Thematic Report

Attacks on hospitals during the escalation of hostilities in Gaza

(7 October 2023 – 30 June 2024)

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I. INTRODUCTION

1. This report presents grave concerns regarding attacks on hospitals, as well as operations within them and in their vicinity, in Gaza covering the period 7 October 2023 to 30 June 2024. In the context of the ongoing escalation of hostilities in Gaza, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has since early October 2023 documented repeated attacks on hospitals and operations within and in the vicinity of hospitals, leading to sustained combat in and around many hospitals.[1] This pattern has led to the destruction of most hospitals in Gaza, pushing the healthcare system to the point of almost complete collapse. Attacks on hospitals were reported in each of the areas in which the Israeli military conducted ground operations, starting in November 2023 with an attack on Al Shifa Medical Complex and other hospitals in Gaza City. At the end of June 2024, 22 out of 38 hospitals across Gaza had been rendered non-functional, according to the Ministry of Health of the State of Palestine (Palestinian MOH).[2]

2. In gathering, assessing, and verifying the information contained in this report, and drawing conclusions based on international human rights law and international humanitarian law, OHCHR applied its standard methodology. The monitoring and verification of violations remained extremely challenging, including owing to access constraints, a high level of insecurity, and threats and direct attacks also on United Nations personnel, monitors and humanitarian actors. Nevertheless, verification work continued, and information was gathered from multiple independent sources, including victims and witnesses; military and weapons experts; open sources, including satellite imagery, videos and photos; credible organizations and individuals; official and other documentation. The analysis of the information involved legal and weapons expertise, including from independent experts. Findings are included in the report where the "reasonable grounds" standard of proof has been met, namely: based on a body of verified information, an objective and ordinarily prudent observer would have reasonable grounds to believe that the facts took place as described and, where legal conclusions are drawn, that these facts meet all the elements of a violation. On 16 December 2024, the report was shared with the Permanent Missions of Israel and the State of Palestine for factual comments. The State of Palestine and Israel responded with comments on 19 and 20 December, respectively. OHCHR welcomes receiving these comments, which can be read here.

3. The healthcare system in Gaza was grossly inadequate even before 7 October 2023. The 17-year blockade of Gaza in the context of Israel's 57-year occupation, combined with the destruction caused by repeated escalations of hostilities since 2008, during which Israeli forces regularly bombed Gaza, had created broad dependence on external aid and heavily restricted access and

[1] This report reflects patterns of violations after the escalation of hostilities that began on 7 October. It updates and should be read in conjunction with: i) OHCHR Thematic Report: *Indiscriminate and disproportionate attacks during the conflict in Gaza (October to December 2023),* (19 June 2024); ii) OHCHR Thematic Report: *Detention in the context of the escalation of hostilities in Gaza (October 2023 to June 2024),* (31 July 2024); iii) OHCHR Update Report: *Six-month report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024*, (8 November 2024); iv) "Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice", Report of the United Nations High Commissioner for Human Rights to the Human Rights Council, A/HRC/55/28.

[2] https://t.me/MOHMediaGaza/5550.

movement of people and goods in and out of Gaza, including those essential for healthcare.[3] This created the conditions for endemic shortcomings in healthcare provision and recurring violations of Palestinians' human rights in Gaza, including their rights to life[4] and health.[5]

4. The situation has deteriorated to a catastrophic level since October 2023, as this already damaged health system has been targeted, resulting in the killing of hundreds of health and medical professionals. This report sets out patterns in the conduct of hostilities in relation to attacks on hospitals and in their vicinities, examining several cases which OHCHR has closely monitored. The attacks on hospitals often followed a similar pattern, involving missile strikes on hospital buildings, the destruction of hospital facilities, shooting of civilians, sieges, as well as temporarily taking over hospital buildings. The present report does not examine in detail the many cases of arbitrary detention, enforced disappearance, and ill-treatment of medical personnel and other Palestinians, including internally displaced persons (IDPs), taken into custody from inside hospitals, which has been reported on elsewhere.[6] It is clear, however, that these losses of qualified personnel have contributed to the collapse of the healthcare system.

5. The impacts of the Israeli military's operations in and around hospitals that led, in many instances, to combat in these areas have been significant, extending far beyond the physical structures. It has resulted in the loss of access to essential, life-saving treatment; loss of access to safe spaces, including desperately needed shelters; and loss of care for chronic illnesses, turning non-life-threatening conditions into potentially fatal ones. The destruction of Gaza's healthcare system, along with Israel's restrictions on the entry and distribution of medical supplies, has led to the drastic deterioration of health outcomes across the entire population[7] and a health catastrophe, with the spread of infectious diseases including polio, Hepatatis A, acute diarrhoea and jaundice.[8] This has caused significant suffering among the population and thousands of Palestinian civilians have resultantly died and will continue to die until the health system is rebuilt.

6. A fundamental rule of international humanitarian law (IHL) is that the wounded and sick shall be collected and cared for. All wounded and sick persons, including civilians and persons *hors de combat*, are afforded protection.[9] Furthermore, IHL provides specific protections to medical personnel and medical units where the wounded and sick are cared for, including hospitals.[10]

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[3] See periodic reports to the Human Rights Council and the General Assembly, the latest being: "Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice", Report of the United Nations High Commissioner for Human Rights, 4 March 2024, A/HRC/55/28; and "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem", Report of the Secretary-General, 2 October 2023, A/78/502.

[4] ICCPR, art. 6.

[5] ICESCR, art. 12; CESCR GC no. 14, paras. 4, 12(a), (b), 32, 43-5; CESCR GC no.3., paras. 9-14. See also CRC Arts. 24(1), 38(1) and 38(4)). Israel is bound by these provisions in territory subject to its jurisdiction in the exercise of the powers available to it as the occupying Power. In Gaza, Israel's obligations under the law of occupation are commensurate with the degree of its effective control (see International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004, paras. 109 to 114; and International Court of Justice *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, 19 July 2024, para. 94.

[6] See OHCHR Thematic Report, *Detention in the context of the escalation of hostilities in Gaza (October 2023 – June 2024),* (31 July 2024).

[7] World Health Organization, "Health conditions in the occupied Palestinian territory, including east Jerusalem", 17 May 2024.

[8] https://www.bmj.com/content/387/bmj.q2186; https://www.who.int/director-general/speeches/detail/who-director-general-s-remarks-at-meeting-of-the-united-nations-security-council-on-the-situation-of-the-health-system-in-gaza---6-november-2024.

[9] ICRC Study, Rule 110.

[10] ICRC Study, Rules 25 and 28.

II. ATTACKS ON HOSPITALS

Overall pattern of attacks on hospitals

7. OHCHR monitoring has found that the Israeli Defense Forces' (IDF) operations on, within and around hospitals generally followed a pattern, with often catastrophic impacts on the functionality of the hospitals and on the lives of those reliant on its services, as well as on those who have lost their homes and were sheltering inside. The IDF's operations against hospitals generally started with (a) airstrikes or shelling on the hospitals and/or in the hospital's vicinity, often resulting in serious damage to the hospitals' premises and equipment; (b) besieging the hospitals with ground troops, preventing Palestinians from accessing the hospital and blocking medical supplies; (c) raiding[11] the hospital with the assistance of heavy machinery, including tanks and bulldozers; (d) detaining medical staff, patients and their companions, as well as the IDPs sheltering inside the hospital; (e) forcing remaining patients, IDPs and others to leave the hospital; and finally; (f) withdrawing troops from the hospital, leaving in their wake severe damage to the structures, buildings and equipment inside, effectively rendering the hospital non-functional.

8. The IDF's operations, including raids on hospitals, impacted most major healthcare facilities across Gaza, including the Indonesian Hospital, Kamal Adwan Hospital, and Al Awda Hospital in North Gaza; Al Shifa Medical Complex in Gaza City; as well as Al Amal Hospital and Nasser Medical Complex in Khan Younis. The information related to the cases monitored by OHCHR demonstrates patterns of IDF attacks on medical facilities across Gaza.

9. The Israeli military's first major operation against a hospital was directed at **Al Shifa Medical Complex (Al Shifa Hospital)** in Al Remal area of Gaza City in early November 2023,[12] when around 50,000 IDPs were reportedly sheltering there.[13] Strikes and other attacks in the vicinity and grounds of the hospital, between 3 and 17 November, resulted in the killing of at least 25 Palestinians, including three medical workers, and caused extensive damage and destruction, including to the intensive care unit, cardiology section, the hospital's magnetic resonance imaging (MRI) device, solar panels, water tanks and wells, and oxygen pipelines. The IDF reportedly encircled Al Shifa Medical Complex on 14 November, controlling the vicinity of the hospital and severely restricting freedom of movement for civilians and staff, inside and out, by directing live fire at all movement in and around the hospital. The IDF then raided and operated from inside the hospital the following day. On 18 November, the IDF forced approximately 5,000 Palestinians to evacuate the hospital, including IDPs, sick and injured persons and medical staff. On 24 November, IDF troops withdrew from the area, leaving the Medical Complex almost completely non-functional. Between 27 October and 24 November, IDF released more than 27 statements, alleging that there were extensive tunnels under the hospital used by Al Qassam Brigades of Hamas, and that the hospital was the main headquarters for "Hamas' terrorist activity."[14] In January 2024, IDF released two

[11] The term "raid/raiding" refers to instances of IDF troops, in numbers, entering hospitals by force and conducting operations inside.

[12] Al Shifa Medical Complex is considered the largest medical hospital in Gaza and consists of three specialized hospitals: Obstetrics and Gynaecology Hospital with a nursery department for premature babies; Internal Medicine Hospital; and Surgery hospital; and also consists of the emergency department, intensive care unit, radiology, blood bank, and others. Al Shifa Hospital reportedly employed approximately 1,500 people, including more than 500 doctors, 760 nurses, 32 pharmacists, and 200 administrative employees, making up roughly 25% of hospital workers in Gaza.

[13] https://news.un.org/ar/story/2023/12/1127207.

[14] IDF announcement of 27 October 2023 at 0002 hours and reiterated in Israel's response to the report linked in para. 2. Links to a number of these statements and videos can be found in Israel's response to the report.

videos of tunnels allegedly under the hospital and another displaying some weapons found in an MRI room in Al Shifa[15]. The IDF asserted that Al Shifa hosted Hamas' "command and control center" or headquarters, and stated that they found a room with technological assets, along with military and combat equipment used by "the Hamas terrorist organization".[16] The IDF also shared the profile of five individuals, who they claimed were "terror operatives"[17] taken into custody in Al Shifa. OHCHR has been unable to independently verify these assertions.

10. In a broader military operation in North Gaza between November and December 2023, during which many Palestinians were killed and injured, three hospitals - Kamal Adwan Hospital, the Indonesian Hospital and Al Awda Hospital[18] - in close proximity to each other, came under attack by the IDF. In the case of **Al Awda Hospital,** between 28 October and 8 December, several IDF strikes on the hospital and its vicinity were reported, with the hospital's facilities and several nearby buildings destroyed or damaged. According to OHCHR monitoring, on 5 December, the IDF besieged Al Awda Hospital with tanks and troops, while approximately 250 persons, including around 100 staff and 40 patients, as well as an unknown number of IDPs and patient companions, were still inside. On 17 December, the IDF raided the hospital and detained the hospital's director, before returning the following day and detaining other hospital staff, including Dr. Adnan Al Bursh. Dr. Bursh was pronounced dead while still in Israeli custody in April 2024. The hospital director remained in detention as at the end of this reporting period. Satellite images captured between 9 and 20 December 2023 revealed earth berms (erected to hinder movement to and from the hospital and to provide cover from fire and to engage in fire), roadblocks, and military activities around the hospital, effectively preventing anyone from accessing the medical facility. The siege, during which the facility faced shortages of medicine and food with an inevitable impact on healthcare provision, continued until 22 December. Despite IDF's military operation and raid on Al Awda Hospital, the IDF made no allegations of hostile activity from Al Awda Hospital. The impact of the attacks on these hospitals remains significant, as all three hospitals were still only partially functional by June 2024, largely due to the extensive damage caused by the IDF's operations and the subsequent restrictions on the delivery of equipment necessary for their full operation.

[15] https://videoidf.azureedge.net/6cb5b1f7-6223-4917-bfe5-a2cb77c9e80d.
[16] Press Release IDF troops are continuing the precise and targeted operation in the Shifa Hospital | IDF, 16 November 2023
[17] Senior Terror Operatives Arrested in Al Shifa, 21 March 2024, idfanc.activetrail.biz/ANC21032024483.
[18] A private hospital run by Al Awda Health and Communication Association, primarily providing maternal care.



Al Awda Hospital, North Gaza - Imagery © Maxar 2023 WorldView-3 image - Analysis by: UNOSAT

11. In early December 2023, the IDF commenced extensive military operations in Khan Younis, particularly in its western part where two of the main hospitals of the governorate are situated - Al Amal Hospital and Nassr Medial Complex. During its ground operation, the IDF attacked **Al Amal Hospital,**[19] the adjacent headquarters of Palestinian Red Crescent Society (PRCS HQ),[20] and its vicinity, resulting in damage to hospital buildings and ambulances, as well as deaths and injuries of

[19] According to PRCS, on 25 March 2024, the IDF evacuated all PRCS staff, patients, and companions from Al Amal Hospital, while on 26 March, Al Amal Hospital was rendered out of service.

[20] Al Amal Hospital and the PRCS HQ are both situated within the same campus. Al Amal Hospital works under the supervision of PRCS, and it is one of its facilities. Al Amal Hospital and PRCS HQ are located in Al Amal neighbourhood in the western part of Khan Younis City. The hospital and PRCS HQ are located less than 500 metres from Nasser Medical Complex in the same neighbourhood. Al Amal Hospital and Nasser Medical Complex are the two hospitals serving western Khan Younis, including Al Mawasi area where many Palestinians were sheltering as the IDF repeatedly ordered those in certain areas of Khan Younis to evacuate to this area.

Palestinians. On 22 January, IDF troops besieged Al Amal Hospital and PRCS HQ, blocking the roads surrounding the hospital and preventing any movement to or from the medical facility. According to OHCHR monitoring, on 30 January, IDF troops raided the hospital's courtyard, forcing the reported 7,000 IDPs sheltering there to leave. On 7 February, IDF vehicles positioned in front of Al Amal Hospital fired directly at the hospital, and two days later the IDF raided the hospital.[21] During the raid, the IDF detained several medical staff, patients and patients' companions from the hospital.[22] Some of the medical staff later released by the IDF alleged torture and ill-treatment during their detention. While the IDF's operation in Khan Younis was ongoing, the IDF raided the hospital for a second time, on 25 March, ordering the remaining patients and their companions to evacuate. The IDF withdrew from Al Amal Hospital on 7 April as part of their larger withdrawal from Khan Younis.[23] The IDF alleged that "Hamas terrorists" were operating from inside and around Al Amal Hospital and Nasser Medical Complex.[24] OHCHR was unable to verify the presence of Palestinian armed groups in the area.

12. Following the partial reopening of **Al Shifa Medical Complex**, the IDF raided it for the second time, between 18 March and 1 April 2024, leaving it and its vicinity in complete ruin. On 18 March at 0359 hours, the IDF announced an ongoing military operation in Al Shifa Medical Complex, claiming that the operation was based on intelligence indicating the use of the hospital by "senior Hamas terrorists".[25] At the time of the raid, patients and IDPs were sheltering in the facility, reportedly numbering 7,000. Between 18 March and 1 April, when the IDF was at Al Shifa Medical Complex, almost incessant IDF strikes and shelling on residential buildings were recorded in the vicinity of the hospital, killing many Palestinians, including women and children. OHCHR verified at least 22 deaths in the vicinity: nine children, seven women and six men. During this period, ground battles between the IDF and Palestinian armed groups were also reported in the area. IDF troops appear to have entered and operated from within the hospital by 20 March at the latest, when the IDF Chief of Staff visited the site.[26]

13. When the IDF withdrew from Al Shifa Medical Complex on 1 April the hospital was in complete ruin. OHCHR has not been able to attribute responsibility for the damage. Much of it occurred while the IDF was operating from within the complex and reportedly conducting search operations for hostages or the remains of hostages. However, Palestinian armed groups issued statements claiming that they had hit IDF troops in the vicinity of the hospital, including through the launching of mortars.[27] On 24 March, when the most significant damage to the Medical Complex was observed, an Israeli military spokesperson accused Palestinian armed groups of launching mortars at the hospital.[28]

14. The second raid on Al Shifa Medical Complex deprived patients of medicine, food, and water, as well as oxygen, due to the halting of the electricity supply. According to the Palestinian MOH, at least five patients died in the hospital during the raid. Subsequent to the IDF's withdrawal, three mass graves were reportedly found at the hospital, with at least 80 corpses retrieved, raising

[21] https://x.com/PalestineRCS/status/1755929388036595958.
[22] https://x.com/PalestineRCS/status/1756054550513861032.
[23] https://t.me/idfofficial/6537.
[24] https://t.me/idfofficial/6718.
[25] https://t.me/idfofficial/7114.
[26] https://t.me/idfofficial/7145.
[27] For example, https://t.me/gaza1984/864; https://t.me/AlQastalps/168313.
[28] March 24, 2024 Update Regarding the Shifa Hospital Operation by IDF Spokesperson, Rear Admiral Daniel Hagari | IDF (www.idf.il).

serious concerns that crimes under international law may have been committed. Some bodies were reportedly found with catheters and cannulas still attached, suggesting they had been patients at the hospital. There were also reports that tens of corpses found inside the complex were patients, including from the intensive care unit, and others who died due to the worsening of conditions caused by lack of necessary medical treatment. At least three medical doctors who were inside Al Shifa Medical Complex at the time of the raid were reportedly killed in the vicinity of the hospital after the IDF forced them to leave,[29] raising further concerns that the Israeli military failed to meet the conditions applicable under international law to evacuations[30] including ensuring that evacuations were safe for displaced civilians.[31] To the extent compelled evacuations do not meet these conditions, they are unlawful and may amount to acts of forced displacement, including forcible transfer, prohibited under international law.



Palestinians inspect damage at Al Shifa Hospital, Gaza City, after Israeli forces withdrew from the hospital and the area around it following a two-week operation, amid the ongoing conflict between Israel and Hamas, 1 April, 2024. REUTERS/Dawoud Abu Alkas

Israel's justification for attacks on hospitals

15. In all instances where the Israeli military has attacked hospitals, apart from Al Awda Hospital in Northern Gaza and Al Aqsa Martyrs Hospital in Deir al Balah in Middle Gaza, Israel has alleged that the hospitals were being used by Palestinian armed groups.[32] In its comments on this report, the Government of Israel makes these arguments specifically in reference to Rantisi, Sheikh

[29] The office of the Palestinian MoH in Gaza reported that it was in communication with all three doctors, who were all interrogated by the IDF in the External Clinics Department and then ordered to leave the hospital towards southern Gaza. OHCHR has not been able to verify their deaths or their causes, and the IDF has not made any statement in relation to these doctors.

[30] https://www.ohchr.org/sites/default/files/documents/countries/opt/20241106-Gaza-Update-Report-OPT.pdf paras 49-54.

[31] Geneva Convention IV article 49.

[32] See the Israel's comments linked in paragraph 2.

Hamad, Al Quds, Indonesia and Nasser hospitals.[33] However, insufficient information has so far been made publicly available to substantiate these allegations, which have remained vague and broad, and in some cases appear contradicted by publicly available information.[34]

16. Of all the Israeli attacks on hospitals in Gaza, the Israeli military gave the most information on their grounds for attack in relation to their attacks on Al Shifa Medical Complex, repeatedly alleging its hostile use. Between 27 October and 24 November, the IDF released more than 27 statements claiming that Al Shifa Hospital was "the main headquarters for Hamas' terrorist activity"[35] and that "Hamas"[36] operated command and control centres inside the hospital and that they directed rocket attacks and commanded forces from there.[37] The Israeli military stated that "Hamas" was holding hostages in the hospital,[38] was using the hospital's ambulances for transport;[39] was stealing fuel from the hospital,[40] was preventing the hospital from receiving fuel provided by the IDF;[41] and that "Hamas" was using people inside the hospital as human shields.[42] The IDF stated that they had received this information through intercepted phone calls[43] and sources within the Gazan healthcare system.[44] The IDF also asserted that, during interrogations, Palestinians had said that members of the de facto authorities were using the hospital as a base of operations, without clarifying whether this referred to Al Qassam or civilian members of Hamas.[45] According to the Government of Israel, in November 2023, the IDF issued a specific warning to cease all military activities in the Al Shifa Hospital, and states that it discovered extensive Al Qassam tunnels and infrastructure under and in the hospital.[46] However, the IDF has not released sufficient evidence to enable independent verification of these claims, and in some cases, statements from the IDF have not been supported by information it subsequently released. For example, before the operation between 3 and 24 November on Al Shifa hospital (see paragraph 9 above), the IDF published animations and infographics claiming to show extensive tunnels and other infrastructure under the hospital as justification for the operation, but the two videos it released in January 2024 did not confirm these statements and instead showed much more limited tunnels in the grounds and vicinity of the hospital.

[33] https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/november-23-pr/special-footage-from-the-rantisi-hospital-in-gaza/; https://www.timesofisrael.com/liveblog_entry/idf-releases-new-intel-detailing-hamas-use-of-gaza-hospitals-for-terror/; https://www.idf.il/en/mini-sites/israel-at-war/war-on-hamas-2023-resources/terrorists-fire-rpgs-from-al-quds-hospital/; https://www.idf.il/en/mini-sites/israel-at-war/war-on-hamas-2023-resources/hamas-terrorist-infrastructure-embedded-beneath-the-indonesian-hospital/.

[34] Further doubts have been raised by the Office of the Prosecutor of the ICC, see Claims of Hamas fighters in Gaza hospitals have been exaggerated, says senior ICC prosecutor | International criminal court | The Guardian.

[35] For example, IDF announcement of 27 October 2023 at 0002 hours.

[36] Quotation marks around Hamas are used in this report when it is not clear whether Israeli authorities are referring to the military wing (Al Qassam), or the civilian wing, or both. Israel has asserted that all members of Hamas, including members of its civilian wing, are legitimate military targets. Under IHL, civilians are protected against attack, unless and for such time as they take a direct part in hostilities (see ICRC Study, Rule 6).

[37] IDF press statement of 27 October 2023 at 1650 hours.

[38] IDF Spokesperson RAdm. Daniel Hagari Speaks on Hostage Rescue Efforts; https://youtu.be/1saU9EypcbA.

[39] IDF X post of 4 November 2023 at 0631 hours; IDF post on X from 10 November 2023 at 0300 hours.

[40] IDF statement of 3 November 2023 at 1056 hours.

[41] Post on X from 12 November 2023 at 0012; IDF post on X of 13 November 2023 at 0803 hours.

[42] IDF X post of 15 November at 0305 hours; IDF X post of 15 November at 1219 hours.

[43] IDF post of 28 October 2300 1900 hours.

[44] IDF X post from 3 November 2023 at 1056 hours.

[45] See OHCHR Thematic Report: *Indiscriminate and disproportionate attacks during the conflict in Gaza (October to December 2023)*, (19 June 2024), p.10.

[46] See Israel's response linked in para. 2 above.

17. Similar statements were made during the Israeli military's second operation at Al Shifa Medical Complex between 18 March and 1 April 2024.[47] The IDF stated that their intelligence confirmed that Palestinian armed groups "used Shifa as a command and control centre and military headquarters".[48] The IDF released edited footage of reported interviews with Palestinians taken into custody at Al Shifa,[49] implying that the hospital was used as a control centre, including by units for military intelligence and the de facto authorities. The IDF published pictures of some weapons reportedly found at Al Shifa Medical Complex, although these appeared to be mainly a small number of small weapons and therefore not necessarily of a nature to conclude that hostilities had been launched or directed from the hospital.

Strikes on or near hospitals

18. The single incident that resulted in the largest number of reported fatalities was an explosion in **Al Ahli Al Mamdani (Baptist) Hospital in Gaza City** on 17 October 2023, that reportedly killed hundreds of IDPs who were seeking refuge in the hospital's carpark where the munition fell.[50] Despite a thorough open-source investigation and consultation with military experts, though with no cooperation or access to the hospital to conduct such an investigation, OHCHR was unable to attribute responsibility. In its comments[51] on this report, the State of Palestine affirms that the explosion was caused by a missile strike, while Israel attributes responsibility to the Palestinian Islamic Jihad group for the rocket that hit the hospital. The circumstances of this strike must be independently investigated and those responsible for unlawful conduct held to account.

19. During military operations in and around hospitals, repeated strikes by the Israeli military on hospitals and their vicinities as well as medical transports, resulted in the killing of medical staff, patients and IDPs and widespread destruction, raising concerns that hospitals, medical transports, and their environs were systematically targeted. The strikes' impacts on the facilities and infrastructure, such as water tanks and solar panels, critical medical equipment and the hospitals' surroundings, have destroyed or seriously damaged the hospitals' ability to function. This pattern of strikes occurred during a period of dire need for medical services, as the number of injured Palestinians requiring urgent medical treatment was rapidly increasing due to continuous IDF strikes across Gaza. Between 7 October 2023 and 30 June 2024, OHCHR documented strikes on at least 27 of the 38 hospitals in Gaza, and strikes on an additional 12 other medical facilities (clinics), totalling 136 strikes. These strikes placed patients, medical staff and IDPs at significant risk of death and injury.

20. According to information gathered by OHCHR, on 3 November 2023, at around 1630 hours, the IDF conducted an airstrike on the street in front of the main gate of **Al Shifa Medical Complex** in Gaza City. The strike hit a few metres in front of a convoy of three ambulances returning to the hospital, killing 12 people, including a journalist and children, and causing tens of injuries, including to a medic and an ambulance driver. The IDF confirmed its responsibility for the strike, claiming

[47] https://t.me/idfofficial/7114; https://t.me/idfofficial/7200.
[48] https://t.me/idfofficial/7293.
[49] However, see https://www.ohchr.org/en/documents/reports/detention-context-escalation-hostilities-gaza for grave concerns regarding the treatment of detainees. Evidence obtained in such circumstances must be treated with caution.
[50] The office of the Palestinian MoH in Gaza reported that the strike killed 471 Palestinians and injured 342, with 28 in a critical condition: https://www.facebook.com/MOHGaza1994/posts/pfbid0UuQUoEDCP2nfsRukPunXpDFuWUD5T2fxLFpUPYzmLsFNwfugNbWRjL7YC2zhEPnml
[51] See responses linked in para. 2 above.

that the ambulance was used by "a Hamas terrorist cell in close proximity to their position in the battle zone. A number of Hamas terrorist operatives were killed in the strike."[52] OHCHR has not been able to verify that the fatalities included any individuals associated with Palestinian armed groups. Available visual material shows a crowd in front of the hospital at the time of the strike.

21. On 21 November 2023, at around 1810 hours, a projectile reportedly hit the northwestern window of the third floor of the **Indonesian Hospital** in Beit Lahiya, North Gaza. The projectile entered the operations room, causing significant interior damage and reportedly killing nine Palestinians. This incident was part of a series of attacks on the Indonesian Hospital and its vicinity, which began on 20 November and concluded with an Israeli military raid on the hospital on 24 November.[53] An assessment by OHCHR military experts of the damage and the IDF's positions during this period indicated that the strike was most likely the result of IDF artillery shelling. The IDF has not made specific comments regarding the 21 November incident. However, it has alleged that fuel and other resources of the Indonesian Hospital were being used by "Hamas", and that "terrorist infrastructure" existed beneath the hospital. These allegations have not been verified by OHCHR, and the Medical Emergency Rescue Committee (MER-C), the Indonesian charity operating the hospital, has denied them.

22. On 21 November 2023, at around 1300 hours, a projectile reportedly hit the third and fourth floors of the northern facade of the Reconstructive Surgery Building of Médecins Sans Frontières (MSF) at **Al Awda Hospital** in Jabalya, North Gaza. The building is situated approximately 270 meters southwest of the Indonesian Hospital. This incident resulted in the killing of three doctors, including two MSF staff members, and one patient's companion. Three additional hospital staff, including two nurses, sustained injuries. The strike also caused significant structural damage to the affected floors, with the munition likely entering through the windows on the northern facade of the building. An assessment by OHCHR military experts of the damage and IDF's positions in the area suggest that the strike was most likely the result of IDF artillery shelling. Despite the extensive damage and destruction caused to Al Awda Hospital and its vicinity during the presence of IDF troops around the hospital, the IDF has not provided any comment regarding the 21 November incident, nor is OHCHR aware of the IDF having made any allegations that Al Awda Hospital was being used by Palestinian armed groups for military purposes. This raises serious concerns that Al Awda Hospital was struck by the IDF in violation of international humanitarian law, including the principle of distinction between civilian objects and military objectives.

23. On 10 January, at around 1440 hours, an airstrike hit a house in front of the entrance gate of **Al Aqsa Martyrs Hospital** in Deir al Balah, Middle Gaza. Reportedly, at least 12 people were killed, including a journalist and several IDPs, and 35 people were injured. The airstrike caused damage to the hospital's walls and medical vehicles and to IDP tents in the vicinity. The extent of the damage examined through verified visual evidence suggested that an air dropped munition

[52] https://t.me/idfofficial/4923.

[53] The attacks on the Indonesian Hospital and its vicinity resulted in substantial destruction, both to the hospital itself and to the surrounding residential infrastructure. A damage assessment from 20 December revealed significant destruction in the hospital's vicinity, with 396 buildings damaged, 66 of which were severely damaged, and 80 completely destroyed in the hospital's surrounding area. The presence and activities of military forces, as shown by satellite imagery, suggest the IDF sustained operations around the hospital and its vicinity, leading to severe damage and casualties.

(ADM) with wide-area effects - probably a Mk 83 or GBU-32[54] - was used, indicating IDF attribution. The IDF has not made any statement on this incident, nor has any Palestinian armed group.

Shooting of civilians, including medical personnel

24. Another feature of attacks on hospitals has been the apparent precision targeting, by long barrel weapons, of people inside hospitals, including medical staff. In most cases it has been difficult to determine attribution, particularly where there were reports of armed clashes in the vicinity.

25. OHCHR verified multiple instances of death due to gunfire at **Al Awda Hospital** in Jabalya, in December 2023. The shootings restricted movement within the hospital's buildings for an extended period and caused casualties among medical staff. On 7 December, for example, a volunteer nurse in the hospital was fatally shot in the chest while looking out of a window. On 9 December, an Al Awda staff member was shot in the head and killed while standing near a window. MSF confirmed the injury of a doctor on 11 December, stating that he was an MSF surgeon shot during the IDF's siege of the hospital.[55] On 21 December, another hospital worker was fatally shot in the head while she was moving between two buildings inside the hospital's premises.[56] OHCHR also received allegations that two women at late stages in their pregnancies were shot and killed in separate incidents on 6 and 8 December 2023 while on their way to the hospital to deliver. They were approximately 20 metres from the hospital when shot. In none of the incidents described above was there information to suggest that the victims were directly participating in hostilities. Based on all the information collected, including the fact that during this period the Israeli military had surrounded and besieged the hospital and was dominating the hospitals' environs, OHCHR has reasonable grounds to believe that the repeated use of live ammunition between 5 and 22 December came from the IDF troops surrounding the hospital.

26. Similar incidents were also reported in south of Gaza, at **Al Amal hospital** in Khan Younis. On 31 January 2024, according to PRCS, a security guard of the PRCS HQ adjacent to the hospital and a psychosocial service volunteer were shot and killed. Two days later, on 2 February, an Israeli Air Force (IAF) drone reportedly opened fire towards the PRCS HQ, killing five Palestinians, including the Director of the Youth and Volunteers Department in PRCS, and injuring six others.[57] The information gathered by OHCHR suggests the presence of IDF military vehicles at both the eastern and western sides of the hospital in late January and early February, encircling the hospital, and IDF dominating the hospital's surroundings at the time of these shootings.

[54] Guided bombs (most often referred to as Guided Bomb Units when fitted with precision GPS system and flight gear) are extremely large and heavy munitions that can be air dropped to penetrate through several floors of concrete. The unit munition can be precisely programmed, or guided, directly onto the target with a very high degree of accuracy. The GBU-31 (Mk84) has a total weight of 907kg (2000lbs) and a net explosive quantity (NEQ) of 429kg. The GBU-32 (Mk83) is 453kg (1000lbs) and NEQ of 202kg.

[55] يوم أمس، أُصيب... - Doctors Without Borders/أطباء بلا حدود | Facebook.

[56] جمعية وتستنكر تدين... - والمجتمعية الصحية العودة جمعية - Awda | Facebook.

[57] https://x.com/PalestineRCS/status/1753413275511927158.

Use of siege tactics against hospitals and associated premises

27. In each operation on a hospital documented by OHCHR, after multiple strikes on structures in the vicinity, the Israeli military besieged the premises. The siege cut off access and isolated those insides, including patients, medical staff and IDPs, while preventing the entry of medical supplies and other necessities of life, negatively impacting individuals' rights to health and life. The siege of **Kamal Adwan hospital** in north of Gaza and **Al Amal Hospital** in south of Gaza are two of six emblematic cases monitored and documented by OHCHR.

28. Around the time of the siege of the Indonesian hospital and Al Awda Hospital in proximity, the IDF also besieged **Kamal Adwan Hospital** in Beit Lahiya, approximately 900 metres west of Al Awda Hospital. The IDF appears to have initiated the siege at some point between 8 and 11 December 2023 and continued it until 16 December. As of 11 December, there were reportedly 3,000 IDPs sheltering at the hospital, in addition to 65 patients, including 10 children and 2 infants. According to the Palestinian MOH, on 14 December the IDF forced approximately 2,500 persons to evacuate the hospital. The World Health Organization (WHO) reported that three patients died on 16 December, including a child, due to "inadequate medical care".[58] Five patients died between 13-15 December for the same reason. Like other hospitals subjected to siege by the IDF, according to witness accounts, those inside were without adequate access to water, food, electricity, and were unable to move between different hospital departments.[59] The IDF withdrew on 16 December, leaving considerable damage to courtyards and structures on the northern and southwestern side, including to the pharmacy and administration building. The IDF stated that it had apprehended "terrorist operatives" in Kamal Adwan Hospital[60] and that weapons were hidden in incubators in the hospital.[61]



[58] Information on file; see also World Health Organization (WHO) is... - Tedros Adhanom Ghebreyesus | Facebook
[59] https://t.me/MOHMediaGaza/4589.
[60] Kamal Adwan Hospital: Armed Terrorists apprehended in Kamal Adwan Hospital: Exiting the Hospital With Weapons in Hand, 14 November 2023.
[61] Weapons hidden in incubators in the Kamal Adwan Hospital, 16 November 2023. https://www.idf.il/en/mini-sites/israel-at-war/war-on-hamas-2023-resources/weapons-hidden-in-incubators-in-the-kamal-adwan-hospital/.

Rubble lies next to a building following an Israeli raid at Kamal Adwan hospital, amid the ongoing conflict between Israel and Hamas, in the northern Gaza Strip, December 16, 2023. REUTERS/Fadi Alwhidifa

29. Hospitals in Khan Younis, southern Gaza, were also besieged during intense IDF operations since early December 2023. On 22 January 2024, IDF troops began besieging **Al Amal Hospital and PRCS HQ**, lasting at least until the hospital was raided and forcibly evacuated by the IDF on 9 February. Prior to the siege, between 11 December 2023 and 21 January 2024, OHCHR documented at least 13 strikes on Al Amal Hospital and the adjacent PRCS HQ or in their vicinity. As of 24 January, IDF troops were located on the northern, eastern and western sides of the hospital dominating the surrounding areas, with activity including the erection of earth berms. On 30 January, PRCS announced that IDF troops had raided Al Amal Hospital's courtyard, and that approximately 8,000 IDPs were forced to leave the hospital. On 1 February, PRCS announced that IDF troops had surrounded the hospital from all directions. On 9 February, PRCS announced that IDF troops had raided the premises of Al Amal Hospital. Due to the IDF's siege around the hospital, between 31 January and 7 February, three patients - one infant and two older persons - reportedly died because of the cessation of oxygen.[62] Al Amal Hospital was rendered out of service by 28 March, but it began partial services again on 2 May.

Impact of attacks on hospitals

30. The cumulative effects of the described attacks on the hospitals placed the health care system in Gaza on the brink of total collapse, seriously impacting Palestinians' access to health and medical care at a time of tremendous need. The situation was further exacerbated with the complete closure of the Rafah crossing, following Israel's incursion into Rafah in May 2024, which eliminated the possibility of medical evacuation through that port as a last resort.

31. In its comments to this report, the Government of Israel stated that during its operations, the IDF had taken "extensive measures" "to mitigate civilian harm and minimize disruption to medical services". These included, it stated, enabling evacuation routes from hospitals, providing medical equipment, fuel, and other humanitarian aid to ensure hospitals' continuing functioning and the wellbeing of patients, staff, and individuals sheltering there; and establishing field hospitals to bolster Gaza's medical system.[63] However, such steps have not been sufficient to make up for the effects of the destruction caused by the attacks on hospitals and associated combat in and around them, including through siege tactics. In its comments on the report, the Government of Israel also asserted that Hamas had chosen "to methodically abuse the protection of medical facilities", and "embeds its tunnel system and infrastructure within the premises of medical facilities as a matter of strategy, and utilizes them as arms caches and accessible HQs for its operatives".[64]

32. The increasingly limited healthcare system prevented many of those who had sustained trauma injuries from receiving timely and possibly life-saving treatment. As of 24 April 2024, according to the Palestinian MOH, the number of hospital beds across Gaza had decreased by 80 per cent. Also, according to the Palestinian MOH, by the end of June 2024, more than 500 medical

[62] https://www.instagram.com/palestineredcrescent/p/C3MoBJ0t654/?img_index=2.
[63] See Israel's response linked in para. 2 above.
[64] Ibid.

professionals had been killed in Gaza since 7 October.[65] Meanwhile, by the end of April 2024, according the Palestinian MOH, 77,704 Palestinians were injured, with over 380 injured daily on average since 7 October 2023, only increasing the significant pressure on a healthcare system that was under attack and shrinking.[66] While many major hospitals were non-functional or only partially functioning, at the remaining functioning hospitals medical professionals could not meet the demands placed on them due to the lack of resources, including critical shortages in basic supplies.[67] Many injured reportedly died while waiting to be hospitalized or treated. Even those who managed to receive critical treatment, including surgery, received it without proper bedding and facilities, and were often discharged prematurely due to a lack of space.[68]

33. Attacks on hospitals in Gaza have also had serious implications for patients with initially non-fatal conditions, potentially rendering them fatal. Women, especially pregnant women, are suffering gravely. Many women are giving birth with no or minimal pre- and postnatal care, increasing the risk of preventable maternal and child mortality. According to the United Nations Population Fund (UNFPA), as of February 2024, midwives were delivering over 70 babies a day under dire conditions with insufficient medical equipment.[69] OHCHR has received reports that a number of newborns died because their mothers were unable to attend postnatal check-ups or reach medical facilities to give birth.[70] Attacks on hospitals have deterred many women and girls from seeking necessary care due to fears and increased risks. This has occurred in the context of dire conditions in Gaza that lead to a significant rise in miscarriages and extreme food insecurity among pregnant and breastfeeding women. Women and girls have thereby been denied access to essential gynaecological and reproductive healthcare, and survivors of sexual and gender-based violence are prevented from receiving medical attention. This has led to severe medical consequences, including increased reproductive health issues, mental health crises, and barriers to preventive care.

34. People with chronic diseases requiring recurring treatment, such as kidney failure, hypertension, diabetes, and heart diseases, also lost access to their treatment, placing them at risk of worsening health outcomes and death. At least 1,100 patients of kidney failure, for example, were reportedly facing death because of a lack of dialysis treatment.[71] Cancer patients, who had been estimated to number 10,000 in Gaza,[72] have similarly lost access to critical treatment. While breast cancer was reportedly among the most common cancer types in Gaza, women have been deprived of medical check-ups.[73] The collapse of the healthcare system has exacerbated the spread

[65] Statement-on-the-killing-and-arbitrary-detention-of-health-workers-in-Gaza-25-June.pdf.
[66] Telegram: Contact@MOHMediaGaza.
[67] Human Rights Watch, "Gaza: Unlawful Israeli Hospital Strikes Worsen Health Crisis", 14 November 2023; Gaza hospital doctors differentiate patients according to survival chances due to lack of equipment (aawsat.com), 6 February 2024.
[68] https://www.facebook.com/reel/924073249135178.
[69] https://arabstates.unfpa.org/en/news/impossible-choices-gaza-%E2%80%9Cwomen-are-giving-birth-prematurely-because-terror%E2%80%9D.
[70] On record with OHCHR.
[71] Gaza's kidney patients face dialysis crisis at jam-packed hospitals | Israel-Palestine conflict News | Al Jazeera.
[72] Palestinian Ministry of Health, Annual Report 2023, "The Israeli Aggression Against Palestinians in 2023".
[73] Palestinian Centre for Human Rights, "Women with cancer in Gaza face imminent death risk amid ongoing genocide", 31 May 2024.

of infectious diseases, caused by massive displacement, overcrowded shelters and a lack of hygiene and sufficient water.[74]

III. LEGAL ANALYSIS

Violations of obligations as the Occupying Power

35. Israel, as the occupying power, is obligated under international humanitarian law (IHL) to ensure and maintain the provision of medical services and public health and hygiene to the fullest extent of the means available to it,[75] and to take preventive measures necessary to combat the spread of contagious diseases and epidemics. These obligations must be implemented to the fullest extent by Israel, considering in particular the increased presence of its troops in Gaza and the dismantling of the local authorities' capacity to provide services to the population.[76] Under IHL, Israel is further obligated to ensure items such as medical supplies and food for the population of Gaza, again to the fullest extent of the means available to it. If the resources of the occupied territory are inadequate, Israel must bring in the necessary medical supplies, and other necessary articles.[77] Furthermore, if any of the population is inadequately supplied, it must agree to relief schemes, including by humanitarian organizations, and "facilitate them by all the means at its disposal."[78] Additional concerns over the violation of these obligations arise from: i) the attacks on hospitals, including the strikes on hospital buildings, medical transport and medical personnel; ii) the systematic siege of hospitals and the subsequent cutting off of access to those in need of health care and the isolating of medical personnel, patients and IDPs inside; iii) the prevention of entry of medical supplies and other essential items into hospitals, and iv) the subsequent evacuation of hospitals while failing to provide alternative medical care or ensure access to other necessities of life. Under certain circumstances, the deliberate destruction of healthcare facilities may amount to a form of collective punishment, in breach of IHL, which would also constitute a war crime.[79]

36. Under international human rights law (IHRL), attacks on hospitals implicate an array of violations, including the rights to highest standards of health, food, water and ultimately the right to life.[80] Israel's international human rights law obligations apply in Gaza, by virtue of the power and control it exercises over territory and people and the enjoyment of their rights in Gaza, particularly further to its status as an occupying power.[81] This includes the obligation to refrain

[74] As of 30 April 2024, WHO recorded 711,178 cases of acute respiratory infections, 381,487 cases of diarrhea including 106,545 cases of children under 5-year-old, 87,800 cases of scabies and lice, 51,055 cases of skin rashes, 7,827 cases of chickenpox, and 48,177 cases of acute jaundice syndrome.

[75] This applies to Israel in Gaza to "the extent that it remains capable of exercising, and continues to exercise, elements of its authority in place of the local government. … Israel's obligations [under the law of occupation] have remained commensurate with the degree of its effective control over the Gaza Strip." (International Court of Justice, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, 19 July 2024, paras. 92 and 94).

[76] GC IV, Art. 56.

[77] GC IV, Art. 55.

[78] GC IV, Art. 59, para. 1.

[79] GC IV, Art. 33, ICRC Study, Rules 103 & 156.

[80] ICESCR Arts. 11, 12; ICCPR, Art. 6.

[81] See International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004, paras. 109 to 114. See also International Court of Justice, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, 19 July 2024, paras. 98-9. See also Committee on Economic, Social and Cultural Rights, Concluding Observations (Israel), 26 June 2003, para. 31; and Human Rights Committee's General Comment no. 31, paras. 10 & 11.

from interfering with or raising obstacles to the enjoyment of human rights. It also includes immediate obligations to secure the minimum core of certain rights such as the right to highest standards of health,[82] food,[83] and water.[84] IHRL requires that Israel fulfils, through provision of the necessary goods and services, the human rights of individuals to whom it owes obligations in situations where they are unable to realize a right themselves, for reasons beyond their control.[85]

Violations of protected status of hospitals and medical personnel

37. The Israeli military's repeated attacks on hospitals raise concerns regarding compliance with the obligation under IHL that medical personnel, ambulances, and hospitals be respected and protected at all times and only lose their special protection if they commit, or are being used to commit, outside their humanitarian function, acts harmful to the enemy.[86] All feasible precautions must be taken to uphold these rules. A hospital which has lost its special protection cannot be attacked unless it also fulfils the criteria to be considered a military objective under IHL,[87] and unless a warning has been given setting, whenever appropriate, a reasonable time limit, and after such a warning has remained unheeded.[88] This time limit should, *inter alia,* ensure that parties have time to take steps to cease acts being committed that are harmful to the enemy, thereby providing an additional safeguard to reduce the likelihood of attacks against, and other military interference with the functioning of, medical facilities. The warning should also give those in charge of a medical facility an opportunity to reply to any unfounded allegations that acts harmful to the enemy are being committed and provide evidence to the contrary.[89] Even when all of these criteria have been met, an attack is subject to further constraints: it must be limited to the specific part of the facility that meets the above-mentioned criteria and that constitutes a military objective, and it must respect the protection of the wounded and sick and medical personnel who remain inside the facility as well as medical objects, in accordance with the principles of distinction, proportionality and precautions in attack.[90]

38. The Israeli military has not provided sufficient information to enable independent substantiation of its statements, when made, that the hospitals, ambulances, and personnel attacked had lost their special protection and constituted military objectives. Indeed, for the attacks on Al Awda Hospital and Al Aqsa Martyrs Hospital, no claim was made that hostile acts had led to a loss of protection of the hospitals and medical personnel. In other attacks, the IDF have made statements not further substantiated that hospitals were used as headquarters for "Hamas' terrorist activity", or that rocket attacks and forces were being directed from hospitals.

[82] CESCR General Comment no. 14, paras. 43 to 44.
[83] CESCR General Comment no. 12, para. 14.
[84] CESCR General Comment no. 15, para. 37.
[85] ICCPR, Art. 2(1), ICESCR Art. 2(1), CESCR General Comment no. 14, para. 37. Israel has likely violated other human rights treaty obligations through its besieging of hospitals and denial of healthcare in relation to specific groups, including persons with disabilities (under the CRPD), women (under CEDAW) and children (under the CRC).
[86] GC IV, Art. 18-20. See also ICRC Study, Rules 25, 28 and 29; Additional Protocol I, Art. 13. The following are *not* to be considered as acts harmful to the enemy: the personnel of the hospital are equipped with light individual weapons for their own defence or for that of the wounded and sick in their charge; the hospital is guarded by sentries; small arms and ammunition taken from the wounded and sick, and not yet handed to the proper service, are found in the hospital; or members of Palestinian armed groups are in the hospital for medical reasons (see ICRC Study, explanations on Rules 25, 28 and 29).
[87] ICRC Study, Rule 8.
[88] GC IV, Art. 19; and ICRC Study, explanations on Rule 28.
[89] See ICRC "International Humanitarian Law and the Challenges of Contemporary Armed Conflicts", 2024, pp. 42-44.
[90] Ibid.

Furthermore, even if these statements are eventually substantiated, the IDF has not explained how continued attacks on hospitals have remained justified in legal terms despite evidence of the transitory nature of the exercise of command functions and of munition launch sites in the context of the conflict in Gaza. Further investigations are needed to assess the extent to which individual hospitals, medical transports and medical staff may have lost their special protection under international humanitarian law.

39. In one specific case, according to a testimony of a released Palestinian detainee, an Israeli official reportedly stated that an operation against a hospital was intended to cause damage to the "Hamas leadership", putting pressure on them to agree to a hostage deal, and to destroy the civilian leadership of Hamas, which was claimed to be [91] using hospitals as a base of operations.[92] Such considerations would not make hospitals military objectives and raise serious concerns of violations of the principle of distinction and of the special protection of hospitals.

Violations of obligations concerning attacks using explosive weapons

40. If any of the strikes on at least 27 hospitals and 12 other medical facilities, totalling 136 strikes between 7 October 2023 and 30 June 2024, were deliberately targeting civilians including doctors, nurses and medics not taking a direct part in hostilities, or civilian objects not being used to commit acts harmful to the enemy, rather than military objectives, these would amount to war crimes. [93] Even in the exceptional circumstances when medical personnel, ambulances, and hospitals lose their special protection and fulfil the criteria to be considered military objectives, [94] any attack must nevertheless comply with the fundamental principles of distinction, proportionality and precautions in attack.[95] All feasible precautions must be taken in the selection of weapons, tactics, timing and targets to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.

41. In some of the attacks on hospitals, the IDF has likely used explosive weapons with wide area effects. It appears, for example, that an MK83 or GBU-32 munition was used in the 10 January airstrike in front of Al Aqsa Martyrs Hospital. Given how densely populated the areas targeted were, the use of such a wide area effect weapon raised serious concern of indiscriminate attack. Explosive weapons with wide-area effects cannot be directed only at a specific military objective in densely populated areas, and the effects cannot be limited, resulting in military objectives, civilians and civilian objects being struck without distinction. The impact of these attacks was entirely foreseeable for the IDF, with clearly available information on the location of hospitals and the concentration of civilian persons within, including IDPs, medical staff and injured and sick patients, and information on the impact of previous attacks using similar means and methods would also have been available. This raises fundamental concerns of violations of the principles of

[91] According to testimony released by Israel of prisoners held in their custody.
[92] IDF chief says Shifa op damaging Hamas leadership, adding pressure in hostage talks | The Times of Israel.
[93] Rome Statute Articles 8 (2) (a) (i); 8 (2) (b) (i); Art. 8 (2) (c) (i) and Art. 8 (2) (e) (i), as well as Articles 8 (2) (b) (ii) and 8(2)(e)(xii). See also ICRC Study, Rule 156.
[94] See ICRC Study, Rules 25 and 8; GC I, Art. 21.
[95] ICRC Study, Rules 1, 7, 14, 15-21; AP I, Art 52(2); AP I, Art. 51(5)(b); and API, Art. 57(2) (Israel is not a party to the AP I but accepts that some of its provisions accurately reflect customary international law, see "The Operation in Gaza, Factual and Legal Aspects", Report, Israeli Ministry of Foreign Affairs, July 2009, available at http://www.mfa.gov.il). See also OHCHR's Thematic report: *Indiscriminate and disproportionate attacks during the conflict in Gaza (October – December 2023).*

distinction, and precautions in attack.[96] In certain circumstances, such attacks may amount to a direct attack against civilians or civilian objects.[97]

42. Even if such attacks were targeting military objectives, it is difficult to envision how the killing and injuring of so many civilians in each such strike and the extensive damage to health facilities could be considered not to be excessive in relation to any concrete military advantage anticipated in an attack on mobile control and command centres. Concerns regarding the proportionality of such attacks only increase when considering their reverberating effects, including deaths and unnecessary suffering caused by the subsequent lack of healthcare services.[98] Attacks against hospitals, and associated combat in their vicinity, have had devastating consequences on Palestinians' rights to life and health, in particular for those at greater risk and requiring dedicated care, such as, infants, children, persons with disabilities, older persons, pregnant women, and the sick and injured.

Violations regarding the use of hospitals outside their humanitarian functions

43. If Palestinian armed groups have used hospitals and other medical units outside their humanitarian function for acts harmful to the enemy, or in an attempt to shield military objectives from attack, such conduct would constitute serious violations of international humanitarian law. All parties to a conflict have the obligation to respect and protect hospitals, and to take all feasible precautions to protect civilians and civilian objects under their control against the effects of attack. This includes not using hospitals to commit acts harmful to the enemy, and ensuring that hospitals are, as far as possible, situated so that attacks against military objectives do not risk hospitals' safety.[99] The IDF has regularly alleged that the hospitals it has attacked have been used by "Hamas" or "terrorist organizations", or that operatives were in close proximity to the hospital. If verified, this would raise serious concerns that Palestinian armed groups were using the presence of civilians to intentionally shield themselves from attack, which would amount to a war crime.[100] Independent and credible investigations are required in this regard. Reports of the IDF besieging and commandeering hospitals, including Al Shifa Medical Complex, for extended periods also raises concerns over the use of hospitals outside of their humanitarian function for acts harmful to the enemy.

[96] For further analysis on the previous use of explosive weapons with wide-area effects in Gaza, and the violation of IHL, see also OHCHR's Thematic report, Ibid. See also A/HRC/29/CRP.4, para. 415.

[97] The International Criminal Tribunal for the former Yugoslavia found in the Galic case that "indiscriminate attacks, that is to say attacks which strike civilians or civilian objects and military objectives without distinction, may qualify as direct attacks against civilians," ICTY, *Prosecutor v. Galic*, case No. IT-98-29-T, Judgement, 5 December 2003, para. 57. The International Court of Justice in, *Legality of the Threat or Use of Nuclear Weapons*,, 8 July 1996, also linked the prohibition of indiscriminate attacks to attacks against the civilian population, observing that a cardinal principle "contained in the texts constituting the fabric of international humanitarian law" is that "States must never make civilians the object of attack and must consequently never use weapons that are incapable of distinguishing between civilian and military targets", para. 78. Article 8 of the Rome Statute of the International Criminal Court lists intentionally directing attacks against the civilian population or civilian objects as a war crime.

[98] See ICRC Paper, *Proportionality and precautions in attack: The reverberating effects of using explosive weapons in populated areas,* (2016).

[99] ICRC Study, Rules 22-24, 28 and 29. GC I, Art.19, para. 2; GC IV, Art. 18, para. 5. Although in the context of the densely populated Gaza strip, it would be hard to locate hospitals in a manner to make them safe from combat.

[100] ICRC Study, Rule 156.

Other violations during hospital sieges

44. During the sieges of Al Shifa Hospital and Indonesian Hospital in November, Al Awda Hospital and Kamal Adwan Hospital in December, and Al Amal Hospital and PRCS HQ in January, live ammunition was fired at civilians, resulting in civilian casualties including medical staff, and effectively preventing civilians from moving within hospitals and their vicinity. No information available at the time of writing suggests that the victims were taking a direct part in hostilities or that the fire was directed at legitimate targets, raising serious concerns of violations of the principle of distinction.

45. As part of its siege of hospitals, the Israel military blocked the delivery of essential medical and other supplies to these hospitals creating life-threatening shortages. This was seen with shortages of medicine as well as fuel, oxygen, and food during sieges of Al Awda Hospital and Kamal Adwan Hospital in December, and of Al Amal Hospital in January/February, reportedly causing the death of three patients. The denial of food and medical supplies to civilians trapped inside hospitals runs counter to several obligations of parties to the conflict to respect and protect medical units, which includes ensuring their unhampered functioning, the prohibition of starvation as a method of warfare, and the obligation to allow and facilitate rapid and unimpeded passage of humanitarian relief to civilians in need.[101] The manner in which the sieges were conducted also calls into question the IDF's respect of its obligation to take constant care to spare the civilian population, civilians and civilian objects in the conduct of military operations,[102] while the impact of the sieges on civilians was entirely foreseeable.

46. During sieges and other operations against hospitals, the Israeli military ordered the evacuation from hospitals of patients, staff and IDPs, which, in the circumstances, raised concerns of forced displacement. Included are 5,000 people evacuated from Al Shifa Hospital on 18 November, among which were sick and injured patients, the 500 injured Palestinians evacuated from Indonesian Hospital to other hospitals in Khan Younis and Rafah in November, and the approximately 2,500 evacuated from Kamal Adwan Hospital on 14 December. While IHL prohibits acts of forced displacement, Israel, as the Occupying Power in Gaza, may undertake a "total or partial evacuation of a given area if the security of the population or imperative military reasons so demand."[103] However, it is obligated to take steps: i) to ensure that those evacuated have access to appropriate hygiene, health, safety, nutrition, and shelter, and ii) to minimize the risk of separation of family members.[104] The fact that evacuation orders were issued that were impossible for many to comply with, given the state of patients' health, the situation of persons with disabilities, and the absence of safe places to go to, leaving patients and IDPs in hospitals while attacks continued, is also relevant to the obligation of the IDF to take all feasible precautions in the planning and conduct of attacks to limit the impact on the civilian population. Monitoring by OHCHR raises serious concerns that Israel violated these obligations, thereby exposing medical staff, patients and IDPs to death, injury, illness and malnutrition, as well as the separation of child patients from their parents during these traumatic evacuations.

[101] ICRC Study, Rules 28, 53 and 55.
[102] ICRC Study, Rule 15.
[103] GC IV, Art. 49. See also ICRC Study, Rule 129.
[104] Ibid.

Potential crimes under international law

47. Intentionally directing attacks against hospitals and places where the sick and wounded are collected, provided they are not military objectives; intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities, including the launching of an indiscriminate attack resulting in death or injury to civilians; and intentionally launching disproportionate attacks, are all war crimes.[105] Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations is also a war crime.[106]

48. Several of these acts, if committed as part of a widespread or systematic attack directed against a civilian population, further to a State or, in case of non-State actor, organizational policy, may also amount to crimes against humanity. These include intentional acts resulting in the death of civilians, including medical staff, in violation of international humanitarian law in the context of the attacks on hospitals, and arbitrary blocking of the delivery to civilians of food and medical and other supplies essential to life.

IV. CONCLUSION

49. The conduct of hostilities in Gaza since 7 October has destroyed the healthcare system in Gaza, with predictably devastating consequences for the Palestinian people. As this report has highlighted, the destruction of the healthcare system in Gaza, and the extent of killing of patients, staff, and other civilians in these attacks, is a direct consequence of the disregard of international humanitarian and human rights law.

50. It is essential that there be independent, credible and transparent investigations of these incidents, and full accountability for all violations of international humanitarian and human rights law which have taken place. Given the limitations of Israel's own justice system in respect of the conduct of its armed forces, this must include independent investigations to gather and preserve evidence for future prosecutions through competent domestic courts under accepted principles of universal jurisdiction, consistent with international law, or through international courts. It must also be a priority for Israel, as the occupying power, to ensure and facilitate access to adequate healthcare for the Palestinian population, and for future recovery and reconstruction efforts to prioritise the restoration of the medical capacity which has been lost over the last 14 months of intense conflict.

[105] Rome Statute, Art. 8(2)(b)(i), (iv) & (ix) or Art. 8(2)(e)(i) and (iv). See also ICRC Study, Rule 156.
[106] Rome Statute, Art. 8(2)(b)(xxiii). See also ICRC Study, Rule 156. International Criminal Tribunal for the former Yugoslavia, *Prosecutor v Blaskic*, case No. IT-95-14-T, Trial Chamber, Judgment of 3 March 2000, para. 716 (treating use of human shields as inhuman and cruel treatment); *Prosecutor v. Aleksovski*, case No. IT-95-14/1-T, Trial Chamber, Judgment of 25 June 1999, para. 229 (treating it as an outrage upon personal dignity). In the context of international human rights law, the practice may also be considered a violation of obligations to protect persons against arbitrary deprivation of life.