

The labour of truth

Myths and Reality: Russia's Attack on a Maternity Hospital in Mariupol as a War Crime

At approximately 16:00 EET (UTC+2) on 9 March, Mariupol was bombed by aircraft. The Mariupol Territorial Medical Association for Children's and Women's Health at 80 Myru Prospect, which includes a maternity hospital, was targeted.¹ 17 civilians, including mothers, their babies, and doctors were injured. One infant was killed.²

Later, the activist Mykola Kuleba announced on his Facebook page that a pregnant woman (pictured below) injured during the bombing also died.³ The victim's personal information has not been disclosed, but, following the bombing of the maternity hospital, the woman had been taken to another hospital. The attending doctor said that the explosion had shattered her pelvis and tore off her thigh. Doctors performed a caesarean section, but the child "showed no signs of life". Afterwards, doctors tried to resuscitate the woman for half an hour, but could not save her.⁴



Photo taken immediately after the attack of a wounded pregnant woman who later died along with her unborn child.

The media of the so-called "Donetsk People's Republic", as well as pro-Russian outlets and Russian officials, stated that there were no civilians present in the maternity hospital, but that the Ukrainian military was stationed there.⁵

¹ Vyacheslav Abroskin, Facebook, 09.03.22 at 15:57, available at <https://www.facebook.com/photo.php?fbid=2841468042812518&set=a.1393213520971318&type=3>.

² Мариупольська міська рада, Telegram, 10.03.22 at 09:06, available at: <https://t.me/mariupolrada/8783>.

³ Пост М.Кулеби в соціальній мережі Facebook, available at: <https://www.facebook.com/KulebaMykola/videos/706472207198229/>.

⁴ Одна з вагітних із обстріляного військами РФ пологового будинку у Маріуполі померла разом з ненародженою дитиною – ЗМІ, 14.03.22, at 13.00 available at <https://www.radiosvoboda.org/a/news-mariupol-vagitna-smert/31752137.html>.

⁵ Неофициальный Безсонов, Telegram, 09.03.22 at 18:27, available at: t.me/neoficialniybezsonov/8421.

Chronology of statements by the Russian Federation:

7 March 2022 — At a meeting of the UN Security Council, Russia's Permanent Representative to the UN, Vasily Nebenzya, said that, according to local residents, the Armed Forces of Ukraine had established a firing position in Mariupol's Maternity Hospital №1, expelling all personnel.⁶

8 March 2022 — at 00:01 MSK (UTC+3), a few hours after the meeting of the UN Security Council, a report titled “‘They will not last more than a week’ - Mariupol residents on the humanitarian catastrophe that is unfolding before their eyes” was published on the Russian news website *Lenta.ru*.⁷ This article mentions a man named Igor (his surname is not specified), according to whom, in the last days of February, people in uniform came to the maternity hospital where his mother works. Igor claims that he does not know if they were soldiers of the Armed Forces of Ukraine or the Azov Battalion, however, he claims that they knocked down all the locks, dispersed the staff of the maternity hospital, and set up firing positions in the building in order - as they explained to the doctors - to prepare for the defence of the “Mariupol fortress”. They struck people with the butts of their rifles and fired into the air. Immediately after the attack on the maternity hospital, the article was removed from the site and can now only be found in the WebArchive repository.

8 March 2022 — Four hours before the airstrike, Russian foreign ministry spokeswoman Maria Zakharova stated that “in Mariupol, representatives of the national [Ukrainian] battalions set up firing positions in the maternity hospital”.⁸

15:50 EET — Mariupol was targeted with aerial bombs, some of which hit the local hospital and maternity hospital.⁹

19:38 MSK (18:38 EET) — An article in the *Komsomolskaya Pravda* newspaper was posted online. It purported to report “facts” disproving the bombing of Maternity Hospital № 1. The article also cites unidentified war correspondents who claim that “since the start of the military operation, this [*NB*: they do not specify which] maternity hospital has been occupied by two companies of the 36th Marine Brigade and all patients and staff have been evicted to other facilities, some were sent home”. As with the *Lenta.ru* article, this article by *Komsomolskaya Pravda* was also deleted and can now only be found on WebArchive.¹⁰

⁶ Выступление и ответное слово Постоянного представителя В.А.Небензи на заседании СБ ООН по гуманитарной ситуации на Украине, Постоянное представительство Российской Федерации при ООН, 07.03.2022, available at: <https://russiaun.ru/ru/news/070322n>.

⁷ “Больше недели им не продержаться» Жители Мариуполя — о гуманитарной катастрофе, которая разворачивается у них на глазах, Lenta.Ru, 08.03.22 at 00:01, available at: <https://web.archive.org/web/20220307220950/https://lenta.ru/articles/2022/03/08/mariupol/>.

⁸ Удар по роддому в Мариуполе не случайный, его анонсировали, Youtube, 07.03.2022, available at: <https://www.youtube.com/watch?v=V-aCvEhBr4Y>.

⁹ No title, Telegram Мариупольська міська рада, 09.03.22 at 16:35, available at t.me/mariupolrada/8765.

¹⁰ Кто на самом деле разбомбил детскую больницу в Мариуполе, Комсомольская правда, 09.03.2022 at 19:38, available at: <https://web.archive.org/web/20220310110728/https://www.kp.ru/daily/27374/4556142/>.

10 March 2022 — The Russian president's press secretary, Dmitry Peskov, stated that the Russian defence ministry could not provide information on the shelling of the maternity hospital in Mariupol, stating: "We will definitely ask our military because, of course, we do not have clear information about what happened there and probably our military will provide some information. I cannot say".¹¹

Russian Foreign Minister Sergey Lavrov, while in Turkey for talks with the Turkish and Ukrainian foreign ministers, said that Mariupol's Maternity Hospital № 1 was used as a base for the Azov Battalion, stating: "On 7 March, three days ago, at a meeting of the UN Security Council, our delegation presented the facts that this maternity hospital had long been occupied by the Azov Battalion and other radicals, by whom all mothers, nurses, and all personnel were expelled".¹²

On the same day, the Russian Ministry of Defence, represented by Major General Igor Konashenkov, declared that "the Kyiv regime staged a provocation around Mariupol's Hospital № 3 to accuse Russia of airstrikes". The Russian defence ministry announced a "regime of silence" to safely evacuate civilians from the city, claiming that Russian aircraft in Mariupol did not perform any strikes against targets on the ground (the article in which this was claimed was also later deleted).¹³

10 March 2022 — The official Twitter page of the Russian Embassy in the United Kingdom published a post claiming that the attack on the hospital and maternity hospital in Mariupol was faked. These posts were later deleted by Twitter. At the same time, Russian media and the Russian Instagram community launched a campaign to harass one of the injured patients, Mariupol beauty blogger Marianna Pidhurska (Vyshemirska), who they accused of staging the event.

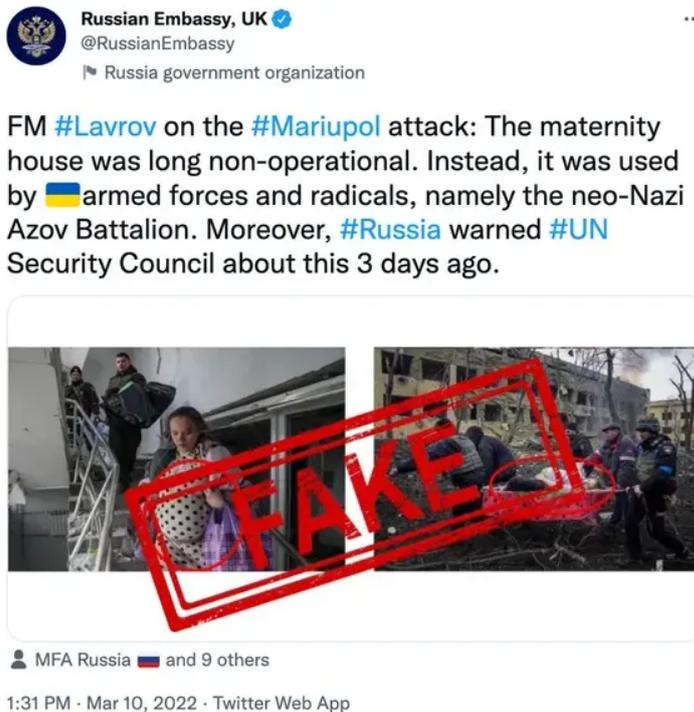
¹¹ Песков заявил, что у него нет данных о ситуации с обстрелом роддома в Мариуполе, ТАСС, 10.03.2022 available at:

https://tass.ru/politika/14021175?utm_source=meduza.io&utm_medium=referral&utm_campaign=meduza.io&utm_referrer=meduza.io.

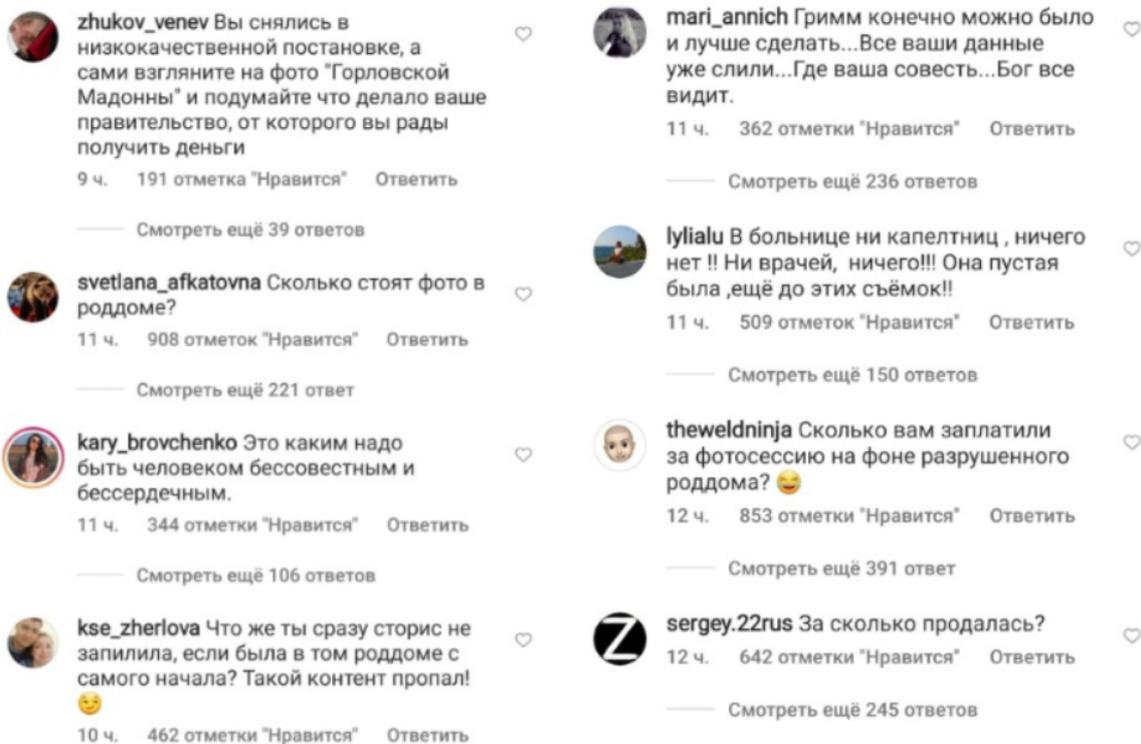
¹² Лавров дал разъяснения по поводу бомбежки роддома в Мариуполе, Взгляд - деловая газета, 10.03.2022 at 13:47, available at: <https://vz.ru/news/2022/3/10/1147883.html>.

¹³ В Минобороны назвали "авиаудар" по Мариуполю срежиссированной провокацией. Риа Новости, 10.03.2022 at 19:20, available at:

<https://web.archive.org/web/20220310162132/https://ria.ru/20220310/provokatsiya-1777547947.html>.



Screenshot of the deleted Twitter post by the Russian Embassy in the United Kingdom.



Comments on the Instagram page of Marianna Pidhurska (Vyshemirska).

11 March 2022 — At a meeting of the UN Security Council, the Permanent Representative of the Russian Federation, Vasily Nebenzya, showed photos that allegedly prove that the shelling of the Mariupol maternity hospital was staged by the Ukrainian side. In his speech, he also said: "Have you seen videos and photos of the allegedly destroyed

maternity hospital? I have them, you can see a building without windows, but not destroyed. Can you imagine what must have happened to the building after the bomb or rocket strike and to those in the building? A photo inside the building shows clutter and intact chairs. I ask you again, can you imagine what the destruction should be after a bomb or missile strike? Military experts will tell you. They have already said, showing a photo of the explosion crater near the building which, by all indications, was formed as a result of a mine detonated in the ground. By the way, are told about 17 wounded in this building and no one killed. As evidence, we are given a fake photo of Ukrainian blogger Marianna Pidhurska (Vyshemirska) and this blogger, in two photos, is made up as two different women, all this was disproved by the users of the [Instagram] network.”¹⁴



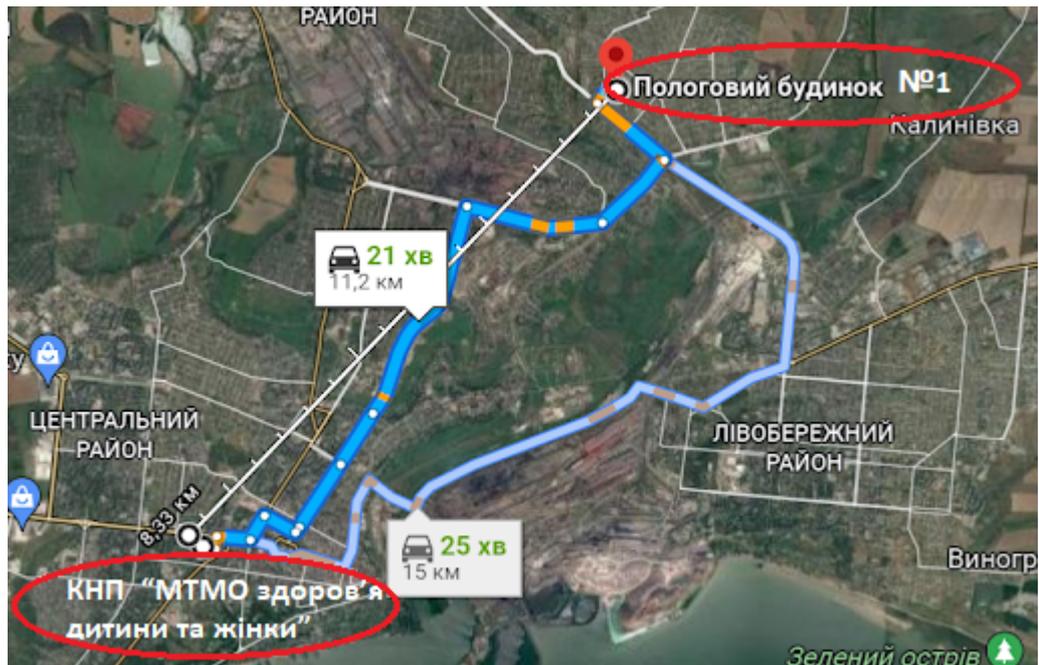
The representative of the Russian Federation shows a photo from the destroyed hospital in Mariupol at the UN Security Council meeting, 11.03.22.

Etymology of disproof

I. The different locations of the real bombed hospital and the one referred to by the Russian side. In statements by Russian officials and various media outlets, Maternity Hospital № 1 was the one mentioned the most, while the target of the attack was the Mariupol Territorial Medical Association for Children’s and Women’s Health, which is a multiple-purpose complex medical institution providing medical services for women and children of different ages (not only infants), as well as pregnant women and women in labour.¹⁵ These two medical institutions have different addresses and locations - the distance between them is more than 8 km. The address of Mariupol’s Maternity Hospital №1 is 1 Metalurhiyna Street, while the address of the Mariupol Territorial Medical Association for Children’s and Women’s Health is 80 Myru Prospect.

¹⁴ Ответное слово В.А.Небензи на заседании СБ ООН по вопросу о биологических лабораториях на Украине, published 11 March 2022, available at: <https://youtu.be/aeraWpJTem8?t=195>.

¹⁵ Медицинский портал горад Мариуполя, available at: <http://mariupol.medkontrol.pro/mtmo-zdorovya-rebenka-i-zhenshiny>.



Based on a comparison of the photo of the Mariupol Territorial Medical Association for Children's and Women's Health from its official page on the MedControl website¹⁶ with the video from the bombsite, it is evident that it is indeed the Mariupol Territorial Medical Association for Children's and Women's Health that was bombed.

¹⁶ Медицинский портал горад Мариуполя, available at: <http://mariupol.medkontrol.pro/mtmo-zdorovya-rebenka-i-zhenshiny>.



Photo of the hospital from the official medical portal of Mariupol (MedControl) and a still from a video taken at the same hospital on the day of the bombing.

II. Differences in the testimony of Russian representatives and media reports. Russia's Permanent Representative to the UN, Vasily Nebenzya, and *Komsomolskaya Pravda* both claimed that the Ukrainian Armed Forces were stationed at the hospital. Yet, media reports refer specifically to two companies of the 36th Marine Brigade of the Ukrainian Armed Force, while Foreign Minister Lavrov and other media outlets claimed the presence of “formations of the Azov [Battalion]”.

III. Lack of proof of the allegation that Ukrainian combatants were stationed at the hospital. As it is evident from Nebenzya's statement at the UN Security Council, the only evidence that corroborates the presence of Ukrainian combatants in the hospital was the alleged oral statements of local residents. It should be noted that there were no media reports (even on Russian social networks) claiming that the Ukrainian Armed Forces or Azov Battalion were stationed at the hospital. The only source that contains such first-hand information is the report in the above mentioned article by *Lenta.ru*. However, this article was published only a day before the attack on the maternity hospital of the Mariupol Territorial Medical Association for Children's and Women's Health, and secondly, it was published after Nebenzya's speech at the UN Security Council on 7 March and was removed altogether soon after. Thus, Sergey Lavrov's claim that he was monitoring the situation and had been acquainted with "emotionally composed reports in the media" (allegedly, he had received information about the seizure of the medical institution three days before the attack)¹⁷ cannot be considered reliable. As one of the employees of the medical institution noted, "there were problems with heating, electricity, and water in the hospital, as well as with baby food". As for the false Russian statements that Ukrainian combatants were hiding in the hospital, she explains, "Azov Battalion representatives were in the hospital on 3 March, they brought a whole truckload of humanitarian aid - diapers, baby food, cosmetics. The hospital was shelled on 9 March".¹⁸

IV. No visual evidence of Ukrainian military stationed in the hospital. Numerous photos and videos from the scene also disprove allegations regarding the stationing of Ukrainian servicemen in the medical facility and the lack of staff and patients there. They clearly show injured patients and hospital staff. In a video of the destroyed hospital, there are no signs of any military presence, let alone a longstanding one, as Russian officials tried to claim. Instead, one can see the remains of furniture, medical equipment, and the personal belongings of the people who were inside.¹⁹ In addition, in the photos showing external damage, one can see damaged cars, but no military equipment, which, according to the Russian sources, was also supposedly on the territory of the hospital and which would be very convenient to place in the courtyard of the building that was bombed.

¹⁷ Роддом был захвачен батальоном «Азов», оттуда выгнали всех рожениц: Лавров ответил на вопрос о ситуации в Мариуполе, Клопс, 10.03.2022 at 13:12 available at: <https://klops.ru/news/2022-03-10/248944-roddom-byi-zahvachen-batalonom-azov-ottuda-vygnali-vseh-rozhenits-lavrov-otvetil-na-vopros-o-situatsii-v-mariupole>.

¹⁸ "Я проклинаю окупантів". Лікарка Маріупольської лікарні розповіла, що знищили росіяни, Liga.net, 13.03.2022, at 16:30 available at: <https://life.liga.net/istoriyi/article/ya-proklinayu-rossiyan-vrach-mariupolskogo-rodilnogo-rasskazala-chto-unichtojili-okkupanty?fbclid=IwAR0K5Jz-7mfKMqwF8ewBBa8FCKg0VYVvK7Qf2jCGLAwd29rLiGksN8kjLwA>.

¹⁹ Російські окупанти здійснили авіаудар по лікарні та пологовому будинку в Маріуполі, Youtube, 09.03.2022, available at: <https://www.youtube.com/watch?v=IWIaAUzXp3Y>.



Stills from the video taken inside the destroyed Mariupol hospital on 9 March 2022.



Photos from the destroyed hospital in Mariupol, taken on 9 March 2022.



Patients and medical staff after the shelling of the hospital in Mariupol on 9 March 2022.

V. The alleged staging of an actress pretending to be an injured pregnant woman. As for the pregnant woman in the maternity hospital, who Russian propaganda painted as an actress, these allegations have been disproved by a close relative of the woman. This relative

told local journalists: “Marianna found a good doctor in a maternity hospital on the Left Bank of Mariupol, she had to give birth there. But on the day when she was supposed to go there for the last ultrasound check-up, the bombing began there and there were hits on the maternity hospital. So she did not go and urgently registered with the Maternal and Children’s Health Hospital [the renamed Children’s Hospital № 3, the same one that was bombed]. She was due to give birth on 9-10 March. That’s why she was in that hospital on that terrible, fateful day of the shelling”.²⁰

VI. The allegation that the explosion crater was caused by a Ukrainian mine meant to blow up the hospital. Before analysing the explosion crater in the photo, it is necessary to refer to the interrogation of a Russian prisoner of war, pilot Alexander Krasnoyartsev, during which he said that Russian military command deliberately orders bombings of civilian infrastructure and residential areas of Ukrainian cities. Additionally, instead of using precision-guided munitions, as claimed by Russian military commanders and propagandists, he said that they were using free-fall bombs (not precision-guided) OFAB-250-270, FAB-500, OFZAB-500. It should be noted that before Russia’s current armed aggression against Ukraine, Russia used the same unguided bombs in Syria.²¹

High-explosive aircraft bombs (FAB) are designed to destroy ground and underground targets through explosions, shockwaves, and penetrative and shrapnel impacts. The characteristic which distinguishes the FAB from other types of bombs is the higher coefficient of the explosive filling (40-55%), which provides the highly efficient explosive action of expanding gas-forming products. Sufficiently strong and massive bomb shells have a large reserve of kinetic energy capable of breaking through obstacles, penetrating to a sufficient depth and with shrapnel impact.²²

²⁰Хто така Маріанна Вишемірська, і чому російська пропаганда використала її для свого чергового фейку, 0629 сайт міста Маріуполя, 11.03.2022, at 11:57 available at: <https://www.0629.com.ua/news/3347951/hto-taka-marianna-visemirska-i-comu-rosijska-propaganda-vikoristala-ii-dla-svogo-cergovogo-fejku-foto>.

²¹Итоги военной операции ВКС в Сирии-спецпроект ТАСС, 15.03.2016 available at : https://tass.ru/spec/syria?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com.

²² Власов Л.А. Конструкции авиационных средств поражения: Учебное пособие / Под ред. М.Я.Водопьянова; Балт. гос. техн. ун-т. СПб., 2004. с. 71,72.



Основні типорозміри бомб у порівнянні

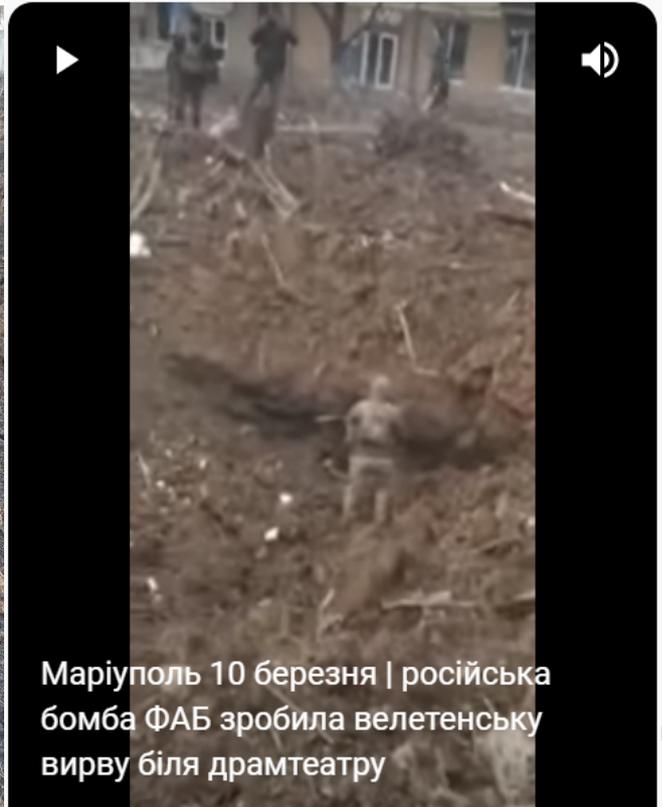
The main types of bombs compared by size.

The nature of the destruction and the shape of the crater following the explosion at the Mariupol hospital indicate that it was caused by an aircraft bomb, at least a modification of the FAB-500. This type of bomb is characterised by a crater of the same geometric shape, up to 8.5 m deep, while the maximum radius of destruction of such a bomb for vulnerable vehicles is 110-190 m.²³ All this is evident from the video taken at the bombsite near the Mariupol maternity hospital on 9 March. It is obvious that the technical characteristics of at least a 500-kg high-explosive bomb correspond to the general picture of the destruction after the bombing of the maternity hospital and the other nearby hospital building of the Mariupol Territorial Medical Association for Children's and Women's Health.

It should also be noted that on 10 March, Russian troops carried out another air raid on the city and bombed its downtown, close to a local drama theatre. The nature of the consequences of this bombing - the form of the crater and the destruction caused by the bombing - are quite similar to the consequences of the bombing of the hospital.²⁴ Thus, it can be concluded that Russian troops purposefully and repeatedly used high-explosive bombs against civilians.

²³ Фугасная авиационная бомба ФАБ-500, Новости ВПК, available at: <https://vpk.name/library/f/fab-500.html>.

²⁴ Маріуполь 10 березня | російська бомба ФАБ зробила велетенську вирву біля драмтеатру, Youtube, 10.03.2022 available at: https://youtube.com/shorts/V_iQOMi7Uqs?feature=share.



Маріуполь 10 березня | російська бомба ФАБ зробила велетенську вирву біля драмтеатру

Photo 1: The crater from an aerial bomb in the courtyard of the maternity hospital of the Mariupol Territorial Medical Association for Children's and Women's Health, 09.03.22;

Photo 2: The crater from an aerial bomb at the entrance of a drama theatre in Mariupol, 10.03.22.

The destruction of the premises of the maternity hospital of the Mariupol Territorial Medical Association for Children's and Women's Health itself is simply catastrophic, in stark contrast to the statements of the Russian representative to the UN.



What does international humanitarian law say about it?

Both military and civilian medical facilities, including maternity hospitals, are under the special protection of international humanitarian law (IHL). This means that in addition to the general rules on attacks against civilian objects, IHL offers a number of additional safeguards aimed at minimising the risk of harm to medical facilities. Norms on the special protection of such institutions are contained in the Regulations concerning the Laws and Customs of War on Land or the Hague Regulations of 1899 (Article 27), Geneva Convention (I) of 1948 (Article 19), Geneva Convention (IV) of 1948 (Article 18), Additional Protocol (I) to the Geneva Conventions of 1977 (Article 12), as well as customary IHL. Additional protection of medical institutions means that attacking them is prohibited in all cases. The use of such facilities for military purposes is also prohibited. The ban on attacks on medical institutions can be lifted only if they are used outside their humanitarian functions to commit acts that harm the enemy. Actions that are harmful to the enemy are interpreted in the comments to the Geneva Conventions as including the hiding of combatants in a medical facility, the deployment of weapons, the stationing of a military observation post, etc. However - and this follows directly from the Geneva Conventions - the presence of armed guards on the territory of the medical institution, the presence of combatants receiving medical care, the presence of small arms and ammunition confiscated from the wounded and sick, and the possession of weapons by medical personnel cannot be regarded as circumstances that lift the aforementioned protection. Thus, not all instances of the presence of armed persons on the territory of a medical institution removes the special protection provided by IHL.

Additional Protocol I to the Geneva Conventions of 1977 (Article 13) notes that even in cases where the protection of medical institutions has ceased due to their use to harm the enemy, an attack is permitted only after a warning has been given which sets, whenever appropriate, a reasonable time limit and only after such warning has remained unheeded.

An attack on a medical facility in violation of IHL is a war crime under the Rome Statute of the ICC. Like Additional Protocol I, the Rome Statute indicates that the presence of armed persons on the territory of or directly inside of a medical institution does not deprive it of protection if the function of such persons is to maintain order.

As argued above, the maternity hospital that was attacked was not used to harm the enemy. Even if combatants were stationed on its territory - something for which there is currently no evidence - this would not remove its special protection under IHL.

Statements by Russian officials both before and after the attack on the maternity hospital confirm the knowledge of Russian armed forces about the protected status of the facility. This knowledge did not stop them from carrying out the attack. It is also important to emphasise that an attack on a specially protected facility such as a maternity hospital requires a high level of confidence that the facility is being used for military purposes. This high level of confidence in the use of the object of attack for military purposes by Russian officials could evidently not be formed due to the lack of any information about the military use of the maternity hospital in social media groups and channels, which usually react very quickly to news of significant events such as seizures of medical facilities. In addition, in his speech at the UN Security Council, the Russian representative Nebenzya mentioned a different maternity hospital as one that could have been used for military purposes, rather than the one that was attacked.

Accordingly, the leadership of the military units that organised the attack and its direct perpetrators did not have an acceptable degree of confidence that the maternity hospital was being used as a military facility.

Conclusion

It is obvious that no matter how desperately the Russian side seeks to justify the inhuman attack by its armed forces on the maternity hospital in Mariupol, two things remain obvious: their manipulation of the facts and their lies about the reasons for the bombing. Certainly, it is necessary to conduct a more in-depth investigation into all the circumstances of this attack. However, at this stage, there are already more than sufficient grounds to claim that the Russian side has committed a war crime, for which all those involved should be held accountable.

Afterword

On the day of the attack on the maternity hospital of the Mariupol Territorial Medical Association for Children's and Women's Health, the Russian media began to spread the following content, attributed to the head of the National Defence Management Centre of the Russian Federation, Mikhail Mizintsev:

«Здание детской больницы используется подразделением сумской территориальной обороны в качестве опорного пункта», — сказал Мизинцев.

Translation from Russian: "The children's hospital is used as a stronghold by the Sumy Territorial Defence Unit," Mizintsev said.

Thus, we see a certain pattern in Russia's actions and evidence that its military leadership has deliberately embarked on a path of terror against the civilian population and blackmail of the Ukrainian authorities.

Austrian military analyst Tom Cooper who has been studying Russian style of warfare for many years posted on his facebook page on March 15: "In Syria, the VKS (Russian air forces) hit over 100 medical facilities, most of these 3-4 times, for a total of 492 registered air strikes on medical facilities. In Ukraine so far, it hit 18 medical facilities.

Because that's the Russian way of fighting wars. It's a part of strategy aiming to spread terror, break morale, and prompt civilians to flee"²⁵.

²⁵ Tom Cooper, facebook, 15.03.22 at 13.13, available at:
<https://www.facebook.com/keksifarm.hayday/posts/3102522226685002>