, does not allow conclusions to be drawn about the systemic nature of these violations and their consequences. No cases have been compiled on each individual health facility, which has become a target of attacks or used for military purposes, with corresponding evidence from injured parties, witnesses, or also from other individuals who have necessary information.

The aims of documenting evidence of violations of norms of international humanitarian law in the context of attacks on health facilities in the course of the armed conflict in Donbas are:

- the reconstruction of an accurate picture of past and continuing events;
- a more precise assessment of the scale and systemic nature of the violations of norms of international law;
- the use of documented facts as evidence with the aim of bringing guilty parties to account.

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. Currently the closest medical facility to the zone of armed operations is around 2 km away.

The aim of the mission consisted in the documentation of shelling of civilian health facilities and the use of medical institutions for military purposes during the active phase of the armed conflict.

In total, the monitoring group visited twelve health facilities. 38 respondents were interviewed and three meetings with representatives of local self-government agencies and state authorities were organised. Seven of the interviewed respondents were doctors who were working in hospitals, outpatient clinics and polyclinics at the time when the given cities and settlements were under the control of armed units of the 'DPR'.

¹ www.un.org/russian/news/story.asp?newsID=22250#.WDrggualQ2x

Key observations

Documents and information presented by medical personnel during the course of interviews, confirm facts regarding the destruction of health facilities during 2014-2015. As a result of shelling using heavy weaponry, there were casualties among medical staff. Practically all respondents, apart from staff at the Luhansk and Myronivsky Outpatient Clinics in the Bakhmut district (see sections 3.4. and 3.5.), noted that in hospitals in areas under Ukrainian authority control, as well as in the direct vicinity of them, there were no cases of military units or heavy weaponry being stationed there, nor was shelling carried out from their premises.

According to medical staff and the observations of members of the monitoring mission, as a result of shelling of inhabited areas, not only health facilities were damaged, but also other parts of civilian infrastructure (close to medical facilities). From this, it is possible to draw a conclusion regarding the use of indiscriminate fire without an intended target on hospitals and outpatient clinics. This indicates that the parties to the conflict have neglected the norms of international humanitarian law, according to which health facilities are under special protection: No appropriate protection was ensured in the course of the armed hostilities. In some cases, it is possible to assume the likelihood of conscious shelling of inhabited areas, carried out by the armed units of the 'DPR', which are supported by Russia, with the purpose of intimidating the civilian population. Up to now, these incidents remain uninvestigated.

The interviewed health workers characterised the relationship with representatives of the Ukrainian army and the armed units of the 'DPR' differently. In the vast majority of cases, the psychological or physical impact of Ukrainian army military personnel on medical staff was not mentioned. At the same time, during meetings with doctors, who were working in health facilities in the Donetsk region during the period when these cities and settlements were under the control of armed units of the 'DPR', participants of the mission received testimonies regarding threats of violence towards medical personnel for using the Ukrainian language, for not carrying out orders and for helping Ukrainian combatants.

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 the visited health facilities, there are basements, which are used by medical staff and their patients as bomb shelters. Unlike basements of multi-storey houses, which are frequently unsuited in case of armed hostilities, 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 certainty that hospitals, outpatient clinics and polyclinics cannot be the target of shelling.

In 2014–2015, numerous incidents took place of medical service vehicles being stolen by representatives of both sides of the conflict, which negatively affected the readiness of care provision for the population.

During the monitoring mission the group identified a problem, which only circumstantially relates to the focus of the study, but also deserves attention since it affects the rights of the region's inhabitants. Until the middle of 2014, the hospital and outpatient clinic in Svitlodarsk and the outpatient clinics in the urban-type settlements of Myronivsky and Luhanske were under the control of the Debaltseve town council, which is now no longer under the control of Ukrainian authorities. After the reassignment of these settlements to the Bakhmut district, new legal entities responsible for the health facilities were created. Due to the start of the armed conflict, the transfer process to the Bakhmut district council was caught up in a conflict of laws: the prevailing law would not allow ownership to be taken of anything without the participation of the transmitting party. At the same time, the 'transmitting party' remained in the uncontrolled Debaltseve. In December 2015, this situation was resolved judicially. Medical staff was recruited to the de jure new facilities; they received new service records, despite the fact that they had not been officially dismissed from their old places of work, thereby losing all benefits and their longstanding service record. There also remained a ten-month backlog of wages owed to staff for the period when medics continued working in non-formalised institutions. The situation is currently not settled. *"It means that people, for whom I arranged a group and to whom I gave a Debaltseve stamp, receive their payments, but I, who has worked all this time, don't. And they took our salary from us, and our service record. The last document we received as a result of numerous requests to all authorities, was generally about how we will receive all our money after the end of the anti-terrorist operation..."* a doctor recounted.²

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, they are forced to deliver help in stressful circumstances.

² All materials (audio recordings of interviews, photos and documents) used in this report are stored in the Luhansk regional human rights centre 'Alternatyva' in paper and digital format.

Monitoring research of medical facilities in the area of the Donetsk region under control of Ukrainian authorities

Medical facilities in the town of Slovyansk

The monitoring group received evidence that in spring-summer 2014, armed units of the 'DPR' carried out shelling of infrastructure in Slovyansk with the use of the self-propelled artillery system 'Nona'. Supposedly with the aim of discrediting the Ukrainian army, shelling was carried out from different parts of the town, which at that time was outside the control of Ukrainian authorities. During the given period, 10 medical facility buildings were damaged

to varying levels of severity. The following incidents were recorded: mortar shells hitting the roof of the main building of the clinical hospital, a direct hit to the façade of the children's hospital, as a result of which an enormous hole formed in the admissions room of the in-patient ward (by that time, the children had been evacuated), the explosion of mortar shells in front of the maternity clinic, resulting in all the glass on one side of the building shattering and the roof and windows of the polyclinic of Hospital No.1 were damaged by shell fragments.

Destruction of the Regional Psychiatric Hospital in Slovyansk (May 2014)

The Regional Psychiatric Hospital in Slovyansk is situated in the village of Semenivka on the internationally significant route Kharkiv – Rostov, upon which at that time numerous roadblocks had been set up. The first serious battle occurred on 5 May 2014, not far from the hospital. There were many injured on both sides. The doctors of the hospital, despite being psychiatrists, provided first aid. In the words of one doctor: *"Our colleague died on this day – he went beyond the gate to have a look at what was happening and a sniper took him out. A second colleague tried to help him, to drag him back, and he received a bullet wound to the leg. He then needed treatment for several months..."*

Daily battles took place in the surrounding area. The hospital's medical personnel worked around the clock. Because of the constant shelling, it was hard to change shift – it was impossible for workers to get from home to the hospital and vice-versa. For this reason, staff sometimes had to work for 3-4 days straight. Staff on their way to work lied for 2-3 hours waiting for the shelling to stop.

In the middle of May 2014, a shell hit a building where there were patients, but it did not explode, rather becoming lodged in the floor of the dining room. Fragments of the shell damaged the walls. At that time, more than 500 people were in the hospital, out of that, 420 were patients. The decision was taken to evacuate the sick. Until 25 May, under shelling, all patients were taken to different psychiatric hospitals. After this, personnel carried out the evacuation of medical documentation and equipment.

After the hospital stopped functioning, armed units of the 'DPR' occupied the facility. From this premises, shelling was carried out using artillery weapons and mortar launchers. The major damage to the psychiatric hospital was carried out after the evacuation of patients and staff. Significant damage has been documented to the roofing, external and internal walls and partitions; windows, doors and wards' utilities systems have been completely destroyed; the main, hospital and laboratory building; the paediatric department, the catering block, the laundry room, garages, the perimeter fence and hospital wards No. 10 and 11 also sustained damage.

During the period when the town was controlled by armed units of the 'DPR' (until 5 July 2014), three medical vehicles and a portable sterilisation chamber were stolen from the hospital. Personnel managed to remove four vehicles.

Currently, the psychiatric hospital is functioning in the town of Slovyansk. In the village of Semenivka, only the psycho-tuberculosis department has been rebuilt, the repairing of the paediatric department is planned to start by the end of the year.

On 11 April 2014, armed units under the command of the Russian Federation citizen I. V. Girkin (call sign 'Strelkov') occupied the building of the Security Service of Ukraine (SSU) in Slovyansk. Next to the SSU building, the buildings of the municipal Hospital No. 1 were situated. Following the urgent evacuation of patients to other medical facilities, armed units used the hospital to accommodate combatants, with lodgings and food preparation based in the hospital's catering block.

During the period in which Girkin's unit controlled Slovyansk, 16 vehicles belonging to medical facilities were stolen – three ambulances, a Ford Transit field ambulance and 12 'Niva' vehicles (20 vehicles had been received for on-site work as a result of reforms to the medical care system).

Lyman railway hospital

On the day of the transition of the town of Lyman to the control of the Ukrainian army (3 June 2014) due to artillery fire, the building of the Lyman Railway Hospital (now the Lyman Municipal Hospital) was severely damaged. On the day before, in the northern part of the town (the railway line divides the town into two parts – north and south, with the hospital situated in the south), Ukrainian military personnel circulated leaflets warning the town's inhabitants of the impending military operation. On 3 June, only emergency personnel remained working – around 10 people – all other staff and patients (apart from 8, who were seriously ill) were sent home.



The memories of an eyewitness worker of the hospital: *"It was around 2pm. We had just eaten lunch in the office. I was sitting at the table when suddenly there was a forceful explosion – glass shattered. There were marks on the walls from the shards. In one of the offices, there were two large holes all the way through. We ran – one to surgery, one to intensive care. There were still patients there. Then we heard a cry, we went up to the second floor and there our surgeon, Vasiliy Ivanovich Shystka (author's note – honored doctor of Ukraine, former head doctor of this hospital) was lying on the floor in a pool of blood. He had gone in to switch off the television and a shard had hit him in the head. And we didn't have another surgeon. We put him on a gurney and went into the surgical dressing room; we called a surgeon, who used to work with us, and an anaesthetist. So they ran to us under fire..."* The injured man needed to be treated by a neurosurgeon. The decision was taken to take him to Donetsk. A rail cart was sent from there and the doctors needed to take an ambulance to deliver the surgeon to Siversk. At the Ukrainian roadblock, the military did not let the vehicle through, justifying the ban because it was impossible to guarantee its safety. Only the next day in the evening was the vehicle with the injured man allowed to exit to the Donetsk Central District Hospital. As a result, Vasiliy Ivanovich died.

On 3 June 2014, nine shells fell on the hospital premises in the course of a few minutes. The roof, the second and third floors of the therapeutic ward were completely destroyed, all the windows of the connecting passageway were smashed, the corner of the surgical ward was damaged, the roof of the catering block building and the accounts department was pierced by fragments of the shell, in the pharmacy, all the windows and doors were smashed by the blast wave, and the garage was damaged by shell fragments. Not only staff and patients hid in the basement of the hospital, but also local inhabitants of the surrounding houses. In the town, the bread factory, the railway station and the specialised installation and maintenance department of the locomotive depot sustained damage.

The next day, Ukrainian military personnel arrived to the hospital. During their searches of the premises and basements, they broke open the office doors in the facility. A few days after the town had come under Ukrainian control, the commander of the battalion, 'Artemivsk', Konstantyn Mateichenko (subsequently the head of the Artemivsk regional administration, member of Ukrainian parliament) explained at a meeting with locals the searches during those three days as Ukrainian military personnel had been acting on information that there were representatives of the separatists based in the hospital.

The rebuilding of the hospital took place in July 2014 at the expense of 'Ukrainian Railways'. No direct proof exists regarding the involvement of one of the sides of



the conflict in the shelling of the Lyman Railway Hospital, however witnesses assume the targeted shelling of the facility by the Ukrainian army. Official agencies did not provide information upon request.

Svitlodarsk municipal hospital

From 3 July 2014 to 25 January 2015, the medical and sanitary battalion of the Armed Forces of Ukraine functioned on the base of the Svitlodarsk Municipal Hospital, where medical help was provided to injured fighters of the ATO (anti-terrorist operation). After the town of Debaltseve had been surrounded, the hospital moved to the town of Bakhmut. The first time the hospital was damaged was on 27 January 2015. Around 15.00, due to shells exploding nearby, the glass shattered and a nurse, who was returning home from work, died. The shelling became constant. At that moment, there were around 20 members of staff and 10 patients in the hospital. The basement of the facility was equipped with lighting and water and an operating, surgical dressing and maternity ward was organised. Doctors and nurses worked in the basement for the whole of February and March 2015. Some employees even slept there overnight, since they lived in multi-storey houses without basements and they feared for their lives.

An outpatient clinic was also based in the hospital building. According to the testimonies of staff, medical personnel continued to work during shelling (trying to stay further away from windows and closer to solid walls). It was suggested to staff to evacuate, but on the strength of various reasons, practically all employees declined.



The two-storey complex of the infectious diseases department was destroyed because of the shelling (which up until now has not been rebuilt) and the laundry, catering and anatomico-pathological buildings were partially damaged. The roof of the main part of the hospital was also damaged and the windows of all buildings were broken. As a result, medical equipment and hospital linen became unusable. Today, windows have been fitted in the whole of the hospital and substantial repairs have been completed on the surgical department of the in-patient ward and the laundry.

Myronivsky outpatient clinic

In January 2015, the Myronivsky outpatient clinic in the Bakhmut district happened to be in the zone of military operations. As a doctor remembers: *"The first shelling was in the morning on 22 January. I live in a detached house, I heard an awful crash, and there was an enormous blaze outside the window. Everything exploded, seethed. The shell had hit a transformer pillar. The lights went out, the power had gone. Our outpatient clinic works from 7am – several staff members were already there. On this day, the shell hit the building's façade. Around five days later, a second shell damaged the pavement, a gas pipeline was harmed, the heating system. People started to leave the town on a massive scale..."*

Initially 30 staff worked at the Myronivsky outpatient clinic, and then there remained 13. There is no in-patient department at the facility, therefore help was given on an outpatient basis – surgical tables stood in the corridor. The International Committee of the Red Cross provided humanitarian help, namely dressings and painkillers.

Shelling continued for around forty days. In the town, there was no gas, lighting, water, electricity – people cooked food on bonfires. Local inhabitants also used the hospital basement as a shelter - during the fiercest battles, up to 50 people gathered there.

In the words of an injured nurse: *"This was before lunch. I went around the corner of our building to talk on the phone with my children. Then, there was a whistling, I turned around and saw something falling across the road. All the glass shattered, slate from the roof started to fall; the blast wave had thrown me into a juniper bush. I lost my telephone; my hat flew off from my head... I stood up – I didn't comprehend anything, I was shaking, crying, my ears were ringing, I couldn't hear anything. My husband ran towards me (he works here as a custodian), but I couldn't speak, I showed that I didn't have my telephone. We looked, but there was an enormous crater, and there was no glass remaining intact on the one side. Then it became easier for me, I said – that's it, we are going to Svitlodarsk, I cannot stay here any longer! And then we gathered ourselves together and went away for a month".*

Until 12 February 2015, the town was subject to daily shelling. As soon as the intensity of the shelling decreased, medical personnel began to come every day for 2-3 hours to the outpatient clinic: giving help to the sick, collecting rubbish and boarding up windows. The outpatient clinic was quickly rebuilt with funds from the Red Cross and religious organisations.

According to information from respondents, Ukrainian military personnel wanted to station themselves on the premises of the outpatient clinic, but medical personnel were against this, arguing, "wherever they are, there it'll hit". There was an incident, when soldiers arrived to the medical facility with weapons, broke the locks and walked around the basements and the attics with lamps in search of armed units' members and searching for a driver to collect a medical vehicle, which staff had previously hidden in a safe place.

According to those asked, Ukrainian military personnel shot from residential quarters: *"Near our house a mortar was shot and I went out, and a shot came back in return – two houses by us were damaged. We shouted to them: "What are you doing?!" And they replied: "What do you want? It's a war!"*

Luhanske outpatient clinic

The monitoring group was told about the stationing of parts of the Ukrainian army in the Luhanske outpatient clinic of the Bakhmut district. During the retreat from Debaltseve, for a month – from the end of January to the end of February 2015 – military personnel and equipment from the 128th brigade were stationed in the outpatient clinic, as well as in the neighbouring kindergarten. *“There was a lot of them, around 100 people. There were beds on the floor, mattresses; there were eight people to an office. The first time the hospital was shelled was on 26 January – the glass shattered. From that day until 23 March, the outpatient clinic stopped functioning. While there were soldiers here, the hospital and its premises were hit by shells three times – the roof was blown away and our gatehouse caught fire and burned down.”* a staff member of the clinic recalls.

During the shelling, physio-equipment, glucometers, photocopiers and computers were damaged. Today, the necessary equipment has not been acquired. The charitable fund ‘Caritas’ has leased an ECG machine for four months, but it is necessary for the outpatient clinic to have its own machine for prompt diagnosis.

Soldiers used three medical vehicles for their own purposes. After the outpatient clinic started working in April 2015, military personnel returned only one of the vehicles (UAZ brand), the second was damaged during a battle in Debaltseve and they had declined to return the third, (a ‘Niva’ brand). Soldiers used this car, until they broke it in May of the same year, after which, they returned it to the hospital in its broken-down state.



According to respondents, Ukrainian soldiers shot from the territory of the clinic. *“In spring and summer, there was shelling from our premises, local inhabitants would say to us: in the evening there were shots from the hospital premises. We would arrive in the morning – the gate would be broken, on the ground there would be tracks from the equipment. The last time was on 5 July. At 12 noon, they arrived to our premises and started to deliver weaponry. And I said to them – where is that going? There are children in the kindergarten, people at reception, go away! And they said to us – there’s a war going on! We ran to the manager, we started to ring around the area. And how we raised a scandal, they didn’t stop by anymore, and so they shot around four times from here. Twice in the middle of the day, we fled home on bicycles...”* witnesses remember.

Opytne outpatient clinic

On 14 February 2015, the single-storey brick building of the Opytne outpatient clinic, built in 1938, incurred significant damage as a result of artillery fire. Due to a direct hit by a shell, the building housing the physiotherapeutic department caught fire – equipment, furniture and medical documentation were damaged. In accordance with the conclusions of the commission made up of health workers and representatives of local self-government agencies, which surveyed its technical state, the building is not subject to rebuilding. Patients are currently received in another building of the clinic; the village council has allocated the premises as a physiotherapist’s office. In the two-storey building nearby renovation works are being carried out – it is planned to combine the outpatient clinic and a centre providing primary medical and sanitary care there.



Medical facility in the town of Mariinka

Participants of the monitoring mission visited the medical facility in the town of Mariinka, in which a health care department, an outpatient clinic of general family medicine, a centre providing primary medical and sanitary care and an emergency room are all situated. According to respondents, the part of town where the medical facility was based was heavily shelled twice in the period 2014-2015. As a result of the shelling, all glass in the building was shot out. In August 2015, in the early morning, due to shelling from the direction of Donetsk, the roof of the medical facility was broken through, windows were damaged and an unexploded shell became lodged in the foundation of the building, where an infant health centre was based. This was the most serious damage. The rebuilding of the building was carried out during 2015-2016 with funds from the municipal budget.

“During the shelling we were in the emergency room, it’s an internal premises, it’s more protected. We tried to be by the windows less. We would not give in to panic, immediately assessing the situation, whether there is damage, whether there is a fire, we would report immediately about what had occurred to the manager. Our vaccinations are stored in refrigerators, but under shelling the power goes out, that is why we quickly make the decision either to take the vaccines out or whether it is still worth waiting. We have a generator, but you have to go outside, connect it in the garage and that is dangerous during shelling. Furthermore, because of the noise, we did not hear how people were banging on our door. We have a bomb shelter here and many local inhabitants

came to us to shelter – up to thirty people. Out of our staff, a guard, a paramedic and a driver were on duty. When the situation flared up, they would unlock the bomb shelter and provide people with help, water”, workers at the outpatient clinic recount.

In summer 2014, while there was a battle for the town of Mariinka, medical personnel did not leave work for roughly a month. In the town, armed units of the ‘DPR’ set up roadblocks. According to respondents, separatists came in to the hospital premises and beat signs with Ukrainian symbols on them with rifle butts and went up to the roof with weaponry. During this time, the outpatient clinics of the Mariinskii district in the villages of Stepnoe, Novomikhailivka, Elizovetivka and Karlivka suffered serious damage.

In autumn 2016, an incident was recorded where a sniper bullet hit the door of one of the medical rooms through a window of the outpatient clinic in Mariinka, which is situated in the direct vicinity of the demarcation line. There is no official information regarding the guilty party behind the incident. According to eyewitness accounts, the sniper shot from the direction of a deployment of armed units of the ‘DPR’.





Mariinka central district hospital (CDH)

The Mariinka CDH is located in the town of Krasnohorivka. The building sustained its first serious damage on 3 June 2015 – in the course of shelling, twelve storage buildings, the roof and the reinforced concrete ceiling of the third part of the building were damaged and two cars burned down. In August of the same year, an ambulance station, an infant health centre and the accounts building were destroyed, as well as outbuildings, the roofing of the neurological department and the substation, which supplies electricity to the hospital. The shelling did not cease and in 2016, on 9 June, 29 and 31 July and 7 August, fragments from shells smashed glass. The last shelling occurred in the night from 21 to 22 October, in the course of which the substation was destroyed. The shells exploded on the asphalt, and shell fragments smashed the windows in the polyclinic and in the first complex of buildings. On this night, up to 100 staff were working on the shift; in the two departments of the hospital, there were around 50 inpatients. No one was injured as a result of the shelling.

Participants of the monitoring group asked the medical personnel about the facility's problems, which today is situated close to the line of demarcation (around 5km away). *"Our Toyota medical vehicle was stolen in 2014 by Ukrainian fighters, we submitted a case of theft to the police... We are in need of building materials to rebuild the building. Where we have been able to – we have covered over the roof, put in glass. There is no gas in the town. Our problems are the lack of a gas supply and a centralised water supply in the hospital. In the town, there is service water, but we have our own water pipeline, which was blocked by representatives of the 'DPR'. We have our own boiler room on the premises; we have already lived through two winters without heating. Patients bring a heater with them, when they come to stay in hospital. A no less important problem is the lack of personnel – out of 450 staff members, up to 100 left. The hospital does*

not have enough medicine – in 2015, charities were helping a lot, which cannot be said about the current situation..." staff said of their difficulties.

At a meeting with workers at the ambulance station, they told the observers about an incident of shelling of an ambulance carried out by the armed units of the 'DPR', which took place in April 2015. Because 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.

Avdiivka central municipal hospital (CMH)

The town of Avdiivka was in the zone of active military operations from summer 2014 until February 2015. During this time, seven shells fell on the premises of the Avdiivka CMH. Even now on the premises of the hospital, there are tubes from the multiple rocket launcher system 'Grad' with serial numbers on them. In August, all the glass in the trauma department was shattered. The shell flew in through the window into the ward, resulting in a nurse getting injured – her finger was torn off. A shell fragment hit in the abdomen of a patient who was being taken into the operating theatre, as a result of which she died.

According to evidence given by the injured nurse: *"The shelling started and we had to evacuate people into the basement. I was walking down the corridor opposite the first ward. Something struck and my leg became hot. I did not even notice at first, that my finger was gone. By some miracle, a fragment did not hit me in the stomach – it merely glanced by. I called for a nurse and I fell and on top of me was a woman – her abdomen was injured. Doctors and nurses came running, they took me into the operating theatre and operated. I was treated for four months and did not work for half a year. Now I received a recourse of 265 hryvnia. The police came, drew up a statement, a criminal proceeding was*



not opened.” In response to a group participant’s official request at the Avdiivka department of the Pokrovskii police division of the Main Administration of the National Police, the following information was received, that ‘in the period from 2014 to the present, no appeal has been made from the Avdiivka Central Municipal Hospital regarding the fixing of damages sustained during artillery shelling’. This provides grounds to suppose that Ukrainian law-enforcement agencies did not carry out investigations into the shelling of the Avdiivka Central Municipal Hospital in the proper manner. This substantially worsens the quality of the evidential base upon preparation of the necessary materials for future cases in international judicial authorities.

With funds from the Avdiivka coking plant, a complete refitting of glass in the main hospital building was carried out. But in October 2015, due to a repeat of shelling, the hospital was once again left without glass. The windows have been covered with plywood and oilcloth.

The hospital consists of two buildings joined by a passageway; the main building is five-storeys high and the second a little smaller. As a consequence of substantial damage to the main building, on the eve of the autumn-winter season, the administration of the hospital and the municipal authorities took the decision to move the CMH into the second, smaller, building, in which the hospital functions until this day.

In January 2015, shells fell on the building, which stands separately, housing the infectious disease department. Shell fragments damaged the roof (which is now being repaired), the catering block, the mortuary and the central sterilising department. In the words of a witness, a doctor at the hospital: *“In January, it was some kind of nightmare. For a week we lived in the decontamination station or in the basement – we had beds there, mattresses, water. We were scared to go home; I would run home in short dashes once every three days, feed the cat and then go back. You are*

walking, everything around you is rumbling, here’s a smashed up tree, there’s a pit in the ground. There was one time, when our leading surgeon went out of the room to see from where they were shooting. He went into the operating block and when he returned, a shell fragment was protruding from the wall at head height.”

In winter 2014-2015, there was no lighting, water or electricity in the town. Staff of the municipal department of the Ministry of Emergency Situations brought service water to the hospital and drinking water was collected from wells by locals’ houses.

Till the end of July 2014, the town was controlled for several weeks by armed units of the ‘DPR’. During this time, neither the treasury, nor the tax inspection department worked and because of this, hospital staff did not received their wages for three months.

The monitoring group received evidence regarding the presence of ‘DPR’ representatives on the premises of the



CMH. According to a witness: *“I was in the sanitary passage. Two of the representatives came in, carrying assault rifles – where is the medical director? We will shoot you all here. Our nurse who was suffering from a hypertensive condition, immediately resigned after this incident...”*

During the absence of Ukrainian authorities’ control over the town, the following incident took place, which was told to participants of the mission by a doctor who was working at that time in the Avdiivka CMH:

“It was the middle of July 2014. Slovyansk had been liberated, there were fierce battles at Donetsk airport. Through a military unit in Opytne, Ukrainian officers were able to transfer two wounded men to the Avdiivka hospital. One was a little older, he had seriously injured lungs, they operated on him, he couldn’t breathe on his own and he was in intensive care on a ventilator. A knee operation was done on the second, he couldn’t walk. Everything started in the early morning. Members of the ‘DPR’ surrounded the hospital, blocking the two entrances, forbidding the movement of staff. Five people with assault rifles came into intensive care demanding the two soldiers to be given to them. The medical director, the deputy for polyclinic work, a trauma doctor and a surgeon went out

to them. A conversation went on for an hour, that a hospital is no place for resolving such questions, that these are patients needing treatment. But what can a doctor do in the face of an assault rifle? Eventually, the doctors switched off the life support machine of the first fighter, the militia men took him out on a stretcher. We are sure, that he had died whilst still on the machine. And the second boy was forced to walk on his own two feet - we don’t know anything about him...”

Currently, the building of the CMH has been included in the list of buildings that are a priority to rebuild in the Donetsk region and project documentation is being prepared. There is a stabilisation unit based on the premises of the facility in order to provide care to Ukrainian combatants - military doctors work together with civilian doctors.

Among the problems voiced by respondents, an important one is the low supply of medical personnel: the hospital needs 30% more doctors and 65% more mid-level health professionals to be fully staffed. For high quality and efficient examination, the hospital needs a portable X-ray machine.



A study of the situation of medical facilities in areas of the Donetsk region not under Ukrainian authorities' control

During the monitoring research, meetings were carried out with seven doctors who were working in medical facilities at the time when these inhabited areas were under the control of armed units from the 'DPR'. It was repeatedly stated by respondents that they were forced to work under difficult psychological conditions. *"As a doctor, I cannot refuse to help an injured person. But it was very difficult for me to talk with these so-called defenders, taking a passport from the Novocherkassk residence permit of the Russian Federation and to listen to their indignation that I am not welcoming the arrival of the pro-Russian fighters. What pro-Russian fighter – he is a mercenary! There was a situation, when their representative came into my office with three crosses on his chest. When I remarked about him being sure to wear his awards on a visit to the hospital, he lead me out to a firing squad. Then, however, he changed his mind..."* recalls one doctor from the Slovyansk medical facility, who used to work in Donetsk.

In the summer of 2014, on the premises of the regional clinical trauma hospital of Donetsk, a roadblock with a barrier was set up by armed men and with those on duty inspecting passing cars. During this period, the Central District Hospital of the Kuibyshev district of Donetsk was damaged. From the area captured by the armed units of the 'DPR', a military unit, which was based next to the hospital campus, carried out shelling of the hospital with heavy weaponry, as a result of which all the glass in the buildings was shattered.

According to medical staff, medical personnel were threatened with physical violence for using the Ukrainian language, for not carrying out orders and for helping Ukrainian fighters. Below are excerpts from interviews:

"A doctor from our hospital returned to work from holiday. And he loved to talk in Ukrainian, he knew it well. He went into the third department where 'pro-Russian fighters' were lying and out of habit, he addressed them in Ukrainian. They vaguely muttered something in response and then went up to him in the staffroom and said that if he spoke in Ukrainian again, they would shoot him in the knee. The doctor left Donetsk the next day..."

"My friend is a neurosurgeon, who now works in Kyiv, he told me this one incident. A Chechen was brought in with shrapnel wounds to his spine, the doctor refused to operate without completing a laminogram. So they forced him to do the operation and two steps away next to his ear, they held a Makarov pistol."

"On the base of the railway hospital in Donetsk, members of the 'DPR' formed a military hospital along Universitetskaia street, opposite the trauma hospital, where I worked. On more than one occasion, they would arrive inadequately, agitated, dragging a half-dead body, calling for an anaesthetist and saying – if he dies, you will not leave alive. And to intimidate, they would shoot into the ceiling, at one's feet. They brought a truck of the wounded and specified who we should help and in which order, right up to saying, leave these, treat these..."

"In our hospital there was one Ukrainian fighter with legs that had been shot through. Soldiers of the 'Vostok' battalion in 'DPR' territory brought him to us. Main Intelligence Directorate (GRU)³ personnel came to us in the hospital, stabbed him with a knife because he was an 'ukrop'⁴. I gave him my telephone and he called his relatives to say, that he was alive. Then after that I was threatened, they said, if I did that again, I would be going down to the basement. And there was another incident. A 19-year-old Ukrainian soldier was with us with a gunshot wound. For letting his mother through to him, who had arrived from the Khmelnytskyi region, they almost hit me with a rifle butt. They always guarded all the Ukrainian military personnel..."

"In the 17th Central Municipal Hospital of Donetsk, there was an incident when, in connection with problems which arose with medical supplies, a doctor suggested to a pregnant woman to either acquire the missing medicines herself before the birth, or to pay the cashier. The woman filed a complaint against the doctor in the Ministry of State Security of the DPR, after which they came to the doctor with assault rifles to explain the situation. The doctor was forced to provide the necessary medicine with his own funds and subsequently to deliver the baby in the presence of armed men in the birthing room..."

3 Foreign military intelligence agency of the Russian Federation's Armed Forces

4 Meaning dill, a derogatory term used by separatists for Ukrainians fighting for a united Ukraine on the side of the authorities.

CONCLUSIONS.

THE CURRENT SITUATION

The evidence recorded in this report tentatively shows that the shelling of health facilities amounts to war crimes. Every incident should be investigated in detail.

Warfare conducted using heavy weaponry, which cannot be directed at a specific military target, leads to significant damage of health facilities, and results in threats to the life and health of medical staff and their patients.

Interference in the work of health facilities by representatives of both sides of the conflict – the physical and psychological impact on medical personnel, the invasion and stationing of military detachments on the premises of health facilities, the use of material and technical bases for military purposes – impedes the treatment process and prompt provision of medical care to the population.

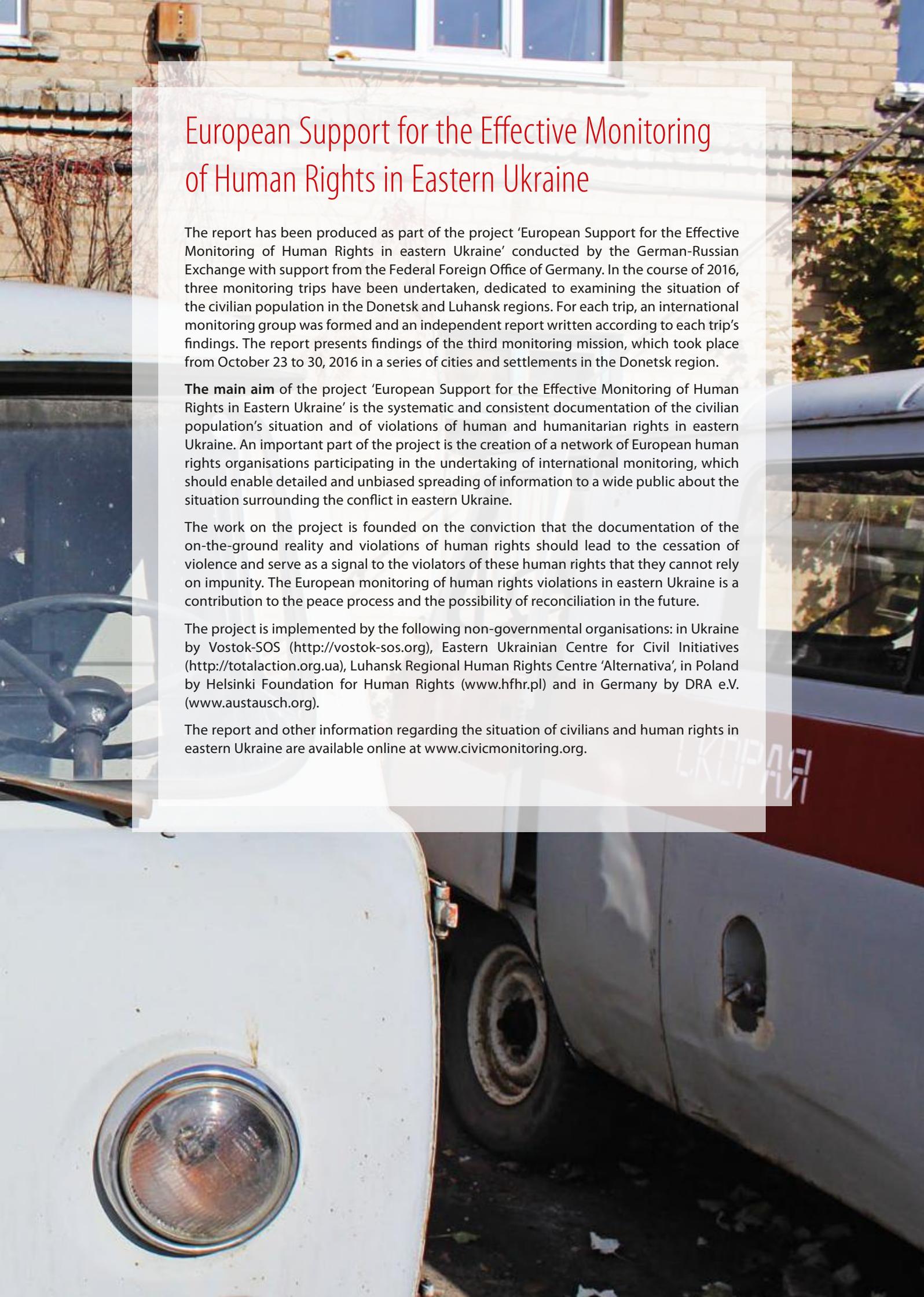
A number of medical facilities in the Donetsk region are forced to function with broken infrastructure and without necessary pieces of equipment, since the armed conflict rendered them unusable.

Insufficient attention is paid to the issues of ensuring the safety of medical staff whilst providing care to the civilian population in the conflict zone.

The documented evidence of violations of international law, its publication and circulation can encourage the observance of appropriate methods of warfare near health facilities, an increase in pressure on the parties to the conflict from the international organisations carrying out monitoring and help prevent these violations in the future.

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 specific military target. The use of such weaponry in 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 their use for military purposes;
- for international organisations to provide legal support to Ukraine in the investigation of crimes connected to the shelling of health facilities and their use 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 evidence of all cases of their use for military purposes;
- to speed up the process of rebuilding destroyed health facilities and the acquisition of service vehicles for the operative provision of medical care to the population, using foreign and domestic resources;
- to take measures to raise the level of safety amongst workers in the medical sector, whilst they provide care in settlements close to the line of demarcation;
- to bring in changes to current legislature in Ukraine for settling questions regarding the restoration of service records and the payment of wage backlogs to medical personnel for the time they spent providing medical care in judicially non-formalised institutions;
- to provide for the possibility of financial compensation for those health facility workers, based near the line of demarcation, who were forced to provide medical care in dangerous conditions.



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

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