

CASE BROUGHT AGAINST RUSSIA BY ALEPPO DOCTOR IN THE EUROPEAN COURT OF HUMAN RIGHTS

EXPLANATORY NOTE

EXPLANATION OF LEGAL CASE RE RIGHT TO LIFE

A doctor in besieged eastern Aleppo has commenced a case against Russia in the European Court of Human Rights. Doctor Moawyah Al-Awad, a cardiologist whose hospital has been repeatedly subjected to aerial bombardment by Russian armed forces, has filed a formal complaint in respect of violations by Russia of the European Convention on Human Rights. The Convention requires its signatories, member states of the Council of Europe, to guarantee the right to life (Article 2), freedom from inhuman and degrading treatment (Article 3) and respect for private and family life (Article 8). Where a Convention State exercises significant practical control and effective authority over the lives of others, even outside its own boundaries, it can in exceptional circumstances be held to account by the European Court of Human Rights for Convention breaches. The circumstances that caused Dr Al Awad to file this case are already acknowledged by the international community as a whole to be exceptional in their gravity and consequences for the affected victims who have nevertheless been able to access no remedy or redress through any intervention by States or international organisations.

AL QUDS HOSPITAL

The Al Quds hospital (supported by international donors Médecins Sans Frontières and the International Committee of the Red Cross) in which Dr Al Awad together with a tiny core of medical colleagues struggles to treat patients on 20 hour shifts at a time, has been repeatedly and deliberately targeted by Russian airstrikes acting in collaboration with the forces of Bashar Al Assad. The lives and fate of his patients (and colleagues, many of whom have been killed) is entirely determined by Russia together with the Assad regime, not only by maintenance of a state of siege preventing access to food, fuel and medical supplies but in orchestrated lethal bomb attacks. On October 9th the Russian Ambassador to the UK confirmed that the Russian Government intentionally bomb hospitals.

PREVIOUS STRIKES ON HOSPITAL

The former Al Quds hospital building was attacked on 27th April 2016; the building was destroyed and six of Dr Al Awad's colleagues were killed including one of the last remaining paediatricians still practising in Aleppo. The April bombing followed a pattern. The first strike was followed rapidly by a second and third, a pattern repeated elsewhere sufficiently frequently to establish it as a deliberate tactic – so that those attending the wounded from the first attack, would themselves be killed and injured.

The hospital now operates from a new location. Dr Al-Awad, his colleagues and <?> continue working around the clock in improvised facilities and with wholly inadequate equipment and diminished medical supplies as a result of the total siege enforced by Russia

in what he describes as “the most difficult circumstances” that he has experienced since the start of the conflict in 2011.

INDEPENDENCE AND INTEGRITY OF HOSPITAL

The Al Quds hospital has been publicly commended for its independence, meaning its autonomy from parties to the conflict political, economic or military such as to demand a protected status under international humanitarian law. Instead it and other hospitals are subject to a campaign of deliberate attack by Russia.

WORSENING ATTACKS SEPT/OCT 2016

Operating already past breaking point, he describes all in east Aleppo as "suffering a slow death". On 1st October another large Aleppo hospital, M10, was hit by 2 bunker busting bombs whose only purpose could have been to destroy it. Doctor Al Awad believes Russia is rapidly moving towards a "scorched earth" policy in Aleppo.

Attacks of a level described by the US Secretary of State as “barbaric” have intensified. The type of munitions being dropped on civilian residential neighbourhoods in eastern Aleppo now involve the new more powerful bombs, described as “bunker buster” munitions (designed for use against military fortification), being used against Aleppo’s civilian neighbourhoods. Aerial attacks include the use of cluster bombs that scatter hundreds of smaller bombs, exploding over a wide area and leaving a legacy of unexploded munitions, and incendiary bombs.

The current joint bombardment of Aleppo has been one of the worst in Syria’s long running civil war killing some 400 people and wounding 1,700 others. An estimated 250,000 persons still live in eastern Aleppo which has been under near continuous siege since mid July causing extreme shortages of food and fuel. On 26th September Matthew Rycroft the UK Ambassador to the UN said during an emergency Security Council session on Syria, “*Bunker busting bombs more suited to destroying military installations are now destroying homes, decimating bomb shelters, crippling, laming, and killing dozens if not hundreds. Incendiary munitions indiscriminate in their reach are being dropped onto civilian areas so that yet again Aleppo is burning. The capital’s water supplies so vital to millions are now being targeted depriving water to those most in need. In short it is difficult to deny that Russia is partnering with the Syrian regime to carry out war crimes.*” The Ambassador's statement mirrors the observations of Dr Al Awad.

THE TESTIMONY OF DR AL-AWAD – EFFECTS ON VICTIMS

Dr Al-Awad describes to the European Court witnessing massacres on a daily basis. He describes treating victims of napalm, cluster and thermobaric bombs. He carries the fear of becoming a victim himself, that fear compounded by the horrific injuries that he has witnessed and treated. He describes how working in a hospital is no different than being on the front line because the Russian and Assad regime are deliberately targeting hospitals and

medical staff. He describes the streets of eastern Aleppo as being unsafe to travel on; the road on which he must travel to reach his house has been bombed three times in the past ten days. He describes incidents during the last week of September following the breakdown of the ceasefire as examples of ongoing sustained attacks. On 24th September dozens were horrifically injured by cluster bombs in a Russian attack while they queued to buy milk at a milk distribution centre. On 27th September he witnessed the victims of an attack on the al-Fatah school. He described the dismembered and disfigured bodies of children. The hospital at which the surviving children were treated, M10, was itself destroyed days later.

Yesterday afternoon at the same moment his case against Russia was being lodged in Strasbourg, he described “a new massacre” and the wounded and dying victims of fresh deliberate strikes on a market place being brought into Al Quds.

In his hospital as in every hospital in Aleppo, he and his colleagues work in circumstances of constant fear and panic. He describes everyone as living in a state of true terror. He describes those whom he treats as suffering exceptional levels of what he describes as “mental torture”. He describes many of the injuries from the bombs used as life changing, having a profound impact upon the victims. Not simply the injuries, but the constant pounding of Aleppo, malnutrition due to lack of proper sustenance and the effects of chemical weapons described by him add to the devastating aspects of those trapped in the city. He states with certainty that Russian and regime forces have used the latter and he describes coming across cases otherwise inexplicable of haemolytic anaemia. He describes the vulnerability of the houses in the part of Aleppo in which he lives and the use by Russia of “bunker busting missiles” as allowing for very little chance of survival even in the most robust modern building or in underground premises. He describes the whole of civilian eastern Aleppo as being seen by the Russians as a legitimate target, in fact working in a hospital attracts an increased risk of being deliberately targeted. He considers that for every doctor being killed and every hospital demolished the Russians know that they are effectively killing tens and hundreds more individuals. He describes no human being able to process what is happening here, the daily ritual of seeing men, women and children blown apart, without arms and legs, disabled and disfigured for life, bodies full of shrapnel, some people with as many as 20 to 30 pieces embedded in their bodies, hearing their screams of excruciating pain. He describes the intolerable choices between who to try to save when there is too little critical equipment.