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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DEFENSE FOR CHILDREN
INTERNATIONAL – PALESTINE; AL-
HAQ; AHMED ABU ARTEMA;
MOHAMMED AHMED ABU ROKBEH;
MOHAMMAD HERZALLAH; A.N.;
LAILA ELHADDAD; WAEIL ELBHASSI;
BASIM ELKARRA; and DR. OMAR EL-
NAJJAR

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *President of the
United States*, ANTONY J. BLINKEN,
Secretary of State, LLOYD JAMES
AUSTIN III, *Secretary of Defense*, in their
official capacities,

Defendants.

Case No.: 23-cv-05829

**[PROPOSED] BRIEF OF AMICI
CURIAE MEDICAL DOCTORS IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION
AND OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

Hearing: January 26, 2024 at 9:00 a.m.

TABLE OF CONTENTS

TABLE OF AUTHORITIES 2

INTEREST OF AMICI CURIAE 5

SUMMARY OF ARGUMENT 5

ARGUMENT 6

I. THE ISRAELI GOVERNMENT HAS DELIBERATELY TARGETED THE HEALTH SECTOR IN GAZA FOR DEPRIVATION AND DESTRUCTION.6

 A. Prior to the current genocide, Israel had taken deliberate actions to force Gaza’s health sector into a constant state of emergency.6

 B. Since October 7, 2023, the Israeli government has committed acts of genocide by deliberately targeting the health system in Gaza, including hospitals, emergency medical services, ambulance convoys, healthcare workers, and power and water generators, with the intent to render life for Palestinians in Gaza impossible.9

 1. The Israeli military has destroyed or disabled the vast majority of Gaza’s health sector through targeted bombing, forced evacuations of hospitals, and siege.9

 2. Israel has made it impossible for paramedics and ambulances to effectively coordinate search and rescue operations by refusing ambulance access, firing upon emergency service providers, and shutting down telecommunications. 14

 3. The Israeli government’s complete closure of Gaza since October 7, 2023 has prevented life-saving medical assistance and volunteers from entering. 17

II. THE ISRAELI GOVERNMENT’S ASSAULT ON GAZA’S HEALTH SYSTEM IS AN ACT OF GENOCIDE AGAINST THE PALESTINIAN PEOPLE 17

CONCLUSION18

APPENDIX A – LIST OF AMICI20

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1

INTEREST OF AMICI CURIAE

2 The amici curiae¹ are doctors and medical professionals, including doctors from the Gaza
3 Strip (“Gaza”), who are applying their medical and public health knowledge and expertise to
4 advocate against genocide and other atrocities. As the instant case requires the court to assess the
5 significance of these deliberate attacks against the health sector in Gaza, the amici represent an
6 important voice and perspective not otherwise directly before the court: that of the medical
7 community. Amici are watching the intentional destruction of the health sector in Gaza with grave
8 concern, and write to highlight the ways in which the Israeli government has intentionally attacked
9 health services and the catastrophic effect those attacks have on the possibility of Palestinian life in
10 Gaza. Collectively, these attacks constitute acts of genocide.

11

SUMMARY OF ARGUMENT

12 Under customary international law, Article II of the Genocide Convention,² and 18 U.S.C. §
13 1091, genocide occurs where an entity commits certain acts with the intent to destroy a national,
14 ethnic, racial, or religious group in whole or in part. Plaintiffs’ pleadings and briefs, and supporting
15 expert declarations, have made clear the genocidal intent behind Israel’s attack and siege on
16 Palestinians in Gaza since October 7, 2023, which Israeli officials at the highest level of government
17 have expressed through clear statements. *See*, Complaint ¶¶ 11-13, 67-69, 72, 74, 91, 95, 98, 99,
18 101, 104, 107, 114, 140, 145, and 173. Those intentions have manifested in devastating attacks
19 against Gaza’s health sector, which amount to acts of genocide because they have included the
20 deliberate killing of members of the targeted group, causing serious physical and mental harm to
21 members of the group, and the deliberate infliction of conditions of life calculated to bring about the
22 group’s destruction by reducing health services below the minimum level required to sustain the
23 Palestinian people in Gaza. Section A of Part I provides the historic context of Israel’s targeted
24 deprivation of Gaza’s health sector in the years before the current genocide, and Section B highlights
25 the constitutive underlying acts of Israel’s genocide since October 7, 2023.

26 ¹ The *amici* include the individual medical doctors and healthcare professionals identified in
27 Appendix A. No party or party’s counsel authored this brief in whole or in part or made a monetary
28 contribution to fund the preparation or submission of this brief. Plaintiffs consent to the filing of the
proposed *amicus* brief, and Defendants do not object to *amicus* briefs filed by December 29th

² *Convention on the Prevention and Punishment of the Crime of Genocide*, December 9, 1948,
General Assembly Resolution 260, entered into force on January 12, 1951.

ARGUMENT

I. THE ISRAELI GOVERNMENT HAS DELIBERATELY TARGETED THE HEALTH SECTOR IN GAZA FOR DEPRIVATION AND DESTRUCTION.

Even before Israel’s current genocide began on October 7, 2023, Israel had systematically constrained and debilitated Gaza’s health sector since at least 2007, when it imposed a complete air, sea, and land blockade. Israel’s deliberate deprivation, de-development, and destruction of the health sector since 2007 has rendered Palestinian life in Gaza extraordinarily precarious and vulnerable, and provides the context within which Israel’s current genocide has unfolded.

A. Prior to the current genocide, Israel had taken deliberate actions to force Gaza’s health sector into a constant state of emergency.

Since 2007, the Gazan health system has been severely undermined and strangled by the Israeli government, which maintains control over Gaza’s airspace, land and sea borders, maritime areas, electricity, water, telecommunications network, and sewage. *See* Complaint, ¶¶ 47-55, fn. 4. As a result, the Palestinians Center for Human Rights describes the health sector as being in “an ongoing state of emergency... always on the edge of collapse.”³

From 2007 until 2010, Israel prohibited nearly all imports to Gaza. In January 2008, Israel calculated the number of calories required for Palestinians in Gaza to avoid malnutrition or starvation, and proceeded to admit *fewer* than that minimum number of calories, on average, nearly every month until July 2010.⁴ Since then, Israel’s “dual use” restrictions have prohibited Gazans from accessing thousands of items Israel deems to have a potential military use.⁵ Most of the items Israel prohibits are not deemed dual use by any other country in the world,⁶ such as medicine, fertilizer, cement mixers, cranes, and steel pipes.⁷

These restrictions specifically deprive the medical sector in Gaza. In February 2023, 41.9% of listed drugs in the Central Drug Store of the Gazan Ministry of Health reached zero stock due to

³ The Palestinian Center for Human Rights (PCHR), “Impact of Israeli Unilateral Coercive Measures on the Right to Health of Palestinians in the Gaza Strip (26 February 2023) [[Link](#)]

⁴ Gisha – Legal Center for Freedom of Movement, “Reader: ‘Food Consumption in the Gaza Strip – Red Lines,’” (October 2012) [[Link](#)]

⁵ Gisha – Legal Center for Freedom of Movement “Red Lines, Gray Lists: Israel’s Dual-Use Policy and the Gaza Reconstruction Mechanism,” (January 2022), 2 [[Link](#)]

⁶ Gisha – Legal Center for Freedom of Movement, *supra* note 4.

⁷ *Id.*

1 Israel’s restrictions.⁸ These restrictions have made it impossible for the health sector “to function
 2 properly or to plan and develop its performance and activities.”⁹ All of Gaza’s hospitals and medical
 3 centers are also forced to rely on generators, requiring significant quantities of fuel, which is also
 4 heavily restricted by Israel.¹⁰ This unstable electrical system causes hospital machinery to fail more
 5 regularly, and shortens the lifespan of sensitive medical machinery.¹¹ Israel also directly undermines
 6 Palestinian access to clean water by restricting the import of chemicals and hardware necessary for
 7 desalination and sanitation projects.¹² In early 2023, more than 97% of Gaza’s water was already
 8 non-potable and waterborne diseases constituted 25% of diseases among children.¹³

9 Due to Israel’s deliberate strangulation of Gaza’s health sector, Palestinians must rely on
 10 hospitals elsewhere for specialized treatment, and need exit permits from Israel in order to leave
 11 Gaza. In 2022, one third of all applications filed by patients in Gaza were not processed in time for
 12 their appointments, and less than 40% of applications for accompanying companions were approved
 13 in time.¹⁴ Israel has also banned essential cancer diagnosis and treatment tools in Gaza.¹⁵ There is
 14 only one mental health hospital in Gaza¹⁶ despite the fact that Israel’s assaults have caused high rates
 15 of mental health disorder.¹⁷ Medical professionals seeking specialized training outside of Gaza must
 16

17 ⁸ PCHR, supra note 3. Nitrous oxide gas—an analgesic and anesthetic essential for many surgeries—
 18 has been banned at different times. *See* Al Mezan, *Medical Care Under Siege: Israel’s Systematic*
 19 *Violation of Gaza’s Patient Rights*, (February 2018) [[Link](#)]; Once the Covid-19 vaccine was
 20 available, Israel specifically denied access to Gazans. *See* PCHR, “Israel Deprives Gaza Population
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22 ⁹ PCHR, supra note 3.

23 ¹⁰ World Health Organization, “Health Conditions in the Occupied Palestinian Territory, Including
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25 ¹¹ *Id.*

26 ¹² UNOCHA, “Gaza Strip The Humanitarian Impact of 15 Years of the Blockade” (June 2022).

27 ¹³ PCHR, supra note 3.

28 ¹⁴ World Health Organization, “Health Conditions in the Occupied Palestinian Territory, Including
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¹⁵ The Palestinian Center Human Rights, “PCHR Warns of Health Sector Collapse and Suspension
 of Health Services in the Gaza Strip,” (25 August 2020) [[Link](#)].

¹⁶ PCHR, supra note 3.

¹⁷ UN Country Team, “United Nations Common Country Analysis for the Occupied Palestinians,”
 August 2022, p.38. [[Link](#)]. Due to Israel’s attacks, over half of Gaza’s children may suffer from
 PTSD, and as of May 2023, 40% of Gazan households suffered acute psychosocial distress. *See*
 WHO, supra note 10; WHO supra note 14.

1 also apply for exit permits, which Israel usually denies, impeding doctors from developing their
2 capacities and producing a chronic shortage of skilled health workers.¹⁸

3 Israel has also attacked Gaza’s health sector in prior military campaigns, preventing the
4 emergence of robust and resilient healthcare infrastructure. In late-2008, Israel damaged or destroyed
5 34 health facilities in Gaza over a 22-day period¹⁹, exacerbating pre-existing shortages of essential
6 medicine and supplies.²⁰ Israel shelled the Al-Quds Hospital and the Palestinian Red Crescent
7 Society’s (PRCS) administrative building with white phosphorous, a chemical weapon that ignites
8 upon contact with oxygen causing third-degree burns,²¹ and shelled the hospital from the ground,
9 targeting the pharmacy unit and destroying a nearby medical store as well as two ambulances.²²
10 During its 2014 assault, Israel damaged or destroyed 17 hospitals, 56 clinics, and 45 ambulances,
11 and killed 23 medical workers.^{23 24} At least 49 health professionals were injured in direct attacks,²⁵
12 including an ambulance worker who was shot in the hip and chest while wearing his uniform and
13 traveling in an ambulance.²⁶ The WHO reported 362 attacks by Israel against the Gazan health sector
14 during the Great Return March of 2018, including the murder of Rouzan al-Najjar, a 21-year old
15 medic who was assassinated by an Israeli sniper.²⁷ During Israel’s aggression against Gaza in 2021,
16
17

18 ¹⁸ PCHR, *supra* note 15. In 2018, the WHO reported that Israel only approved 15% of applications
19 for exit permits on behalf of health providers. *See* WHO, *supra* note 10.

20 ¹⁹ *Id.*

21 ²⁰ Christopher Mason, Canadian Medical Association, “Gaza’s Health Care System Crippled
22 Before–And After” (March 17, 2009) [[Link](#)].

23 ²¹ Human Rights Watch (HRW), “Rain of Fire: Israel’s Unlawful Use of White Phosphorus in Gaza”
24 (March 25, 2009) [[Link](#)].

25 ²² Amnesty International, Israel/Gaza Operation ‘Cast Lead’: 22 Days of Death and Destruction,
26 (July 2009) [[Link](#)]. The number of deaths and injuries from these chemical attacks remains unknown
27 because Gaza’s hospitals lack the diagnostic tools for proving the cause of the burns. *See* HRW,
28 *supra* note 21.

²³ Medical Aid for Palestinians, Infographic: Attack on Medical Facilities and Personnel in the West
Bank and Gaza (October 1, 2017) [[Link](#)].

²⁴ Health Cluster in the Occupied Palestinian Territory, Gaza Strip: Joint Health Sector Assessment
Report, (September 2014), 9 [[Link](#)].

²⁵ Amnesty International UK, Gaza: New Evidence of Deliberate Attacks on Medics by Israeli
Army, (7 August 2014) [[Link](#)].

²⁶ *Id.*

²⁷ Forensic Architecture, “The Killing of Rouzan al-Najjar” (April 25, 2019) [[Link](#)].

1 it continued to ruthlessly target the health sector, damaging or destroying 19 clinics²⁸ and murdering
 2 two leading Palestinian doctors within hours of each other by bombing their homes near Al-Shifa
 3 Hospital.²⁹ Dr. Abu al-Ouf was head of Al-Shifa Hospital’s Covid-19 response program and the
 4 Internal Medicine Department, while Dr. Al-Aloul was one of the only neurologists in Gaza.³⁰

5 By forcing the Gazan health sector into a constant state of emergency and precarity, Israel
 6 laid the foundation for its complete genocidal assault on Gaza since October 7, 2023—in which it is
 7 pushing the already-vulnerable Palestinian population in Gaza to the point of extermination.

8 **B. Since October 7, 2023, the Israeli government has committed acts of genocide by**
 9 **deliberately targeting the health system in Gaza, including hospitals, emergency**
 10 **medical services, ambulance convoys, healthcare workers, and power and water**
 11 **generators, with the intent to render life for Palestinians in Gaza impossible.**

12 Israel’s genocidal assault on Gaza since October 7 has included the siege of hospitals,
 13 enforced disappearances of doctors, targeted killings of medical professionals, and large-scale
 14 destruction of healthcare facilities. This complete destruction of Gaza’s health sector, coupled with
 15 Israel’s restrictions on the entry of humanitarian aid and fuel, the spread of epidemic diseases, and
 16 the intentional targeting of emergency services, makes Palestinian life in Gaza all but impossible.

17 **1. The Israeli military has destroyed or disabled the vast majority of Gaza’s health**
 18 **sector through targeted bombing, forced evacuations of hospitals, and siege.**

19 Since October 7, Israel’s military assault on Palestinians in Gaza has been characterized by
 20 deliberate, widespread, and systematic attacks on medical facilities, including direct targeting,
 21 besiegement, and repeated bombardment of surrounding areas.³¹ According to the WHO, only 9 out
 22 of 36 health facilities in Gaza remain partially functional, and they are all located in the south.³²

23 In the first four days of Israel’s bombardment the WHO documented 33 attacks on
 24 healthcare, including the targeting of areas near Beit Hanoun hospital and 18 other healthcare

25 ²⁸ UN News, “UN Urges Greater Aid Access for Gaza, ‘Intensification of Mediation Efforts’ to End
 26 Israel-Palestine Violence,” 18 May 2021 [[Link](#)].

27 ²⁹ Shrouq Aila, Anna Therese Day, “Israel Attacks on Gaza Left Strained Health Care System in
 28 Tatters,” The Intercept (May 21, 2021) [[Link](#)].

³⁰ *Id.*

³¹ Forensic Architecture, “Destruction of Medical Infrastructure in Gaza, Investigation” (Dec. 20,
 2023) [[Link](#)].

³² Liam Stack, “W.H.O. Describes Grim Scenes at Hospitals in Gaza’s North,” N.Y. Times (Dec. 21,
 2023) [[Link](#)].

1 facilities, resulting in 11 fatalities, 16 injuries among medical staff, and damage to 20 ambulances.³³
 2 On October 7, Israel struck the Indonesian hospital, resulting in the death of a staff member and
 3 damage to the oxygen station.³⁴ That same day, Israeli airstrikes also targeted ambulance stations in
 4 front of Nasser Hospital, injuring several paramedics.³⁵ Forced to navigate an unthinkable crisis
 5 while working long shifts without respite, medical volunteers sourced food and supplies from the
 6 surrounding areas, but as the military encircled the hospital, missiles targeted the medical teams.³⁶

7 By October 14, one week into Israel’s genocidal campaign, two hospitals in northern Gaza
 8 had ceased operations due to relentless bombardment and the use of white phosphorus.³⁷ On October
 9 14, the Al-Ahli hospital was struck, and the administrators received at least three evacuation orders
 10 over the next few days.³⁸ On October 17, the hospital was directly bombarded, resulting in the deaths
 11 of more than 470 people. While Israel denied responsibility for the attack on Al-Ahli, its airstrikes
 12 only escalated in the immediate aftermath as it targeted at least four pediatric hospitals that week.³⁹
 13 By October 31, Israeli forces occupied the area near Karama Hospital, and encircled the Turkish
 14 Friendship and Al-Wafa hospitals. The Turkish Friendship hospital—Gaza’s main cancer treatment
 15 centre—was repeatedly targeted by Israeli warplanes for two consecutive nights⁴⁰ before being forced
 16 to shut down.⁴¹

17
 18 ³³ U.N. OCHA, “Hostilities in the Gaza Strip and Israel, Flash Update # 5” (Oct. 11, 2023) [[Link](#)];
 WHO, “oPt Emergency Situation Report, Issue 3” (Oct. 12, 2023) [[Link](#)].

19 ³⁴ U.N. OCHA, “Escalation in the Gaza Strip and Israel, Flash Update #1” (Oct. 7, 2023) [[Link](#)].

20 ³⁵ *Id.*

21 ³⁶ Aisyah Llewellyn, “Indonesian staff at Gaza hospital ‘resigned to fate’ as Israelis close in,”
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22 ³⁷ Abeer Salman and Kareem Khadder, “Palestinian Health Ministry blames Israel for killing 28
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23 ³⁸ Raja Abdulrahim, Hiba Yazbek and Yousur Al-Hlou, “A Sudden Blast, Then Carnage in a
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 “Anglican hospital among facilities struggling to respond to growing humanitarian crisis in Gaza,”
 25 Episcopal News Service (Oct. 16, 2023) [[Link](#)].

26 ³⁹ Global Health Institute, “Wounds of War: The Gaza Experience Through the Eyes of Dr. Ghassan
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 Lubell, “Israel launches Gaza war's second phase with ground operation,” Netanyahu says, Reuters
 27 (Oct. 28, 2023) [[Link](#)].

28 ⁴⁰ U.N. OCHA, “Hostilities in the Gaza Strip and Israel, Flash Update #25,” (Oct. 31, 2023) [[Link](#)].

⁴¹ @MSF, Twitter (Nov. 1, 2023) [[Link](#)].

1 In addition to directly attacking hospitals, Israel has also disrupted their operations by
 2 ordering mass evacuations with extremely short notice. By October 16, 23 hospitals, treating more
 3 than 2000 patients in northern Gaza, had received evacuation orders or calls from the military
 4 threatening to bomb the hospitals.⁴² People sheltering at the hospitals were afraid to leave because
 5 convoys of evacuees had already been targeted by airstrikes.⁴³ Doctors also refused to abandon their
 6 critically ill patients who relied on intensive care or life support—including newborns in
 7 incubators—and could not be safely transported.⁴⁴ Some hospitals were initially given only two
 8 hours to evacuate.⁴⁵ The WHO warned that “moving the patients would put their lives at immediate
 9 risk, as well as the lives of the health workers,” while Doctors Without Borders deplored the
 10 “indiscriminate bloodshed” as an “attack on medical care and on humanity.”⁴⁶

11 One hospital that was unable to evacuate is the Al-Shifa hospital in Gaza City, where
 12 approximately 50,000 people were taking refuge in November⁴⁷ when the hospital was repeatedly
 13 targeted for shelling, including of the maternity department.⁴⁸ ⁴⁹ Israel attacked these facilities
 14 despite having their precise GPS coordinates.⁵⁰ To justify its invasion and siege of the hospital,
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 16

17 ⁴² U.N. OCHA, “Hospital Evacuation Orders Mapping as of 16th October 2023,” (Oct. 16, 2023)
 18 [[Link](#)]; Amnesty International, “Israel & OPT: Rescind evacuation order against Gaza hospitals,”
 (Oct. 24, 2023) [[Link](#)].

19 ⁴³ Mohammed R Mhawish, “The Gaza medics who won’t give in to Israel’s evacuation demand,”
 20 Aljazeera (Oct. 14, 2023) [[Link](#)]; Einav Halabi, “Two northern Gaza hospitals refuse to evacuate
 despite Israeli ultimatum,” Ynet (Oct. 14, 2023) [[Link](#)].

21 ⁴⁴ World Health Organization, “Evacuation orders by Israel to hospitals in northern Gaza are a death
 sentence for the sick and injured,” Press Release (Oct. 14, 2023) [[Link](#)].

22 ⁴⁵ Beyza Binnur Donmez, “WHO chief urges Israel to reverse Al Awda Hospital evacuation
 demand,” Anadolu Ajansi (Oct. 13, 2023) [[Link](#)].

23 ⁴⁶ Médecins Sans Frontières, “Israeli order to evacuate northern Gaza ‘outrageous,’” Press Release
 (Oct. 13, 2023) [[Link](#)].

24 ⁴⁷ Forensic Architecture, “Destruction of Medical Infrastructure in Gaza” (Dec. 20, 2023) [[Link](#)];
 25 @GhassanAbuSitt1, Twitter (Nov. 9, 2023 10:06 AM) [[Link](#)].

26 ⁴⁸ Forensic Architecture, “Civilians holding white flags are fired on as they try to leave Al-Shifa,
 Mostafa Sarsour reports,” (Nov. 14, 2023) [[Link](#)]; @Yasser_Gaza, Twitter (Nov. 9, 2023) [[Link](#)].

27 ⁴⁹ Medecins Sans Frontieres, “Patients and medical staff in Gaza trapped in hospitals under fire -
 attacks must stop now,” Press Release (Nov. 11, 2023) [[Link](#)].

28 ⁵⁰ Erin Banco and Nahal Toosi, “US has sent Israel data on aid group locations to try to prevent
 strikes,” Politico (Nov. 21, 2023) [[Link](#)].

1 Israel claimed, without providing any credible evidence, that Al-Shifa was a command base for
2 Palestinian militants.⁵¹ On November 10, at least four airstrikes targeted the hospital courtyard.⁵²

3 During Israel’s subsequent ground raid on Al-Shifa hospital, soldiers stormed the facility,
4 destroyed the southern entrance, and were “shooting in all directions... while hundreds of patients
5 and medical staff remain[ed] in the complex.”⁵³ Due to the lack of fuel and power outages across the
6 hospital, doctors were forced to remove at least 39 premature babies from incubators, eight of whom
7 did not survive the first week.⁵⁴ Two intensive care unit patients also died due to lack of electricity
8 and oxygen, while the hospital continued to suffer repeated attacks. Chronically ill patients requiring
9 ventilators or dialysis were left to die without fuel to power the hospital. New patients could no
10 longer be admitted due to the lack of power, supplies, and personnel, which brought operating rooms
11 to a halt and “le[ft] surgeons with no choice but to operate on patients on floors and without
12 anesthetics or pain relief.”⁵⁵ As bodies piled up in the hospital courtyard, patients awaiting surgery
13 were at grave risk of contracting “post-operation infection due to lack of antibiotics.”⁵⁶ Within 48
14 hours, the hospital was forced out of service. Due to Israel’s occupation of surrounding areas,⁵⁷ the
15 doctors had to dig a mass grave in the hospital’s courtyard.⁵⁸ Israeli forces prevented ambulances
16 from responding to emergency calls, shot at people attempting to leave the hospital, and kidnapped
17 the hospital director and five staff members trying to evacuate patients.⁵⁹

18 _____
19 ⁵¹ Louisa Loveluck et al., “The case of Al-Shifa: Investigating the assault on Gaza’s largest
20 hospital,” Washington Post (Dec. 21, 2023) [[Link](#)].

21 ⁵² Malachy Browne and Neil Collier, “Evidence Points to Israeli Shells in Strikes on Gaza’s Largest
22 Hospital,” N.Y. Times (Nov. 14, 2023) [[Link](#)].

23 ⁵³ CNN, “Al-Shifa Hospital director in Gaza says no water or oxygen left,” (Nov. 16, 2023) [[Link](#)].

24 ⁵⁴ Astha Rajvanshi, “The Race to Save Premature Babies in Gaza,” TIME (Nov. 22, 2023) [[Link](#)].

25 ⁵⁵ Aljazeera, “Which of Gaza’s hospitals is Israel threatening?,” Explainer (Nov. 10, 2023) [[Link](#)].

26 ⁵⁶ Gabrielle Tétrault-Farber, “Northern Gaza no longer has a functional hospital, WHO says,”
27 Reuters (Dec. 21, 2023) [[Link](#)]; Andrew Carey et al., “Israel admits airstrike on ambulance near
28 hospital that witnesses say killed and wounded dozens,” CNN (Nov. 4, 2023) [[Link](#)].

⁵⁷ Forensic Architecture, “Civilians holding white flags are fired on as they try to leave Al-Shifa,
Mostafa Sarsour reports,” Video (Nov. 14, 2023) [[Link](#)].

⁵⁸ Oliver Slow, “Al-Shifa: WHO says Gaza hospital unable to bury dead bodies,” BBC News (Nov.
13, 2023) [[Link](#)].

⁵⁹ Médecins Sans Frontières, “Patients and medical staff in Gaza trapped in hospitals under fire -
attacks must stop now,” Press Release (Nov. 11, 2023) [[Link](#)]; OHCHR, “Disturbing reports from
the north of Gaza of mass detentions, ill-treatment and enforced disappearances of possibly
thousands of Palestinians,” (Dec. 16, 2023) [[Link](#)].

1 The direct targeting of hospitals and their medical staff by the air and ground raids has not
2 been limited to northern Gaza. On November 17, Al-Wafa Hospital for the Elderly Care was hit by
3 Israeli airstrikes which killed the hospital's director, Midhad Mhaisen, and injured several doctors.⁶⁰
4 Similarly, Israeli forces targeted the Abu Yousef al-Najjar Hospital after issuing evacuation orders.⁶¹

5 Israel's direct attacks on medical facilities continue to this day unabated, and in December,
6 Israeli warplanes targeted hospitals and densely populated areas in the Jabalia and Nuseirat refugee
7 camps—increasing the number of wounded and forcibly displaced people.⁶² On December 17, the
8 Israeli military twice targeted the Nasser Medical Complex, which was the largest remaining fully
9 functioning hospital in Gaza and sheltered "large numbers of children who have brutal wounds of
10 war" as well as hundreds of displaced women and children seeking safety."⁶³

11 In addition to medical facilities, Israel has also targeted water, sanitation, and hygiene
12 facilities serving over 500,000 people.⁶⁴ In northern Gaza, sewage and solid waste has been
13 accumulating in the streets due to damage to sewage lines and infrastructure. On October 8, Israel
14 cut the water supply to Gaza by 100%, limiting access to drinkable water for at least 610,000 people
15 in Gaza.⁶⁵ This destruction of essential water and hygiene services, coupled with the lack of fuel to
16 power hospitals, is a public health hazard that directly contributes to preventable mortality and
17 compounds the traumas resulting from Israel's genocidal campaign. Disruptions to water and waste
18 management also increase the risk of respiratory tract infections, diarrhoea, hepatitis, scabies, lice,
19 and other epidemic diseases,⁶⁶ and disproportionately affect women and children in Gaza.⁶⁷

20 ⁶⁰ Anadolou Staff, "Hospital director killed in Israeli airstrike in Gaza," (Nov. 18, 2023) [[Link](#)].

21 ⁶¹ Press TV, "Bombing of Gaza hospital not first time Israel has targeted hospitals," (Oct. 19, 2023)
22 [[Link](#)].

23 ⁶² U.N. OCHA, "Hostilities in the Gaza Strip and Israel, Flash Update #68" (Dec. 13, 2023) [[Link](#)].

24 ⁶³ James Elder, "Gaza: The world's most dangerous place to be a child," UNICEF Geneva Palais
25 briefing note (Dec. 19, 2023) [[Link](#)].

26 ⁶⁴ U.N. OCHA, "Hostilities in the Gaza Strip and Israel Flash Update #4," (Oct. 10, 2023) [[Link](#)].

27 ⁶⁵ *Id.*

28 ⁶⁶ Gabrielle Tétrault-Farber, "WHO says Gaza's health system must be protected as disease spreads,"
Reuters, (Nov. 29, 2023) [[Link](#)].

⁶⁷ WHO, "Women and newborns bearing the brunt of the conflict in Gaza," UN agencies warn,
Statement (Nov. 3, 2023) [[Link](#)]; U.N. OCHA, "Hostilities in the Gaza Strip and Israel Flash Update
#73" (Dec. 19, 2023) [[Link](#)]. (UNICEF's spokesperson warned that the risk of disease would have a
devastating impact on children, stating: "Without sufficient safe water, food and sanitation... child
deaths due to disease could surpass those killed in bombardments.").

1 human rights organizations including Human Rights Watch, the WHO, and Amnesty International
2 have decried the blackouts,⁷⁵ which “make it impossible for ambulances to reach the injured.”⁷⁶

3 During another communication and network blackout on November 5, Israeli forces
4 continued to target hospitals in Gaza City including the Nasser Medical Complex, which hosts four
5 hospitals—Al-Nasser Children’s Hospital, the Al-Rantisi Hospital for pediatric cancer⁷⁷, the Eye
6 Hospital, and the Psychiatric Hospital.⁷⁸ Staff from Al-Rantisi hospital including Dr. Suleiman
7 Qaoud received calls from the Israeli army warning that “they will create a fire belt around the
8 hospital.” 35 people were wounded including medical staff from one of the first airstrikes that hit the
9 area between the Psychiatric and Al-Rantisi hospital; consecutive aerial bombings ensued within
10 hours. On November 16, telecom companies ran out of backup batteries due to Israel’s ban on fuel
11 deliveries, forcing Gaza into another complete backout. Emergency responders were on standby
12 outside of hospitals “waiting to hear of any bombardments, so they can rush to the areas quickly.”⁷⁹

13 In addition to imposing power and communications blackouts, Israel has also directly
14 targeted emergency rescue services for attack. Teams from Palestinian Civil Defense and the PRCs
15 have been attacked while searching for survivors or bodies under the rubble following airstrikes.⁸⁰
16 The military also restricts ambulance access to areas affected by bombardment.⁸¹ As of December
17 16, more than 7,000 people, including at least 4,900 children, have been reported missing and may
18 be trapped or dead under the rubble.⁸² The continuous airstrikes not only endanger emergency rescue
19 teams, but the lack of proper equipment makes their mission even more difficult to carry out.⁸³ The

20 ⁷⁵ Aljazeera, “Gaza’s communications blackout raises concerns of Israeli war crimes,” (Oct. 28,
21 2023) [[Link](#)].

⁷⁶ *Id.*

22 ⁷⁷ Aljazeera, “Which of Gaza’s hospitals is Israel threatening?,” Explainer (Nov. 10, 2023) [[Link](#)]

23 ⁷⁸ Abdelhakim Abu Riash, “Israel continues to attack hospitals in Gaza, killing at least 8,” Aljazeera
(Nov. 7, 2023) [[Link](#)].

24 ⁷⁹ Aljazeera, “Telecommunications cut off in Gaza after fuel runs out amid Israeli siege,” (Nov. 16,
2023) [[Link](#)].

25 ⁸⁰ U.N. OCHA, “Hostilities in the Gaza Strip and Israel Flash Update #25” (Oct. 31, 2023) [[Link](#)].

26 ⁸¹ Kaamil Ahmed, “‘Scarred for life’: the families still seeking dead amid Gaza rubble,” The
Guardian (Nov. 25, 2023) [[Link](#)].

27 ⁸² Aljazeera, “Under the rubble: The missing in Gaza” (Dec. 28, 2023) [[Link](#)].

28 ⁸³ Isabel Debre and Wafaa Shurafa, “Palestinian medics struggle to save civilians trapped under
rubble amid Israeli bombardment” PBS (Oct. 17, 2023) [[Link](#)]; Mohammed Majd, “80% of Gaza’s
rescue equipment destroyed in Israeli attacks: Government,” Anadolu Ajansi (Dec. 3, 2023) [[Link](#)].

1 decomposition of bodies that cannot be retrieved for prolonged periods of time, and the lack of
2 proper burials, inevitably contributes to the spread of epidemic diseases including blood-borne
3 viruses (e.g. Hepatitis B and C, HIV), tuberculosis, and gastrointestinal infections.⁸⁴

4 In the days leading up to the military siege of Al-Shifa hospital, an Israeli airstrike targeted a
5 clearly marked ambulance of the PRCs.⁸⁵ Israeli forces targeted a medical convoy of five marked
6 ambulances transporting wounded patients from Al-Shifa hospital to Rafah, in the south.⁸⁶ Médecins
7 Sans Frontières (MSF) staff also reported multiple deliberate attacks against their evacuation
8 convoys by Israeli forces. On November 18, 2023, two family members of MSF staff travelling in
9 clearly identified MSF cars were targeted by the Israeli army.⁸⁷ Israeli bulldozers also destroyed five
10 MSF-marked vehicles and damaged an MSF clinic in Gaza City on November 20.⁸⁸

11 On November 22 and 23, Israeli forces arrested paramedics as they attempted to evacuate
12 people from Al-Shifa hospital, and on November 23, the hospital's director and his staff were also
13 detained by Israeli forces while transporting patients with a WHO convoy.⁸⁹ The UN also reported
14 that the Israeli army detained "a convoy of ambulances transporting 190 wounded and sick patients
15 from Al-Shifa Hospital to the south." The PRCs warned that Israel's obstruction of medical
16 transports from northern Gaza puts "the lives of the wounded and sick people in danger."⁹⁰ When
17 medical and rescue teams attempt to reach areas impacted by Israeli bombardment, with and without
18 prior coordination with the occupying authorities, they are often targeted.⁹¹

19 ⁸⁴ Euro-Med Human Rights Monitor, "As dead bodies remain scattered in streets and under rubble, a
20 new health disaster looms over Gaza," (Nov. 18, 2023) [[Link](#)].

21 ⁸⁵ Médecins Sans Frontières, "Gaza: Attack on ambulance outside Al-Shifa hospital," News (Nov. 4,
22 2023) [[Link](#)].

23 ⁸⁶ Palestine Red Crescent Society, "Statement on the Israeli Occupation Forces shelling of the
24 Ambulance Convoy transporting the injured from the aggression on Gaza toward Rafah crossing
25 border," (Nov. 3, 2023) [[Link](#)].

26 ⁸⁷ Médecins Sans Frontières, "MSF convoy attacked in Gaza: all elements point to Israeli army
27 responsibility," Press Release (Dec. 1, 2023) [[Link](#)].

28 ⁸⁸ *Id.* ("MSF staff also witnessed the destruction of a minibus, also clearly identified by the MSF
logo, by an Israeli tank.").

⁸⁹ U.N. OHCA, "Hostilities in the Gaza Strip and Israel, Flash Update #48" (Nov. 23, 2023) [[Link](#)].

⁹⁰ Aljazeera, "Israeli army arrests Al-Shifa Hospital director, other doctors in Gaza" (Nov. 23, 2023)
[[Link](#)].

⁹¹ Palestinian Centre for Human Rights, Al-Haq and Al Mezan Center for Human Rights, "Civilians
trapped under the rubble: medical and rescue teams denied access to IOF-deployed areas," Press
Release (Dec. 17, 2023) [[Link](#)].

1 conditions calculated to destroy the group. *See* Genocide Convention art. II; ICTR Statute art. 2(2)⁹⁷;
 2 ICTY Statute art. 4(2)⁹⁸; *see also* 18 U.S.C. § 1091 (a). According to the International Criminal
 3 Tribunal for Rwanda, “subjecting a group of people to a subsistence diet, systemic expulsion from
 4 homes and the reduction of essential medical services below the minimum requirement” can
 5 constitute acts of genocide.⁹⁹ In the this case, the group is the Palestinian people, and Israel’s
 6 systematic and deliberate attacks on the health sector have included targeted killing of health care
 7 professionals, causing extreme mental and bodily harm, putting them on a subsistence diet,
 8 systematically expelling them from their homes, and reducing medical services below the minimum
 9 required to sustain Palestinian life, thereby imposing conditions to destroy the group. The direct
 10 killing and harming of medical and health professionals not only constitutes an act of genocide in its
 11 own right, as an act of killing members of the target group, but also has the added effect of
 12 contributing to conditions calculated to destroy all Palestinians in Gaza by depriving them of
 13 essential life-sustaining medical care.

14 CONCLUSION

15 The Israeli government is committing a genocide against the Palestinian people, specifically
 16 through its deliberate assault on all aspects of life-sustaining health and medical services and
 17 infrastructure in Gaza. The defendants have a legal obligation to take action to prevent this ongoing
 18 genocide, and are liable for their failure to act, as well as for their complicity in this genocide.

19
 20 Dated: December 29, 2023

Respectfully Submitted,

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26 ⁹⁷ Statute of the International Criminal Tribunal for Rwanda (“ICTR Statute”) Art. 2, adopted by
 S.C. Res. 955, U.N. S/RES/955, Nov. 8, 1994.

27 ⁹⁸ Statute of the International Tribunal for the Former Yugoslavia (“ICTY Statute”) Art. 4, adopted
 by S.C. Res. 827, U.N. Doc. S/RES/827, May 25, 1993.

28 ⁹⁹ *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Trial Judgement, ¶ 505 (Sept. 2, 1998).

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6 Do No Harm Coalition
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