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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Iranian Thalassemia Society, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2024]

* Issued as received, in the language of submission only.



Attacks on Health Facilities in the Gaza Strip and the Violation of International Humanitarian Law

Preface

In all circumstances, in times of peace and during conflicts, states are obliged to maintain a functioning healthcare system. They must ensure basic health care, access to a minimum level of essential food, basic shelter, housing and sanitation, an adequate supply of safe drinking water and essential medicines, while respecting the principles of non-discrimination and equitable access. States must also develop and implement public health strategies. (General Comment No. 14) Similar provisions exist in international humanitarian law, which obliges states to provide the population with food and medicine. In occupied territories, Article 56 of the Fourth Geneva Convention obliges the occupying power (in co-operation with national and local authorities) to ensure and maintain, within available means, medical and hospital facilities and services, public health and hygiene, and to take the necessary prophylactic and preventive measures to combat the spread of contagious diseases and epidemics. Although both international humanitarian law and international humanitarian law allow states to make their obligations dependent on the resources available to them, a lack of resources does not justify inaction. Even in cases where resources are extremely limited, States should adopt cost-effective programmes that target the most disadvantaged and marginalised members of the population.

General Comment No. 6 of the United Nations Human Rights Committee states that the right to life in the International Covenant on Civil and Political Rights (ICCPR) includes the obligation of States to take positive measures, including measures to ensure health care, especially in life-threatening situations.

We are deeply concerned for the people suffering from the ongoing conflict in Gaza. We condemn all acts of violence and terrorism and renewed our call for safe access to health services for all and the protection of medical personnel. Medical facilities and medical personnel involved exclusively in the treatment of the sick and wounded enjoy special protection under international humanitarian law, which must be respected in all circumstances. Failure to respect this protection constitutes a serious violation of international humanitarian law. The occupying power has declared a 'relentless war' on the health system in Gaza, to the extent that the health infrastructure in Gaza has been completely wiped out.

Some of the crimes of the Occupying Power are as follows:

- At least 364 attacks on healthcare services have been recorded in the Occupied Palestinian Territory since 7 October 2023, resulting in at least 553 people killed and 729 injured. More than 50 health facilities and 190 ambulances have also been affected. Al-Indonesi hospital has reportedly been bombed 35 times since 28 October.
- Al-Shifa Hospital, the largest medical complex in Gaza, was bombed and placed under siege by Occupying Power in mid-November 2023. At least five newborn babies at the Al Shifa hospital died before a planned evacuation could take place. There has also been an increase in communicable diseases, respiratory illnesses and diarrhea, and an increased risk of child pneumonia, which will only worsen as this war continues into the winter. Premature and new-born babies on life support are reportedly dying due to power, oxygen, and water cuts at Al-Shifa Hospital, while others are at risk. Staff across a number of hospitals are reporting lack of fuel, water and basic medical supplies, putting the lives of all patients at immediate risk.
- At least 500 people have lost their lives in the el-Ahli Baptist Hospital, which Occupying Power bombed in the blockaded Gaza on October 17.

- Occupying Power forces struck the Indonesian Hospital multiple times between October 7 and October 28, killing at least two civilians. The International Eye Care Center was struck repeatedly and completely destroyed after a strike on October 10 or 11. Strikes hit the compound and vicinity of the Turkish-Palestinian Friendship Hospital on October 30 and 31.
- Occupying Power forces have also carried out scores of strikes damaging several other hospitals across Gaza. WHO reported that as of November 10, 18 out of 36 hospitals and 46 out of 72 primary care clinics were forced to shut down. The forced closure of these facilities stems from damage caused by attacks as well as the lack of electricity and fuel.
- At least 521 people, including 16 medical workers, have been killed in 137 “attacks on health care” in Gaza as of November 12. These attacks, alongside Occupying Power’s decisions to cut off electricity and water and block humanitarian aid to Gaza, have severely impeded health care access.
- The United Nations found as of November 10 that two-thirds of primary care facilities and half of all hospitals in Gaza are not functioning at a time when medical personnel are dealing with unprecedented numbers of severely injured patients. Hospitals have run out of medicine and basic equipment, they were forced to operate without anesthesia and to use vinegar as an antiseptic. Occupying Power bombardment on Gaza has also killed 15 staff of the United Nations Refugee Works Agency (UNRWA) and four Palestine Red Crescent paramedics in an ambulance.

An “immeasurable” number of violations of the special protection afforded to civilians, children, and medical personnel under international humanitarian law, alongside widespread violations of international human rights law has occurred.

According to international documents, hospitals and other medical facilities are civilian objects that have special protections under international humanitarian law, or the laws of war. IHL is clear about the protected status of medical facilities, the wounded and sick, and medical transports, even in the midst of armed conflict. The Geneva Convention IV of 1949 clearly stipulates that civilian hospitals “may in no circumstances be the object of attack”. Additional Protocol I to the Geneva Conventions (1977) further reinforces this commitment to respect and protect these vital institutions. In addition, in 1970, the UN General Assembly adopted Resolution 2675, which stipulates that a hospital zone or similar refuge should not be the object of military operations.

Considering the critical situation in Gaza, we ask the Human Rights Council to:

Recommendations

- Immediately end unlawful attacks on hospitals, ambulances, and other civilian objects, as well as its total blockade of the Gaza Strip, which amounts to the war crime of collective punishment.
- Respect their legal obligations under international humanitarian law to protect and respect safe access to health care services and facilities and ensure the safety and protection of civilians and health care workers.
- Establish urgent agreement on implementing safe passage for the populations caught up in the violence and the implementation of a plan to get medical supplies and humanitarian aid into Gaza, where the health system is being devastated.

Moreover:

- We recognize that nurses and all health workers in the region are personally affected by the violence, destruction and the loss and separation of loved ones, and the huge mental health burden they are living under which must be urgently addressed.

- It is time to immediately cease fire and ensure urgent and unimpeded access to essential humanitarian supplies, including food, water, shelter, medicine, fuel and electricity. The physical safety of the civilian population must be guaranteed.
- The occupation needs to end and there must be reparation, restitution and reconstruction, towards full justice for Palestinians.

Decisive international action is needed now to secure an immediate humanitarian ceasefire and prevent further loss of life, and preserve what's left of the health care system in Gaza. Unimpeded, safe and sustained access is needed now to provide fuel, medical supplies and water for these lifesaving services. The violence must end now. The world cannot stand silent while hospitals, which should be safe havens, are transformed into scenes of death, devastation, and despair.
