

BRIEFING AUTUMN 2018

MAP
MEDICAL AID FOR PALESTINIANS

GAZA'S HEALTH WORKERS IN THE FIRING LINE



Hala Safadi

Health-workers are being killed and injured with impunity in the "Great March of Return" protests in Gaza. With three health-workers shot dead and several hundred others injured, MAP is imploring the UK authorities to do much more to ensure better protection and support for Palestinian healthcare which is under attack, under blockade and under occupation.

Since 30 March, protestors at widespread civil society-organised demonstrations have demanded their right to return to the lands from which their families were expelled or fled in and around 1948, as well as their wider rights relating to 11 years of the illegal closure and blockade of Gaza.

The shocking volume and nature of the violence from Israeli forces may amount to war crimes.ⁱ At least 160 Palestinians have been killed and 18,739 people injured.ⁱⁱ Health-workers and ambulances have come under attack as they seek to reach, treat and transfer wounded demonstrators. Three health-workers were killed and 404 injured by Israeli forces by 27 August.ⁱⁱⁱ Sixty-one health vehicles and two health facilities – a specialised centre for people with disabilities and the Ministry of Health central ambulance station – have also been damaged by Israeli forces.

Cause of injuries amongst health-workers in Gaza, 30 March – 11 August^{iv}:

- 7.5% live ammunition
- 4% shrapnel
- 75% tear gas inhalation
- 10.5% tear gas canisters
- 3% rubber bullets, combined injuries and other injuries



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MEDICAL SAFE SPACES UNDER INTERNATIONAL LAW

International human rights law applies to law enforcement contexts such as the Gaza protests and stipulates that lethal force can only be used only as a last resort to prevent imminent threat of death or serious injury. Additionally, protection for health-workers and facilities is universally recognised under international humanitarian law (IHL) for situations of occupation, as in the occupied Palestinian territory (oPt), and conflict.

Violations of the protected status of medical workers and facilities have impacts far beyond the immediate pain and damage. They reduce the capacity of the health system to adequately care for the population, particularly during emergencies, undermining the population's right to health in the long-term. They also weaken the perception of hospitals and clinics as safe spaces and dilute internationally agreed norms and standards.

In the context of its occupation of the oPt, IHL stipulates that 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.

Suspected violations of IHL must be investigated promptly, impartially, and in a credible and effective manner. However, Israel repeatedly fails to authorise or permit such investigations.



THREE HEALTH-WORKERS SHOT DEAD WHILE ON DUTY

- On 14 May, field paramedic **Musa Abu-Hassanin**, 34, was fatally shot while trying to evacuate wounded demonstrators east of Gaza City.^v Witnesses said Musa was about 200 meters from the perimeter fence at the time. An hour before his death, Musa helped a member of his team, Tarek Loubani a Canadian-Palestinian doctor, who had been shot in both legs.^{vi}

"Musa's my rescuer. He was a very bright guy. Incredible man. About an hour after he rescued me, he was trying to get another patient, and ended up getting shot in the chest. Unfortunately, he died. It's unfortunate because we, as a medical team, always hope for and expect some protection. We're not there politically. We just want to make sure that if people get into trouble, we're there to help them."

Tarek Loubani^{vii}

- On 1 June, medical volunteer **Razan al-Najjar**, 21, was fatally shot while trying to reach injured demonstrators close to Israel's perimeter fence in Khuza'a in the south of Gaza.^{viii} Witnesses said Razan approached the fence wearing a white medic's vest with both of her arms raised to show Israeli forces about 100 meters away that she posed no threat.

"My daughter was performing a humanitarian job. She was a volunteer. What gives you [the Israeli sniper] the right to kill her and directly target her while she only had her vest and ID as her weapon?" Sabreen al-Najjar, Razan's mother, to MAP

- On 10 August, 22-year-old first responder **Abdallah al-Qutati** was fatally shot while providing care to a man who had been shot by Israeli forces east of Rafah, south Gaza.^{ix}

"Abdallah was performing a humanitarian job. He didn't hold a gun. He was not a militant, nor a terrorist. He had medical solution and gauze to help the injured. This is a war crime. They must be held accountable in front of the world."

Mohammed al-Qutati, Abdallah's brother, to MAP.

ISRAELI ATTACKS ON PALESTINIAN HEALTHCARE – A DECADE OF DEATH AND IMPUNITY

Indications are that Israel is not taking steps to ensure independent investigations into these and other incidents in Gaza. Israel's preliminary internal military investigation into the killing of Razan was described as a "sham" as it was based only on testimony of members of the Israeli forces and found that "no shots were deliberately or directly aimed towards her".^x The UN High Commissioner for Human Rights has highlighted that a "deficit in accountability for alleged extrajudicial killings and other violations, as previously reported by the Secretary General and my Office, undermines confidence in Israeli justice".^{xi}

Attacks on health-workers and healthcare in Gaza in 2018 illustrate a widespread pattern of other attacks **over the past decade, committed with impunity.** During Israel's 2008/09 assault on Gaza, 16 healthcare workers were killed and 25 were injured while on duty. During the 2014 offensive, a further 23 were killed and 78 injured, the majority of whom were ambulance staff. MAP, in partnership with Al Mezan Centre for Human Rights and Lawyers for Palestinian Human Rights, submitted a complaint on this to the UN Independent Commission of Inquiry (Col) on the 2014 Gaza Conflict.^{xii} The Col also noted that "Israel must break with its lamentable track record in holding wrong doers accountable."



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THE UK'S POSITION – A DANGEROUS DOUBLE STANDARD

In 2016, the UK Government championed **UN Security Council Resolution 2286**, condemning attacks on health services in conflict, demanding that states comply with international humanitarian and human rights law which prohibits such violations, and urging states to take proactive steps to hold perpetrators to account.

At a Security Council meeting on 22 May this year, marking the two-year anniversary of the resolution, the UK's Deputy Permanent Representative to the UN in New York, Ambassador Jonathan Allen, reiterated the UK's strong support for these principles^{xiii}, and stated:

*“Sadly, around the world, health-care workers are threatened and killed. Their facilities are looted and destroyed, affecting the access of communities to health care for years to come ... As the members of the Security Council and the international community, we must do more to protect civilians who are affected by conflict. The intentional targeting of civilians and civilian infrastructure is a war crime. International humanitarian law is our framework ... **We must ensure that it is enforced and that perpetrators of crimes against such law are held to account.**”*

This speech was delivered one week after paramedic Musa Abu-Hassanin was shot dead.^{xiv} Ambassador Allen went on to state the UK's commitment to hold perpetrators of such serious violations to account including when states are failing to do so themselves:

“We also support effective international criminal-justice systems, which have an important role to play in bringing the perpetrators of atrocities to justice when

States are either unable or unwilling to do so. As the Secretary-General said, we must end the climate of impunity.”

Despite this, the **UK abstained on a vote at the UN Human Rights Council to establish an independent international investigation into violations of international law in the context of the demonstrations in Gaza which began on 30 March.**^{xv} Among the suspected violations which should be investigated by this UN-mandated Commission of Inquiry are the killing Palestinian paramedics and the injuring of hundreds more by Israeli forces using teargas, rubber bullets and live ammunition.

The Government instead called on Israel to investigate its own violations by carrying out an “independent and transparent investigation” which they insist should include “international members”.^{xvi} This is despite serious concerns about the credibility of internal Israeli investigations into its own conduct (see below).

By the admission of Foreign Office Minister Alistair Burt MP, the UK has “yet to have a full response” to their suggestion to Israel that their internal investigation should have an independent element. The UK has also so far not set out criteria by which they will assess the compliance of Israel's investigations with international standards of independence, impartiality, thoroughness, timeliness and transparency.

Given concerns raised about Israel's willingness or ability to adequately investigate violations of international humanitarian and human rights law allegedly committed by Israeli forces, the Commission of Inquiry remains a vital mechanism for independent investigation and accountability. **The UK should reconsider its position on the Commission of Inquiry, and support it to investigate the killing and injuring of Palestinian health workers.**

Failing to ensure accountability for these violations increases the likelihood of recurrence and further erodes the international norms which ensure the protection of health professionals and infrastructure in conflicts around the world.

INTERNATIONAL CONCERNS ABOUT ISRAELI IMPUNITY

Six UN human rights experts, including UN Special Rapporteur for human rights in the occupied Palestinian territory (oPt) Prof Michael Lynk:

“While Israel's announcement that it will launch a probe is welcome, we are concerned that the planned probe may lack the independence, impartiality and effectiveness required by the international law ... Coupled with reports that some Israeli officials have suggested the purpose of the investigation is to avoid scrutiny from the international community and the ICC, we believe an independent investigation is the only way to truly address what has happened in Gaza, and to prevent its recurrence.”^{xvii}



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UN High Commissioner for Human Rights:

"It is essential that the authorities cooperate with the future Commission to advance accountability for these killings, as well as all alleged violations and abuses of international humanitarian law and international human rights law. Currently, although Israel has put in place a number of accountability mechanisms, there are serious concerns that these are not in compliance with the international standards of independence, impartiality, and effectiveness. Very few investigations ever occur; in the rare cases where an investigation has led to an indictment, the sentence has been extremely lenient in light of the gravity of the crime committed."^{xviii}

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

To see our references/endnote, please visit:

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RECOMMENDATIONS

The UK Government can support and promote both the protection of Palestinian healthcare and adherence to international law by taking the following actions:

- 1 Urging Israel to establish timely and impartial investigations into all attacks on healthcare.**
The UK should publicly set out criteria by which it will assess Israel's compliance with international standards of independence, impartiality, thoroughness, timeliness and transparency
- 2 Recognising decades of impunity, the UK should support complementary credible, timely and independent international investigation into alleged violations by scrapping its abstention position and rather publicly and actively support the UN-mandated Commission of Inquiry**
- 3 Actively encouraging Israel and all relevant parties to cooperate with the Commission of Inquiry and to allow it full access;**
- 4 Ensuring that aid support to Gaza provides sustainable medical care, rehabilitation, and psychological support to victims of attacks against health-workers and facilities in the occupied Palestinian territory; and**
- 5 Publicly calling on Israel to fully adhere to its international legal obligations as the occupying power in Gaza, including by bringing the closure to an end.**



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