

Don't blame Israel - it's Hamas that has put every Gaza hospital in danger

written by Arsen Ostrovsky | 10.01.2025

In the last week, there has been intense discussion focused on Kamal Adwan Hospital in northern Gaza, reportedly one of the last functioning hospitals in the area. This has been part of a broader ongoing debate in the war between Hamas and Israel, on the status of hospitals in wartime and under what circumstances they might become objects of legitimate military operations.

Under International Humanitarian Law, it is a foundational principle that hospitals receive special protected status. For example, Article 8(2) of the Rome Statute prohibits “intentionally directing attacks against” hospitals provided “they are not military objectives.” Article 11 of the Second Protocol to the Geneva Conventions provides that medical units shall be “protected at all times.”

However, this protection ceases if they are “used to commit hostile acts.”

These rules of international law are recognized by Israel and implemented during its conflict with Hamas in Gaza.

Hamas, a ruthless terrorist organization, operates without any regard to the norms of international law or value of human life, with a longstanding practice of systematically embedding their operations in hospitals, using civilians as human shields and building military tunnels underneath hospitals.

Fifteen months into the war initiated by Hamas, there is hardly a hospital or medical facility in Gaza the terror group has not turned into a military command center, including the Kamal Adwan Hospital. There, Israel has detained over 240 Hamas terrorists, including some disguised as patients, and found caches of weapons, including guns and explosives. Each of these acts is an undisputed violation of the law of armed conflict.

Among the suspects taken for questioning was the director of the Kamal Adwan Hospital, Hussam Abu Safiya, who is suspected of being a Hamas terrorist leader, in addition to approximately 15 terrorists who infiltrated Israel during the Oct. 7

Massacre. In these circumstances, during which Hamas turned Kamal Adwan Hospital into a terrorist staging ground, the hospital lost its protected status under international law and become a legitimate target for military operations. Israel's military objective is clear and defined: to eliminate the military capabilities of Hamas, which continues to use hospitals and other civilian areas in Gaza to plan and execute acts of terror against Israel, as well as the rescue of the remaining 100 hostages that the terror group is holding captive. However, merely because Hamas has seized hospitals as its own personal launching pads and terrorist command centers does not provide carte blanche to conduct military operations. Nor does it mean that patients and staff inside the hospital immediately lose their civilian status. Under humanitarian law, Israel must still abide by fundamental rules such as distinction, proportionality and precaution. In each case, it has acted in accordance with its obligation.

Based on clear intelligence, Israel targeted a military objective used by Hamas terrorists, as evinced by the approximately 240 operatives arrested. There were hardly any civilian injuries in the operation, indicating that the expected incidental damage was not excessive in relation to the concrete and direct military advantage anticipated from the operation.

Israel also took ample precaution, including providing advanced warning, evacuating civilians and providing additional medical supplies to the hospital. Prior to the beginning of the targeted operation, as well as the process during, some 450 patients, as well as caregivers and medical personnel, were evacuated, while tens of thousands of liters of fuel, food and medical supplies for the essential functioning of the hospital were also delivered to Kamal Adwan during this period.

Quite simply, Israel has gone to unprecedented lengths to comply with its obligations pursuant to the law of armed conflict, whereas Hamas is doing everything possible in order to maximize casualties.

In the wake of the targeted counterterrorism operation at Kamal Adwan Hospital, the World Health Organization said that "The systematic dismantling of the health system in Gaza is a death sentence for tens of thousands of Palestinians in need of health care." To date, the World Health Organization has not condemned Hamas for the systematic use of hospitals in Gaza for military purposes. The global call to Hamas should be stop putting hospitals in danger. Many ignore that Hamas has systematically dismantled the health system in Gaza, with the acquiescence of an international community that refuses to call it out. The World Health Organization also fails to acknowledge that Israel is trying to bolster the health system in Gaza,

working with many groups to supply the five active hospitals in Northern Gaza and almost 20 field hospitals.

Those who truly care about the wellbeing of civilians in Gaza, and who are rightfully aghast at the scenes coming out of Kamal Adwan Hospital would be well advised to direct their outrage at Hamas, which continues to unconscionably and illegally turn hospitals into their personal control and command centers and severely risk the lives of innocent civilians. Arsen Ostrovsky writes with John Spencer (Chair of Urban Warfare at West Point) and Dr. Brian Cox (former U.S. Army Judge Advocate). Published in The Hill, January 10, 2025.

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