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Human rights situations that require the Council's attention

Written statement* submitted by Physicians for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2022]

* Issued as received, in the language of submission only.



Human Rights Situation in Ukraine

Physicians for Human Rights (PHR) is an international human rights organization that works at the intersection of medicine, science, and law. For more than 35 years, PHR has used medical and scientific expertise to document and redress severe human rights violations around the world.

PHR, Ukrainian Healthcare Center (UHC), and Truth Hounds submit the following statement related to the 23 September debate on Ukraine by the UN Human Rights Council, with deep concern over the ongoing attacks on healthcare perpetrated by the Russian Federation forces in Ukraine. Our organizations welcome the opportunity on 23 September for the Council to be informed of the Commission of Inquiry's review of the situation in Ukraine to date (HRC res. 49/1 and S-34/1), and urge the Council to convene a debate addressing the issue of attacks on Ukrainian health facilities and personnel, and pass a resolution that:

- Condemns such attacks
- Insists all parties comply with Geneva Conventions and Security Council Resolution 2286, including rules on medical impartiality
- Calls for the release of detained medical professionals, and humane treatment of all detainees
- Refers the situation to the UN Security Council for further action consistent with UNSC Resolution 2286
- Urges accountability for attacks on health, including encouraging international and domestic prosecutors to prioritize hospital attacks for investigation and prosecution
- Supports mechanisms to gather information on human rights violations in Ukraine, including those related to health care, to be used within international justice and accountability mechanisms.

Attacks on Healthcare and Medical Personnel

In its violent and unlawful invasion of Ukraine, the Russian Federation has launched both indiscriminate and targeted attacks against civilians and civilian objects, including hospitals, schools, and humanitarian corridors. The Geneva Conventions, and Additional Protocol I, to which both the Russian Federation and Ukraine are parties, prohibit the targeting of those providing or receiving healthcare in armed conflicts.

Attacks on medical infrastructure are not only grave violations of international law and profound tragedies, but they have created a humanitarian catastrophe. Having never been held accountable for its brutal and systematic targeting of healthcare workers and facilities in the Chechen Republic of the Russian Federation and the Syrian Arab Republic, the Russian Federation has been emboldened to use the targeting of healthcare facilities and personnel in Ukraine as a weapon of war.⁽¹⁾ For instance, since the Syrian conflict began in March 2011, PHR has documented 601 attacks on 400 healthcare facilities in the Syrian Arab Republic.

PHR is particularly alarmed by reports that along with severe damage to healthcare facilities, Ukrainian medical personnel have been targeted during the invasion, also a grave violation of international humanitarian law. Among such instances is the case of Military Hospital No. 555 in Mariupol, the destruction of which prompted surviving medical personnel and patients to seek shelter nearby. Most of them were captured by the Russian Federation forces in April and May. The exact number of medics who are being held is not clear; however, relatives of the captives and nurses engaged in a public campaign on their behalf, suggesting the number to be at least 80, many of whom are women.⁽²⁾ At least one of the captives is pregnant. There are growing concerns of torture and ill-treatment of captive medics and other prisoners, as recounted by recently released Ms. Yulia Paievskya, a celebrated Ukrainian medic known as Taira.⁽⁴⁾

Reporting by UHC

Since the Russian Federation invasion began in February 2022, UHC has documented attacks on healthcare and medical personnel committed by the Russian Federation military. UHC has gathered extensive evidence demonstrating that the majority of the attacks on healthcare resulted from an apparent and intentional disregard for discrimination between military and civilian targets.

On top of numerous indiscriminate assaults, there were many cases of targeted attacks on healthcare facilities. Repeated use of cluster munitions against health facilities was also documented.

A total of 233 episodes of attacks on healthcare facilities have been documented by UHC thus far. As a result of these attacks:

- 180 facilities have been damaged
- 23 facilities destroyed
- at least 18 medical workers have been injured
- four have been killed.

In the first phase of the invasion, which lasted for 42 days from February 24, 2022, to April 7, 2022, the Russian Federation troops committed 184 attacks on health facilities, on average four episodes daily. Within the three-week period between March 1, 2022, and March 21, 2022, the intensity was as high as 5-6 hospital attacks per day.

As documented in UHC's forthcoming report on attacks on hospitals during the first phase of the Russian Federation invasion, 24 February – 7 April, in the towns of Irpin, Vorzel, and Makariv of the Bucha district (Kyiv oblast), almost all healthcare facilities were destroyed by the random shelling or damaged and looted by the Russian Federation troops during the temporary occupation. In Makariv, all three facilities ceased to provide care due to destruction.

In the east and south of Ukraine, the Russian Federation troops resorted to a “scorched earth” strategy aiming to inflict maximum destruction to wide areas, including whole cities. This approach was used against Mariupol, Lysychansk, Severodonetsk, Popasna, and other cities and towns, depriving their residents of all healthcare services. Severodonetsk regional hospital was attacked at least six times.

The cities of Kharkiv and Mykolaiv remain under persistent chaotic shelling, inflicting continuous damage to healthcare infrastructure. The nature of this destruction strongly suggests that such damage could not occur merely due to a failure of the Russian Federation troops to differentiate between military and civilian aims in each distinct episode. Rather, the Russian's Federation tactic involved a deliberate mixing of civilian and military targets.

Reporting by Truth Hounds

Truth Hounds, a Ukraine-based group of documenters and investigators of international crimes since 2014, has analyzed two attacks on medical facilities in the course of the Russian Federation's current aggression: an aerial bombing of the Mariupol maternity hospital on 9 March and a cluster attack on Chernihiv Children's Regional Hospital on 17 March.

On 9 March, the Mariupol Territorial Medical Association for Children's and Women's Health, which includes a maternity hospital, was targeted by the Russian Federation air forces with a 500 kg high-explosive dumb bomb.⁽⁵⁾ Seventeen civilians, including mothers, their babies, and doctors, were injured. One infant was killed, and one pregnant woman later died along with her unborn child. In its report, “The labour of truth,” Truth Hounds independently verified that, at the moment of the attack, the building was a functioning maternity hospital with medical personnel and patients inside. The Russian Federation allegations that Ukrainian forces set up firing positions there expelling all personnel (as presented by the Russian Federation at a meeting of the UNSC on 7 March) have been proven false.⁽⁶⁾ The

destruction of the premises of the maternity hospital was catastrophic. The entire hospital is no longer operational.

On 17 March, a series of cluster submunitions launched from the Russian “BM-27” Multiple Launch Rocket System hit the premises of Chernihiv Children’s Regional Hospital in Chernihiv. Fourteen people were killed on the hospitals’ territory and around, and dozens injured. The hospital was hit by shrapnel. Fifteen doors were broken, 237 windows were shattered, and four medical units (including the oxygen station) were damaged. A head nurse testified to Truth Hounds:

I heard a sound of an air raid siren. I ran out to shelter immediately. As I was running out of my cabinet I heard a sound of shattered window glass in the hospital hall and immediately in my cabinet where I was sitting seconds before.

Truth Hounds’ investigation found that the salvo of rockets that hit the hospital were fired by the artillery unit of the 74th guard motorifle brigade of the Russian Federation’s forces under command of lieutenant colonel Pavel Alekseyevich Yershov. There were no signs of any military objects or installations on the attacked spots.

Conclusion

Ongoing attacks on healthcare facilities and medical personnel in violation of international humanitarian law demonstrate the urgent need for accountability. Such accountability would include seeking additional evidence-collection in cooperation with local authorities, as well as civil society organizations, support for the International Criminal Court, urging domestic prosecutions, ensuring robust funding for the Commission of Inquiry to continue functioning, and pursuing cases through international and hybrid mechanisms.

Ukrainian Healthcare Center and Truth Hounds, NGO(s) without consultative status, also share the views expressed in this statement.

- (1) Leonard Rubenstein, “Russia Has a Long, Cruel History of Attacking Hospitals. Maybe This Time Its Leaders Will Be Prosecuted,” Mother Jones, March 10, 2022.
- (2) “About a hundred doctors from Mariupol remain in captivity,” Ukrainian Helsinki Human Rights Union, July 19, 2022.
- (4) Valerie Hopkins, “Ukrainian Medic’s Months in Russian Cell: Cold, Dirty and Used as a Prop,” New York Times, July 11, 2022.
- (5) “Myths and Reality: Russia’s Attack on a Maternity Hospital in Mariupol as a War Crime,” Truth Hounds, March 16, 2022.
- (6) “Statement and right of reply by Permanent Representative Vassily Nebenzia at UNSC briefing on the humanitarian situation in Ukraine,” Permanent Mission of the Russian Federation to the United Nations, March 7, 2022.