



AL-MEZAN CENTER FOR HUMAN RIGHTS
مركز الميزان لحقوق الإنسان



LPHR



MEDICAL AID FOR PALESTINIANS

RE: Complaint concerning destruction and damage to medical infrastructure and loss of life and injury to civilians and medical personnel in Gaza, during Israel's military operation between 7 July 2014 and 26 August 2014, submitted to the:

- **United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;**
- **United Nations Special Rapporteur on the Palestinian territories occupied since 1967; and**
- **United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict**

1. Al Mezan Center for Human Rights (Al Mezan), Lawyers for Palestinian Human Rights (LPHR) and Medical Aid for Palestinians (MAP) submit this joint complaint to the United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (United Nations Special Rapporteur on the Right to Health), the United Nations Special Rapporteur on the Palestinian territories occupied since 1967 (United Nations Special Rapporteur on the OPT), and the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict (United Nations Commission of Inquiry), concerning the destruction and damage to medical infrastructure¹ and loss of life and injury to civilians and medical personnel in Gaza, resulting from apparent Israeli military attacks during their military operation codenamed 'Operation Protective Edge' between 7 July 2014 and 26 August 2014.
2. The United Nations Development Programme (UNDP), World Health Organisation (WHO) and United Nations Relief and Works Agency (UNRWA) found that 17 hospitals and 56 clinics had been adversely affected ranging from total destruction to minor damage.² One hospital – the Al Wafa Rehabilitation hospital – was totally destroyed. Five primary health clinics were also completely destroyed.

¹ This complaint uses the term 'medical infrastructure' to collectively refer to hospitals, primary health clinics and ambulances.

3. The Health Cluster Report of September 2014 cites a Palestinian Ministry of Health report that a total of 45 ambulances were damaged, either as consequence of direct attacks or as collateral damage.³
4. The destruction and damage caused to medical infrastructure by Israel's military attacks had serious consequences for civilians and medical personnel in Gaza. This complaint presents evidence that at least twelve Palestinian civilians or medical personnel were killed as a result of apparent Israeli military attacks on medical infrastructure and personnel during their military operation between 7 July 2014 and 26 August 2014. This complaint further presents evidence that tens of civilians and medical personnel were injured during these attacks on medical infrastructure and personnel, and a similar number of civilians and medical personnel had to be evacuated from hospitals causing panic and disruption to medical treatment.
5. In total, the Health Cluster Report cites 23 health workers died during Israel's military operation in Gaza, of whom 16 were killed while on duty, and a further 83 health workers were injured, the majority of whom were ambulance drivers.⁴ Of these figures, Al Mezan's investigations have verified 19 health workers fatalities, of whom 9 were killed while on duty, and that 27 health workers were injured.
6. The evidence of repeated military attacks on medical infrastructure and personnel led the WHO to issue the following statement on 28 July 2014: "WHO has been appalled by the continuing trend for health-care facilities, staff and vehicles to come under direct fire in Gaza since the escalation of violence on 8 July 2014. Sustained calm is needed so thousands of injured people can receive urgently needed health care. It is vital for health facilities and staff to be able to perform their life-saving work without fear of attack."⁵
7. The WHO sub-office in Gaza is reported as saying that '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'.⁶
8. Al Mezan, LPHR and MAP assert that the extensive destruction and damage caused to medical infrastructure during Israel's military operation in Gaza amounts to a gross violation of the right to health for any Palestinian resident in Gaza whose access to health services was impeded by these military attacks. The apparent deliberate or reckless targeting of medical infrastructure and personnel further raises the extremely serious concern that international humanitarian law was seriously violated with grave

² Gaza Strip Joint Health Sector Assessment Report prepared by the Health Cluster in the occupied Palestinian Territory; September 2014; Page 9;
http://www.emro.who.int/images/stories/palestine/documents/Joint_Health_Sector_Assessment_Report_Gaza_Sept_2014-final.pdf

³ Ibid., Page 10;

⁴ Ibid, Page 13

⁵ WHO appalled by attacks on health-care facilities, 28 July 2014; <http://www.emro.who.int/palestine-press-releases/2014/who-appalled-by-attacks-on-health-care-facilities-in-gaza.html>

⁶ Gaza 2014, Findings of Medical Fact Finding Mission; Physicians for Human Rights-Israel; page 49
https://www.scribd.com/fullscreen/253234419?access_key=key-s2eOyHSNIIUKD6Sx91Uc&allow_share=true&escape=false&view_mode=scroll

consequences for the right to life and physical integrity of Palestinians in Gaza. These actions may amount to war crimes.

- 9.** This complaint presents evidence of seven serious violation incidents of the right to health and the right to life and physical integrity, during Israel's military operation in Gaza between 7 July 2014 and 26 August 2014. The initial sources of information for these seven incidents are WHO situation reports and Al Mezan documentation reports from the period of the Israeli military operation.
- 10.** Evidence has subsequently been scrupulously gathered by Al Mezan to clarify and confirm the factual circumstances of these incidents. In line with Al Mezan's fieldwork program, from 7 July 2014, Al Mezan's five fieldworkers and trained support team monitored and documented attacks on the Palestinian population of Gaza throughout all five districts. The fieldworkers visited the site of attack and documented witness testimonies and where appropriate documented and retrieved material evidence. Al Mezan's documentation process includes a thorough site assessment and cross checking of information. Due to limitations caused by deep physical insecurity involved in documenting attacks during a military operation, follow-up assessments are carried out on the majority of incidents. The documentation of the incidents in this complaint complies with internationally recognized legal standards.
- 11.** This complaint further highlights the serious legal and human rights concern of the Israeli military apparently routinely refusing permission for Palestinian ambulances and emergency medical teams to access specific areas to reach injured people, and to evacuate injured people to hospitals. These actions had grave human rights consequences for Palestinian civilians and medical personnel injured during Israel's military operation.
- 12.** Any omission of other violation incidents which occurred during Israel's military operation should not be interpreted as diminishing their gravity and seriousness relative to the incidents documented in this complaint.
- 13.** Al Mezan, LPHR and MAP request the United Nations Special Rapporteur on the Right to Health, the United Nations Special Rapporteur on the OPT and the United Nations Commission of Inquiry to use this complaint as the basis for their own urgent investigation into the seven serious incidents detailed in this submission, and take appropriate action pursuant to our suggested recommendations.
- 14.** Al Mezan is a Palestinian non-governmental human rights organization that works for the protection and promotion of Palestinian human rights in Gaza as part of occupied Palestine.
- 15.** LPHR is a lawyer-based legal charity in the United Kingdom that works on projects aimed at protecting and promoting Palestinian human rights.

16. MAP works for the health and dignity of Palestinians living under occupation and as refugees. MAP delivers health and medical care to those worst affected by conflict, occupation and displacement.

Seven serious violation incidents of the right to health and the right to life and physical integrity during Israel's military operation in Gaza between 7 July 2014 and 26 August 2014:

The Al Aqsa Hospital attacked on 21 July 2014 causing two fatalities within the hospital:

17. At approximately 14:30 on 21 July 2014, the Israeli military fired artillery shells at the Al Aqsa hospital, which is the main casualty hospital in the Middle Gaza district and is located in the town of Deir Al Balah. The attack killed two people in the 100 bed hospital, and injured tens of other people including medical staff, patients and visitors. The attacks in the vicinity of the hospital killed a further two people in their homes.

According to Al Mezan's investigation into this attack, Israeli military artillery shells initially hit houses in the vicinity of Al Aqsa hospital, with one shell directly hitting the third floor of the house of Aballah Al Faleet. People rushed to carry the injured to the hospital when a shell hit the nearby house of Na'eem Sarsour, which is adjacent to the hospital. Injuries occurred again and people moved them to the hospital. A third house belonging to the Al Na'ouq family was shelled and people who lived near the hospital started to evacuate their houses and gathered inside the hospital for shelter.

The Israeli military then struck the hospital itself, shelling the surgery department, the maternity department, the administration department and the stair house. Two people were killed in the attack on the hospital⁷, including one child. The two fatalities have been identified by Al Mezan as:

- 'Alaa Abdel Majeed Abu Dahrouj, 15, DoB 01/09/1998; who sought shelter and was killed inside the hospital; and
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- Khalid Awad Bayoumi, 34, DoB 27/11/1979; who was visiting a patient when he was killed inside the hospital.

Two further civilians were killed by the attacks on their homes in the vicinity of the hospital. The two fatalities were identified by Al Mezan as:

⁷ Investigations into the incident initially provided details of three deaths taking place within the hospital itself. Subsequent crossing checking of information and assessments of the circumstances of the attack have shown that two people were attacked and killed in the hospital while two further people were attacked in homes and subsequently brought to the hospital.

- Azza Abdel Kareem Abdel Rahman Al Faleet, 46, DoB 15/6/1968; who was injured in her home and pronounced dead on 28 July 2014; and
- Zakariya Ibrahim Mohammed Shakshak, 25, DoB 26/12/1988; who was carried to the hospital where he was pronounced dead.

Al Mezan has confirmed that tens of other civilians, including patients, visitors and hospital staff were injured by the attack on the hospital. The injured hospital staff include three ambulance medical workers, three nurses, four cleaners and one messenger.

A nurse of the Al Aqsa hospital, Eman Abu Jayyab, 32, sustained a severe injury to her right arm as result of a 'large piece of shrapnel which stuck to her arm'.⁸ An operation was successful to save her arm from amputation, 'but a good amount of bone, nerve tissue and muscle tissue was missing, so she was on put on an external fixation'.⁹ By 20 January 2015, Al Mezan confirmed that Eman Abu Jayyab was still receiving medical care in the Medinat Hussein Al Tibbeya Hospital in Amman, Jordan, having been referred there on 6 August 2014. She is a widow and it is unclear whether she will be able to return to work to provide for her children.

An ambulance driver for the Palestinian Ministry of Health, Akram Awwad Mahmoud Sa'eed, 44, sustained serious shrapnel injuries to his neck during the attack. Al Mezan spoke to Akram Sa'eed who provided the statement:

“At approximately 14:00 on Monday 21 July 2014, I was standing in the hospital yard when suddenly I heard a loud explosion and people started running from the yard of the hospital to the hospital's buildings. Shelling caused some injuries in the hospital and my colleagues tried to rescue them. After about two minutes I heard shelling. I saw my colleagues Rajai Al Attar, 44 and Amjad Al Astal, 37, being injured and I found two kids on the floor of the hospital yard. I carried the kids and took them to the reception. I found a group of children yelling and sitting on the floor, and there was a child who sustained critical injuries. I ran to carry him. His injuries were in the upper limbs. Suddenly I heard a third explosion near the surgery department. I bent to pick up the child and then I felt something hot moving on my neck. I put my hand on my neck and it was bleeding.

I ran to the reception department while hearing many explosions. After an hour and a half, an ambulance came and took me and my colleagues, Rajai Al Attar and Amjad Al Astal, and the nurse Eman Abu Jayyab, 32, to Nasser hospital in Khan Younis. I didn't lose consciousness, but I felt like I was in a coma. I was talking without a voice because I had a trachea in a hole in my neck. I was admitted to the surgery department and I underwent surgery for an hour and a half. I came out of the surgery unable to talk because I had a cut in the nerves of my throat and swelling in my neck. I sustained two shrapnel injuries and doctors could not take out both. They just took one out and the other is still in

⁸ To read a full interview with Eman Abu Jayyab, please see page 177-179 of the Gaza 2014, Findings of Medical Fact Finding Mission; Physicians for Human Rights-Israel https://www.scribd.com/fullscreen/253234419?access_key=key-s2eOyHSNIIUKD6Sx91Uc&allow_share=true&escape=false&view_mode=scroll

⁹ Ibid.

a dangerous and sensitive place in my neck. The doctor advised me not to do a surgery in Gaza and to do it in a developed country like Germany. One of the doctors told me that if this shrapnel was removed in a country in which medicine is not advanced, it would cause paralysis or death. Now I'm waiting for a medical referral and I sometimes feel pain in my head and neck.”

Al Mezan can confirm that Akram Sa’eed is still awaiting a decision from the Palestinian Ministry of Health to help get a referral to travel to Germany to receive medical treatment. He is unable to carry out the duties of his work due to his injuries.

Al Mezan spoke to Mohammed Alqrenawy, 24, who is a technical support volunteer at Al Aqsa Hospital. He provided an eyewitness account of the scene during the attack on the hospital:

“At around 14:30 on Monday 21 July 2014, I was in my office at the first floor of the management building, and while I was preparing myself to leave and go home, I heard a very loud explosion that broke the glass of the western window of the room. I rushed outside of the building and I saw three children, a number of women, and many more people lying on the ground. Smoke and dust was rising up from the main building of the hospital. I reached a woman and tried to move her to find out if she was still alive. She started moving and I carried her with the help of a paramedic, Emad Ali. We moved her to the Emergency Room, and then I went back to the eastern yard of the hospital where there was a huge number of people screaming and running in all directions. I then carried a boy who looked around 15 years old. He was wearing a blue shirt and was bleeding from his head and back, so I carried him with the help of Emad to the reception. They then took him into the Intensive Care Unit but he didn't seem to be alive.”

Mohammed Alqrenawy was unable to confirm whether or not the boy he carried was the 15 year old child, 'Alaa Abdel Majeed Abu Dahrouj, who died during the attack on the hospital.

After the attack the hospital administration decided to evacuate all the wounded and patients to three other hospitals: the Shifa Hospital in Gaza City, the Nasser Hospital in Khan Younis City, and the Gaza European Hospital, also in Khan Younis. A WHO assessment immediately after the attack found: “damage to patients rooms and in the hospital stairwell. This rendered the patient wards not functional. The hospital continues to function partially”.¹⁰

Al Mezan spoke with the Director of the Al Aqsa Hospital, Dr Kamal Khattab, regarding the attack on the hospital. He said the hospital was struck without any warning and without any clear reason. He explained that after the attack all the internal divisions of the hospital had to be closed. The hospital's patients, including cancer patients and intensive care unit patients, were transferred to the Shifa Hospital in Gaza City and the Nasser

¹⁰ http://www.emro.who.int/images/stories/palestine/documents/WHO_Sitrep_on_Gaza.4.pdf?ua=1

Hospital in Khan Younis City. He said only the emergency room remained functioning for the next couple of days after the shelling. He further explained the hospital is functioning normally now except for the third floor which houses the General Surgery department. Any patient who requires surgery therefore has to be transferred to another hospital with a functioning surgery department.

Mahmoud Daher, head of the WHO sub-office in Gaza, is reported as saying that the Al Aqsa Hospital 'could not have been a launching site for rockets, judging from its structure and location'.¹¹

Al Mezan's fieldworker for the Middle Area, Bassem Abu Jray, commented on his reporting of the incident:

'I was there an hour before the attack took place and directly after and I did not see any suspicious activity or any activity at all that would lead me to believe that an armed attack came from within. I went to Al Aqsa hospital every day, sometimes up to three times a day, and I never documented any attacks emanating from the hospital.'

Al Wafa Medical Rehabilitation and Specialised Surgery Hospital attacked on 11 July 2014 and 17 July 2014 and then destroyed on 23 July 2014

18. The Israeli military repeatedly struck the Al Wafa Medical Rehabilitation and Specialised Surgery Hospital which is located in the eastern part of the Shujaiyya neighbourhood, one kilometre and a half away from the border with Israel. The hospital was newly constructed and equipped with US\$ 3 million in rehabilitation equipment¹². It had 50 beds and a therapeutic garden. It was the only rehabilitation hospital in Gaza¹³.

The following information of the series of attacks on the hospital, which culminated in its destruction, is taken from the statement of the Chairman of the Board of Directors of Al Wafa Hospital, Dr Munzer Ahel, dated 23 August 2014:

“Soon after the start of Israel's military operation in Gaza, the hospital received a series of threats from the Israeli military via phone calls and messages as communicated through international institutions. The Israeli military also targeted the hospital with artillery shells and rockets. The targeting of the hospital continued despite the presence of several foreign peace activists of different nationalities.

¹¹ Gaza 2014, Findings of an Independent Medical Fact Finding Mission; Physician for Human Rights-Israel; page 50 https://www.scribd.com/fullscreen/253234419?access_key=key-s2eOyHSNIIUKD6Sx91Uc&allow_share=true&escape=false&view_mode=scroll

¹² WHO Situation Report Number 4, dated 23 July 2014, page 2; http://www.emro.who.int/images/stories/palestine/documents/WHO_Sitrep_on_Gaza.4.pdf?ua=1

¹³ WHO Situation Report Number 3, dated 21 July 2014, page 1; http://www.emro.who.int/images/stories/palestine/documents/WHO_Situation_Report_3_-_July_21.pdf?ua=1

On the evening of Thursday 17 July 2014, at precisely 20:00, the medical staff of the Al Wafa hospital received a phone call from the Israeli military ordering that they must evacuate the hospital within ten minutes. The medical staff decided to act upon the threat and began working towards evacuation. After five minutes and as the staff were working to evacuate the hospital, ten artillery shells were directed towards the housing building (Northern Building), resulting in power outages that left the building in total darkness; led to the disruption of all medical devices; severely damaged the second, third and fourth floor; and led to the outbreak of a major fire that terrified patients.

On Wednesday 23 July 2014, at 13:00, Israeli military airstrikes destroyed the entire hospital establishment and buildings, along with all its medical equipment and materials. The board of directors has estimated total losses as a result of the complete destruction of all three hospital buildings and its therapeutic garden at US\$ 13,340,000.”

All 17 inpatients that were evacuated from the Al Wafa hospital on 17 July 2014 were taken to Al Sahaba hospital for two weeks, before being relocated to the Al Wafa Nursing Home in Al Zahara with 40 beds set up for patients. The temporary location did not support surgical services, but did include medical rehabilitation services (physiotherapy, occupation therapy, psychosocial support, and nursing care).¹⁴

Al Mezan has a signed statement from the executive director of the Al Wafa Hospital, Basman Medhat Abdel Ghani, concerning the above mentioned attacks. It is repeated in full here:

“During the war on Gaza we started working in an emergency plan which I was responsible for. At approximately 02:00 on Friday 11 July 2014, I received a call from Dr Ghassan Sarsour, informing me that the hospital was exposed to an artillery shelling and bombing by drones, so I asked him to evacuate the patients to the ground floor of the hospital. After that I called the International Committee of the Red Cross (ICRC) and informed them that the hospital was exposed to shelling by the Israeli military. I asked for ICRC intervention to stop targeting the hospital. At approximately 07:00 on the same day, I went to the hospital and checked the bombed places which were on the fourth floor from the northern side and on the roof of the building. I saw missiles in the wall and a missile in the ceiling. I stayed in the hospital until 16:00, and I received a call from the ICRC informing us that shelling of the hospital was not going to happen again, so I left for home. At approximately 17:00, one of the nurses of the hospital informed me that the hospital was bombed again by the Israeli military. I called the ICRC again and told them that shelling of the hospital is being repeated, and asked them again for their intervention to stop the aggression on the hospital. This missile was fired without any warning from the Israeli military. After that I headed to Al Shifa Hospital in Gaza, and made a press conference in Arabic and English languages directed to the Israeli military and international organisations, to stop the aggression on the hospital. After the press conference I went with eight solidarity activists to the hospital where they volunteered to

¹⁴ WHO Situation Report 10; page 2;
http://www.emro.who.int/images/stories/palestine/documents/WHO_Sitrep_on_Gaza_-_10.pdf?ua=1

act like human shields of the hospital in order to protect it from any other attack. Media was condensed in the hospital to cover the incidents.

Work in the hospital continued despite the bombing in the nearby areas and despite the warning of the Israeli military to totally evacuate the Al Shujaiyya area. It was hard to evacuate the patients in the hospital, especially those who needed great care, and actually there was no hospital in Gaza properly prepared for them because some of these patients are disabled and in a fainting condition and not able to move. Our hospital received injuries from Al Shujaiyya after the attack it was exposed to. Receiving injuries lasted until Thursday 17 July 2014.

I left the hospital at approximately 19:00 on Thursday 17 July 2014, but I was always in contact with the employees there who were continuously receiving warnings to evacuate the hospital. At approximately 20:30, the reception department in the hospital received a call from an unknown person asking them to leave the hospital. After five minutes, they received another call, and this time the caller introduced himself as the “Israeli Defence Forces”, and gave them 15 minutes to leave the hospital. The employees were informing me about every call they received. At approximately 20:45 on the same day on Thursday 17 July 2014, I received a call from one colleague informing me that the hospital is being exposed to constant shelling which led to a power cut and fire on the second, third and fourth floors. I asked my colleagues who were in the hospital to evacuate the patients from the hospital. They evacuated the patients under a constant shelling in the dark. During this evacuation, the ICRC called and asked me about the time period that we needed to evacuate the hospital. I answered her that we needed two hours. She called again after 15 minutes and told me that the Israeli military would stop bombing. I answered her that it's too late because the hospital was already on fire. All 17 patients were evacuated to Al-Sahaba medical center after coordinating with them. The patients were transferred using civilian cars and trucks, and they were exposed to shelling during the transfer process. There were no fatalities or injuries except some minor injuries as a result of the evacuation and running. At approximately 10:00 on Friday 18 July 2014, I went to Al Wafa hospital to bring needed medicines despite the drones and bombing around us. I took the medicine and we left because of the gravity of the place. We couldn't go back to the hospital that day. At approximately 14:00 on Wednesday 23 July 2014, one of the employees told me that Al Wafa hospital was totally destroyed by Israeli airplanes. After the war ended, I went to the hospital and I saw it in piles of rubble.

We continued the treatments of the patients on Al-Sahaba Medical Center but we suffered from lack of equipment and medicines. We appealed to international and local organizations for help and some of them provided us with equipment. Since there is no guarantee for safety in the future, we decided to move the location of the hospital from near the Israeli border to a safer place in the middle of the city. We own a 4000 meters piece of land which we will use to build a new building for the hospital.”

Mahmoud Daher, head of the WHO sub-office in Gaza, is reported as saying that he 'believed there was an actual rocket launching site in the vicinity, but that it was more than 200 metres away from the hospital'.¹⁵

Beit Hanoun Hospital attacked on 18 July 2014, 22 July 2014 and 25 July 2014

19. Beit Hanoun hospital is located in the middle of the city in the North Gaza district and was repeatedly struck in a series of military attacks.

At approximately 12:35 on 18 July 2014, an Israeli military drone fired a missile at the Beit Hanoun hospital which hit the third floor of the hospital's building. The third floor is the location of the Management Section and the Children's Department. There were no injuries but the bombing caused damage and hindered the technical and administrative work in the hospital.

Then at approximately 02:30 on 22 July 2014, the Israeli military fired an artillery shell which landed in the hospital's garden, opposite to the Emergency Room. It injured one person, Bilal Mohammed Ahmed Al Seba', 34, who sustained shrapnel to the neck and the chest. He had been in the hospital's reception area at the time of the attack. The explosion shattered windowpanes at the hospital. Later, at 08:30, the Israeli military fired another two shells at the hospital. One of them landed in front of the Emergency Room. The second hit the gate of the Administration Section, igniting a fire at the entrance and causing damage to windows in the building.

Subsequently at approximately 23:05 on Friday 25 July 2014, Israeli military artillery shells struck the third floor of the building of the Beit Hanoun Hospital. The shelling damaged the Women's Unit and the Children's Intensive Care Unit. Several shells also hit the hospital grounds, shattering the windows in the hospital reception, the Emergency Unit and the Medical Laboratories. The shelling caused panic among the medical, administrative and technical staff in the hospital. According to Al Mezan's field investigations, there were around 200 people in the hospital when it was hit including hospital staff, visitors, local and foreign journalists, and several families who had sought refuge in the hospital because of the intense attacks on residential homes in the vicinity. After this attack, the Palestinian Ministry of Health decided to evacuate those present in the hospital and started coordination with the ICRC in order to do so.

According to Al Mezan's field investigations, the Israeli military continued to shell the hospital courtyard and the public park next to the hospital (on the western side) for two hours. Some of the shells released white smoke in the vicinity of the hospital, causing a white cloud to form inside the hospital itself. As a result, several of those present suffered

¹⁵ Gaza 2014, Findings of Medical Fact Finding Mission; Physicians for Human Rights-Israel; page 50
https://www.scribd.com/fullscreen/253234419?access_key=key-s2eOyHSNIIUKD6Sx91Uc&allow_share=true&escape=false&view_mode=scroll

breathing problems. In addition, three people were injured by the shattering of the windows. Their injuries were described as light. At approximately 01.20 on Saturday, 26 July 2014, the Israeli military resumed the shelling of the hospital, causing damage to the reception, the Emergency Unit and the mortuary. At this time, those present in the hospital – employees, visitors and other civilians – had not yet been able to leave. The shelling continued until 07.30 on Saturday, 26 July 2014. At 09.30 on the same day, the Palestinian Ministry of Health evacuated the hospital and closed it in order to ensure the safety of the employees and patients.

Al Mezan has a signed statement from the director of Beit Hanoun hospital, Bassam Ayesb Mustafa Abu Warda, concerning the operation of the hospital during the attacks:

“The hospital continued its work during the aggression in order to provide medical services to the residents of Beit Hanoun. It was dangerous for the medical crews of the hospital to leave the hospital because danger was spreading all over the place. After the aggression and the ground invasion intensified, the hospital’s transport cars couldn’t work and move because of a lack of fuel. The employees who live outside Beit Hanoun couldn’t come to the hospital, which resulted in a decreased medical crew. 100 employees worked from 20 July 2014, including administrative, medical and technical employees. The crew suffered from the intensified shelling nearby and the lack of food in the hospital. The hospital continued its work because there were still residents in the western areas of Beit Hanoun.

On 25 July 2014, the Reception and Emergency Department were targeted directly when all the medical staff were in the X-Ray Department in the vault of the eastern building of the hospital. There were also foreigners in solidarity with us in the hospital. After three people suffered minor injuries in this attack, the Ministry of Health asked us to evacuate the hospital. We coordinated with the Ministry of Health to evacuate during the next morning in the cease-fire period. I visited the hospital during the aggression in the cease-fire period to check on it, and after the aggression ended we came back to work in the hospital normally.

During the aggression period from 7 July 2014 until 26 August 2014, the hospital received 32 fatalities and 390 injuries. Our doctor Ayman Hamdan was injured when there was bombing near the hospital, and the ambulance driver Zeyad Al Da’our was injured in a direct shelling on the reception building [on 25 July 2014]. The hospital worked in emergency mode for two weeks after the aggression ended because of the damage to the hospital, and then it returned to its normal work.”

Al Mezan can confirm that two medical staff and one foreign journalist were lightly injured by the attack on the hospital on 25 July 2014. They were thrown to the floor and had trouble breathing from the debris. The majority of the patients were evacuated to Kemal Adwan hospital in Beit Lahia while other patients were evacuated to Shifa hospital.

Al Mezan can further assert that it has not found any evidence or witnessed any suspicious activity that would lead them to believe that rockets were launched in or near Beit Hanoun hospital.

Killing of ambulance driver, Mohammed Hassan Al Abadla, 32, on 25 July 2014

20. At approximately 23:10 on Friday 25 July 2014, a Palestinian Red Crescent Society (PRCS) ambulance driver, Mohammed Hassan Al Abadla, 32, was killed by Israeli military live fire when responding to a call to rescue a man with disability in the Al Ma'ari neighborhood, east of the Al Qarara town in the east of Khan Younis district. The ICRC had information of an injured person in Al-Qarara and coordinated the evacuation of the injured person with a PRCS ambulance. An ambulance rescue team of two – driver and medical worker - drove to the location and then proceeded on foot when the ambulance driver, Mohammad Al Abadla, was shot and injured in the chest and leg.

The medical worker, Hassan Al Attal, then ran back to the ambulance and called the PRCS for a further ambulance. The further PRCS ambulance received Israeli military coordination approval but was shot at when approaching the scene of the shooting. After thirty minutes the PRCS was able to reach Mohammed Al Abadla but by that time he was in a very critical condition and had lost a lot of blood. He bled to death and was pronounced dead shortly after being evacuated to Nasser hospital.

Al Mezan spoke with Hassan Al Attal, the PRCS medical worker on duty with Mohammad Al Abadla at the time of this incident. He provided the following eyewitness account:

“At approximately 22:00 on Friday 25 July 2014, we received a phone call from ICRC saying that there was a coordination with the Israeli military to rescue a man with disabilities tied to a tree in the Al Qarara village. I headed there with Mohammed Al Abadla to rescue the man. We found that the street was blocked due to the rubble, so we informed the ICRC. They got back to us and asked us to step out of the ambulance and walk towards the man. After we moved about 10 metres, the ICRC told us to give the Israeli military a signal, which was a flash light. Right after Mohammed had given the signal, the Israeli military shot him directly in his leg and shot him again in his chest. I ran back to the ambulance and contacted the PRCS operations and told them what happened. They sent two more ambulances for us to try to get to him but the Israeli military kept shooting towards us. Mohammed kept bleeding for half an hour before we could get to him and transfer him to the hospital, but he died on the way there. Until this moment, we have no clue what happened to the disabled man we were trying to rescue.”

Al Mezan also spoke with the director of the PRCS unit in Khan Younis, Mohammed Ghazi Mohammed Al Hessi, who provided the following signed statement on the incident:

“Earlier in the day we received a note from the ICRC about a disabled person tied in a tree and injured by bullets shot by the Israeli incursion forces in Al Qarara area. We did a coordination to enter the area to take the injured person. At approximately 22:00, an ambulance driven by Mohammed Al Abadla entered the area after we made the coordination by the ICRC. The ambulance arrived to Al Umda Street which branches from Street number two in Al Qarara village. Mohammed Al Abadla was in contact with the ICRC.

After Mohammed Al Abadla arrived to the place, he found out that Al Umda Street was razed and the ambulance couldn't enter. Mohammed Al Abadla informed the ICRC about this and they asked him to wait until they talked to the Israeli forces. After some minutes, they asked him to get down from the ambulance with the medic Hassan Fawzi Al Attal, holding a flashlight. After they walked about 10 metres they were exposed to live fire. Mohammed Al Abadla was injured and Hassan Al Attal went back to the car. Hassan Al Attal called me and informed me about what happened to Mohammed Al Abadla. I went directly to the place with two more ambulances. I was in contact with the ICRC and I was trying to call the personal number of Mohammed Al Abadla but he wasn't answering. When we approached the ambulance which Mohammed Al Abdla was driving, I went out from my car and I asked for the ICRC intervention to enter the area. After some moments, we were informed by the ICRC that Israeli forces approved us to enter the area. We went out from the cars and went directly to him. Once we arrived we were exposed to live fire. We were obliged to go back and leave the area.

After 10 minutes, we had a call from the ICRC, allowing just two persons to go and take Mohammed Al Abadla. He had critical injuries and had bled too much. We took him to Nasser hospital where after 15 minutes they pronounced him dead.”

Killing of volunteer medical worker 'Aa'id Mahmoud Al Bor'ee, 28, on 25 July 2014

21. At approximately 16:30 on Friday 25 July 2014, a PRCS volunteer medical worker, 'Aa'id Mahmoud Al Bor'ee, 28, was killed when the Israeli military fired several shells at a PRCS ambulance which was evacuating the injured from the Al Masriyeen Street area in Beit Hanoun in the north of the Gaza Strip. In addition to the killing of 'Aa'id Mahmoud Al Bor'ee, a further volunteer medical worker Hatem Shaheen, 38, and the ambulance driver, Jawad Fayez Bdeer, 50, were injured by the direct strike on the ambulance. A further PRCS ambulance was fired upon by Israeli tanks when arriving to evacuate the dead body of Aa'id Mahmoud Al Bor'ee, despite a pre-arranged coordination through the ICRC. This further attack injured Rami Khamis Al Haj Ali, 32, and the ambulance was partially damaged. It was not until 08:30 on Saturday 26 July 2014 that the body of Aa'id Mahmoud Al Bor'ee was retrieved by the PRCS.

Al Mezan spoke to the PRCS ambulance driver, Jawad Fayez Bdeer, concerning the first attack which injured him and killed his colleague. He provided the following eyewitness statement:

“Around 16:00 on Friday 25 July 2014 I was working in the Beit Hanoun area when I received a phone call from the "dispatcher" of Jabalya PRCS center, saying there were several injuries in Al Masriyeen Street. The dispatcher said some of them were in a bad situation. Al Masriyeen Street was about 100 meters away from where I was located at Beit Hanoun hospital. My team and I rushed to the place that was not far away. We took a shortcut road which was 6 metres wide, but suddenly there was a big explosion that shocked us. I felt fire on top of my head, my hands were burning and my face was on fire too. I tried to open the door next to me but I couldn't. So I thought I could leave from the right side door behind my colleague sitting next to me, Hatem Shaheen. I was surprised when I didn't find him or the seat itself - nothing was left there. I finally managed to get out and I was shocked to find my other teammate, Aa'id Al Bor'ee, lying dead on the ground. His upper half was torn apart. I was not sure how this could have happened. I looked to the back side of the ambulance and it was destroyed completely and disconnected from the rest of the vehicle. I started running back to Beit Hanoun hospital which wasn't that far away. When I got there I fell unconscious. The medics provided medical care to me, and I survived miraculously. I think we were targeted directly because the Israeli military doesn't care who we are; everyone is a possible target.”

Al Mezan also spoke to the other PRCS paramedic injured by the attack on the ambulance, Hatem Shaheen. He provided the following eyewitness statement:

“We were heading to Almasriyeen Street where there were civilian injuries due to the continuous artillery bombing. When we entered the street, which is near Beit Hanoun hospital, the ambulance was targeted by artillery and I was wounded. The ambulance was on fire, so I got out of it. I ran to a side street and hid there for about half an hour. Then with the help of people I got to the hospital where I was transferred by another ambulance to Al Awda hospital to receive medical care. I was informed that my colleague Jawad has arrived at Beit Hanoun hospital, but the Israeli soldiers moved the ambulance out of the way and left Aa'id's body laying until the next morning after the ceasefire started. I suffered at the time from burns in my face and head, and I was hit by missile fragments in the elbow, the back, the chest, my hands, and my head. I still have five fragments in my body.”

A PRCS coordinator in Gaza is reported as saying that the first ambulance carrying the 'Aa'id Mahmoud Al Bor'ee had received a 'green light' from the ICRC, in coordination with the Israeli military, to make the initial evacuation of injured people.¹⁶

The ICRC expressly condemned the killing of 'Aa'id Mahmoud Al Bor'ee in a public statement:¹⁷

¹⁶ Gaza 2014, Findings of Medical Fact Finding Mission; Physicians for Human Rights-Israel; page 49

https://www.scribd.com/fullscreen/253234419?access_key=key-s2eOyHSNIIUKD6Sx91Uc&allow_share=true&escape=false&view_mode=scroll

¹⁷ <http://blogs.icrc.org/ilot/2014/07/26/gaza-icrc-condemns-the-killing-of-a-red-crescent-volunteer/>

“We condemn in the strongest possible terms the attacks against medical personnel and ambulances which have occurred in Gaza during the two last weeks. Targeting ambulances, hospitals and medical workers is a serious violation of the laws of war.”

Death of child, Anas 'Bader' Hatem Suleiman Qdeh, 7 years old, while being transported in a PRCS ambulance subjected to delays, on 24 July 2014

22. A seven year old boy, Anas 'Bader' Hatem Suleiman Qdeh, was critically injured in Khuza'a on 24 July 2014 during extensive military attacks in the area. PRCS ambulances were denied access by Israeli authorities in reaching the location of attack on that day. The delay of access that day was approximately three hours. When coordination was given for ambulances to enter Khuza'a, Anas was picked up in a very distressed condition. The ambulance evacuating him was then stopped at another check point for a short period of time. He died of blood loss after his evacuation and was declared dead after reaching the hospital.

Al Mezan obtained details from the director of the PRCS unit in Khan Younis, Mohammed Ghazi Mohammed Al Hessi, on the details of the death of Anas Hatem Suleiman Qdeh (otherwise known by his nickname, 'Bader'). He provided the following signed statement on the incident:

“One of the main problems we faced during the aggression was arranging the coordination to enter the places exposed to military operations especially in Al Fakhari, Khuza'a, Az-Zannah and Al Qarara areas [in the Khan Younis district in the Southern Gaza Strip]. Most of the problems were in Khuza'a in which we received thousands of appeals to evacuate martyrs, patients and people who were trapped. We asked for coordination through the ICRC, but mostly it was refused.

As an example, at approximately 6:00 on 23 July 2014, we took ten cars and tried to enter Khuza'a six times. We stayed there for an hour and then we were informed that there was no coordination. That was repeated six times in that day until 22:00 when Israeli forces allowed us to enter. The situation was difficult because all of the village entrances were closed and we couldn't gain access.

At approximately 11:00 on Thursday 24 July 2014, we entered Khuza'a from the southern side from Abu T'ema Street, not from the main road. When we entered they [Israeli military] asked us to get down from the cars so they could inspect them with their dogs. They opened the road slightly and allowed us to enter with two ambulances and the ICRC car. The other cars stayed out of Khuza'a.

The cars were inspected by dogs when they took out the injured. The ICRC car was also inspected and one of the injured kids, Bader Hatem Qdeh, was inside it and his condition was very bad. The child was injured by a missile that the drones fired near hundreds of people who were trying to leave the area escaping from the Israeli shelling. Israeli forces

hindered transferring him for 10 minutes. The child was in a very bad condition and asked medics for water to drink before they allowed him to pass. He died on the way.”

Al Mezan also spoke to Mahmoud Qdeih, 24, an eyewitness who has extended family in Khuza’a, concerning the context of this incident. He provided the following statement:

“At around 9:00, I heard the sound of a very strong explosion. Windowpanes were smashed. The basement door and the main door were opened. I felt afraid as well as other people who were in the basement. All the people spontaneously got out of the basement. I saw tens of people getting out of their adjacent homes. We gathered and decided to go out of the town through a sandy road south of Khuza’a. We walked towards Abu Hannouna Street that leads to Abassan. I heard a sound of a strong explosion. I saw heavy smoke close to us. I heard people who were with us saying that it was an Israeli drone attack that resulted in the killing of Rami Qdeih, 18. I saw Bader Qdeih, 7, was injured and his intestines were outside his abdomen. His mother was standing beside him and trying to help him and carry him. I heard him saying “I don’t want to die. Don’t leave me”. No one could help and carry him because his intestines were out and because of the fear and continuous attacks and shooting. We walked towards Abu Hannouna Street. Our numbers were increased as some residents followed us to go out of the town. On our way, I saw a number of Israeli tanks and soldiers.”

A harrowing account which corroborates the above statements is provided in a recent Physician for Human Rights-Israel report:

“Samia Abu Daka, Dr. Kamal Qdeih and Ramadan Qdeih all recounted that as the second mass attempt to leave Khuza’a began on 24 July 2014, on the main road just in front of Muhammad Tawfiq Qdeih’s house, they saw a small boy, who approached them crying, while holding his intestines with his hands, pleading ‘take me with you, take me with you’ (the estimated location is located by a pictogram of a person on the map). Dr. Qdeih described his injuries as ‘severe shrapnel injuries to the abdomen exposing his intestines’. Although Samia Abu Daka and Ramadan Qdeih thought he looked about 9 or 10, Dr. Qdeih said that he later discovered this child to be his relative, a boy called Bader Qdeih, aged 6.

Samia said: I was so weak and terrified myself that we ran for our lives leaving the child behind. This scene now tortures me and I feel guilty. He was like my son – the same age. He could have been my own son, and I left him there to die.

Dr. Qdeih said: I was carrying my own child in my arms, and he was terrified. On the way, my son was begging me not to leave him behind even if he died, because the soldiers would take his body or leave him lying on the street, like the many bodies we were leaving behind. I couldn’t take care of the little child crying out for help, but I promised him that I would call the ICRC and bring an ambulance for him. I actually did this as soon as we managed to reach safety. Now I feel shame and guilt because I left this boy behind.

When the first Fact-Finding Mission (FFM) team interviewed a PRCS coordinator in Gaza City, he showed a video of an evacuation from Khuza'a on 24 July 2014, as an example of the evacuation team being held at a military checkpoint for three hours with no explanation. The footage includes a child holding his abdomen and begging for assistance. The nature of his injury and his age suggest that this was the same child described above.

Judging from the location of the footage, Bader was at the checkpoint and was in the process of being evacuated from Khuza'a, but the evacuation was blocked by the army. In the video he asks for water (which the paramedic explained he could not give him due to his injuries) and asks not to be left alone.

In the opinion of Dr. Qdeih, the Israeli soldiers and officers must have seen the boy, since they were on the streets in the same area, but no one facilitated his evacuation. It is the opinion of the FFM teams that the army must have seen him at least by the time he was being treated by ambulance teams, since they were present on site and blocking the ambulances' access. According to Dr. Qdeih and the PRCS coordinator interviewed by the FFM team, the boy, Bader Qdeih, died of his injuries after arriving at the hospital.”¹⁸

Al Mezan's Director of Fieldwork and Training, Samir Zaqout, has commented on the regular denial or delay of access of injured people to healthcare, emergency medical vehicles and personnel during Israel's military operation in Gaza between 7 July 2014 and 26 August 2014:

“Al Mezan’s monitoring and documentation during Israel’s most recent full-scale military operation on Gaza demonstrated the routine denial by Israel of access for Palestinian ambulances and emergency teams to areas under attack and of access for ambulances with injured people inside to hospitals.

Through the ICRC, Palestinian ambulance teams attempted to reach the injured by requesting the necessary coordination from Israeli authorities. Regularly, the teams would be denied access to the stated “closed military zone” or access would be delayed by hours or even days. Sometimes ambulances were just a few meters away from a spot that had been targeted, where medical personnel had been informed that injured people were remained, and they were unable to reach the victims.

During the bombardment Palestinian civilians were calling radio stations with their locations, asking for help from emergency medical services. But in many cases no one could reach them.”

¹⁸ Gaza 2014, Findings of Medical Fact Finding Mission; Physicians for Human Rights-Israel; pages 88-89
https://www.scribd.com/fullscreen/253234419?access_key=key-s2eOyHSNIIUKD6Sx91Uc&allow_share=true&escape=false&view_mode=scroll

Killing of a three person ambulance crew on 1 August 2014

23. On Friday, 1 August 2014, an ambulance from the Palestinian Ministry of Health was struck by an Israeli missile drone strike after arriving at Al Bir Wal Taqwa mosque in Msabbeh neighbourhood in the north of Rafah to evacuate individuals injured by an earlier Israeli drone missile strike. The three fatalities have been identified as:

- Atef Saleh Ibrahim Al Zamli, 42, ambulance driver;
- Youssef Ejme'an Nasrallah Al Sheikh Eid, 33; paramedic; and
- Youssif Jaber Hassan Darabeh, 27 volunteer medical worker.

A mother and her three young children were also killed by this drone strike:

- Dua' Ibrahim Mahmoud Shiekh Al Eid, 23;
- Abdel Kareem Ibrahim Ahmed Sheikh Al Eid, 2;
- Khalil Ibrahim Ahmed Sheikh Al Eid, 3; and
- Aya Ibrahim Ahmed Sheikh Al Eid, 4.

Israeli military authorities then prevented the arrival of emergency medical rescuers by launching a missile in front of an ambulance.

Al Mezan spoke to the Director of the Emergency Department in Abu Youssif An-Najjar hospital in Rafah, Tayseer Merzeq Rezeq Madi, concerning the attack which killed his ambulance crew. He provided the following statement:

“We started hearing explosions of the artillery shells east of Rafah at approximately 09:00 on Friday, 1 August 2014, and the injuries started to arrive to Abu Youssif An-Najjar hospital from the eastern areas. In the first hour of the artillery shelling, about 60 injured people and 20 fatalities arrived at the hospital. Most of the injuries were critical. Because of the huge number of injuries, we started transferring them to Nasser and Gaza European hospital's in Khan Younis.

We had six ambulance cars in the hospital and the number of injuries was more than the ambulance crews' capacity. I asked the Palestinian Red Crescent to help us in carrying the injuries although it wasn't their work. The bombing was continuous and in separate areas in Rafah. We asked the ambulance cars from Nasser hospital to carry the injured from An-Najjar hospital to Nasser hospital. The situation was hard on the ambulance crews while transferring the injured from one hospital to another.

At approximately 15:00 on the same day, we were informed by people about the targeting of Al Bir Wal Taqwa mosque in Msabbeh neighbourhood in north Rafah and that there were injuries among the worshippers. Two ambulance cars from Abu Youssif An-Najjar hospital headed to the targeted location. The driver of the first car was Atef Al-Zamali escorted by the nurse, Youssef Al Sheikh Eid, and the volunteer medic, Youssif Drabeh.

The driver of the second ambulance car was Mokhles Khafaja, who escorted two medics. A third ambulance coming from Nasser Hospital in Khan Younis, which escorted the first two ambulances, was driven by Mohammed Shahin. After about 30 minutes, I was informed about the targeting of an ambulance in the targeted place. Ambulance cars from our hospital headed to the location. After an hour, our ambulance crews succeeded in picking up the casualties who were in the targeted ambulance and the other dead bodies who were in the targeted location. The driver, Atef Al-Zamali, the nurse, Youssef Al-Sheikh Eid, and the volunteer medic, Youssif Drabeh, were found burned in the ambulance.”

Al Mezan also spoke with Jaber Hassan Darabieh, the father of the deceased volunteer medical worker, Youssif Jaber Hassan Drabeh. Jaber Hassan Darabieh was on also duty as an ambulance driver for the Abu Youssif An-Najjar hospital on the day of the attack. He provided the following eyewitness account:

“At approximately 09:30 on Friday 1 August 2014, a number of injured and killed people arrived at the hospital because of the continuous artillery shelling in east Rafah. I was summoned to work although I had finished a 24 hour work shift. I went to the hospital and started to work. Tens of people and families came to the hospital to escape the bombing in the eastern area as the hospital is a safer place. I heard many explosions close to the hospital and the injured started to arrive at the hospital. Because of the huge number of injuries, we transferred some of the injured to Al Kuwaiti hospital in Ash-Shboura neighbourhood in Rafah. Doctors were obliged to transfer the injured from Abu Youssif An-Najjar hospital to a field hospital because of the seriousness of the surrounding situation.

At approximately 15:00 on the same day, I went to the Kuwaiti hospital to transfer a case. On my way back, at about 100 metres away from Abu Youssif An-Najjar hospital, I saw an ambulance belonging to the hospital, driven quickly by my colleague, Atef Al-Zamali. As soon as I arrived back at the hospital I heard about the targeting of people in Al Bir Wal Taqwa mosque in Msabbeh neighbourhood, north of Rafah. I went with another ambulance, driven by Mokhles Khafaja who was escorted by Waek Al Sayyed. Escorting me was the volunteer medic, Mohammed An-Nahhal. I was behind the first ambulance because I didn't know the location. We arrived at the scene 20 minutes later. I first saw smoke and then upon arriving about 100 metres from the location, I saw fire in an ambulance. I was shocked and I called the civil defence. I knew that the targeted ambulance was that which Atef Al-Zamali was driving. I went back to around 150 metres from the ambulance so as to be away from danger because the same place was targeted more than once.

I stopped and watched. I informed my colleague, Mohammed An-Nahhal, that the road I was on was narrow, and he should switch streets. He then moved to a more open place. I saw a guy from the area assisting Mohammed An-Nahhal in moving his ambulance. He was about 200 metres away from me. Mohammed An-Nahhal parked the ambulance under a tree and as soon as he got out of the ambulance and approached me, we heard a loud explosion and I saw smoke near his ambulance. I thought to move because of the

dangerous situation. I then went with the medic, Mohammed An-Nahhal, to his ambulance. I saw a part of legs behind the ambulance. We took the stretcher from the ambulance and went to the body; it was the man who had helped Mohammed An-Nahhal just minutes earlier. I applied first aid and brought him to Abu Yussif An-Najjar hospital; he was alive. I then drove back to the location in my ambulance, and was escorted by another ambulance driven by Zyada Al Hamayda. The civil defence was tackling the fire in the ambulance. We picked up the fatalities, who had been burned. They were three children, a woman, three ambulance crewmembers, 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 full with a large number of dead bodies. I sat near the mortuary with sadness for losing my colleagues. I was near colleague, Sho'ayeb Sho'ayeb, who was crying and hugged me firmly and was saying, "Youssif, Youssif". I thought he meant our colleague Youssef Sheikh Eid, but he repeated, "Youssif, your son". 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.

After several minutes, I heard loud explosions surrounding the hospital. The strongest was near the dead body mortuaries, south of the hospital. I heard someone say that the Israeli forces targeted a place close to the hospital where many people were. The hospital became a target of the Israeli forces. We started evacuating the injured, patients and medical crews according to a decision from the director of the hospital, Dr Abdallah Shhada, to Al Kuwaiti hospital. We left the dead bodies, including my son, Youssif, 27, a volunteer medic, Atef Al-Zamali, the ambulance driver, and Youssef Al Sheikh Eid, medic and nurse, in the mortuary and left the hospital. We went back to my house in As-Shaboura neighbourhood to console my family. The next day I knew about the approval to evacuate the dead bodies in the Abu Youssif An-Najjar hospital."

Legal Framework:

International humanitarian law

24. International humanitarian law provide fundamental protections for medical infrastructure, medical personnel, patients and the injured during time of conflict. The Fourth Geneva Convention provide the following pertinent legal obligations:

- “The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect”.¹⁹
 - “Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict”.²⁰
 - “The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas”.²¹
 - “Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected”.²²
25. These legal obligations clearly establish that parties to a conflict must ensure that medical personnel are not endangered or harmed, and that hospitals and ambulances are not attacked or damaged.
26. The Fourth Geneva Convention makes an exception that a hospital may become a legitimate target when used for hostile or harmful acts unrelated to its humanitarian function²³. However, protection may cease only after due warning has been given with a reasonable time-limit set, and after such warning has remained unheeded.²⁴ Furthermore, their civilian status must be presumed where any doubt exists to its nature, and military attacks would still have to comply with the general principles of international humanitarian law of distinction, proportionality and effective warning.
27. No evidence has been discovered by Al Mezan that the civilian hospitals, ambulances and medical personnel referred to in these incidents were being used to commit harmful acts unrelated to their humanitarian duties prior to being attacked.

¹⁹ Article 16, Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949; <https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=588C76638B683C7BC12563CD0051BAE2>

²⁰ Article 18, Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949; <https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=59AB4DAFFBF70295C12563CD0051BB01>

²¹ Article 17, Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949; <https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=B41303A76EA5BC95C12563CD0051BAF1>

²² Article 20, Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949; <https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=83602D92AE7DBFF6C12563CD0051BB30>

²³ Article 19, Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949; <https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=4090B0DF66B7DF7FC12563CD0051BB1E>

²⁴ Frederic de Mulinen, Handbook on the Law of War for Armed Forces, ICRC, Geneva, 1987, paragraph 224

28. Based on the above legal analysis and significant initial factual evidence, Al Mezan, LPHR and MAP submit that the apparent Israeli military attacks against medical infrastructure and personnel in Gaza during their military operation between 7 July 2014 and 26 August 2014 clearly indicates the commission of serious violations of international humanitarian law.
29. The above submission is reinforced by the extensive number of attacks during the period of the military operation which raises the extremely serious concern that the targeting of medical infrastructure or personnel may have been the result of a deliberate policy.
30. Al Mezan, LPHR and MAP further submit that the evidence of the Israeli military apparently routinely refusing permission for Palestinian ambulances and emergency medical teams to access specific areas to reach injured people, and to evacuate injured people to hospitals, without apparent adequate justification, clearly indicates the commission of serious violations of international humanitarian law.
31. It is necessary for the purpose of this complaint to consider the significant issue of responsibility and reparation for any violation of international humanitarian law.
32. State responsibility is provided by international humanitarian law for violation of its provisions. It is sufficient to underscore here the twin principles of customary international humanitarian law that a state is responsible for violations of international humanitarian law attributable to it,²⁵ and that a state responsible for violations of international humanitarian law is required to make full reparation for the loss or injury caused.²⁶
33. Individual criminal responsibility is incurred for violations of fundamental humanitarian rules under both customary international law and treaties. Such crimes encompass war crimes, crimes against humanity and genocide.
34. War crimes are serious breaches of international humanitarian law that apply to armed conflicts and entail individual criminal responsibility under treaty or customary law. This category of crimes includes and/or overlaps with the grave breaches as defined in the four Geneva Conventions. They include crimes against protected persons and crimes relating to the use of prohibited methods and means of warfare.
35. Al Mezan, LPHR and MAP submit that the evidence presented of the apparent practice of the Israeli military to intentionally or recklessly target medical infrastructure and personnel resulting in civilian loss of life and serious injury, and the obstruction of medical personnel to prevent the wounded receiving emergency medical attention, clearly indicates the commission of the grave breaches of “wilful killing... [and/or] wilfully causing great suffering or serious injury to body or health”, under article 147 of the

²⁵ Customary IHL Rule 149, International Committee of the Red Cross; http://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter42_rule149

²⁶ Customary IHL Rule 150, International Committee of the Red Cross; http://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter42_rule149

Fourth Geneva Convention and article 8 (2) (a) of the Rome Statute of the International Criminal Court.

36. Al Mezan, LPHR and MAP further submit that the evidence presented of the apparent practice of the Israeli military to intentionally or recklessly target medical infrastructure and personnel resulting in civilian loss of life and serious injury, and the obstruction of medical personnel to prevent the wounded receiving emergency medical attention, clearly indicates the commission of other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, of “intentionally directing an attack against civilians or civilian objects... [and/or] intentionally directing attacks against hospitals and places where the sick and wounded are collected, provided they are not military objectives”, under article 8 (2) (b) the Rome Statute of the International Criminal Court.

International human rights law

37. Article 12 of the International Covenant on Economic, Social and Cultural Rights require State parties to “recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”. As an occupying power, Israel has an obligation to provide this fundamental right to health protection to every Palestinian resident in Gaza. This obligation continues to apply during a period of conflict.
38. Al Mezan, LPHR and MAP submit that the evidence presented of the extensive destruction and damage to medical infrastructure apparently caused by the Israeli military attacks in Gaza during their military operation, and the obstruction of medical personnel to prevent the wounded receiving emergency medical attention, amounts to a gross violation of the right to health for any Palestinian resident in Gaza whose access to health services was impeded by these military attacks. They include any patient or individual with trauma injuries whose access to timely health-care treatment was critically delayed or denied due to the limited provision of overstretched medical services or Israel's military control of the passage of ambulances; any patient whose medical treatment was interrupted due to their evacuation from hospital or the closure of damaged medical facilities; and any patient with acute and chronic illnesses whose urgent treatment was hindered.
39. Al Mezan, LPHR and MAP further submit that the evidence presented of Palestinian loss of life or injuries as a result of apparent Israeli military attacks against medical infrastructure and personnel, and the obstruction of medical personnel to prevent the wounded receiving emergency medical attention, clearly indicates the commission of a serious violation of the victim's inherent right to life where it resulted in death, as protected by Article 6 of the International Covenant on Civil and Political Rights, and to a serious violation of the right to physical integrity and the prohibition on cruel and inhuman treatment, as protected by Article 7 of the International Covenant on Civil and Political Rights.

Suggested Recommendations:

40. The evidence and legal analysis submitted in this complaint clearly indicates apparent serious violations of international humanitarian law and international human rights law, including the right to health and the right to life and physical integrity, during Israel's military operation in Gaza between 7 July 2014 and 26 August 2014.
41. Al Mezan, LPHR and MAP respectfully request that given this critical finding, the United Nations Special Rapporteur on the Rights to Health, the United Nations Special Rapporteur on the OPT and the United Nations Commission of Inquiry urgently undertake the following steps:
42. Use our complaint as the basis to commence your own investigation into the seven serious incidents documented in this submission, and make findings on the significant legal and human rights concerns raised by these serious incidents;
43. Communicate with Israel concerning their apparent military actions against medical infrastructure and personnel in Gaza, leading to loss of life and injury for civilians and medical personnel, and to consider emphasising the following:
 - i) Condemn the repeated apparent deliberate or reckless targeting of medical infrastructure and personnel by the Israeli military, with grave human rights consequences for civilians and medical personnel in Gaza, as conduct clearly indicating the commission of serious violations of international humanitarian and human rights law;
 - ii) Condemn the apparently routine refusal of permission by the Israeli military for Palestinian ambulances and emergency medical teams to access specific areas to reach injured people, and to evacuate injured people to hospitals, without apparent adequate justification, as conduct clearly indicating the commission of serious violations of international humanitarian and human rights law;
 - iii) Urge Israel to allow and facilitate access for all necessary construction materials to enter Gaza so that reconstruction can take place for the medical infrastructure that has been destroyed or damaged;
 - iv) Urge Israel to conduct timely and effective criminal investigations, to international standards of independence, impartiality, thoroughness and transparency, into each case where there is reason to suspect the commission of a violation of international humanitarian law, and that accountability and justice is secured for proven criminal wrongdoing;
 - v) Urge Israel to revoke Amendment No. 8 of the Israeli Torts (State Liability) Law which impermissibly restricts the civil liability of the Israeli state for violations of international humanitarian and human rights law against individuals;

vi) Urge Israel to remove the procedural, financial and judicial obstacles which prevent such cases from being determined on the merits through the Israeli legal system; including movement and access restrictions and the prohibitive 60-day statute of limitations.

44. Publicise the findings of your investigation into the documented serious violation incidents which we suggest should include significant reference to the vital need for criminal investigations, accountability and state responsibility and reparations for all alleged serious violations of international humanitarian and human rights law. This is necessary to enable the victims of Israel's military operation in Gaza between 7 July 2014 and 26 August 2014 to obtain access to an effective remedy and justice. And it is further imperative so to provide a robust deterrent against any appalling recurrence of apparently unlawful military attacks against medical infrastructure and personnel, and apparently unjustifiable obstruction of emergency medical access to injured people, with grave human rights consequences for civilians and medical personnel.
45. In accordance with the above paragraph, we urge that you consider appropriately referring this complaint and/or the findings of your investigation into the seven documented serious incidents to other relevant international bodies, including the International Criminal Court.
46. Al Mezan, LPHR and MAP are very willing to effectively assist the United Nations Special Rapporteur on the Right to Health, the United Nations Special Rapporteur on the OPT and the United Nations Commission of Inquiry by providing further information on the serious violation incidents documented in this complaint. Al Mezan Director, Issam Younis, can be contacted at issam@mezan.org. LPHR Director, Tareq Shrourou, can be contacted at contact@lphr.org.uk. MAP Director of Campaigns and Media, James Denselow, can be contacted at james.denselow@map-uk.org.
47. Thank you for your careful consideration of this complaint.