

**Mandates of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; and the Special Rapporteur on the human rights to safe drinking water and sanitation**

REFERENCE:  
OL UKR 2/2017

9 November 2017

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 36/15, 33/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the recent shelling of facilities containing toxic chemicals and the potential disruption of water treatment and supply infrastructure during military hostilities in the region of Donetsk.

According to the information received:

During the nights of 3 and 4 November the Donetsk Filtration Station was reportedly shelled, causing damage to a chlorine pipeline. Allegedly, the shelling damaged only an inactive backup pipeline and the chlorine pipe in use, which supplies chlorine to treatment areas of the site, was undamaged. Damage to the main pipe would cause leakage of poisonous chlorine gas into the environment. Direct or near hit of the 900kg bottles of highly toxic chlorine gas stored at the Filtration Station for water treatment could intoxicate people within a 200m radius, including the staff of the facility, and seriously disrupt the supply of water to almost 350,000 people.

Reports also indicate that on the evening of 5 November 2017 shelling also occurred near the Verkhokalmiuska Filtration Station, which supplies clean water to 800,000 people. Allegedly, two shells hit the dam of the large raw water reservoir, another ten fell in the area of the reservoir and the filtration station and one flew over the filtration station landing to the east. The damage is reportedly not significant and the filtration station is still functioning. However, this location also reportedly stores over 100 tons of liquid chlorine gas. The chlorine storage tanks of Verkhokalmiuska Filtration Station are located in close proximity to populated areas of Donetsk city, Makiivka and Avdiivka. A significant number of casualties would be recorded should chlorine storage tanks in Verkhokalmiuska be damaged.

Other installations containing hazardous substances continue to threaten the environment and lives and health of civilians in the east of Ukraine since the

beginning of the conflict. Concerns were raised with regard to the situation of the sludge collector of the phenol plant in Novhorodske. The collector was not repaired following shelling damage and not maintained for already one year, even though it requires regular bi-weekly maintenance. Allegedly maintenance or repair works were not possible due to the continuous ceasefire violations and the lack of security guarantees. As a result of the absence of maintenance as well as damage caused by shelling, the dam around the collector is reportedly eroding, risking the release of liquid toxic waste into the Kryvyi Torets and Siverskyi Donets rivers, which serve as water sources for the entire region.

While we do not wish to prejudge the accuracy of the information, grave concern is expressed at the potential devastating consequences of the shelling of locations containing highly toxic materials for humans and the environment in Donetsk region. We similarly express deep concern at the potential destruction of the infrastructure needed to ensure access to safe drinking water to over 1.1 million people. The deliberate targeting of infrastructure containing toxic chemicals and infrastructure essential for the provision of water to the civilian population is a matter of very serious concern, and represents a breach of both international humanitarian law and human rights law.

In connection with the above concerns, we wish to draw the attention of your Excellency's Government to obligations to ensure the protection of the right to life and the right to safe drinking water and sanitation. The right to life is enshrined in article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights (ICCPR), which was ratified by your Excellency's Government in 2007. Additionally, article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by your Excellency's Government in 1973, enshrines the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Committee on Economic, Social and Cultural Rights in its General Comments 15 establishes water as a human right, derived from the right to an adequate standard of living. The General Assembly and the Human Rights Council, in their resolutions, further affirm that water and sanitation are human rights (A/RES/70/169, A/HRC/RES/33/10)

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned issues.

2. Are the facts summarized above accurate?
3. Please provide any additional information on measures taken to ensure the full protection of facilities containing hazardous substances during ongoing hostilities in Ukraine.
4. Please provide any information on contingency plans in place in case of interruption of treated water supply to the affected populations and on preventative measures to protect people living in vulnerable situations, such as children, older persons, people in hospitals and health centres, people living in poverty.

While awaiting a reply, we urge that all parties take the necessary measures to prevent that hostilities continue to impact facilities containing hazardous substances and infra-structures supplying civilians with safe drinking water. We also urge all parties to secure the rapid reparation of damaged areas storing hazardous materials.

We intend to publicly express our concerns in the near future as we are of the view that the calls for the protection of the civilian population from the release of hazardous substances and from the disruption in the provision of safe drinking water warrant immediate public attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Baskut Tuncak  
Special Rapporteur on the implications for human rights of the environmentally sound  
management and disposal of hazardous substances and wastes

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Special Rapporteur on the human rights to safe drinking water and sanitation