

# GAZA'S HEALTH SECTOR UNDER ATTACK: **UPDATE**

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

WHO statement, 28 July 2014

## **LIVING WITH THE PAIN, WITHOUT ACCESS TO JUSTICE**

In 2015, the Al Mezan Centre for Human Rights, Lawyers for Palestinian Human Rights, and Medical Aid for Palestinians published a report entitled *No More Impunity*, detailing cases of Israeli attacks on Gaza's health sector during its 2014 military campaign codenamed "Operation Protective Edge" (OPE).

International law dictates that where applicable laws appear to have been violated in military attacks, the attacks must be investigated promptly, impartially, and in a credible and effective manner. Moreover, civilians who suffer injury or damage due to unlawful attacks must have access to appropriate reparations.

The UN Commission of Inquiry (COI), established in the wake of OPE, expressed concern about "a number of procedural, structural and substantive shortcomings" in Israel's military investigation system, and pointed to the urgent need for

proper investigations. The World Health Organisation's 2016 report highlighted that Gaza and the West Bank sustained the second highest number of healthcare attacks among emergency countries in 2014-2015. Israel's persistent failure to prosecute or properly investigate possible war crimes fosters a culture of impunity, which enables the repetition of its military's destructive conduct which has caused thousands of Palestinian civilian casualties and widespread destruction and damage of civilian infrastructure.

Al Mezan filed 102 complaints involving 108 incidents of attacks with Israel's Military Advocate General (MAG). All cases submitted involved evidence indicating that violations of international law had occurred. Two years since the start of OPE, only a handful of criminal investigations are being conducted.

In this briefing, we present updates on the legal status of the cases highlighted in our report, and testimonies detailing how the lack of effective remedies have impacted the lives of victims and survivors two years on from these attacks.

## **TACKLING IMPUNITY IN GAZA**

**States can help address persistent impunity by taking the following steps:**

- 1** Adopt a clear position on the UN Commission of Inquiry Report calling for full implementation of its recommendations;
- 2** Support the establishment of a UN mechanism to monitor and assess the effectiveness of steps taken to ensure accountability and justice in accordance with international law standards;
- 3** Urge all relevant parties to cooperate with and grant access to UN Human Rights Mechanisms and International Criminal Court (ICC) procedures;
- 4** Support efforts strengthening compliance with international law including through ensuring respect for UN Security Council resolution 2286 (2016) on healthcare in armed conflict;
- 5** Monitor the compliance of domestic investigation and accountability processes with international law standards and to raise this fundamental issue in their bilateral relations.

## AL AQSA HOSPITAL – DAMAGED

**LEGAL CASE STATUS:** Filed with the Military Advocate General (MAG) together with Beit Hanoun hospital on 27 July 2014. No response or confirmation that complaint has been received, despite reminders from Al Mezan.

### Eman, nurse injured in the attack

"Nobody is safe in their own house, but I will keep coming to work to serve the patients and I hope my injury will allow me to do that. I will never feel safe in the hospital. Israel does not care about any laws and they just do whatever they like."



Nurse Eman, who was scarred during the bombing of Al Aqsa Hospital

### Amna Abu Dahrouj, whose son Alaa was killed in the attack

"Since the attacks there is fear and there is no safety. I saw my son dying in front of me. All of a sudden he was gone. He was fifteen years old. Every time I see my three children, I remember that the fourth one is missing. It is painful and it makes me sad. My other son is ten years old, he gets scared every time he hears a plane flying over. He thinks another war started and that he is going to die."



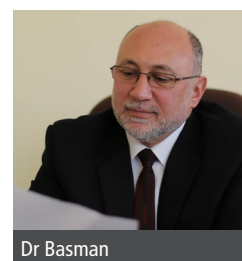
Amna Abu Dahrouj and one of her surviving sons in their damaged house next to Al Aqsa Hospital (February 2016)

## AL WAFA HOSPITAL – DESTROYED

**LEGAL CASE STATUS:** The attack on Al Wafa forms part of a submission to the International Criminal Court (ICC) by Al Wafa in relation to the attacks on the Al Sheja'iya neighbourhood.

### Dr Basman, Executive Director of the hospital

"We do not expect to get anything from our legal case, but I hope that someone will hear the voices of the weak, the elderly, and people with disabilities. Local groups, international organisations, individuals and families heard the call but when it comes to governments, the ICC or the international community, I have lost hope. How could the world sit and watch what was happening to Al Wafa?"



Dr Basman

Israel is acting with impunity. There is no law that controls their actions, they do whatever they want and nobody can question them. When we were clearing the rubble we found four one tonne bombs that had not exploded. We could not move them ourselves so we asked the government here to send a bomb disposal service. It is extremely dangerous, they could destroy the whole area. I had a lot of employees who were clearing rubble and came back with skin rashes, so I asked them to not work there anymore. It is extremely hazardous.

For safety reasons we cannot rebuild in the same location. This is the second time the hospital has been targeted. We are not going to risk a third time. Human life is too precious. There is no safe space in Gaza. We are now based in the city centre and far away from the border so there should be less military activity. But there is no guarantee. Even for the old building we had Israeli approval before we built it."



The former site of the Al Wafa Hospital. Most of the rubble has been cleared and nothing remains of the hospital (February 2016)



## MEBARRAT PALESTINE CENTRE FOR PEOPLE WITH DISABILITIES – DESTROYED

### LEGAL CASE STATUS:

**Ministry of Defence (MOD):** Two civil notifications (for both fatalities) sent to Israel's MOD, which responded with a general letter (without naming individuals) confirming receipt. They have 2 years to file a compensation claim for the victims, which Ms Jamila, Director of Mebarrat Palestine, is pursuing with Al Mezan; although a decision will likely be influenced negatively by the obstacles raised by Amendment 8 to Israel's State Liability Law, which instructs judges to dismiss such claims if the damages and injuries occurred during a military operation.

**Military Advocate General (MAG):** Criminal complaint submitted in July 2014. In December 2014, MAG notified of decision to close the case without criminal investigation. MAG alleged that all precautions were taken and site was a legitimate military target. Further, they said they thought it was a kindergarten so would be empty at night.

### Ms Jamila, Director of Mebarrat Palestine

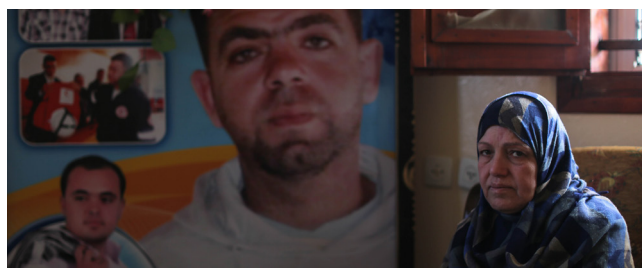
"I think the army may be trying to avoid responsibility in our case. In case of another attack we have added a safety shelter into the new plans. We will make sure that the World Health Organisation gives the location of the new building to the Israelis. Even in the old building, we had a big sign on the wall indicating the purpose of this building. The Israelis knew the purpose of this building. We provided psychological support to the patients who were present during the attack. Now they talk about what happened as a story, it does not affect them that much anymore."



Aseel, brushing her hair in the new centre (February 2016)

## AMBULANCE DRIVER MOHAMMED AL ABADLA – KILLED

**LEGAL CASE STATUS:** Case submitted as part of a larger complaint filed with the MAG regarding attacks on medics in July 2014. No response or confirmation of receipt has been received, despite reminders.



Mohammed's mother, next to a remembrance poster in their living room

### Mohammed's mother

"Mohammed's youngest daughter, Amaal, asks me why she does not have a dad anymore. She looks at his photo and asks him, where are you daddy? I will teach her how he was a hero for his nation."

### Mohammed's father

"There is no justice. Although I know it is my right to raise a case for the death of my son, there is not going to be a way to claim justice. We all know that he was killed while being on duty as a medical volunteer and in cold blood. There was coordination and he followed all the commands from the Israelis. I have lost all hope."



Mohammed's father remembering his son

### Mohammed Ghazi, Director of Palestinian Red Crescent Society (PRCS) in Khan Younis

"This is about international law. Ambulances and medical staff are protected. They should have freedom of movement, they should not need to get permission from anyone. I am not sure if we will be able to put enough pressure to reach justice."

"We had a workshop with the International Committee of the Red Cross about how to deal with a crisis situation and protect ourselves. We tried to contact the Israeli military to send pictures of our ambulances and started putting the number and logo on the roof and all four sides of the vehicles so there could be no excuse for not noticing that they are ambulances."

"When we found out that Mohammed Al Abadla was attacked and died, we were all sitting here. We were all scared, we all felt at risk. Some were saying that they would not go out anymore because we are risking our lives. Two hours later there was massive shelling in the area with a lot of casualties. None of us hesitated even a second to go out and carry out our duty. We have a duty to the people we are serving. What happened is not shaking us."

## BADER QDEIH – KILLED

**LEGAL CASE STATUS:** Complaint still being prepared.

### Bader's father

"The feeling of sadness gets worse every day because it is a day longer that I have lived without my son. I opened a hardware shop after the war just to distract me and to escape from the house and the pain. We have not repaired anything in the house. I am not looking for money or help, it does not matter. Bader is gone for good. One of the most difficult moments was when there was the graduation ceremony of Bader's class. They invited me to come, but how could I witness all the other children celebrating and my son not being there? International laws and human rights are known everywhere but they are not respected in Gaza by Israel, so why would anything be different this time? The Israelis have the best technology in the world, they know that there were women and children in Khuza'a and they saw and knew that Bader was only an innocent boy.

The situation is difficult, everybody is calm but they hide a fear inside. There are a lot of rumours going around that there will be another war soon."



Father of Bader Qdeih in his house showing pictures of his son on his phone

## YUSEF DARABIEH – KILLED IN MSABBEH NEIGHBOURHOOD ATTACK

### LEGAL CASE STATUS:

**MAG:** In February 2015, Al Mezan sent a criminal complaint. MAG has not confirmed receipt.

**MOD:** Twelve civil notifications were submitted for the five people killed in the first attack at the door of the mosque, and the seven people killed in the attack on the ambulance. MOD noted receipt of notifications in a long communication to Al Mezan that included 70 other cases.

### Yousef's father, Jaber Darabieh

"What happened, happened. I am hoping that the same mistakes will not happen again and impunity does not continue. The hospital is not safe during times of war, there is no safe space. Everybody is thinking that another war could start at any time.

I would not hesitate to go to work if war breaks out again. I have such a passion for my work. The more Israel makes us suffer, the more I feel strengthened that I have to enjoy my human rights."



Jaber Darabieh in his house in Rafah camp with the COI report

**FOR MORE DETAIL READ OUR REPORT, NO MORE IMPUNITY:  
GAZA'S HEALTH SECTOR UNDER ATTACK: [MAP-UK.ORG/NOMOREIMPUNITY](http://MAP-UK.ORG/NOMOREIMPUNITY)**

مركز الميزان لحقوق الإنسان  
AL Mezan Center for Human Rights



**Al Mezan Center for Human Rights**  
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.

[www.mezan.org](http://www.mezan.org)

Registered Charity no: 563130798

LAWYERS FOR PALESTINIAN  
HUMAN RIGHTS



**Lawyers for Palestinian Human Rights (LPHR)** is a legal charity in the United Kingdom that works on projects focused on protecting and promoting Palestinian human rights.

[www.lphr.org.uk](http://www.lphr.org.uk)

Registered Charity no: 1142158

**MAP**  
MEDICAL AID FOR PALESTINIANS

**Medical Aid for Palestinians (MAP)** works for the health and dignity of Palestinians living under occupation and as refugees.

[www.map-uk.org](http://www.map-uk.org)

Registered Charity no: 1045315