

**JUSTICE FOR PEACE
IN DONBAS**

*Coalition of Human Rights
Organizations*



**LUHANSK REGIONAL HUMAN
RIGHTS CENTRE "ALTERNATIVE"**

HEALTH CARE FACILITIES IN THE ATO ZONE

**THE USE OF PROHIBITED WARFARE METHODS AND MEANS WITH RESPECT
TO HEALTH CARE INSTITUTIONS IN THE EAST OF UKRAINE**

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AUTHORS



"JUSTICE FOR PEACE IN DONBAS" COALITION

The Coalition was established in December 2014 and includes 17 NGOs, mainly from the Ukrainian regions of Donetsk and Luhansk.

The Coalition members are:

Alchevsk Human Rights Analytical Centre, Centre for Civil Liberties / Euromaidan SOS, Civic Organization "Kharkiv Human Rights Protection Group," Donbas SOS, Donetsk "Memorial," Eastern-Ukrainian Centre for Civic Initiatives, Ecological and Cultural Centre "Bakhmat," Human Rights Centre "Postup" / Vostok SOS, Luhansk Regional Human Rights Centre "Alternative," Luhansk Rights Defence Group, Public Committee for Protection of Constitutional Rights and Freedoms of Citizens, Public Movement "Ochyshchennya," Public Organization "Mirny bereg," "Social Action" Centre NGO, Starobilsk District Public Human Rights Women's Organization "Victoria," Starobilsk Public Organization

CONTEXT

International law restricts the use of authorised weapons and warfare methods: it is prohibited to attack and to bombard undefended towns, housing and buildings and, in particular, hospitals, if those buildings are not used for military purposes. It is also prohibited to employ weapons, missiles, material and methods of warfare which may cause excessive harm or unnecessary suffering.

According to data of the World Health Organisation data, during the armed conflict in Eastern Ukraine a total of 32 medical institutions were put fully out of operation, another 17 were damaged yet continue to function.

MONITORING METHODOLOGY

The project is being implemented by the Luhansk Regional Human Rights Centre "Alternative" within the efforts of the Coalition of human rights organisations "Justice for Peace in Donbas" with the support of the International Renaissance Foundation.

As part of the project, information requests are being sent to obtain information on cases of armed attacks on health care facilities and their use for military purposes, the consequences of such actions and their victims. Interviews are being conducted in Ukrainian government-controlled parts of the Donetsk and Luhansk regions with witnesses, victims and persons who possess relevant information. Case studies are being prepared with respect to each individual health care facility and entered into the database run by the coalition of human rights organizations "Justice for Peace in Donbas".

Project duration: 10 months, until March 2017. This briefing paper presents the interim results of the project.

MONITORING RESULTS

Central District Hospital, Stanitsa-Luganskaya, Luhansk region

On 24 August 2014, around 10:40 p.m. the shelling of the Central District Hospital began. When the shelling started, there were about 40 people in the hospital, 27 of whom were patients.

"[...] We had patients in therapy, surgery and intensive care. Healthcare workers were transferring people into the air-raid shelter, down the stairs, in the dark, between the explosions. And they stayed there until 4:00 a.m. while the shelling continued. When they got out of the basement in the morning, it was scary to look around: hardly any windows were left intact, the roof of the in-patient building was severely damaged, broken glass was all around, also in the corridors" – employee of the hospital (eyewitness).

Three nurses suffered during the shelling: two had brain concussion, one got shrapnel wounds.

"On 24 August 2014 around 11:00 p.m. when the shelling started, we were in the admissions office. We managed to go down to the cellar, there were four of us. After the first wave of attacks we walked up to look around and see the building and the patients. We barely went out in the street when the second wave of shelling started. We managed to hop into the hospital when a shell fell ten meters away from us. I have multiple shrapnel wounds on the back, in my forearm and leg, the receptionist nurse has a craniocerebral injury and brain concussion [...] At the moment I still have four shrapnel pieces in my body" – an injured nurse.

On 26 August 2014, the hospital management left the place, and a decision was made to close the hospital.

However, the remaining staff began to clean up on their own, and to treat the wounded. The hospital did not stop its operations.

Repeated shelling on the hospital took place on 9 February 2015. The laundry room and the admissions office got under fire. However, there were no casualties.

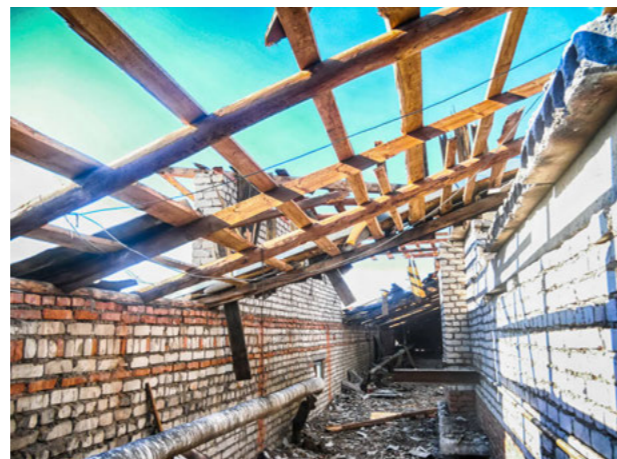
Overall, the following were damaged during the shelling: the roof of 1580 sq.m., roofed lift shafts, the facade of the inpatient unit, 669 windows, and 17 doors. The heating system was damaged: 620 radiators and 2,717 meters of pipes of various diameters. The total cost of damage suffered is about 6 million hryvnias.

As of 24 June 2016, a total of 355 windows were replaced, 314 windows were newly glazed. The roof in the inpatient unit was restored, 19 doors were fitted, and the heating system was replaced.

From 17 to 24 August 2014, there were about 300 people in military uniforms in the Therapy Department on the second floor. Those were armed police forces.

"On 17 August, somewhere around 8:00 p.m., they came in, with guns, rudely told us to vacate the second floor. Since not all of them could fit into the second floor, they set up a camp inside the hospital grounds. They put up their sentries there..."

In November and December 2014, Ukrainian military men would also come to the territory of the hospital. It was agreed that the [military] units would remain in the hospital for two weeks, and they would only sleep there in order to prevent the dissemination of information about their place of dislocation. According to the employees, they behaved properly.



The clinic at the Kondrashevskaya-Novaya railway station, regional hospital at the Luhansk station of the Donetsk railways, Stanitsa-Luganskaya, Luhansk region

On 28 December 2014, during heavy fighting near Stanitsa-Luganskaya, the clinic was taken over by the "Tornado" volunteer battalion.

The clinic is located 300–400 meters from the bed of the Seversky Donets river, the actual contact line between the [fighting] parties.

"We closed the clinic in the evening. We come to work in the morning, there are military men at the gate, not letting us into the territory" – former employee of the clinic

The commanders of the "Tornado" battalion told the clinic staff that a military operation was going on there and that military would stay here for a few days. They suggested that the clinic staff should go home.

On 2 January 2015, the military left the outpatient clinic, but they returned two days later. They finally left the clinic on 28–29 March 2015.

The management of the clinic reported the occupation to the head of the regional government administration and representatives of the OSCE. They did not take any action.

According to hospital staff, the military talked to the medical personnel kindly, not rudely, helping them with medicines to be used for first aid.

"We would come to them, stand in the hall, ask them to bring us some medical equipment. They would bring us blood pressure monitors, personal belongings from the offices, but didn't let us inside. The windows were barricaded, with blankets hanging in them" – former chief physician

In January 2015 the "Tornado" battalion freed the ground floor of the clinic building for the needs of the hospital. The clinic opened admissions for a few days, but could not continue its work due to shelling.

Between 20 January and 15 February 2015, the clinic was repeatedly subjected to shelling (the windows, the building and the roof were hit).

During the period when the battalion occupied the clinic, a total of 20 people worked in the clinic, but no inpatient units were open. No victims were recorded among the staff or patients. No military equipment was brought into the territory of the hospital. The military men stationing in the territory of the hospital were armed.

No assessment of the damage caused to the outpatient clinic as a result of the military action has been



carried out. Prior to the conflict, the outpatient clinic was in full working order. The clinic had been renovated two years before the war.

As of today, the clinic is not in operation. In the opinion of its employees, it would be sufficient to carry out minor repairs to enable its full operation.

"Within a week after the clinic was freed, we would go to work, burn garbage and put things in order. In the absence of guards, local residents plundered the clinic clean" – former chief physician

■ Municipal institution Town Hospital in Schastye, Novoaydarsky district, Luhansk region

In 2014 and 2015, the town hospital in Schastye in the Luhansk region was subjected to a series of mortar attacks. The first attack on the hospital took place on 3 June 2014 at midnight. Particularly heavy shelling affecting the town and the hospital took place in the winter of 2014/2015.

"Shooting was regular: three today, two tomorrow, then one, then four throughout the day"
– the chief physician

One of the most intense cases of shelling occurred on 11 February 2015. A missile was reported to have hit an ambulance operated by the "Aydar" battalion medical service, located in the territory of the hospital, which burnt down completely.

Starting from August 2014, in the course of over 1.5 years, the ground floor of the surgical unit of the hospital was occupied by the medical service of the "Aydar" volunteer battalion.

According to witnesses, military and sanitary equipment was placed in the hospital during intense military operations, and people with weapons were present there.

Overall, a total of about 15 missiles flew across the territory of the hospital. An area of two square metres of reinforced concrete slabs was destroyed; 257 windows and the patient handling unit were damaged. The entrance doors and interior doors (six in total) were destroyed. Roofing with a total area of 500 sq.m. was damaged.

During the period of hostilities, a total of over 1,500 people (civilians and military men) affected by the hostilities were operated in the hospital. The "Aydar" medical services assisted the hospital by providing medicines.



During the shelling, about 50–60 people were constantly present in the hospital, together with staff members. People were evacuated to the basement. In late January and early February 2015, a missile pierced the heating system. Bedridden patients were taken for 4–5 days to a district centre.

The hospital staff suffered as a result of shelling; the warehouse manager received shrapnel wounds in her foot. "On 4 October 2014, I was issuing C-rations to patients, I was opening the door to my office when a shell splinter hit me in the foot. My wound got bandaged, not sewn up. I spent three days at home and then went to work. I was limping for two months", a victim reports.



Currently, the hospital has undergone a major overhaul. The overall cost of the damage was 7.5 million hryvnias.

■ Regional Tuberculosis Prevention Sanatorium, Krymskoye, Luhansk region

Since the second half of October 2014, Ukrainian military were located in the territory of the sanatorium, upon the orders of the Luhansk regional military and civil administration. All the patients were transferred to one place, and the remaining area was taken by the military.

The sanatorium is located on the outskirts of the Krymskoye village, merely 650 meters away from the nearest point of militant fire.

On 1–2 November 2014, the militants fired mortars at the sanatorium, also using "Grad" units and artillery. The dining room was destroyed (TB patients were forced to cook their own food in open fire), and the living residential unit was severely damaged.

"At one point we heard the bullets whistling. The soldiers immediately fell to the floor, and the accountants slowly walked to the kitchen, paying no attention, 'Well, boys, are you practicing?' Well, the shooting was at full swing but they didn't get it. And then, when the Grads started firing, the windows fell out, the trees got swept up. The dining room was the first one to burn down. The screen was made of plastic and it caught fire..."
– as told by the chief physician of the sanatorium

As a result of the shelling, more than 100 windows and 70 doors were destroyed; the damage affected the roof, the heating system as well as the walls of medical buildings, the X-ray cabinet, the assembly hall, the library and the laundry room. The water and sewer systems were damaged in the dining room. The damage caused by shelling amounts to 2.8 million hryvnias.

Currently, no reconstruction work at the sanatorium is being conducted. The establishment is located on the demarcation line and is not in operation.



District Tuberculosis Hospital in Slovianoserbsk, Trehizbenka, Luhansk region

In 2014–2015, the hospital was repeatedly subjected to shelling. On 14 June 2014, when "Grad" units were firing at the village, a shell hit a five-storey building located on the territory of the institution where staff members lived.

"When Grad was at work, a shell hit a five-storey house, the trees were swept away. It was hot, everything burst into flame. I alerted everyone, people were running around with fire extinguishers, putting the fire out, afraid that that everything would burn down..." – eyewitness of the event

The most intense shelling at the hospital occurred in November 2014. During that time, a total of 120 patients were under treatment, with 106 medical staff in place (35 people would work there during the night shift).

"During the shelling, we took refuge in the basement. We stayed there for 1-1.5 hours until the end of the firing. The conditions there were very good, with water, sewerage, and a toilet. We brought sofas and chairs in there. Nobody of the staff or patients got hurt..." – a member of hospital staff

Due to heavy shelling the hospital was closed on 10 November 2014 and all the patients were transferred to the clinic in Lisichansk.

In December of 2014, members of the Armed Forces of Ukraine with weapons stayed in the territory of the hospital in the course of three days. About 50 armoured personnel vehicles were placed there. According to the staff members, the "Aydar" volunteer battalion stayed at the hospital in early 2015. The handling closets were opened, medical supplies and furniture items were stolen. After the departure of "Aydar", the staff members called the police to record those facts.

As a result of the shelling, splinter damage was inflicted. Shells were falling on the territory of the hospital without hitting the hospital directly. 28 double-glazed units, 6 plastic doors, 11 glazed plastic frames and 2 metal-and-plastic entrance doors were damaged; in the boiler room, the gas metering station and artesian well control panel were destroyed. No restoration work is being conducted at the hospital since the establishment is located close to the demarcation line and is not in operation.



Municipal Institution Primary Health Care Centre No. 1, Clinic No. 3, Lisichansk, Luhansk region

On 22–24 July 2014 Lisichansk was subjected to intense bombardment. Once the shelling started, the medical staff of clinic no. 3, were dismissed to their homes upon an order issued by the chief physician.

At the beginning of the shelling, there were a total of 18 staff members in the clinic, and no hospital patients. Some of the staff members, who lived far away from the clinic, could not leave the workplace for fear of being shot and had to be evacuated to the basement.

Five staff members and about 20 patients who came for the provision of medical care stayed in the basement alongside residents from the neighbouring houses who had no basements or no places to hide from shelling.

"When the firing started, we would open the basement, we laid the windows with sand, and people who did not live in the vicinity went down to the basement. We spent all night in the basement, then the next day and another night. Some people (locals who did not have a basement) would stay 3 or 4 days in there. There were between 30 and 60 such people on different days. In-between the shelling, people would go out and cook food in the courtyard of the clinic" – head of pharmacy at the clinic

On 24 June 2014 a shell hit the roof of the clinic. The staff of the clinic extinguished the fire which broke out as a result. Overall, the building of the clinic was hit by shells twice.

According to eyewitnesses, the firing was conducted using the "Grad" multiple rocket launchers.

"During another lull period I visited clinic No. 3 and saw severe damage there. I wanted to close the clinic down, but the staff decided that they would rebuild it and make sure there is no looting" – chief physician

As a result of the shelling, the roof in the Children's Department was pierced, and a missile hit a window in the Toxicology Department. The facade of the building was damaged with shrapnel shells. The area of the pierced wall was 16 sq. m., the damage affected 1419 sq. m. of the slate roof and 48 sq. m. of partitions. A total of 15 windows and 145 double-glazed units were damaged, as well as 90 meters of a gas pipe.

During the year 2015 repairs were carried out in the outpatient clinic. The staff of the clinic and the residents of the district took active part in the repairs. A total of 1,171 million hryvnias were allocated from the state budget of Ukraine for the repair of the clinic.



Central Universal City Hospital in Pervomaisk, Luhansk region

In 2015, a missile hit the maternity ward. According to a witness, the trajectory indicates that the missile was fired from the area of Teplogorsk, which is controlled by the so-called "Luhansk People's Republic".

There is information on illegal actions against health care providers and health care facilities in Pervomaisk.

"They threw the chief doctor (after myself) into a pit. They took the chief physician of the perinatal hospital Pervomaisk hostage and demanded ransom for his release" – former chief physician of the hospital

The perinatal centre, furnished with expensive equipment, was looted. In the summer of 2014 the only hospital in Pervomaisk had one ambulance remaining. The rest of the vehicles were taken by the militants for their own needs.



RECOMMENDATIONS

Recommendations to parties to the conflict:

- Put an end to the practice of using indiscriminate weapons.

Indiscriminate weapons are weapons such as the 'Grad' multiple rocket launchers, which cannot be directed at a specific military object, or whose consequences cannot be restricted in accordance with international humanitarian law. From the perspective of international humanitarian law, the use of such weapons in human settlements constitutes illegal use of means of warfare.

- Avoid carrying out attacks on populated areas by using indiscriminate weapons, which can be qualified as indiscriminate attacks.

Indiscriminate attacks are attacks which employ methods or means of warfare that cannot be directed at a specific military object and which, therefore, in each such case, hit military objects and civilians or civilian objects indiscriminately.

A complete list of conclusions and recommendations based on the results of the project will be provided in the final report upon the completion of the project.

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