

Israel/Occupied Palestinian Territories: Don't Fire on Gaza Medics

Six Attacks on Palestinian Ambulances, Paramedics

(New York, September 13, 2006) – Israeli security forces launched attacks that harmed Palestinian medical emergency personnel and damaged ambulances on at least six different occasions in the Gaza Strip between May 30 and July 20, Human Rights Watch said today. Human Rights Watch called on the Israel Defense Forces (IDF) to ensure that its troops scrupulously respect the protected status of medical emergency personnel and facilities at all times as it conducts military operations in the Gaza Strip.

“Israel should conduct an impartial and transparent investigation of these incidents to determine why medical personnel were endangered, and it should remind its forces that attacks against medical and religious personnel and objects displaying the emblems of the Geneva Conventions are prohibited.”

Joe Stork, deputy director of the Middle East division of Human Rights Watch

Five of the incidents occurred during Israel's military operations in Gaza that began on June 28, and three of them during the IDF military operation around the Maghazi Refugee Camp that began on July 18. In all of the incidents, the emergency medical personnel said they were responding to Palestinian casualties caused by earlier military activity but had waited for IDF shooting or shelling to stop before attempting to recover casualties. Four of the incidents occurred in daylight hours, and two of them in open areas. In at least two cases, the attack came from unmanned surveillance drone aircraft used by the Israeli Air Force to target wanted persons and armed individuals, and capable of precision targeting.

“Attacks against clearly identified medical providers are an extremely serious matter,” said Joe Stork, deputy director of the Middle East division of Human Rights Watch. “Israel should conduct an impartial and transparent investigation of these incidents to determine why medical personnel were endangered, and it should remind its forces that attacks against medical and religious personnel and objects displaying the emblems of the Geneva Conventions are prohibited.”

As of September 12, Israeli authorities had not responded to an August 21 request from Human Rights Watch for information about these incidents. Medical personnel and transports lose their protection if they commit or are used to commit acts harmful to the enemy. However, there is no evidence and there has been no allegation that ambulances have been used for any purpose in the current fighting in Gaza other than providing emergency medical assistance and transporting the dead and wounded to hospitals.

Even assuming that in some of these cases medical personnel or ambulances were hit during renewed IDF attacks on military targets, all of the cases merit investigation because the IDF has an obligation not to prevent clearly marked medical personnel and ambulances unnecessarily from discharging their proper functions, Human Rights Watch said.

Human Rights Watch researchers in the Gaza Strip spoke individually with six paramedics, one ambulance driver, and one volunteer with the Palestinian Red Crescent Society (PRCS). The drivers came from various parts of the Gaza Strip and recounted six separate incidents in which they came under fire while responding to emergency calls. Dr. Mu'awiya Hassanain, the head of Ambulance and Emergency Management for the West Bank and Gaza under the Ministry of Health, told Human Rights Watch that there had been 23 instances of medical emergency teams coming under fire in Gaza in July 2006, although Human Rights Watch investigated only the six incidents described here.

Four of the incidents occurred during daylight hours. When working at night, the paramedics wore fluorescent clothing and used bright flashlights while on foot. Their vehicles were clearly marked with the word “ambulance” in Arabic and English and unedited video footage of ambulances collecting casualties from different locations in the Gaza Strip during Israeli military incursions in July showed that the ambulances consistently used red flashing lights on their roofs. Human Rights Watch researchers visited three of the sites of the attacks and obtained video footage of the incident of May 29. Accounts by residents where the attacks took place were consistent with the accounts by the paramedics and ambulance driver.

Ambulance drivers showed Human Rights Watch their working clothes, which, for the PRCS, consist of white vests with a large crescent covering the back and the words “Palestinian Red Crescent Society” in English and Arabic. A smaller emblem is on the front. The clothes have fluorescent stripes which reflect brightly at night. PRCS paramedics carry bright flashlights at night and work in pairs, increasing their visibility.

The six incidents were:

- On May 30, around 1 a.m., Israeli artillery fired on paramedics in the northern town of Bait Lahiya as they were collecting casualties. One paramedic was injured. Video footage of this incident recorded the sound and detonation of an incoming shell that wounded the paramedic. The footage did not include any audio or video indication of ongoing fighting between Israeli

forces and these or other armed Palestinians.

- On July 12, ambulance paramedics came under Israeli gunfire as they collected casualties in al-Qarrara, southern Gaza Strip, in the early afternoon.
- On July 19, around 1 a.m. Israeli forces opened fire at the location where a paramedic had just stepped down from an ambulance to collect a casualty in Maghazi Refugee Camp.
- In a second incident on the morning of July 19, a drone-fired missile landed close to and gravely wounded a driver who was part of a convoy of three ambulances in Maghazi Refugee Camp that was collecting injured persons from an Israeli strike a short while earlier. The bomb also wounded another paramedic less seriously.
- On July 20, shortly after noontime, a shell that was apparently launched from a ship hit an ambulance en route to collect a casualty on the Sea Road south of Gaza City.
- In a second incident on July 20, in the evening, a drone-fired missile struck a building near two clearly marked ambulances on the southern edge of Maghazi Refugee Camp, wounding to a driver and paramedic.

Paramedics of the Palestinian Red Crescent Society (PRCS) and of the Ministry of Health's Ambulance and Emergency Management Department respond to emergency calls, including those involving victims of Israeli military operations. There is no direct line of communication between the Palestinian ambulance services and the Israeli military, Dr. Muhammad al-Bardawil, head of the PRCS ambulance services, told Human Rights Watch. They must rely on their clear markings and distinction as medical personnel for their own safety or wait for a green light from the IDF via ICRC.

The International Committee of the Red Cross in Gaza told Human Rights Watch that they act as liaison with the IDF for the Palestinian Red Crescent Society for "extremely urgent cases." In these cases, the ICRC relays a PRCS request to enter an area to attend to a medical emergency to the IDF and the IDF then gives the ICRC assurances for the PRCS to proceed to a specific area. This process can take minutes or hours.

In all six cases Human Rights Watch investigated, the paramedics and ambulances had waited for ongoing hostilities to cease and had taken precautions to safeguard the ambulances and their personnel from the risk of being caught in fighting. The PRCS and the Ministry of Health's Ambulance and Emergency Management Department have extensive experience operating in zones where military operations are being conducted.

International humanitarian law includes provisions of customary international law which all parties to an armed conflict must follow. The rules of customary international law that protect medical units, including paramedics and ambulances, state that these units "must be respected and protected in all circumstances." Equally, "medical transports assigned exclusively to medical transportation must be respected and protected in all circumstances." Medical workers engaging exclusively in medical work in the presence of combatants do not forfeit their protected status, but "they lose their protection if they commit, outside their humanitarian function, acts harmful to the enemy."

"It is unacceptable that paramedics and ambulance drivers, whose humanitarian task is to recover casualties and assist the injured, should themselves need to be hospitalized for carrying out their jobs," said Stork. "All parties to a conflict must respect medical personnel, and in these cases where the shelling and gunfire apparently came from Israeli sources, a prompt and credible investigation and sanctions, where appropriate, must follow."

Testimonies

Human Rights Watch investigated the following six incidents:

1. At around 1 a.m. on May 30, after a period of IDF shelling in the northern Gaza town of Bait Lahiya, paramedic Muhammad al-Muqayyid and colleagues in another ambulance responded to an emergency call. Residents had summoned an ambulance after two armed militants who had earlier entered a dirt road opposite the American School did not re-emerge. Al-Muqayyid said he and his colleagues waited for 15 minutes to make sure it was safe to follow the dirt road on foot to look for casualties. He said there were no aircraft and no Israeli shelling while they waited and when they entered, one holding a bright torch illuminating the way and both wearing fluorescent paramedic uniforms. Several journalists were also present. After some minutes the paramedics found one unconscious man; video footage taken by a Palestinian news agency and viewed by Human Rights Watch showed that he was holding an automatic rifle. The paramedics took him to the ambulance and returned to look for the second casualty when they heard the sound of incoming shelling. Palestinian militants are not known to possess heavy artillery. The video showed them racing back to their parked ambulances with lights flashing when a loud detonation occurred. Al-Muqayyid said: "The shell hit between us and our ambulances, about 20 meters away. I knew immediately that I was hurt. I felt it in my head, chest, abdomen and my leg, but I did not lose consciousness and continued to run. When I got to the ambulance, I could not breathe, but I managed to put on an oxygen mask. Around the area, there were journalists filming and also a radio journalist. They were also injured."
2. On July 12, between 1- 2 p.m., paramedic Jihad Salim responded to a call in al-Qarrara, northeast of Khan Yunis in the southern Gaza Strip, together with a volunteer and ambulance driver. Three ambulances, he said, arrived several minutes after what he understood to be a shell had exploded in an open area close to the local flour mill, reportedly causing casualties. The area where the ambulance stopped, on a dirt road a short distance from the main Salah al-Din road, was surrounded by IDF tanks on three sides, to the north, west and south, about 100 to 300 meters away. There were no militants firing in the area as he arrived, Salim said, and a group of children had gathered around the bodies of three casualties. Salim said that the casualties appeared to be around 17 years old, including one disabled boy, and that when he saw them they were not bearing any arms. (An Associated Press report on July 12 cited the Israeli army as saying that "troops opened fire on Palestinian gunmen planting explosives on a road used by the army to enter the central Gaza Strip," killing four persons near the flour mill.)

The first two ambulances loaded two of the three casualties without incident. Salim said that when his ambulance approached and he stepped down to load the last casualty, he came under gunfire. The crowd disbursed and there was no one else there,

Salim said. He said that his dispatcher had made contact with the ICRC but had not yet received clearance to proceed. He said that he and his colleagues had taken precautions and checked the area beforehand, and that they would not have entered the area had they thought it unsafe. "When the bullets started flying, we quickly lay down and pressed ourselves on the ground. Bullets were dancing in the sand in front of me. We stayed like that for about 10 minutes. The firing came in slow bursts, every twenty seconds or so, from the west.... Six bullets hit the ambulance, but we remained unhurt. We stayed on the ground until the shooting lightened up, then went to the ambulance and left." Muhammad Bardawil, the manager of the PRCS Gaza, showed Human Rights Watch an ambulance with bullet holes that he said was the one involved in this incident.

3. On the night of July 18, at about 10.30 p.m., paramedic Muhammad Abu `Umra and an emergency medical volunteer stationed in the town of Dair al-Balah, responded to a call in Maghazi Refugee Camp, a few kilometers to the east, following an IDF incursion which had begun that night. According to an injured fighter whom Human Rights Watch interviewed in a hospital, the incursion involved an undercover advance IDF team, with helicopters providing air cover, followed by tanks. Abu `Umra, the paramedic, said that when he arrived there was heavy exchange of firing in the fields beyond the camp and many drones overhead, which he said he recognized from their sound. Abu `Umra said he waited in an ambulance outside the camp on the Salah al-Din Road for about three hours, unable to respond until the firing eased. At around 1 a.m. on July 19, he drove into the southeast part of the Maghazi camp, where an injured person lay in a street. A crowd of civilians was gathered several hundred meters away, and as he approached he observed no militants or militant activity anywhere close to the injured person, he said. Abu `Umra said he stopped the ambulance with lights flashing about two meters in front of the casualty and got out. "Immediately after we got out of the ambulance, gunfire began and bullets were flying. We withdrew back into the ambulance and reversed to the safe place where the local residents had gathered," Abu `Umra told Human Rights Watch. He said that the gunfire did not come from the built-up area of the camp but from the open area where local residents had told him Israeli tanks were in position.

Human Rights Watch researchers observed the abandoned Israeli tank positions in the fields south of the camp when they visited the area on July 27. A wall about 2-3m tall runs along the road where the incident took place, separating the built-up areas from fields to the south, where the Israeli tanks were taking up position in the night of July 18-19. Maghazi residents told Human Rights Watch that, throughout the incursion, Israeli forces hardly left their tanks, bulldozers, or armored personnel carriers, and that they never set foot into the camp or drove vehicles into the camp. They were aware of no Israeli target that Palestinian militants might have been shooting at in the vicinity of the ambulance. The sustained shooting does not indicate an accident, but suggests that the shooting targeted the paramedics or another object in their immediate vicinity. Abu `Umra said: "We waited there another two hours, before firing lightened up again. Then we went in and recovered the casualties."

4. Later on the morning of July 19, at around 6 a.m., Abu `Umra responded to another emergency call, after having previously collected wounded persons from Maghazi. On this occasion an Israeli missile or bomb hit a convoy of three ambulances. Abu `Amra said: "I saw both helicopters and spy planes [drones] over our head. We were in a street with no clear line of sight to the tanks in the field." A resident of a nearby house, Hajj Ahmad, told Human Rights Watch that he heard two missiles, which he said impacted five minutes apart. Dozens of local residents said that militants had been hit by the first missile and that the other struck the ambulances shortly thereafter.

Muhammad al-Salihi, an ambulance driver who was also present, said that the second missile directly struck Anwar Abu Huli, a 40-year-old driver and paramedic in one of the other ambulances, as he was assisting a group of injured persons on the ground while al-Salihi had gone toward a neighboring house, where there were also injuries. Human Rights Watch researchers observed the impact holes of the alleged drone missile, one taking out a piece of garden wall in front of a house, which corresponded to those seen at other locations, both in Maghazi and in Gaza City. In several other incidents, paramedics rushed onto the scene immediately following drone missile strikes, whereas they waited in cases where fighting involved shelling or gunfire. Drones employ guided missiles and are capable of precision strikes and, in more than half a dozen half a dozen strikes Human Rights Watch researched, fired only one missile in a given incident. Artillery shelling, on the other hand, often lasted longer and typically involved several shells.

Abu `Umra continued: "In this incident a missile had hit on the corner of the street. We were in three ambulances, because there were a lot of injured after the first strike. The first [ambulance] stopped approximately 10 meters from the incident. We were in the second ambulance with two other paramedics when a missile struck. I was in the [ambulance] at the time and was injured in the hand." Anwar Abu Huli had already got out to help the injured. Abu Huli was hit by shrapnel in his right leg and upper body. "His leg was completely gone, maybe hanging on by a piece of skin," one of the paramedics at the scene told Human Rights Watch. Abu Huli was later transferred to the Ikhilov Hospital in Tel Aviv.

5. In an incident on July 20, Ala' al-Susi, a paramedic, together with ambulance driver Hanadi al-Masri, responded to a reported injury from an attack on a car along the Sea Road, south of Gaza City. He said he saw an Israeli gunboat off shore, and believed it had struck the car. When he approached the scene around 12.30 p.m., al-Susi said, he saw that another ambulance from the town of Dair al-Balah, several kilometers to the south, had already responded. Al-Susi said he turned around to head back. Approximately 100 meters from where he turned around, a projectile launched from the direction of the Israeli gunboat to the west hit the rear of his ambulance on the left side, shattering the rear glass. Al-Susi said that his ambulance was the only vehicle moving on the road at the time, and that the other ambulance and the car which had been hit previously were the only other vehicles on the road. No one else was in the area, he said. His ambulance still functioned, he said, so he continued back to Gaza City.

6. In a second incident on July 20, Muhammad al-Salihi, an ambulance driver, and Muhammad al-`Uzaiza, a paramedic, responded at 7.20 p.m. to a call from the southern edge of Maghazi Refugee Camp. It was still light at that time, he said, but they had their lights flashing. An ambulance driver some 30-50 meters in front of them told al-Salihi to follow, as there was no sign of fighting and he considered it safe to proceed. They came to a place about 200 meters from the scene of an earlier strike by a drone-fired bomb. Al-Salihi and al-`Uzaiza both told Human Rights Watch that they did not observe any fighting or armed Palestinians in the vicinity. At that point what al-Salihi described as a missile struck a residential building several storeys high immediately to their left, in between the two ambulances, causing a concrete pillar on the roof to collapse. Al-Salihi said that

they were wearing bullet-proof vests, but that shrapnel came through the driver's window and hit him in the left shoulder, coming through the driver's window. The paramedic in the passenger seat, al-'Azaiza, was lightly injured in the hand. Al-Salihi said that the street was too narrow to turn around, so he reversed until he got to a safer area. An impartial investigation into this case is needed to determine why the IDF failed to take precautions to avoid endangering the clearly marked ambulance, even if the building was a legitimate target.