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Submission of NGO Monitor to the Special Rapporteur on the Right to Health

Introduction

NGO Monitor, a project of the Institute for NGO Research,¹ an organization in Special Consultative Status with UN ECOSOC since 2013, respectfully submits the following information to the Special Rapporteur on the right to health for her report on “health and care workers as key protectors of the right to health.” We hope that the information provided will aid in the preparation of the report to the 59th session of the Human Rights Council.

Targeting of Medical Personnel

On October 7, 2023, thousands of Palestinian terrorists breached the border from Gaza invading Israel, massacring 1200 people, torturing and maiming thousands, including 36 children who were slaughtered in their homes. Several of them were horrifically burned alive, while others were brutally murdered in the presence of their parents, or forced to witness their parents being killed before they were murdered as well. Hamas, and other terrorist groups, also kidnapped more than 200 individuals, of which 30 were children, including a 9-month old baby.

One aspect of the attacks carried out by Hamas on October 7, 2023 was the assault on medical personnel and facilities. Since the escalation of hostilities on October 7, numerous medical personnel, including several ambulance team members, were targeted, injured,

¹ Members of NGO Monitor’s Advisory Board include Elliott Abrams, Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations; former Canadian Ambassador to Israel, Amb. Vivian Bercovici; Michal Cotler-Wunsh, former member of Knesset for the Blue and White Party; Hon. Michael Danby, MP, senior member of the Australian Labor Party; Harvard Professor Prof. Alan Dershowitz; Canadian Senator, Andrew Fox, Henry Jackson Society research fellow; Hon. Linda Frum; best-selling author and commentator and British journalist and international affairs commentator, Tom Gross; Bonnie Glick, former Deputy Administrator and Chief Operating Officer of USAID; David Harris, former CEO of the American Jewish Committee; Colonel Richard Kemp, former commander of British forces in Iraq and Afghanistan; Douglas Murray, Director of the Centre for Social Cohesion, best-selling author and commentator; former Member of Italian Parliament, Hon. Fiamma Nirenstein, UCLA Professor and President of the Daniel Pearl Foundation, Prof. Judea Pearl; US Jurist and former Legal Advisor to the State Department Judge Abraham Sofaer; Dr. Einat Wilf, former member of Knesset with the Israel Labor Party and advisor to Shimon Peres; Harvard Professor Prof. Ruth Wisse; R. James Woolsey, former US Director of Central Intelligence; and Israeli Supreme Court Justice, Justice Elyakim Rubinstein

and/or killed by Palestinian combatants. In addition, health care facilities were also targeted. During the October 7 massacre, Palestinian terrorists fired at Magen David Adom (MDA) ambulances, attempting to disable the ambulances and prevent the paramedics from providing medical assistance.² On October 31, MDA reported that nine ambulances had been disabled due to the attacks by Hamas.³ Additionally, a medical helicopter transporting three critically wounded patients was hit by debris from incoming rocket fire.⁴

Hamas also targeted medical professionals, preventing them from reaching the wounded, and also killed those who were attempting to provide care. According to Magen David Adom, “paramedics’ bodies were found with their medical gloves still on, murdered by Hamas in the midst of treating the wounded. Our ambulance drivers were executed in cold blood white sitting in the drivers’ seats.”⁵ According to MDA, three workers and volunteers were murdered.⁶

For example, a senior EMT ambulance driver for MDA was murdered on his way to treat wounded while inside a MDA emergency vehicle.⁷ A paramedic was killed while treating wounded at the Supernova music festival. His ambulance was then stolen and driven into the Gaza Strip.⁸ A paramedic with United Hatzalah was driving to his shift at Barzilai Medical Center when he noticed a man who appeared to be wounded. As he stopped to help, the injured man, who was in reality a Hamas terrorist, shot the paramedic and pinned him to a pole, holding him hostage for hours.⁹ Several people that were hiding in an abandoned ambulance were killed when it was bombed by Hamas gunmen at the music festival.¹⁰

² <https://www.mdais.org/en/news/261023>

³ <https://www.mako.co.il/health-news/local/Article-ca90f0f40b48b81026.htm>

⁴ <https://www.ifrc.org/article/israel-magen-david-adom-ambulance-crews-bring-critical-life-saving-care-despite-dangers>

⁵ <https://www.jpost.com/israel-news/article-771779>

⁶ <https://www.mdais.org/en/news/261023>

⁷ <https://www.mdais.org/en/news/071023>

⁸ <https://www.timesofisrael.com/paramedic-awad-darawshe-23-killed-treating-wounded-at-rave-massacre/>

⁹ <https://www.israelhayom.co.il/news/local/article/14701421>

¹⁰ <https://www.ndtv.com/world-news/shani-gabay-israeli-woman-missing-after-oct-7-hamas-attack-on-music-fest-found-dead-4598318>

Attacks on Medical Facilities

Hamas also attacked multiple hospitals and medical centers. Barzilai Hospital in Ashkelon suffered three direct rocket strikes. One of these strikes hit the childcare clinic.¹¹ Severe damage was also caused to a bridge connecting two of the hospital's departments.

In Kibbutz Be'eri, Hamas fighters showered a medical clinic with bullets.¹² Kibbutz residents tried to fend them off for hours. The terrorists eventually stormed the clinic, killing most of the staff inside. Pictures from the clinic show large amounts of blood on the floor and severe damage to medical equipment.

Soroka Medical Center in Beer Sheba, which was used as the main center to treat the injured during the initial attacks on October 7, faced repeated rocket attacks in the area. 18 of these rockets landed in the area surrounding the hospital.¹³

Exploitation of Hospitals for Hostage Taking¹⁴

Evidence continues to emerge that Hamas systematically exploited medical centers in Gaza for command and control centers, terror tunnels, weapons storage, and to facilitate hostage taking. Hamas used hospitals to transport hostages into tunnels, to hide them within patient wards, and to murder hostages. Former hostages¹⁵ have told how they were brought into¹⁶ and hidden within and under hospitals.¹⁷ A released teenage hostage recounted how she was held alongside another hostage in a hospital, and that he was executed during his captivity there.¹⁸ In November 2023, the IDF presented evidence showing Hamas weapons being stored underneath Rantisi children's hospital in Gaza, and rooms that were used to imprison hostages.¹⁹ One room featured curtains covering a tiled wall and a calendar of guard shifts starting on October 7. In a second room was a chair with a woman's robe and rope next to one of its legs.

¹¹ <https://www.ynetnews.com/magazine/article/rj6dqh911p>

¹² <https://www.nytimes.com/interactive/2023/12/22/world/europe/beeri-massacre.html>

¹³ <https://time.com/collection/time100-voices/6329919/israel-soroka-hospital-october-7/>

¹⁴ <https://fathomjournal.org/hamas-exploitation-of-hospitals-for-hostage-taking-the-legal-imperative-to-investigate-aiding-and-abetting-of-war-crimes/>

¹⁵ https://www.youtube.com/watch?v=ixynqr-88gE&ab_channel=60Minutes

¹⁶ https://www.youtube.com/watch?v=TD_r2ubcw2g

¹⁷ <https://edition.cnn.com/videos/world/2024/01/03/released-hamas-hostage-asher-intv-golodryga-israel-ebof-vpx.cnn>

¹⁸ https://www.youtube.com/watch?v=O7BnmNZIPWw&ab_channel=AllIsraelNews

¹⁹ <https://www.timesofisrael.com/idf-hamas-operated-command-center-likely-held-hostages-under-gaza-kids-hospital/>

Hospitals have been a particularly favored location for Hamas to embed fighters and engage in combat. This not only endangers civilians seeking medical attention, but places at risk all of those working at the hospitals regardless of their affiliation to Hamas. For nearly fifteen years, Israeli and American officials have publicly acknowledged the existence of Hamas' infrastructure, specifically its headquarters under Al-Shifa Hospital in Gaza, and the international media has reported on the active presence of Hamas in hospitals, including during rounds of armed conflict.

In one of the more shocking examples, released CCTV footage showed two hostages (Thai and Nepali nationals) taken from Israel and being brought into Al-Shifa hospital.²⁰ They are surrounded by a group of men, some armed, while individuals dressed in scrubs look on. In one frame, individuals in scrubs direct the kidnappers and usher one of the hostages on a gurney into a room. The date and time stamp indicates these events took place in the late morning of October 7.

The abduction of over 240 people from more than 30 nations, including babies, children, the elderly, the disabled, and the gravely injured and ill, are unimaginable atrocities. It is egregious that Gaza's hospitals were used to conceal hostages. Whether hospital staff were involved, and whether other actors were informed of these events, including UN agencies and NGOs, requires investigation and accountability by the UN, governmental donors, the International Committee of the Red Cross, and other international aid organisations funding and operating at these hospitals. Should sufficient evidence be acquired, perpetrators should be prosecuted under domestic statutes and universal jurisdiction. Not only do the hostages and their families deserve justice, but the need to preserve the protected status of hospitals and medical workers, a core concept in international humanitarian and criminal law, and the integrity and credibility of the entire humanitarian aid system, is at stake.

In the over 400 days since October 7, the international community has done very little to secure the release of the hostages. International bodies like UNRWA and the ICRC have ignored the plight of the hostages. Some are facing lawsuits for aiding and abetting Hamas' international crimes. Humanitarian actors also enabled the kidnappers and murderers,

²⁰<https://fathomjournal.org/hamas-exploitation-of-hospitals-for-hostage-taking-the-legal-imperative-to-investigate-aiding-and-abetting-of-war-crimes/>;

<https://www.haaretz.com/israel-news/2023-11-19/ty-article/israeli-army-releases-footage-of-hostages-inside-gazas-al-shifa-hospital-on-oct-7/0000018b-e93d-d36e-a3cb-f97f56bb0000>

looking the other way, and remaining silent about Hamas exploitation of civilian infrastructure. Around the world, posters featuring the faces of the kidnapped have been defaced and torn down, erasing crimes against Israelis and attempting to sway public opinion away from Israeli victims. Family members of the hostages have faced mental torture and unrelenting, unbearable pain of not knowing the status of their loved ones. Some have even faced harassment while traveling abroad from “Free Palestine” activists.

Complicity in Hamas Propaganda on Gaza Hospital

In the evening of October 17, the Hamas-run Ministry of Health in Gaza claimed that an Israeli airstrike hit Al-Ahli Baptist Hospital, killing hundreds of civilians. An initial response from the IDF stated that the incident was under review; later, the IDF shared videos, images, and intelligence materials demonstrating that an Islamic Jihad rocket had failed to launch properly (i.e. target Israeli civilians) and instead hit the hospital parking lot. President Biden acknowledged this conclusion.

Many NGOs and global media outlets immediately adopted the Hamas narrative of Israeli culpability, even though there was no evidence to support it. Certainly, the statements came too quickly to have conducted even a rudimentary investigation and without any attempt to verify the circumstances surrounding the incident. No NGO or media outlet called into question the veracity of a claim, from a genocidal terror-run institution, that it would be possible within minutes of the night-time incident to document that hundreds had been killed.

This incident reflects the abject failure of the humanitarian aid framework in Gaza and the need for a systematic independent investigation. For years, UN agencies and humanitarian NGOs turned a blind eye to terror actors’ diversion of humanitarian aid to produce rockets, build terror tunnels and other instruments, and to personally enrich themselves at the expense of ordinary Gazans. The UN and NGO community have ignored, and in many cases, openly covered up the embedding and co-locating of Hamas weaponry within civilian infrastructure like schools, mosques, and hospitals. Their complicity in crimes against humanity is immoral, has entrenched the conflict, and further endangered millions of Palestinians and Israelis.

Following evidence that it was indeed not caused by Israel, many international media outlets, including the New York Times and the BBC, faced enormous scrutiny and were forced to walk back their accusations and issue apologies for their coverage.

Conclusion

International bodies and NGOs have engaged in blatant hypocrisy, issuing numerous reports regarding attacks on Palestinian hospitals and medical personnel, with barely an utterance condemning Hamas' blatant violations against Israeli medical facilities and health care workers since October 7.

The protection of medical facilities and personnel is fundamental. Any honest assessment of the medical implications of the War in Gaza must include a review of Hamas' systematic abuse of medical facilities, attacks on healthcare workers, and other war crimes.