

The Unjustifiable Targeting of Healthcare in Palestine: a Violation of Human Rights and International Law

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Abstract: The ongoing conflict in Palestine has severely impacted its healthcare system, with hospitals and medical personnel frequently targeted by Israeli forces. This paper examines the unjustifiable targeting of healthcare in Palestine, highlighting violations of human rights and international law. The study investigates the extent of these attacks, analyzes their legal implications, and proposes recommendations for protecting healthcare in conflict zones. It addresses the legal issues of systematic and deliberate targeting of healthcare in Palestine, which constitutes a grave violation of human rights and international law, and seeks to shed light on the magnitude and consequences of this problem. Using a multidimensional approach, this paper analyzes the legal and contextual issues surrounding the targeting of healthcare in Palestine. The analysis employs human rights theory to assess the impact of these attacks on fundamental rights. Findings reveal a systematic pattern of attacks on healthcare facilities and personnel, leading to numerous casualties, infrastructure damage, and disruption of essential medical services. These attacks violate international humanitarian law, including the Geneva Conventions and the Rome Statute of the International Criminal Court. Targeting of healthcare in Palestine is a serious violation of human rights and international law, calling for immediate action to protect healthcare and hold perpetrators accountable. Recommendations include strengthening international monitoring mechanisms, pursuing legal accountability through international courts, and increasing international pressure on Israel to respect its obligations under international law. Legal professionals must

act decisively to address this crisis, aiming for a future where peace, justice, and the right to life and health are respected for all.

Keywords: Conflict zone, Healthcare targeting, Human rights, International law.

INTRODUCTION

The ongoing conflict in Palestine has escalated into a humanitarian crisis of unprecedented proportions, with severe repercussions on the region's healthcare system. The situation has deteriorated to such an extent that healthcare facilities, medical personnel, and patients have increasingly become targets of violence, raising serious concerns about violations of international humanitarian law ¹. The World Health Organization (WHO) has documented a staggering 721 attacks on healthcare in the occupied Palestinian territory since October 7. These attacks have been particularly devastating in Gaza, where 357 incidents have resulted in 645 deaths and 818 injuries. Among the casualties are medical personnel and patients who were inside healthcare facilities at the time of the attacks. The assaults have impacted 98 healthcare facilities, including 27 of the 36 hospitals in Gaza. Additionally, 90 ambulances have been damaged, further crippling the region's already strained emergency response capabilities ².

In the West Bank, the situation is similarly dire, with 364 documented attacks leading to 10 fatalities and 62 injuries. These attacks have targeted 44 healthcare facilities and 249 ambulances, further exacerbating the region's healthcare crisis. The cumulative effect of these assaults has severely undermined the healthcare infrastructure, leaving the Palestinian population vulnerable and without adequate access to medical care ³. The broader human toll in Gaza is also alarming. According to the United Nations, the conflict has resulted in nearly 20,000 deaths and over 52,000 injuries, with women and children comprising a significant proportion of the casualties. The widespread destruction of healthcare

¹ Joint Statement by the Syrian American Medical Society (SAMS) and Palestinian American Medical Society (PAMA), "Humanitarian Crisis Unveiled: Healthcare Under Attack in Gaza," 2024.

² World Health Organization, "Strikes, Raids and Incursions: Seven Months of Relentless Attacks on Healthcare in Palestine.," 2024.

³ WHO Media Team, "WHO Concerned about Escalating Health Crisis in West Bank," World Health Organization, 2024.



facilities has compounded the crisis, leaving only eight functional hospitals and a mere quarter of primary care centers operational. The overwhelming burden on the remaining medical infrastructure has made it nearly impossible to provide adequate care to the injured and sick ⁴.

Amidst this destruction, Israel has acknowledged conducting airstrikes on ambulances and clinics, but it has consistently denied any wrongdoing. The Israeli government claims that these attacks were directed at Hamas fighters, who were allegedly using the medical facilities as shields. However, the scale and intensity of the assaults raise critical questions about the adherence to the principles of international humanitarian law, particularly the principles of military necessity, distinction, proportionality, and humanity ⁵.

The international community has a great responsibility in addressing the ongoing humanitarian crisis in Palestine. The first step that needs to be taken is to increase diplomatic pressure and impose international sanctions on those who violate humanitarian law, especially in cases of attacks on health facilities and civilians. In addition, there is a need for stronger humanitarian missions by providing safe access for organizations such as WHO and the Red Cross to send medical aid, medicines, and other necessities to affected communities⁶. Independent investigations by international courts and human rights organizations are also urgently needed to ensure accountability for alleged war crimes. All parties involved must be examined, and justice must be served through institutions such as the International Criminal Court (ICC). Finally, the international community must ensure stricter application of the principles of international humanitarian law, so that rules protecting civilians in armed conflict are respected and not violated. These measures are essential to alleviate the suffering of the Palestinian people and avoid worse long-term impacts⁷.

⁴ World Health Organization, "Strikes, Raids and Incursions: Seven Months of Relentless Attacks on Healthcare in Palestine."

⁵ Human Rights Watch, "Gaza: Unlawful Israeli Hospital Strikes Worsen Health Crisis," Human Rights Watch, 2023.

⁶ Berikut adalah format daftar pustaka dalam gaya Turabian untuk jurnal yang Anda sebutkan: Rachel Christie, Gracia Suha Ma'rifa, dan Jedyzha Azzariel Priliska. "Analisis Konflik Israel dan Palestina Terhadap Pelanggaran Hak Asasi Manusia Dalam Perspektif Hukum Internasional." *Jurnal Kewarganegaraan* 8, no. 1 (Juni 2024): 349-353.

⁷ Fajar Ibrahim dan Aju Putrijanti. "Penerapan Hukum Humaniter oleh Mahkamah Pidana Internasional Terhadap Konflik Kemanusiaan Israel-Palestina Berdasarkan Statuta Roma 1998." *UNES Review* 6, no. 4 (Juni 2024): 12645-12653. DOI: <https://doi.org/10.31933/unesrev.v6i4>.



The international media plays an important role in covering the conflict in Palestine, but its coverage is often contentious in terms of objectivity and balance. Some news outlets attempt to present diverse perspectives, featuring voices from civilians, medical personnel, and analysts, but are often trapped in narratives that tend to favor their political orientation. While many reports highlight casualty figures and severe humanitarian conditions, the historical context and factors driving the conflict are often poorly explained, leading to simplistic portrayals⁸. Strong visual reporting can attract global attention, but can risk desensitization if not matched with adequate analysis. In addition, criticism of political bias in reporting often arises, where military actions are emphasized without sufficiently describing the human rights violations Palestinians are subjected to. In the age of social media, platforms such as Twitter and Facebook provide a space for alternative information, but can also spread unverified information. Thus, despite efforts to cover the conflict objectively, challenges in terms of balance and conveying in-depth context remain, making critique of media coverage crucial to understanding the complex situation in Palestine⁹.

This situation sets the stage for a deeper exploration of the legal implications of these attacks. The systematic targeting of healthcare in Palestine not only violates the fundamental principles of the Law of War but also constitutes a grave breach of international humanitarian law and human rights law. This paper seeks to examine these violations in detail, analyzing the legal frameworks that govern the protection of healthcare during armed conflicts and proposing measures to hold the perpetrators accountable. The following sections will delve into the principles of the Law of War, the Rome Statute of the International Criminal Court, and the specific ways in which these legal standards have been breached in the context of the Palestinian conflict.

The central research problems addressed in this paper are, What specific violations of international humanitarian law and human rights principles occur due to the targeting of healthcare in Palestine? How do these deliberate attacks

⁸ Ramadani, Mutiara.S, Khaerudin Kurniawan, and Ahmad Fuadin. "Menguak Bias Media Dalam Pemberitaan Konflik Israel-Palestina: Sebuah Analisis Konten Kritis". *Jurnal Onoma: Pendidikan, Bahasa, dan Sastra* 10, no. 1 (February 6, 2024): 887-905..

⁹ Andy Satria, M.Taufiq Kurniawan, Putri Imilia Amanda, and Daniyal Arkan. "Social Media Instagram, Tiktok, Dan X Dalam Pengungkapan Pelanggaran Hukum Dalam Konflik Antara Palestina Dan Israel". *Jurnal Teknik Informatika dan Teknologi Informasi* 4, no. 1 (January 18, 2024): 14-27.



constitute grave violations of IHL and IHRL, and what are the legal policy measures that can be taken to ensure the protection of healthcare services and infrastructure in conflict zones?

RESEARCH METHODS

The research method used is a qualitative method. Qualitative method is a research method that focuses on in-depth exploration of social phenomena, behavior, or individual experiences in a particular context. In this method, researchers emphasize subjective understanding, meaning, and interpretation from the perspective of participants, rather than quantitative or statistical measurements¹⁰. The data collection technique uses documentation technique, which is a method used to collect information through existing materials in the form of written documents, photos, videos, or other forms of archives relevant to the research topic¹¹. Once obtained, the data was analyzed using the triangulation method, which is a technique used in data analysis to increase the validity and reliability of research results by combining several sources, techniques, or perspectives. In qualitative research, triangulation is often used to ensure that the data obtained is truly accurate and unbiased. The main principle is to compare data from various points of view to obtain a deeper and more comprehensive understanding of the phenomenon under study¹².

RESULT AND DISCUSSION

Introduction to Theory and Fundamental Principles

Human rights theory is grounded in the belief that every individual is entitled to certain fundamental rights by virtue of being human. These rights are inherent, universal, and inalienable, forming the core principles of various

¹⁰ Firmansyah, Muhammad, Masrun Masrun, and I Dewa Ketut Yudha S. "Esensi Perbedaan Metode Kualitatif Dan Kuantitatif". *Elastisitas : Jurnal Ekonomi Pembangunan* 3, no. 2 (September 16, 2021): 156-159.

¹¹ Ardiansyah, Risnita, and M. Syahrani Jailani. "Teknik Pengumpulan Data Dan Instrumen Penelitian Ilmiah Pendidikan Pada Pendekatan Kualitatif Dan Kuantitatif". *IHSAN : Jurnal Pendidikan Islam* 1, no. 2 (July 1, 2023): 1-9.

¹² Susanto, Dedi, Risnita, and M. Syahrani Jailani. "Teknik Pemeriksaan Keabsahan Data Dalam Penelitian Ilmiah". *QOSIM : Jurnal Pendidikan, Sosial & Humaniora* 1, no. 1 (July 1, 2023): 53-61.



international human rights instruments¹³. The atrocities of World War II (WWII) and the crimes perpetrated by the Nazis spurred the Allied governments to prevent such catastrophic events from recurring. This led the United Nations to concentrate on the notion of individual rights, culminating in the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. In UN documents, the concept of natural rights was essentially redefined as human rights, with a significant shift in emphasis from human nature to the inherent dignity of human beings¹⁴. The UDHR marked a significant turning point that greatly shaped the evolution of international human rights law. Human rights encompass civil, political, economic, social, and cultural rights. The UDHR highlights that promoting and protecting human rights is crucial for health and well-being. Although one can concentrate on a particular right or a set of closely related rights, all rights are interdependent and interconnected, indicating that individuals seldom face the neglect or violation of a single right in isolation¹⁵.

In December 1966, the UN General Assembly adopted two key international treaties that significantly advanced global human rights: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These covenants were created to complement the 1948 Universal Declaration of Human Rights and establish a more detailed legal framework for the rights that member states must protect. The ICCPR emphasizes individual rights and civil liberties, while the ICESCR highlights economic, social, and cultural rights, including the rights to work, education, and health. Collectively known as the "International Covenants," they provide the legal foundation for human rights protection on an international scale, imposing obligations on states to respect, protect, and fulfill the rights they enshrine. Additionally, these covenants include monitoring mechanisms that require states to report on their implementation of these rights to specific UN committees: the Committee on Civil and Political Rights for the

¹³ United Nation, "Universal Declaration of Human Rights," n.d.

¹⁴ Tony Ward and Astrid Birgden, "Human Rights and Correctional Clinical Practice," *Aggression and Violent Behavior* 12, no. 6 (2007): 628–43, <https://doi.org/10.1016/j.avb.2007.05.001>.

¹⁵ Sofi Gruskin, Edward J Mills, and Daniel Tarantola, "History, Principles, and Practice of Health and Human Rights," *The Lancet* 370 (2007).



ICCPR and the Committee on Economic, Social and Cultural Rights for the ICESCR. Thus, these covenants are crucial components of the international legal framework aimed at safeguarding human rights¹⁶.

The International Covenant on Civil and Political Rights (ICCPR) is a key treaty that addresses the civil and political rights of individuals. Adopted by the UN General Assembly in 1966, the ICCPR aims to safeguard essential rights such as the right to life, freedom of expression, freedom of assembly, and the right to a fair trial. It also includes protections against torture and inhumane treatment, as well as safeguards against arbitrary execution. Articles 6 to 9 of the ICCPR focus on fundamental individual rights. Article 6 highlights the right to life as an inalienable right, prohibits arbitrary executions, and ensures protection from unlawful killings. Article 7 prohibits torture and cruel, inhuman, or degrading treatment. Article 8 bans slavery and forced labor, asserting that no one should be compelled to work against their will, with some limited exceptions. Additionally, Article 9 guarantees personal liberty and security, stating that no one should be arbitrarily arrested, and individuals must be informed of the reasons for their arrest and brought promptly before a court. Article 23 protects family rights, including the right to marry and establish a family. Article 17 defends the right to privacy, safeguarding against arbitrary or unlawful interference. Article 19 affirms freedom of expression, allowing individuals to hold opinions without interference and to seek, receive, and share information and ideas. Article 21 secures the right to peaceful assembly and association, while Article 14 ensures the right to a fair trial, which includes public hearings, access to a competent and impartial tribunal, and the right to legal assistance. The ICCPR serves as a vital framework for protecting the rights of individuals and groups. Although it plays a significant role in advancing human rights globally, it has faced criticism for its limited enforcement mechanisms and focus on state

¹⁶ United Nation, "International Covenant on Economic, Social and Cultural Rights," United Nations Treaty Collection, 1966; Gruskin, Mills, and Tarantola, "History, Principles, and Practice of Health and Human Rights."



sovereignty. Nonetheless, the ICCPR remains an essential instrument for promoting and safeguarding human rights worldwide ¹⁷.

Having outlined the essential civil and political rights protected under the ICCPR, it is now imperative to shift our focus to international humanitarian law, which governs the conduct of armed conflicts and seeks to protect individuals who are not participating in hostilities. International Humanitarian Law (IHL), also known as the law of armed conflict, aims to limit the effects of armed conflict by protecting persons who are not participating in hostilities and by regulating the means and methods of warfare. The fundamental principles of IHL are humanity, distinction, proportionality, and military necessity ¹⁸. The principle of humanity in international law demands that all parties involved in a conflict respect the inherent dignity and worth of every individual ¹⁹. This principle encompasses several key aspects, including:

- (1) Prohibition of Violence: Parties must refrain from engaging in acts of violence, torture, and cruel treatment against any person, regardless of their status or affiliation.
- (2) Protection of Medical Personnel and Facilities: Medical personnel and facilities must be respected and protected to ensure that medical care can be provided to those in need.
- (3) Distinction: Parties must distinguish between combatants and civilians, targeting only combatants and military objectives. Civilians and civilian objects are protected and should not be targeted, except under specific circumstances.

The principle of humanity emphasizes the importance of respecting human life and dignity, prohibiting violence and ensuring the protection of medical personnel and facilities. It also requires parties to distinguish between

¹⁷ United Nations Human Rights Office of the High Commissioner, "International Covenant on Civil and Political Rights," Human Rights Instruments, 1966.

¹⁸ Mohammad Ahmad Nayef Alakash et al., "Enhancing the Implementation of International Humanitarian Law in Conflict Zones: A Comprehensive Review," *Pakistan Journal of Criminology*, no. 16.3 (2024): 1365-78, <https://doi.org/10.62271/pjc.16.3.1365.1378>.

¹⁹ Thomas Weatherall, "Human Dignity as a General Principle of Law," in *Jus Cogens: International Law and Social Contract*, vol. 48 (Cambridge, Massachusetts: Cambridge University Press, 2015), 41-66, <https://doi.org/10.1017/cbo9781139976664.009>.



combatants and civilians, targeting only military objectives and protecting civilians from harm ²⁰.

Central to IHL are the Geneva Conventions of 1949 and their Additional Protocols, which provide comprehensive legal protection for civilians, including healthcare facilities and personnel (International Committee of the Red Cross, 1949). The Fourth Geneva Convention specifically addresses the protection of civilians in times of war, stipulating that medical facilities should not be attacked and must be respected and protected at all times (Article 18) (ICRC, 1949). Additionally, the First Additional Protocol to the Geneva Conventions extends these protections by prohibiting attacks on medical units and transports, ensuring the safety of medical personnel, and safeguarding the wounded and sick (ICRC, 1977) ²¹. The Rome Statute of the International Criminal Court (ICC) further reinforces these protections by categorizing intentional attacks on medical facilities and personnel as war crimes (Article 8) ²². This legal framework underscores the gravity of such attacks, highlighting the obligation of state and non-state actors to comply with IHL and the consequences of failing to do so.

While human rights law provides a broad framework for the protection of individual rights during peacetime, IHL offers specific protections during armed conflict. Although international humanitarian law (IHL) and international human rights law (IHRL) have distinct objectives, both seek to protect individuals during armed conflicts. The protection of individuals in such situations can be enhanced by integrating IHL norms into the IHRL framework. This cross-application enables treaty bodies to interpret and comment on State Parties' compliance with IHL, thereby promoting greater respect for these norms through IHRL's enforcement mechanisms and communication channels ²³.

²⁰ Weatherall.

²¹ International Committee of the Red Cross, "Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.," IHL-databases, 1949.

²² International Criminal Court, "Rome Statute of the International Criminal Court," 2187 International Criminal Court § (2021).

²³ Medecins Sans Frontieres, "The Practical Guide to Humanitarian Law," Medecins Sans Frontieres, n.d.



A Critical Examination of Systematic Attacks on Healthcare in Palestine

Understanding attacks on healthcare facilities and personnel in Palestine is crucial for assessing the extent and impact of these violations. The identification of attacks involved comprehensive data collection from multiple sources, including reports from international organizations, government data, and media coverage. The criteria for identifying an event as an attack on healthcare included the intentional targeting of healthcare facilities, personnel, or vehicles, resulting in either damage or disruption of medical services.

At the time of writing, Israeli forces have launched offensives on Rafah in southern Gaza and northern parts of the enclave, issuing several evacuation orders. These actions have further restricted access to healthcare in an already crippled system, leaving the population with minimal options for basic medical care. Between May 6 and 12, MSF suspended activities at Al-Shaboura clinic, handed over operations at Al-Emirati hospital, and closed the Rafah Indonesian Field Hospital due to safety concerns amidst the ongoing conflict. In light of these severe disruptions, MSF urges all parties to respect and protect healthcare facilities, workers, and patients in Gaza and the West Bank ²⁴.

In total, the WHO has documented 721 attacks on healthcare in the occupied Palestinian territory since October 7. In Gaza, 357 attacks resulted in 645 deaths and 818 injuries, impacting 98 healthcare facilities, including 27 of 36 hospitals, and damaging 90 ambulances. The West Bank saw 364 attacks causing 10 fatalities and 62 injuries, affecting 44 health facilities and 249 ambulances. Amid continuous Israeli bombardments and ground operations, healthcare workers have been arrested, and critical infrastructure has been destroyed, severely impeding medical services. The UN reports almost 20,000 deaths and over 52,000 injuries in Gaza, primarily women and children. This destruction has left only eight functional hospitals and a quarter of primary care centers operational. Israel has acknowledged airstrikes on ambulances and clinics but denies wrongdoing, citing Hamas fighters as targets²⁵.

²⁴ World Health Organization, "Strikes, Raids and Incursions: Seven Months of Relentless Attacks on Healthcare in Palestine."

²⁵ World Health Organization.



One of the tragic ambulance attacks that garnered significant attention, as reported by independent media outlets like Al Jazeera ²⁶, Reuters ²⁷, and CNN ²⁸, occurred outside Gaza City's Al-Shifa Hospital in November 2023. Video footage and photographs taken immediately after the attack, which have been verified by Human Rights Watch, show a woman being carried in an ambulance, as well as at least 21 dead or wounded people in the vicinity, including five children. The following day, the Gaza Ministry of Health reported that 15 people were killed and 60 injured in the attack. The director of Al-Quds Hospital, which operates under the Palestinian Red Crescent Society, told Human Rights Watch that the Israeli military gave no warning before the attack ²⁹. The Israeli military stated that it had identified and attacked an ambulance "used by a Hamas terrorist cell." They claimed that several Hamas fighters were killed in the raid and accused the group of using the ambulance to move militants and weapons. However, the Israeli military provided no evidence to support the claim that the ambulance had links to Hamas ³⁰.

Another devastating attack on Gaza's healthcare system was the two-week siege on the Al Shifa Medical Complex in March 2024. On April 1, Israeli soldiers vacated the complex, leaving behind a trail of terrorized patients and health workers, destroyed equipment, and hundreds of fatalities³¹. The targeting of health workers has been a particularly cruel aspect of the latest conflict between Israel and Gaza, with nearly 400 health workers killed and hundreds more detained or arrested since October 7. Reports indicate that they are systematically targeted, often forced to change clothes to avoid being recognized and subjected to humiliation and torture. International health workers returning

²⁶ Al Jazeera, "Israeli Air Strike on Ambulances Kills 15, Injures 60, Gaza Officials Say," 2023.

²⁷ Reuters, "Israel Strikes Ambulance near Gaza Hospital, 15 Reported Killed," *Reuters*, 2023.

²⁸ Andrew Carey, Tara John, and Kevin Flower, "Israel Admits Airstrike on Ambulance near Hospital That Witnesses Say Killed and Wounded Dozens," *CNN*, 2023.

²⁹ Human Rights Watch, "Gaza: Israeli Ambulance Strike Apparently Unlawful," 2023.

³⁰ Reuters, "Israel Strikes Ambulance near Gaza Hospital, 15 Reported Killed."

³¹ Ana Vracar, "Israel Has Ripped the Heart out of Gaza's Health System by Destroying Al-Shifa Hospital," *Peoples Dispatch*, 2024.



from medical missions in Gaza have documented these deliberate attacks, highlighting the enormous risks that medical personnel face in conflict areas. A group of leading academics and health professionals emphasized that the collapse of the health care system in Gaza hospitals is evidence of Israel's genocidal intentions. In a detailed letter to the editor published in the *Journal of Public Health and Emergency* on March 25 and updated on April 2, academics from institutions as diverse as the University of Genoa, Harvard University, Boston University School of Medicine, and King's College, University of London, asserted that the international community has an obligation to protect the people of Gaza ³²

Legal Analysis: Violations of IHL and IHRL and the Need for Protective Legal

The deliberate attacks on hospitals, clinics, medical personnel, and ambulances in Palestine constitute severe violations of international humanitarian law (IHL) and human rights for several reasons:

- (1) Geneva Conventions and Additional Protocols: The Fourth Geneva Convention of 1949 specifically protects civilians and medical facilities during armed conflicts. Article 18 of the Convention states that medical facilities must be respected and protected at all times. The First Additional Protocol to the Geneva Conventions further prohibits attacks on medical units and transports, ensuring the safety of medical personnel and safeguarding the wounded and sick. These legal frameworks underscore the obligation to protect healthcare infrastructure and personnel from deliberate attacks ³³.
- (2) International Criminal Court (ICC) Statute: The Rome Statute of the ICC categorizes intentional attacks on medical facilities and personnel as war crimes (Article 8). This highlights the gravity of such attacks and the need for accountability ³⁴.
- (3) Human Rights Law: While human rights law primarily protects individual rights during peacetime, it intersects with IHL during armed conflicts. The Universal Declaration of Human Rights (UDHR) and the International

³² Middle East Monitor, "Academics Highlight 'Genocidal Intent' in Collapse of Healthcare System in Gaza," *MEMO*, 2024.

³³ International Committee of the Red Cross, "Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949."

³⁴ International Criminal Court, Rome Statute of the International Criminal Court.



Covenant on Civil and Political Rights (ICCPR) emphasize the right to life, security, and freedom from torture and cruel, inhuman, or degrading treatment. Deliberate attacks on healthcare facilities and personnel directly violate these fundamental rights ³⁵.

- (4) Systematic and Deliberate Targeting: The documented pattern of attacks on healthcare facilities and personnel in Palestine, resulting in numerous casualties, infrastructure damage, and disruption of medical services, indicates a systematic and deliberate violation of international law. This includes the targeting of hospitals, ambulances, and medical personnel, which are clearly identifiable as non-combatant and protected under IHL ³⁶.
- (5) Impact on Civilians: The attacks have a devastating impact on the civilian population, severely impacting their right to health, education, and a dignified standard of living. The destruction of healthcare infrastructure and the targeting of medical personnel exacerbate the humanitarian crisis, leaving the population with minimal options for basic medical care ³⁷.
- (6) Lack of Accountability: Despite acknowledging some airstrikes on ambulances and clinics, Israel has denied wrongdoing and provided no evidence to support its claims that the targeted facilities were being used by militants. This lack of accountability further violates international legal standards ³⁸.

The deliberate attacks on healthcare in Palestine are clear violations of multiple international legal frameworks, including the Geneva Conventions, the ICC Statute, and IHRL. These attacks not only undermine the fundamental human rights of the civilian population but also breach the operational legal framework designed to protect individuals during armed conflicts. Moreover, the principle of proportionality, another cornerstone of IHL, dictates that even if a military objective is identified, the harm caused to civilians and civilian objects must not be excessive in relation to the anticipated military advantage. The Israeli

³⁵ United Nation, "International Covenant on Economic, Social and Cultural Rights"; United Nations Human Rights Office of the High Commissioner, "International Covenant on Civil and Political Rights."

³⁶ International Committee of the Red Cross, "Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949."

³⁷ Human Rights Watch, "Gaza: Unlawful Israeli Hospital Strikes Worsen Health Crisis."

³⁸ Jim Zanotti and Jeremy M. Sharp, "Israel and Hamas 2023 Conflict In Brief: Overview, U.S. Policy, and Options for Congress," *Congressional Research Service*, 2023.



military's justification for these attacks, citing the presence of Hamas fighters, fails to meet this standard. The extensive civilian casualties, the destruction of critical medical infrastructure, and the terror inflicted upon patients and healthcare workers suggest that these actions were disproportionate, resulting in unnecessary suffering and loss of life.

The principle of military necessity also comes into question. While the Israeli military claims that these attacks were necessary to achieve military objectives, the lack of evidence supporting the presence of legitimate military targets within these healthcare facilities raises doubts about the legality of these actions. The deliberate targeting of medical personnel, the ongoing siege on healthcare complexes, and the lack of warnings before strikes further contravene the protections afforded under IHL. IHL also defines "warning" as a directive to prevent the adversary from seizing control of the medical institution and evacuating patients, medical staff, and others from a hospital should be a last resort. But in this instance, Israel's evacuation order for hospitals in northern Gaza was ineffective and impractical. It appeared to be intended more for intimidation than for protecting civilians, did not guarantee the safety of patients and medical staff, and lacked safe escape options. Repeated warnings also run the risk of turning into terror, which will only drive the Palestinians to march in search of no clear goal and no assurance of security. According to the director general of WHO, it is impossible to evacuate hospitals full of patients without putting lives in danger.

Hospitals are protected from attacks unless they are used for harmful acts against the enemy and only after a formal warning. If a hospital is unlawfully used for military purposes, the attacking force must first issue a warning, allow time to cease the misuse, and can only lawfully attack if the warning is ignored³⁹. Even if the intelligence suggesting that Hamas utilized hospitals as command centers is accurate, the large-scale military actions taken by the Israeli forces remain indefensible under international law due to the lack of sufficient evidence substantiating these claims. International Humanitarian Law imposes stringent

³⁹ Yazid Barhoush and Joseph J. Amon, "Medical Apartheid in Palestine," *Global Public Health* 18, no. 1 (2023), <https://doi.org/10.1080/17441692.2023.2201612>; International Criminal Court, Rome Statute of the International Criminal Court.



requirements on the conduct of hostilities, particularly concerning the protection of civilians and civilian infrastructure, including medical facilities ⁴⁰. The principle of distinction mandates that combatants must differentiate between legitimate military targets and protected civilian objects, such as hospitals.

Moreover, the presence of armed combatants within a healthcare facility, even if true, does not automatically justify the obliteration of that facility. The legal framework under IHL requires that any military action must be proportional to the anticipated military advantage. In this context, the mere presence of a sick or injured combatant within a hospital – who might still be in possession of a weapon – does not meet the threshold necessary to justify the destruction of the hospital and the potential harm to non-combatants. The principle of proportionality specifically prohibits attacks where the expected harm to civilians and civilian objects would be excessive compared to the direct and concrete military advantage gained.

In this case, the Israeli military's broad and devastating strikes on healthcare infrastructure cannot be justified without clear, verifiable evidence that the hospital was being used for substantial military purposes that outweigh the protection afforded to it under IHL ⁴¹. The failure to provide such evidence, coupled with the extensive civilian casualties and damage to vital medical services, underscores a disproportionate use of force that contravenes international legal standards. Therefore, even if the allegations against Hamas hold some truth, the actions of the Israeli military still constitute a serious violation of the laws of war, as the harm inflicted on civilians and civilian infrastructure far outweighs any purported military benefit.

According to IHRL, there have been grave breaches of IHRL by Israeli troops in Palestine, including the willful damage of medical facilities, the murder of medical staff, and the blocking of help. The fundamental rights to life and health, which are protected by international human rights treaties like the International Covenant on Civil and Political Rights (ICCPR) and the

⁴⁰ International Committee of the Red Cross, "Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949."

⁴¹ Al Jazeera, "Israel's Attacks on Hospitals 'Should Be Investigated as War Crimes': HRW," Israel-Palestine Conflict, 2023.



International Covenant on Economic, Social, and Cultural Rights (ICESCR), have been severely compromised by these acts. Healthcare facilities are essential for the realization of the right to health, a right that obligates states to ensure the availability, accessibility, acceptability, and quality of healthcare services. When these facilities are destroyed, as seen in the ongoing conflict in Palestine, the capacity to provide essential medical care is critically compromised. The targeted killing of healthcare personnel, including volunteers who risk their lives to provide aid to the injured, exacerbates this crisis, as it not only depletes the already limited number of medical professionals but also creates an environment of fear that deters others from offering assistance.

The destruction and obstruction of healthcare services directly violate the right to health. The inability to deliver medical care results in untreated illnesses and injuries, leading to preventable deaths. This situation ultimately amounts to a violation of the right to life, as enshrined in Article 6 of the ICCPR. The systematic nature of these violations suggests a deliberate attempt to inflict maximum harm on the civilian population, depriving them of their basic rights and contributing to a broader humanitarian catastrophe.

Furthermore, Israel's actions in blocking and restricting the entry of humanitarian aid, including medical supplies and equipment, significantly aggravate the humanitarian crisis in Palestine ⁴². By preventing the delivery of essential health commodities, Israel not only contravenes its obligations under IHRL but also intensifies the suffering of the Palestinian people. The denial of humanitarian aid not only exacerbates the immediate healthcare crisis but also has long-term consequences for public health in the region, as it impedes efforts to address critical health needs and rebuild the healthcare system.

These actions constitute egregious violations of IHRL, as they systematically deny the Palestinian population access to necessary medical care and humanitarian relief, thereby infringing upon their rights to health and life. The international community has an obligation to address these violations and to hold accountable those responsible for perpetuating such grave breaches of

⁴² Euro-Med Human Rights Monitor, "Israel Blocks Entry of Food and Aid Supplies, Kills Starving Civilians in Attempt to Forcibly Displace Palestinians from Northern Gaza," 2024.



international law. Without immediate and effective intervention, the health and survival of countless individuals in Palestine will continue to be imperiled.

NOVELTY

The novelty of this research lies in its comprehensive analysis of the targeted attacks on healthcare facilities and workers in Palestine, framing these actions as not only violations of human rights but also as breaches of international humanitarian law. While previous studies have focused on the humanitarian impact of the conflict, this research delves deeper into the systematic nature of these attacks, using legal frameworks such as the Geneva Conventions and the Universal Declaration of Human Rights to argue that the targeting of healthcare in conflict zones constitutes an international crime. Additionally, the research highlights the long-term consequences of undermining healthcare systems in Palestine. This approach offers a critical perspective on the intersection of armed conflict, healthcare, and international law, providing new insights into the accountability mechanisms required to address these violations

CONCLUSION

This paper underscore two critical points regarding the systematic targeting of healthcare in Palestine:

- (1) Grave Violations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL): The deliberate and widespread attacks on healthcare facilities, personnel, and the obstruction of humanitarian aid by Israeli forces constitute serious violations of IHL and IHRL. These actions breach the principles of distinction, proportionality, and military necessity under IHL, and directly infringe upon the rights to health and life as protected by IHRL. The destruction of medical infrastructure and the killing of healthcare workers not only devastate the healthcare system in Palestine but also deprive the civilian population of their fundamental rights, leading to unnecessary suffering and loss of life. The legal analysis demonstrates that these actions are not only unjustifiable but also constitute war crimes that demand accountability.
- (2) The Humanitarian Crisis and the Urgent Need for Legal and Policy Interventions: The ongoing conflict in Palestine, exacerbated by the destruction of healthcare services and the blockade of humanitarian aid, has created a severe humanitarian crisis. The systematic nature of these violations

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highlights the urgent need for robust legal and policy measures to protect healthcare in conflict zones. Strengthening international monitoring, ensuring legal accountability through international courts, and increasing international pressure on Israel are essential steps to address these violations and to prevent further deterioration of the situation in Palestine.

(3) Recommendations and Call to Action

In light of the serious violations of IHL and IHRL documented in this paper, several recommendations are proposed to address the humanitarian crisis in Palestine and to safeguard healthcare in conflict zones:

- (a) Strengthening International Legal Mechanisms: The international community must reinforce the existing legal frameworks that protect healthcare in conflict zones. This includes supporting the International Criminal Court (ICC) in prosecuting those responsible for war crimes and ensuring that all parties to the conflict adhere to their obligations under IHL and IHRL.
- (b) Enhancing Humanitarian Access: Immediate steps must be taken to facilitate the unimpeded delivery of humanitarian aid, including medical supplies and equipment, to the affected areas in Palestine. The international community should apply diplomatic and economic pressure on Israel to lift the blockade and allow for the free flow of humanitarian assistance.
- (c) Increasing Global Awareness and Advocacy: It is imperative that the global community, including governments, international organizations, civil society, and the media, raise awareness of the humanitarian crisis in Palestine. This issue transcends politics and represents a severe violation of human rights that demands global attention and action. Advocacy efforts should focus on mobilizing international support for the protection of healthcare in conflict zones and holding violators accountable.
- (d) Building Resilient Healthcare Systems: In the long term, efforts must be made to rebuild and strengthen the healthcare system in Palestine. This includes investing in infrastructure, training healthcare professionals, and ensuring that the health sector is equipped to withstand future challenges.
- (e) The targeting of healthcare in Palestine is not merely a political issue; it is a profound humanitarian crisis that requires urgent attention and action. The international community cannot remain indifferent to the



suffering of the Palestinian people, whose fundamental rights to health and life are being systematically violated. This issue demands a collective response that transcends political divides and focuses on the universal principles of human dignity and the protection of life.

We call upon governments, international organizations, civil society, and individuals around the world to stand in solidarity with the people of Palestine. It is our collective responsibility to ensure that healthcare is protected in conflict zones, that humanitarian aid reaches those in need, and that those responsible for these grave violations are held accountable. Legal professionals must act decisively to address this crisis, aiming for a future where peace, justice, and the right to life and health are respected for all. The time to act is now – before more lives are lost, and before the situation deteriorates further. Together, let us work to uphold the principles of justice, humanity, and the sanctity of life for every individual, regardless of the conflict that surrounds them.

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