

Systematic Targeting of Gaza Healthcare System

Israeli attacks on Gaza Health Care Sector

According to the International Rescue Committee (IRC), as of March 2024, more than 600 incidents of violence against, or obstruction of access to, health care have been recorded in Gaza since the outbreak of violence in October.¹ Only 12 of Gaza's 36 hospitals are partially functional.² Statistics by the World Health Organisation (WHO) indicate that 26 of the 36 hospitals have been damaged by Israeli attacks.³

Beyond the attacks on hospitals, the entire healthcare sector in Gaza has been targeted by the Israeli forces. These attacks include degrading arrests of medical workers.⁴ These types of arrests may constitute arbitrary arrests and detentions. Resolution 37/194 of the UN General Assembly clearly asserts that states should not punish medical personnel for carrying out medical activities.⁵

The Israeli forces' attacks on ambulances and other medical vehicles would also likely amount to violations of international law. On 3rd November 2023, Human Rights Watch indicated that the targeting of an ambulance outside of Al-Shifa complex was unlawful and should be investigated as a possible war crime.⁶ This is just one of more than 55 ambulances damaged or destroyed due to Israeli attacks, according to the aid organisation Humanity & Inclusion.⁷

Israeli siege of Al-Shifa Hospital Complex

On 1st April 2024, Israeli forces withdrew from Al-Shifa complex, Gaza's largest medical complex, after holding it and its 30 thousand residents hostage for two consecutive weeks.⁸ While Israel claimed that its operation would be "precise" and require "no need for medical staff and patients to leave."⁹ However, after the Israeli forces withdrew from Al-Shifa, international organisations inspecting the complex produced the following preliminary findings:

- Doctors Without Borders could not confirm the precise number of casualties at Al-Shifa but indicated that the Israeli operation killed hundreds of people, including medical staff, and conducted mass arrests of medical staff and others.¹⁰
- Euro-Med Monitor's preliminary reports suggested that over 1,500 Palestinians had been killed, injured or reported missing as a result of the massacre at Al-Shifa, with women and children making up to half the casualties. At least 22 patients were killed in their hospital beds during the Israeli siege of the medical complex.¹¹

¹ International Rescue Committee. (4th March 2024). [‘The collapse of Gaza’s health system’](#)

² Ibid.

³ United Nations. (5 January 2024). [‘Nearly 600 attacks on healthcare in Gaza and West Bank since war began: WHO’](#)

⁴ CNN. (21 March 2024). [‘Israeli military forced journalists and health workers to strip in Gaza hospital raid, eyewitnesses say’](#)

According to reports, the Israeli forces detained health workers, blindfolded them and stripped them down to their underwear in Al-Shifa Hospital. This is a fraction of the many forms of degrading treatment enforced on healthcare workers in Gaza.

⁵ UN Resolution 37/194. [‘Principles of Medical Ethics relevant to the Role of Health Personnel’](#)

⁶ Human Rights Watch. (7 November 2023). [‘Gaza: Israeli Ambulance Strike Apparently Unlawful’](#)

⁷ HI Organization. (7 December 2023). [‘Occupied Palestinian Territories - Israel: 12,000 bombs dropped on Gaza, one of the most intense bombing campaigns in modern war’](#)

⁸ WAFA. (18 March 2024). [‘Dozens killed in Israeli bombing of Gaza's Shifa hospital’](#)

⁹ Israeli Forces tweet. (18 March 2024). [‘speech on Al Shifa operation’](#)

¹⁰ Doctors Without Borders. (2nd April 2024). [‘Gaza: Israeli forces leave Al-Shifa Hospital in ruins’](#)

¹¹ Euro-Med. (1 April 2024). [‘Al-Shifa Medical Complex witnesses one of the largest massacres in Palestinian history’](#)

Legal Obligations to Protect the Healthcare Sector

The deliberate targeting of medical facilities constitutes a war crime under Article 8(2)(b)(ix) of the Rome Statute.¹² According to Article 19 of the Fourth Geneva Convention, protections to civilian hospitals ‘shall not cease’ unless hospitals are used to commit acts outside of their humanitarian duty.¹³ The protection afforded to medical facilities is only negated if there is conclusive evidence which establishes that facilities are being utilised for harmful purposes.¹⁴ Israel has not provided substantiated evidence to corroborate its claims to this effect, but even if it had, the systematic targeting of medical infrastructure and the civilian populace by the Israeli military violates Article 7(1) of the Rome Statute and is a crime against humanity.¹⁵ The International Committee of the Red Cross (ICRC) has analysed the ‘derogation clause,’ stating that the rationale for the loss of protection should not be applied if there is doubt as to whether medical facilities are being used to ‘commit harmful acts.’ When such doubts arise then the medical units should be presumed not to have been used.¹⁶

The targeting of medical vehicles is also prohibited under Rule 29 of customary IHL,¹⁷ Article 35 of the First Geneva Convention and Article 21 of the Fourth Geneva Convention,¹⁸ and the deliberate targeting of such protected vehicles constitutes a war crime under Article 8(2)(b)(xxiv) of the Rome Statute.¹⁹

Article 146 of the Fourth Geneva Convention requires that parties must “enact any legislation necessary to provide effective penal sanctions on persons committing or ordering to be committed any of the grave breaches [of the Convention]”.²⁰ There is also an “obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and [to] bring such persons, regardless of their nationality, before its own courts”.²¹ Given the Israeli forces’ widespread violations of international law, as detailed above, the UK has positive obligations to ensure that Israel stops its violations, and to pursue accountability, for example through diplomatic protest and collective measures.

The Derogation Clause in the context of Al Shifa

CNN analysis of footage previously published by the Israeli forces showing weapons at Al-Shifa indicated that “weaponry may have been moved or placed there prior to news crews arriving”.²² Thus, calling into question credibility of the Israeli forces claims that hospitals have been used to harbour Hamas members and weapons.²³

The Israeli military has failed to provide any concrete evidence of medical facilities, both in Al-Shifa and other medical units across Gaza, being used outside of their intended purpose. International media outlets, such as CNN, have not been able to confirm Israeli claims even after being taken on Israeli forces tours of the medical units.²⁴ Despite the doubts on the Israeli claims about medical facilities, Israel continued to

¹² Rome Statute. ‘[Art 8](#)’

¹³ Fourth Geneva Convention, ‘[Art 19](#)’

¹⁴ Rome Statute. ‘[Art 8](#)’

¹⁵ Rome Statute. ‘[Art 7](#)’

¹⁶ International Committee of the Red Cross. (2nd November 2023). ‘[The protection of hospitals during armed conflicts: What the law says](#)’

¹⁷ International Humanitarian Law Customary Treaties. ‘[Rule29](#)’

¹⁸ First Geneva Convention. ‘[Art 35](#)’; Fourth Geneva Convention. ‘[Art 21](#)’

¹⁹ Rome Statute. ‘[Art 8](#)’

²⁰ Fourth Geneva Convention. ‘[Art 146](#)’

²¹ Ibid.

²² CNN. (18 November 2023). ‘[CNN analysis: Video suggests IDF might have rearranged weaponry at Al-Shifa prior to news crew visits](#)’

²³ Israeli Forces Tweet. (25 March 2024). ‘[On the attack of Al Shifa Complex](#)’

²⁴ CNN. (20 November 2023). ‘[What we know about what Israel says it has found at Al-Shifa](#)’

target hospitals without allegedly making any distinction between legitimate targets under IHL and protected persons.

In addition to violating Article 19 of the Fourth Geneva Convention, Israeli attacks on Al-Shifa hospital violate the non-derogable right of the wounded to be cared for under Article 3(2) of the Fourth Geneva Convention.²⁵ This denial of basic medical care and food may constitute cruel and inhuman treatment under provisions of the Fourth Geneva Convention, as well as under international criminal and human rights law.²⁶

According to interview with father of 15-year-old child Rafiq Daghmash, held at Al-Shifa during the Israeli raid, the sick child who has begged for bread and pain killers, only received a slice of bread or a can of tuna to be shared with ten other people every few days.²⁷ While Rafiq Daghmash was lucky to survive, other patients have been reportedly killed in their hospital beds according to Euro-med monitor reports referred to earlier in the brief.²⁸ This taking of life may amount to a war crime of wilful killing under the provisions of the Rome Statute.²⁹

Precedent for international law tribunals

On multiple occasions throughout history, International Criminal tribunals have convicted defendants for attacks on medical facilities. In the case of Prosecutor v. Galić the chamber has found that attacks on medical facilities were “examples of the campaign of attacks on civilians”.³⁰ In Prosecutor v. Mrkšić et al. the Chamber noted the shelling of the Vukovar hospital caused severe damages while also finding that a widespread and systematic attack against Vukovar’s civilian population was indiscriminate and contrary to international law.³¹

The UK’s Response to Targeting of the Healthcare Sector in Other Conflicts

In response to other international conflicts, the UK government has taken a much more forceful stance on attacks against the healthcare sector. In context of the war in Ukraine, the UK has not only pushed to hold the Russian government accountable for any actions targeting medical units and personnel but has also funded humanitarian aid. The government has committed more than £357 million since the war began, including more than £2 million of lifesaving medical equipment.³² In contrast in Gaza, the UK government has stopped funding the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) following unsubstantiated allegations by the Israeli government against the agency.³³

²⁵ Fourth Geneva Convention, ‘[Art 19](#)’ and ‘[Art 3\(2\)](#)’

²⁶ Rome Statute. ‘[Art 7 and 8](#)’
ICCPR. ‘[Art 7](#)’

²⁷ BBC. (4 April 2024). ‘[إيتنى أجوع معهم "كيف تابع أب فلسطيني وضع طفليه في مستشفى الشفاء؟"](#)’

²⁸ Euro-Med. (1 April 2024). ‘[Al-Shifa Medical Complex witnesses one of the largest massacres in Palestinian history](#)’

²⁹ Rome Statute. ‘[Art 8](#)’

³⁰ [Prosecutor v. Galić](#) para.509

³¹ [Prosecutor v. Mrkšić](#) paras.466, 472

³² Mirage News. (5th April 2024). ‘[UK Gifts £2M Lifesaving Health Aid to Ukraine](#)’

³³ House of Commons. (26 March 2024). ‘[UK aid to the West Bank and Gaza Strip](#)’.

The Guardian. (30 March 2024). ‘[UK must restore Unrwa funding ‘without delay’, MPs and peers say](#)’