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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Medical Aid for Palestinians (MAP), a non-governmental organization in special consultative status

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

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



Chronic impunity for attacks on healthcare in the Occupied Palestinian Territory

Overview and legal framework

Medical Aid for Palestinians (MAP) is a humanitarian and development organisation, operating in the Occupied Palestinian Territory and Lebanon. Our key areas of work are women and children's health; disability; mental health and psychosocial support; and emergency response, including support for limb reconstruction services in Gaza. We wish to express deep concern regarding ongoing violations of Palestinians' rights to health and dignity across the Occupied Palestinian Territory.

International humanitarian law stipulates that, as the occupying power, Israel is responsible for providing protection and access to healthcare for the Palestinian population under its control. This includes respecting the protected status of civilians and civilian infrastructure, including medical personnel and facilities. Where international humanitarian law appears to have been violated, attacks must be investigated promptly, impartially, and in a credible and effective manner. Civilians who suffer injury or damage due to unlawful attacks must have access to appropriate reparations.

Attacks on Palestinian healthcare amid the COVID-19 pandemic

Attacks on Palestinian healthcare personnel and facilities have become a worryingly regular feature of the actions of Israeli forces in the Occupied Palestinian Territory (OPT) and have continued during and despite the global COVID-19 pandemic.

In 2020, amid the pandemic, the World Health Organization (WHO) documented at least 56 incidents of attacks against Palestinian healthcare and personnel in the OPT.¹ These include obstructions and attacks against ambulances and paramedics, armed raids of healthcare facilities, and the seizure of a vehicle used to transport health workers and equipment to a mobile health clinic.

Most recently, Palestinian human rights organisation Al Haq documented that between 26 December and 4 January 2021 three hospitals in the OPT suffered damage during military attacks carried out by Israeli forces: the Martyr Mohammad al-Durra Children's Hospital in Gaza, and the Palestine Medical Complex and Thabet Thabet Hospital in the West Bank.² During the attack on the Palestine Medical Complex on 27 December 2020, a patient and a health worker were injured by rubber-coated metal bullets. Speaking to Al Haq, health worker Mahmoud Omar Zayed, who was injured during the attack, described his concerns over the potential impact of the raid on patients including those receiving treatment for COVID-19:

"I started to disperse the patients and their companions, who were in the hospital's outer yards, to inside of the departments and close the section doors so that tear gas would not continue to spread into the hospital. Knowing that the sections near the entrance were mostly allocated for COVID-19 patients, a number of whom were connected with mechanical ventilators, one of our main concerns was to ensure that tear gas does not reach the patients inside the hospital, as well as to ensure people do not get shot by the Israeli occupying soldiers, and to calm the situation in general."

The pandemic has underscored how attacks on healthcare reduce the capacity of the Palestinian health system to adequately care for the population in times of crisis, particularly during emergencies, and therefore undermine Palestinians' right to health in the long-term. The legacy of direct and indirect attacks on health workers and other protected persons, impunity for these, and continuing physical and administrative restrictions on movement and

¹ WHO (2021), <https://extranet.who.int/ssa/Index.aspx>.

² Al Haq (2021), <https://www.alhaq.org/advocacy/17779.html>.

other activities, have contributed to the Palestinian health system's ill-preparedness to respond to COVID-19.

Continuing impunity for attacks against Palestinian healthcare

The aforementioned attacks compound the heavy strains on healthcare services and personnel resulting from the pandemic. They are, however, only the latest incidents in a continuing pattern of violations by Israeli forces against Palestinian healthcare.

In the West Bank, hospital raids and the obstruction and assaults on ambulance staff are a regular occurrence, particularly during times of increased unrest.³ In Gaza, the three major military offensives (2008/9, 2012, 2014) resulted in 147 hospitals and primary healthcare clinics and 80 ambulances damaged destroyed, and 145 medical workers injured or killed.

During the 2018-2019 'Great March of Return' protests in Gaza, 810 health workers were injured and four killed, in 529 recorded incidents amid systematic use of live ammunition, rubber-coated steel bullets and teargas by Israeli forces.⁴ 115 ambulances and seven health facilities were damaged. In March 2019, the United Nations (UN) independent Commission of Inquiry on the Gaza protests found "reasonable grounds to believe that Israeli snipers intentionally shot health workers", calling the OPT "one of the most dangerous places in the world for healthcare workers."⁵

More broadly, the use of live ammunition and less-lethal weapons in the context of the Gaza protests resulted in the deaths of 212 Palestinians and 35,962 injuries,⁶ including more than 7,500 gunshot wounds, 88% of which were to limbs.⁷ Hundreds of patients still require complex limb reconstruction treatment more than two years on. These injuries have implications for Palestinians' rights to health, life, and bodily integrity. The impacts of this use of force include short- and long-term ill health for individuals; social and economic effects for individuals and families, including access to livelihoods and education; and challenges to mental health and quality of life.

These persisting injuries exacerbate an already-desperate humanitarian situation in Gaza, with shortages of essential medicines, equipment, skills and emergency fuel after 14 years of illegal closure and blockade. The scarce healthcare resources needed to treat these patients have been further stripped away by the COVID-19 pandemic.

Failures of accountability for attacks on Palestinian healthcare

In March 2020, Medical Aid for Palestinians, Al Mezan Center for Human Rights (Al Mezan), and Lawyers for Palestinian Human Rights (LPHR) published a report "Chronic Impunity: Gaza's Health Sector Under Repeated Attack" updating on six emblematic cases of attacks on healthcare facilities and personnel during the 2014 military offensive on Gaza, illustrating how Israel's military investigations have uniformly failed to provide legal accountability for perpetrators and justice for victims.⁸ This important documentation reinforces long-standing concerns that Israel's military investigations are not genuine.

³ MAP (2017), <https://www.map.org.uk/downloads/map-ch2--protection-for-healthcare.pdf>.

⁴ WHO (2019), http://www.emro.who.int/images/stories/palestine/documents/SitRep_Aug_2019_v0_SH_rev_GRO.pdf?ua=1. NB – the WHO has not counted the death of Mohammed Al Jdeily, who died in hospital after being shot in the head with a rubber-coated steel bullet while working at the protests.

⁵ Office of the UN High Commissioner for Human Rights (2019), <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24226&LangID=E>.

⁶ UN Office for the Coordination of Humanitarian Affairs (2019), <https://www.ochaopt.org/content/humanitarian-snapshot-casualties-context-demonstrations-and-hostilities-gaza-30-mar-2018-3>.

⁷ WHO (2019), http://www.emro.who.int/images/stories/palestine/documents/WHO-Health-Cluster-Special-SitRep_1_30_April_2019.pdf?ua=1.

⁸ MAP, Al Mezan and LPHR (2020), <https://www.map.org.uk/downloads/chronic-impunity-gazas-health-sector-under-repeated-attack.pdf>.

Despite being in many cases potentially serious breaches of international law, such attacks occur in a continuing context of near-total impunity for violations of international law, with extremely poor compliance of Israeli domestic investigations and accountability processes with international law.⁹

A pattern of chronic impunity has been recognised by successive UN inquiries; UN special procedures and treaty bodies; and Palestinian, Israeli and international civil society actors. Failing to ensure accountability for these violations not only denies victims, families and communities of justice, but also increases the likelihood of recurrence, and further undermines the international norms which ensure the protection of health professionals and infrastructure in conflicts around the world.

Conclusion and recommendations

Impunity for attacks on health workers and other protected persons must be addressed to ensure Palestinians can fully realise their rights to health and dignity. MAP calls on the international community to take action to end the grave cycle of chronic impunity and repeated attacks on Palestinian health workers and facilities, and to transform the unliveable conditions in the OPT, including ensuring that its population can access effective and adequate healthcare.

We therefore call on the Human Rights Council and UN Member States to:

1. Demand Israel abides by its obligations under international humanitarian and human rights law, as the occupying power in Gaza and the West Bank, including East Jerusalem;
2. Urge Israel to immediately end the illegal closure of Gaza and the separation between the Gaza and the West Bank, including East Jerusalem;
3. Take steps through bilateral and multilateral aid assistance to reverse the de-development of healthcare in Gaza;
4. Pursue accountability for all suspected violations of international human rights and humanitarian law, including attacks on medical personnel, in order to ensure justice for victims and deter repetition;
5. Independently monitor, assess and make public findings on the compliance of Israel's internal investigations with the core international standards of independence, impartiality, thoroughness, effectiveness, transparency and promptness; and the extent to which these investigations have resulted in legal accountability and justice for victims, survivors and their families; and
6. Support efforts to strengthen compliance with international law regarding the protection of healthcare personnel and infrastructure, including through monitoring the compliance ensuring respect for UN Security Council resolution 2286 (2016) on healthcare in armed conflict.

⁹ MAP (2020), <https://www.map.org.uk/news/archive/post/1103-new-report-chronic-impunity-for-attacks-is-keeping-palestinian-health-workers-in-the-firing-line>.