



PROTECTION FOR HEALTHCARE

HEALTH UNDER OCCUPATION: CHAPTER 2

EXECUTIVE SUMMARY

Without adequate protection during times of conflict, every health workers' life is at risk. Since the occupation began 50 years ago, Palestinians have suffered frequent violence and conflict in both the West Bank and Gaza, with medical teams sometimes put in harm's way and medical facilities damaged or destroyed as a result of Israeli military action.

The impacts on health go far beyond the immediate damage. The capacity of the Palestinian health sector to provide adequate care to the population is reduced and the right to health is undermined. When violations against the health sector occur in a culture of impunity, the international norms which ensure the essential protection of civilian infrastructure and humanitarian personnel in conflicts worldwide are eroded.

It is vital that the UK and other influential governments act to ensure accountability for any violations against the Palestinian health sector, and deter the recurrence of such attacks.

RECOMMENDATIONS FOR ACTION

Israel's fifty-year military occupation of Palestinian territory constitutes a major impediment to the health and dignity of Palestinians, and to peace for Palestinians and Israelis alike. Governments can support the protection of Palestinian healthcare by:

- Recognising the extremely poor compliance of Israeli domestic investigations and accountability processes with international law and raising relevant concerns in bilateral and multilateral relations;ⁱ
- Reiterating a commitment to strengthening international law pertaining to respect for and protection of medical personnel and facilities, including by promoting adherence to UN Security Council Resolution 2286 (2016);
- Promoting the establishment of an international mechanism to monitor and assess breaches of international humanitarian law and the effectiveness of steps taken to ensure accountability and justice in accordance with international law standards; and
- Supporting all international efforts to promote impartial investigations of alleged war crimes and pursuing accountability when war crimes are identified.

INTERNATIONAL LAW

International humanitarian law stipulates that, as the occupying power, Israel is responsible for providing protection and access to healthcare for the Palestinian population under its control. This includes:

- Respecting the protected status of civilians and civilian infrastructure, including medical personnel and facilities;
- Ensuring respect and protection for personnel engaged in the transportation of or search for the wounded and sick; and
- Establishing local agreements for the removal of civilians, the wounded and sick from areas under attack, siege or encirclement.

Where international humanitarian law appears to have been violated, attacks must be investigated promptly, impartially, and in a credible and effective manner. Civilians who suffer injury or damage due to unlawful attacks must have access to appropriate reparations.

"A hospital must be a safe place, not a target. An ambulance must be a sign of hope, not a target. A doctor or nurse must be a ray of light, not a target"

Matthew Rycroft,
UK Ambassador to the United Nationsⁱⁱ





PROTECTION FOR HEALTHCARE



A PRCs team assist an injured colleague

“It is vital for health facilities and staff to be able to perform their life-saving work without fear of attack.”

World Health Organization,
28 July 2014^{iv}

June 2017 marks 10 years of the blockade and closure of Gaza and 50 years since Israel’s occupation of the West Bank and Gaza following the 1967 War.

The prolonged presence of the Israeli military in the occupied Palestinian territory (oPt) has exposed Palestinian civilians to ongoing violence. Recent years have also witnessed the erosion of the protection of medical facilities and personnel.

The protected status of medical infrastructure and personnel during times of war is a result of universal recognition that these facilities and their staff are engaged in essential efforts to relieve the suffering of the civilian population and prevent loss of life wherever possible. Any actions failing to give due regard to the protected status of medical facilities not only put the lives of those in the facilities at risk, but also undermine their capacity to meet the health needs of the population.

Successive Israeli military operations in Gaza between 2008 and 2014 saw 147 hospitals and primary health clinics and 80 ambulances damaged or destroyed, and 145 medical workers injured or killed.

Hospitals and medics have not been free from attack in the West Bank either. During a spike in violence between October and December 2015, eight hospitals were raided by Israeli forces. The Palestine Red Crescent Society (PRCS) reported 92 instances of damage to ambulances and 147 instances of injury to medical workers.ⁱⁱⁱ

The last decade has seen an unprecedented rise in attacks on healthcare providers in conflicts around the world. Serious and repeated violations not only in the oPt but also in Syria, Afghanistan and Yemen have prompted fears that the international law which ensures safety for medical staff and facilities is eroding.

This prompted the UN Security Council to adopt Resolution 2286 in May 2016. The resolution was co-sponsored by 84 states, including all five permanent members of the Security Council as well as Israel. It condemned attacks against medical personnel and facilities in conflicts, and:

- Affirmed “the need for States to ensure that those responsible [for attacks on medical personnel and facilities] do not operate with impunity, and that they are brought to justice, as provided for by national laws and obligations under international law”; and
- Reaffirmed that attacks on medical personnel and facilities and the obstruction of medical care “undermine the efforts of the Security Council to maintain international peace and security under the Charter of the United Nations.”

The failure to ensure credible investigation, accountability, or redress for attacks on healthcare in the oPt outlined in this briefing paper contribute to the increasingly permissive global climate for serious violations of international humanitarian law.

ATTACKS ON MEDICAL FACILITIES AND PERSONNEL

MEDICAL SAFE SPACES UNDER INTERNATIONAL LAW



HOSPITALS AND CLINICS



AMBULANCES



MEDICAL WORKERS



The 4th Geneva Convention requires that hospitals, clinics, ambulances and their staff must be protected at all times so the wounded and sick can be freely treated.

Attacks against medical staff and facilities are violations of international law and can constitute war crimes.

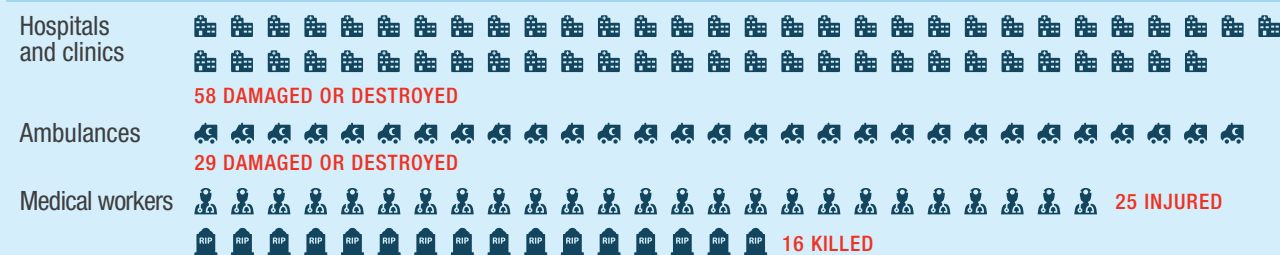
HEALTH SECTOR UNDER ATTACK



During Israel's military offensives on Gaza and recent periods of heightened violence in the West Bank, medical facilities have repeatedly suffered severe damage, destruction and raids, while medical teams have risked death or injury when assisting the wounded or sick.

GAZA *

2008/9 offensive



ATTACKS ON MEDICAL PERSONNEL

Palestinian medical personnel undertake vital, but increasingly hazardous, duties in the oPt. Emergency medical technicians are early to arrive following attacks, and are often nearby at protests or clashes to assist the wounded.^v Medics stationed in hospitals and clinics provide essential frontline care for those injured in times of heightened violence or relative calm. However, reoccurring attacks and threats against Palestinian medics by the Israeli military and settlers are placing them in the firing line, and affecting the sustainable provision of healthcare.

The erosion of protection of medical personnel in the oPt is of critical concern. During a period of heightened violence between October and December 2015 the PRCS reported 147 instances of injury to medical workers and 92 instances of damage to ambulances in attacks by Israeli forces and settlers.^{iv} This includes physical assaults and shots fired at medical teams and ambulances.

During Israel's 2008/09 assault on Gaza, 16 healthcare workers were killed and 25 were injured while on duty.^{vii} During the 2014 offensive casualties more than doubled, with a further 23 killed and 78 injured, the majority of which were ambulance staff.^{viii} In total, 145 medical workers have been killed or injured in military offensives on Gaza since 2008.^{ix}

During the 2014 Gaza offensive, coordination was arranged through the International Committee of the Red Cross (ICRC) to ensure combatants were aware of incoming medical vehicles and the presence of medical personnel. Effective communication and coordination on ambulance movements, and the exercise of extreme caution by frontline combatants in targeting, are essential to protecting medical teams and civilians. Nevertheless, testimony from an Israeli military sergeant published by the Israeli NGO Breaking the Silence, suggests this may have been lacking during the 2014 offensive: "there were no special intelligence warnings such as some person, or some white vehicle arriving... No vehicle is supposed to be there – if there is one, we shoot at it."^x

Medical teams can also face unnecessary delays and denials of access to the wounded. During the 2014 offensive, ambulance teams were regularly frustrated in their attempts to reach the injured due to the imposition of "closed military zones". In some cases, ambulances were just a few metres away from a location where medical personnel had been informed injured people remained, but would be unable to reach the victims for hours or even days.^{xi}

511 of the 2,217 Palestinians who were killed during the 2014 attacks never received medical assistance due to obstruction of ambulance access. Some of these people may have survived if paramedics had been able to reach them in time.^{xii}



An ambulance, damaged in the 2014 attacks

OBSTRUCTION OF AMBULANCE ACCESS

2014 Gaza offensive

511
of 2,217

PALESTINIANS KILLED
NEVER RECEIVED MEDICAL
ASSISTANCE



CASE STUDY:

MEDICAL WORKERS KILLED IN 'DOUBLE TAP' INCIDENTS

A 'double tap' incident involves an initial strike on a target or area, followed by a brief interval and then a second attack on the same target or area, often causing multiple additional casualties. Medical first responders are at heightened risk of being hit by any subsequent strike as they rush to impact sites.

On Friday 1 August 2014, a Palestinian Ministry of Health ambulance was hit by a drone strike after arriving to evacuate people injured by a missile attack on a mosque in the Msabbbeh neighbourhood in Rafah, southern Gaza.^{xiii} Jaber Hassan Darabieh, an ambulance driver whose son was also a medical volunteer, described the aftermath of the second attack to MAP:

"We picked up the fatalities who had been burned. They were three children, a woman, three ambulance crew members, and a person on a stretcher who it seemed was being carried by the ambulance crew before the attack. I carried in my ambulance the dead bodies of my three colleagues, the rest were carried by other ambulances that had arrived at the location.

I took my colleagues to Abu Youssif an-Najjar Hospital and put them in the mortuary that was filled with a large number of dead bodies. I sat near the mortuary with sadness for losing my colleagues. I was near my colleague, Sho'ayeb, who was crying and hugged me firmly and was saying, "Yousef, Yousef" [...] He meant my son. I was shocked. I collapsed and cried. My son was burnt in front of me and I didn't know that he was my son. I carried him to the hospital and I didn't know that he was my son."



Jaber Hassan Darabieh



INCREASING ATTACKS ON MEDICAL FACILITIES AND A LACK OF ACCOUNTABILITY

The protected status afforded to medical facilities under international law and the perception of safety that they offer for staff and patients are eroded when violent attacks on these facilities are met with impunity.

The World Health Organization (WHO) has documented an increase in attacks on healthcare facilities in the oPt since 2008. Fifteen hospitals, 43 clinics and 29 ambulances were damaged or destroyed during Israel's military offensive on Gaza in 2008/09.^{xiv} During the 2014 offensive, 16 hospitals and 51 primary health clinics were damaged and five clinics and Gaza's only rehabilitation hospital were completely destroyed.^{xv} In addition, 45 ambulances were damaged or destroyed.^{xvi} During three major military assaults in the last decade, 147 hospitals and clinics and 80 ambulances have been damaged or destroyed in Gaza.^{xvii}

The WHO has noted that, prior to the beginning of the 2014 attacks, *"the Israeli military had been given GIS coordinates of all hospitals specifically to prevent targeting, and that Wikimaps had been used to determine exact locations of healthcare facilities"*.^{xviii} Under international humanitarian law the targeting of hospitals can only be deemed legal if they are being used for hostile or harmful acts unrelated to their humanitarian function. Even in this instance, protection may cease only after effective warning has been given with a reasonable time-limit set, and after such warning has remained unheeded. Furthermore, their civilian status must be presumed where any doubt exists, and military attacks would still have to comply with the general principles under international humanitarian law of distinction and proportionality.^{xix}

The Israeli military claims that, during its 2014 offensive, there were instances when they targeted civilian infrastructure because it was being used for military purposes.^{xx} This includes Al Wafa rehabilitation hospital, which they destroyed on 23 July 2014.^{xxi} Israeli officials claimed it was being used as a firing platform by Hamas, although the hospital's Director and other testimony contests this.^{xxii} The disputed incident highlights the need for a thorough and impartial investigation.

The Israeli Government has failed to adequately cooperate with international investigations, and denied members of the UN Commission of Inquiry (COI) entry to Gaza to investigate alleged violations. The COI has expressed concern about *"a number of procedural, structural and substantive shortcomings"* in Israel's military investigation system, and pointed to the urgent need for proper investigations.^{xxiii}

The destruction of medical infrastructure is detrimental to the long-term provision of healthcare in the oPt, particularly in Gaza where the right to health is already undermined by restrictions to movement, a decade of blockade and closure and grindingly slow reconstruction.

In the context of increasing attacks on healthcare facilities worldwide, it is vital perpetrators are held to account whenever and wherever they take place. The UK and other influential governments should help ensure accountability for any such attacks in Gaza and the West Bank.

CASE STUDY:

HOSPITAL RAIDS

The protected status of medical facilities has not only been violated in Gaza. During the heightened violence in the West Bank between October and December 2015, hospitals were raided eight times by the Israeli military, disrupting and delaying the work of medical teams and using excessive force.

Al Makassed Hospital in East Jerusalem was raided five times between October and December 2015, with tear gas, rubber bullets and stun grenades fired into hospital grounds.^{xxiv} Staff and patients reported assaults by Israeli security forces even though they did not mount any resistance. On 12 November 2015, a relative of a patient being treated at Al Ahli Hospital in Hebron was killed during the course of an arrest operation.^{xxv}

Testimonies from hospital staff and patients collected by Physicians for Human Rights – Israel (PHRI) indicated that the apparent aims of the raids included arresting patients and collecting medical files and patient information.^{xxvi}

TAKE ACTION

This briefing is the second in a series highlighting the impact of fifty years of occupation on the health of Palestinians.

To read more, and support our demand for #HealthAndDignity for Palestinians, go to:

MAP.ORG.UK/ACTNOW

WE DEMAND
HEALTH
&
DIGNITY
FOR PALESTINIANS

"Attacks on healthcare disrupt the delivery of essential health services, endanger care providers, deprive people of urgently needed medical attention, and undermine our long term health development goals."^{xxvii}

World Health Organization

For references, visit: www.map.org.uk/HUOrefc2

MAP
MEDICAL AID FOR PALESTINIANS

MAP works for the dignity and health of Palestinians living under occupation and as refugees.

MAP provides immediate medical aid to those in need at times of crisis, while also developing local capacity and skills to ensure the long-term development of the Palestinian healthcare system.

MAP is also committed to bearing witness to the impact of occupation, displacement and conflict on Palestinian health and wellbeing, and campaign for the realisation of Palestinian rights to health and dignity.

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