

Syria: Medical Facilities Excluded From De-Escalation Zone Agreement

A Series of Attacks against Medical Facilities Deprive Up To 700,000 People of Medical Care



About Syrians for Truth and Justice/STJ

[Syrians for Truth and Justice /STJ](#) is a nonprofit, nongovernmental, independent Syrian organization. STJ includes many defenders and human rights defenders from Syria and from different backgrounds and affiliations, including academics of other nationalities.

The organization works for Syria, where all Syrians, without discrimination, should be accorded dignity, justice and equal human rights.

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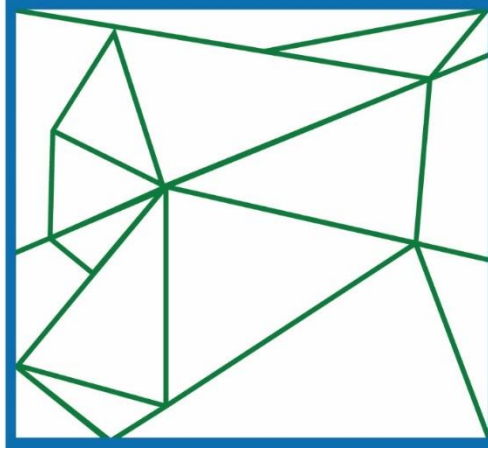


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Background:

Despite the agreement on deciding "de-escalation" zones in Syria between several international actors to the Syrian conflict, indiscriminate and deliberate attacks have not fully ceased. Recording violations of international law and of "de-escalation" agreement are still reported on a daily basis in Syria. Targeting public facilities are not the last of these violations, in particular hospitals and medical centers, which the pace of their attacks increased in September 2017 when at least two medical centers were bombed in Eastern Ghouta prior to the Astana conference on 14 September 2017, in addition to six attacks against other medical centers after the Astana conference.

[Syrians for Truth and Justice-STJ](#) in partnership with [Justice for life Organization](#) and [Syrian Archives](#) had issued an extensive report on a series of attacks targeting medical facilities during April 2017, specifically in Idlib province. The report entitled "[Medical Facilities under Fire](#)" expanded investigation of attacks on hospitals and medical facilities that used to provide medical services to more than 1.3 million people.

Military and Political Context

The Astana conference was held on 14 September 2017 in the Kazakh capital where the Guarantor States (Russia, Turkey, and Iran) agreed on several points, according to the [statement](#) issued at the conclusion of the conference, among those points:

- Announce the creation of the de-escalation zones according to the Memorandum of May 4, 2017, in Eastern Ghouta, in certain parts in the north of Idlib province, Homs province, and certain parts of the neighboring provinces of (Lattakia, Hama, and Aleppo), and also in certain parts of southern Syria.
- Allocate the de-escalation control forces on the basis of the maps agreed upon in Ankara on 8 September 2017 and in accordance with the Terms of Reference for deployment of de-escalation control forces prepared by the Joint Working Group on de-escalation in the security zone in the de-escalation area of Idlib province and certain parts of the neighboring provinces with the aim to prevent clashes between the conflicting parties.
- Form Joint Iranian- Russian- Turkish Coordination Center aimed at coordinating activities of de-escalation control forces.



Militarily, Idlib province is under almost complete control by Hayat Tahrir al-Sham-HTS¹, as 15 July 2017, large areas in Idlib and its countryside experienced [clashes and military confrontations](#) between Ahrar al-Sham al-Islamiyya² on the one hand and HTS on the other. According to STJ researchers, the confrontations erupted after intense disputes and recrimination between both sides because each party desired to expand its control over Idlib city, the province center. An [STJ](#) researcher said that these confrontations involved most of Idlib province from north to south and from east to west, resulting in dozens of civilian casualties and injuries. The confrontations ended when HTS captured the entire "Idlib city" and large areas of its countryside until 23 July 2017, after the withdrawal of Ahrar al-Sham al-Islamiyya from those areas and the conclusion of an agreement among them, which some of its terms provided a ceasefire and the release of prisoners between both parties.

The factions involved in the battle were HTS and Turkistan Islamic Party³. Several armed jihadist factions had announced the battle "O Servants of Allah, be Steady" on September 2017 against the Syrian regime strongholds in the north countryside of Hama, Jaysh al-Nukhba⁴, Jaysh al-Izza⁵, Jaysh al-Nasr⁶ and Jaysh Idlib al-Hur⁷.

¹ January 28, 2017, Several jihadist factions in northern Syria announced integration under a new name "Hayat Tahrir al-Sham-HTS", these factions are: Jabhat Fateh al-Sham- formerly al-Nusra Front, Nour al-Din al-Zenki Movement, Liwaa al-Haqq, Jabhat Ansar al-Din and Jaysh al-Sunnah. However, following the recent clashes between HTS and Ahrar al-Sham in northern Syria July 15, 2017, Nour al-Din al-Zenki Movement declared its separation from HTS on July 20, 2017.

² Ahrar al-Sham al-Islamiyya was formed on November 11, 2011 with approximately 25,000 combatants. It is an Islamic military faction formed of integration of four Islamic factions: Kataeb Ahrar al-Sham, al-Fajr al-Islamiyya Movement, Jamaat al-Taliaa al-Islamiyya and al-Iman Fighting Brigades. Ahrar al-Sham al-Islamiyya actives in many areas that are not held by Syrian government, especially in the provinces of Idlib, Aleppo, and Hama, and is headed by Hasan Sofan/Abo al-Barra, born in Lattakia 1979, the ex-prisoner who was sentenced for 12 years in Sednaya Military Prison but released late 2016 following the prisoner swap agreement.

³ Its fighters hail from East Turkistan in China; they moved to Syria following the murder of Hakim Allah Masoud, the Leader of Taliban in 2013, they fight mainly with al-Nusra Front due to the proximity of their thought to al-Qaeda ideology and they are estimated about 4000 fighters and distributed in the western countryside of Idlib.

⁴ Formerly Jaysh al-Tahrir, a military opposition faction formed in late February 2016 from five units, they are Jabhat al-Sham, 46th Division, 312th Division, the 9th Brigade and Saraya al-Haq314.

⁵ Formerly Tajamul Izza, a military opposition group actives in Sahl al-Ghab northern Hama, its headquarter lies in Latamneh city located in Hama province.

⁶ A military opposition faction formed in August 2015 after the merger of several fighting factions in Idlib, Hama and its countryside. The aim alleged of forming this faction was to liberate Hama and its countryside from Syrian government forces.

⁷ Syrian military opposition alliance of three armed groups operate in northwestern Syria, they are Division 13, the Northern Division, and Liwaa Suqour al-Jebel.



Preface

This report covers several incidents occurred in September 2017 when medical facilities were targeted and bombed, being in areas already in the de-escalation zone agreement or areas subsequently declared to be covered by this agreement.

This report documents the attacks took place prior to the Astana conference held on 14 September 2017 (specifically attack on two medical centers in Eastern Ghouta in Damascus countryside), as well as attacks after convening the conference.

Methodology

The report adopts in its methodology many testimonies and interviews conducted by both the field researchers in Idlib province or by the report-based team, where medical staff, eyewitnesses, families and aid providers were interviewed, in addition, the report-based team analyzed dozens of images and videos that showed many of the attacks reported in this piece during September 2017.



First: Attack on Medical Facility in Madyara, Damascus Countryside on September 11, 2017

On Monday, 11 September 2017, several mortar shells fell on a medical facility in [Madyara](#) located in Damascus countryside, Eastern Ghouta. Some of the shells had already fallen in the middle of Madyara causing injuries and deaths.

The officers-in-charge of the medical facility stated that the center was established late 2012 and provided medical services to approximately **6,000 inhabitants** of Madyara, with one ambulance, a small Hospitalization section and internal clinics divided by service to:

(The Emergency Department, used to receive about 1,100 people a month, **the pharmacy** received about 850 people, and the **clinics** received about 3,000 people each month.)

Hussam Abo Malik, Director of the Documentation Office of the Medical Center in Madyara stated in his testimony⁸ to STJ:

“At about 11:30, Monday morning, 11 September 2017, the Emergency Department was targeted with 12 missiles, six of which hit the center directly. The attack began with a mortar shell in the center of the town causing three injuries and killing a man identified as Ashraf Hasan at the spot.”

Abo Malik confirmed that the shelling was not limited to the middle of the town. After dispatching the injured to the medical center in the town and the gather of many civilians whom were relatives of the injured, in addition to visitors in the medical center, mortar shells commenced falling on the center itself and its vicinity with six shells hit the center directly. Abo Malik added:

“It was such a terrifying scene, blood, flesh and victims everywhere; whenever we tried to get out helping the injured, a new shell fell and prevented us from going out. Missiles kept falling for half an hour before we managed to get out of the Emergency Department and pulled bodies of the injured and the dead. One of the victims identified as Rida al-Durra was torn into pieces with the largest part of his body had flown from the yard of the medical center to the balcony overlooking it, he was only 11 years old; his father was injured as well. Another man identified, as Riyadh Hasan died two days after the attack due to injuries affected him, additionally, nine people got varied wounds, two of them were from the hospital staff who got minor injuries, they were Hussam Ali, who got a shrapnel in the head, and Ahmad Rihan, the ambulance driver who got a shrapnel in the head and the foot.”

⁸ The field researcher of STJ interviewed him personally on September 25, 2017.



• Effect the Attack Left

As a result of the bombardment, the only ambulance in the center was destroyed and went out of service, in addition to the Hospitalization section. The facility became unsuitable for use, so the officers-in-charge transferred all remaining serviceable equipment and machines to another location, but they are now unable to provide emergency services to civilians due to the destruction of the vehicle, nor can provide hospitalization services to the people of Madyara.

It is noteworthy that two Civil Defense vehicles destroyed on the same day after missiles hit them directly.

On 14 September 2017, the medical office in Madyara issued a statement of the merits of the attack, the responsibility of the Syrian government forces for that attack, and the casualties and the material damage caused by the bombardment.

المكتب الطبي في مديرا
٢٠١٧/٠٩/١٤

بيان

تعرض مركز الاسعاف التابع للمكتب الطبي في مديرا بتاريخ ٢٠١٧/٠٩/١١ للاستهداف بشكل مباشر من قبل قوات الأسد بعدد من قذائف الهاون أثناء قيام الكادر الطبي بتقديم العلاج والاسعافات اللازمة لعدد من الجرحى الذين أصيبوا نتيجة استهداف المناطق السكنية في البلدة بقذائف الهاون أيضاً وذلك أثناء تواجد مرافقي الجرحى . مما نتج عنه وقوع خسائر بشرية ومادية كبيرة أدى استهداف البلدة بداية لوقوع شهيد و 5 اصابات . ثلاثة منهم بحالة خطيرة تلي ذلك استهداف مباشر لمركز الاسعاف لخسائر اضافية

حيث استشهد طفل على الفور ضمن المركز ، و وقع عدد كبير من الاصابات بين المراجعين 4 منهم بحالة خطيرة تم نقلهم الى المشافي التخصصية و مركز العناية كما أصيب 4 من الكادر الطبي بشظايا و جروح خفيفة و متوسطة

مادايأ : أدى الاستهداف :

- ◀ لخروج مركز الاسعاف الوحيد في البلدة عن الخدمة نتيجة الاضرار التي لحقت ببنيته التحتية وبعض تجهيزاته .
- ◀ تضرر سيارة الاسعاف الوحيدة الخاصة بالمركز و توقفها عن العمل و خروجها عن الخدمة .
- ◀ تضرر نظام الطاقة البديلة للتلف بنسبة ٦٠٪ .
- ◀ عطب سيارة الخدمة الخاصة بالمركز والعاملة في منظومة الاسعاف المركزي وخروجها عن العمل .

كل ذلك يأتي في ظل النقص الحاد الذي يعاني منه المكتب في الأدوية والمستهلكات و التجهيزات الطبية

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Image of the statement issued September 14, 2017, by the medical office that illustrated the merits of the attack on the Emergency Department affiliated to the medical office on September 11, 2017 by Syrian regular forces.



[A video footage](#) posted by [Syrian Civil Defense Channel in Damascus Countryside](#) showed a rescue operation to several injured people directly after the attack.



Image of the ambulance that went out of service due to the attack. Photo Credit: Media office of the medical office.



Image shows a mortar shell that fell in the yard of the medical center. Photo Credit: Media office of the medical office.



Second: Attack on al-Hekma (al-Fateh) Hospital in Kafr Batna in Damascus Countryside on September 13, 2017

[Al-Hekma Hospital](#) (formerly known as al-Fateh Hospital – Fateh Halawa Hospital) lies in [Kafr Batna](#) town in Eastern Ghouta located in Damascus countryside. It is specializing in specific surgical operations. Syrian government forces had attacked the hospital several times previously and reiterated the attack on Wednesday, 13 September 2017, at about 1:30 p.m., just one day before the Astana conference, when it targeted the hospital with four heavy artillery shells, two of which hit the hospital directly and two shells landed in its vicinity.

According to the report issued immediately after the attack by the administration of al-Hekma Hospital, the direct hit was on the upper floors of the west side. As a result of the explosion, a major strain emerged and smashed the windows causing three injuries, the first injury was a woman (a patient) in the Hospitalization section, the second injury was a minor injury to a patient's companion, and the third one to a staff member of the hospital (security guard) who was wounded by shrapnel.

The Administration added that the attack caused the following damages

- Material damage and breaking windows in the vault are:
 1. Hospitalization section
 2. Main corridor in the hospital
 3. Emergency Department
 4. Doctor and Nurse lounge room
- A room in the Hospitalization section and the nurses' room on the first floor were damaged.
- Construction on the third floor was also badly damaged (this floor was not activated).
- The solar panel was damaged as fragments hit the two panels and destroyed them.
- Washing machines in the washing room were partially damaged by a shell in the hospital's vicinity



Image shows the Hospitalization room on the first floor- Photo Credit: al-Hekma report about the incident



Image shows the strike location of the first missile- Photo Credit: al-Hekma Hospital report about the incident.



Third: Attack on Kafr Nabl Surgical Hospital /Orient Hospital/ in Kafr Nabl City in Idlib Countryside on September 19, 2017

[Kafr Nabl Surgical Hospital](#), also known as Orient Hospital, located in [Kafr Nabl](#) city in [Idlib province](#), provides many services to patients and injured, not only to people in Kafr Nabl, but also to the entire southern countryside of Idlib, which has **over 400, 000 inhabitants**.

Russian warplanes had commenced air strikes since Tuesday morning, September 19, 2017, near Kafr Nabl, Idlib countryside, and followed by raids on Kafr Nabl Surgical Hospital, Civil Defense Center and the Automatic Bakery. However, the attack was carried out on the hospital at 10:40 am that morning causing the hospital to be out of service and partial damage to the building, as well as damaging two vehicles with no civilian casualties, according to eyewitnesses interviewed by STJ reporter.



A satellite image shows the location of Kafr Nabl Surgical Hospital northwest of Kafr Nabl.



An officer in charge of an observatory⁹ located in the countryside of Idlib reported the available recorded information he obtained about the raids carried out on Tuesday, September 19, 2017. STJ¹⁰ reporter interviewed the officer in charge and he said:

"On Tuesday afternoon, September 19, 2017, the Russian aircraft targeted Orient Hospital "Pediatric Center" in Kafer Nabl by two airstrikes causing many wounds. Moreover, Civil Defense Center in the city was also damaged, causing all its machines, to be out of service. "

STJ also spoke to Ubayda Othman, head of the city's Civil Defense Center, he detailed in his testimony about the attack¹¹:

"On Tuesday, September 19, I was with the rest of the Civil Defense team, prepared and caution for any likely emergency, and aware that the warplane might target Civil Defense Center or Orient Hospital/ Kafr Nabl Surgical Hospital. At about 10 a.m. a Russian aircraft raided the northern gate of Orient Hospital with two highly explosive rockets; the Civil Defense members drove to the strike location, but some observatories informed us that the aircraft came back, so I asked the Civil Defense members to leave the cars and shelter inside a building. Anyway, moments later, both the Civil Defense Center and the adjacent building, the local council building in Kafer Nabl, were targeted.

After the warplane left, the members went out to inspect the wounded, but thank God, there were no injured, only material damage, as the raid affected some parts of the building and vehicles belonging to the Civil Defense, and caused a crater of 5 meters deep."

⁹ Observatories: centers contain persons or defectors from the Syrian regular army; these observatories monitor the movement of military airports depending on "old radios" or "signal scanning devices". When warplanes take off from airports, these Observatories publish alerts to local people about through "Walkie Talkie" (radios) to enable people to take appropriate precautions and escape to shelters or empty spaces. Officers in charge of observatories can recognize the type and number of the warplanes and the frequency of the take-off.

¹¹ The interview was conducted on September 24, 2017 via the Internet



Kafr Nabl Surgical Hospital banner – Source: [Video](#) of “Ain ala alwatan” media agency



Picture showing some physical damage in the hospital – Source: [Video](#) for “Smart” media agency



Picture showing some physical damage in nursing department – Source: [Video](#) for “Smart” media agency

STJ¹² also spoke to Samir Akal, an engineer and Head of the Bureau of Studies of the Local Council of Kafr Nabl, who testified about the attack on the hospital that is just few meters from the Local Council building and the Civil Defense Center. He said that the Council building was an old school that was reused, and that the second floor was used as a Civil Defense Center after destroying their old center in the city near the Municipal building".

Samir, the engineer, said that shrapnel affected a member of the Council along with a delegate visitor. Let alone the material damage such as devastation of the toilet located in a building separate from the main building, burning of two cars belonging to Civil Defense; the first was an ambulance and the second was a fire truck, smashing windows, doors and lots of furniture. The engineer Samir added:

"At 10:42 Tuesday morning, September 19, 2017, I was in the Local Council building, when the warplane carried out the first raid on the hospital, then the second raid on the Local Council building, followed by 16 sustained raids south of Kafr Nabl. The hospital director, who is also a member of the Local Council, announced that the hospital was out of service due to its devastation. Fortunately, no one of the medical staff nor the patients were injured, but there were considerable material damage as the generator that provided the hospital with electricity broke down, and some ambulances were damaged as well. "

¹² The interview was conducted via the Internet at 12:00 pm September 20, 2017.



Picture showing the destruction of the generators in the northern western side of the hospital – Source: [Video](#) of “Ain ala alwatan” media agency

Asked about the reason Syrian government and its ally Russia targeted hospitals and medical points, the engineer Samir said:

"Russia and Syrian regime often incept targeting hospitals and medical points prior any attack to deny combatants and victims helping themselves, then in the second stage, they target bakeries and housing complexes. We witnessed yesterday how the Russian and regime warplanes targeted hospitals of Kafer Nabl, Khan Sheikhoun and al-Teh at the same time, which is the most significant evidence of targeting hospitals primarily; then at about 01:00 Wednesday morning, September 20, 2017, they bombarded a hospital in Hass village."

Abdul Rahman Bayoush, the head of Media office in Kafr Nabl Local Council, testified¹³ to STJ about the attack and the damage it caused. Bayoush said that the Local Council building that also contains a Civil Defense Center, was affected by two missiles resulting just material damage such as smashing windows, doors, furniture, toilets, and two vehicles belonging to Civil Defense, as well as fuel tanks, electrical generators and the hospital's water tank.

Abdul Rahman argues that targeting hospitals and infrastructure by Syrian government and its Russian allies is taking place systematically with a view to destroy the infrastructures of liberated areas, and to press pressure on residents to push armed opposition factions to stop the battle of Hama and accept the Astana decisions as he said.

¹³ The interview was conducted on September 21, 2017 via the Internet



Images show damage of the Local Council building of Kafr Nabl- Photo Credit: A member of the Council.

[A video footage](#) published by Radio Fresh showed the first moments following bombing the hospital, in addition to other attacks on areas close to the targeted area. Another [video tape](#) published by Smart Media Agency showed the moments following targeting the hospital, as well as interviews with witnesses and local residents, and another [video tape](#) published by Eye on Homeland network showed the aftermath of the destruction.

On September 24, STJ field researcher conducted a field visit to the strike location following the attack, filmed [video footage](#) showing aftermath of the destruction affected the complex, and took photos showing the impact site.



Image of Kafr Nabl Surgical Hospital taken from its north gate shows the strike location.

Photo Credit: STJ



Image of the crater caused by the rocket targeted Kafr Nabl Surgical Hospital taken from its north gate.

Photo Credit: STJ



A panoramic picture was assembled to the hospital's northern yard – Source: several screenshots taken from a [Video](#) for “Smart” media agency



Picture showing the hospital from the South during the targeting – Source: a [Video](#) for “Fresh” Radio



Analyzing pervious photos of the hospital and comparing them to the satellite photos



Analyzing photo showing the generators location and the targeting missile comparing them to the satellite photos



Fourth: Targeting the Al-Rahma Cave Hospital in Khan Sheikhoun City, Idlib Province, on 19 and 20 September 2017

Al-Rahma Cave Hospital and sometimes called (the Cave Hospital) because it lies on the [midst of a mountain](#) 58 km south of Idlib city, is the only surgical hospital in the city and offers medical services to Khan Sheikhoun and its surrounding villages. The number of beneficiaries of its health services is approximately 75,000 people, it should be noted that this hospital [was previously targeted](#) following the [chemical attack](#) on Khan Sheikhoun on April 4, 2017.



Image of Al-Rahma Hospital (Cave Hospital) west of Khan Sheikhoun City.



- **First Attack on September 19, 2017**

On Tuesday, September 19, 2017, some news exchanged among activists and some media networks about regime warplanes targeting al-Rahma Hospital and the Civil Defense Center in Khan Sheikhoun city at 11 a.m. as well as carrying out airstrikes on the northern parts of the city.

According to a well-known observatory in Idlib country side, which was interviewed by STJ¹⁴, testified the available recorded information about the airstrikes on Tuesday, September 19, 2017:

"Tuesday afternoon, September 19, 2017, Russian airstrikes targeted al-Rahma Hospital in Khan Sheikhoun, caused injuries to patients and destroyed all the hospital's ambulances and vehicles."

This was the first attack on the hospital and the Civil Defense Center, and damage was limited to the material whether in the hospital building or getting number of cars out of service. Some sources told STJ that four ambulances were out of service.

Mo'az al-Shami, a media activist published a [video footage](#) in his report on targeting the hospital during the first attack, and [another video](#) published by Assi Press website showed fires flamed in the hospital immediately in the wake of the strike.



Photo showing the name of the center – Source: [Video](#) for Mo'az al-Shami

¹⁴ The interview was conducted on September 24, 2017 via the Internet



Photo showing the damage in ambulances and the elevation of the hospital and the civil defense center – Source: [Video](#) for Mo'az al-Shami

- **Second Attack on September 22, 2017**

On Friday, September 22, 2017, warplanes believed to be Russian targeted al-Rahma Cave Hospital and the adjacent Civil Defense Centre directly for the second time with five percussion and thermobaric weapons, according to witnesses. The airstrike lasted for half an hour, destroyed the hospital on a large scale; damage was limited only to the material and the hospital was permanently out of service.

STJ interviewed¹⁵ Anas Diyab, a media man works in the Civil Defense teams in Khan Sheikhoun city, concerning the attack against al-Rahma Hospital and the Civil Defense Center on Friday, September 22, 2017, Anas said:

"I was at the Civil Defense Center adjacent to al-Rahma Hospital in Khan Sheikhoun; we were following up observatories that published news and movements of the war planes during the attacks. At 2 p.m., the observatory in Khan Sheikhoun warned that Russian warplanes were flying to the city's skies, so, we increased the level of readiness against any raid, and moments later, we heard the sound of the rockets fired by the warplane followed by strong explosions and followed by very violent shake. We realized that the strike was directed exactly to our site and to al-Rahma Hospital; we were fortified inside the center, and asked the hospital staff and

¹⁵The interview was conducted on September 24, 2017 via the Internet.



the visitors to fortify as well or to evacuate the hospital if they could. The warplane kept looping around in the surrounding area and then shelled the hospital and our center for half an hour, firing five high-explosive thermobaric rockets.

Following the bomb, we went out to inspect the hospital and help those who were in need. However, the hospital was destroyed on a large scale, so we transferred the medical staff along with some visitors. Fortunately there were no martyrs, the damage was limited to only the material ones, and the hospital was completely out of service."

After the attack on the hospital and on the adjacent Civil Defense Center, the administration of al-Rahma Hospital published the following statement:

"At 2:30 Friday morning, September 22, 2017, two warplanes affiliated to the Russian air force rotated on shelling the hospital and the Civil Defense Centre in Khan Sheikhoun, carried out up to five air strikes with percussion and vacuum rockets and caused further devastation, cracks and complete destruction to some parts of the building. Additionally, closed most of the exits, and destroyed the ambulances. Hence, we declare that the hospital is completely out of service for the second time preserving safety of the staff."



Image of the statement issued by al-Rahma Cave Hospital administration in Khan Sheikhoun following the attack on the hospital on September 22, 2017.





Images illustrate aftermath of the damage to the hospital and the Civil Defense Center following the second attack.

Photo credit: Media activists



Fifth: News of Targeting Sham System in Maarzita in Idlib Province on September 19, 2017

Sham Ambulance System located southwestern [Maarzita](#) village in the southern countryside of Idlib, is a simple emergency point for transporting the injured since shelling the hospitals, and provides first-aid services to those who need.

On Tuesday, September 19, aircrafts believed to be Russian attacked Maarzita with four high-explosive rockets, and caused several deaths and wounds, and then news reported by some agencies such as [Thiqa Agency](#) about targeting the medical point "Sham System" and killing two workers. The news came as follows:

Two elements of Shamna Medical System were killed as a result of the air strikes on the System in Maarzita in the southern country side of Idlib.



STJ reporter visited¹⁶ Maarzita to inspect the impact site, and found out that a highly explosive rocket fell in the village cemetery causing massive damage to the graves and a crater of more than 7 meters deep. In addition to two high explosive rockets that fell in a resident's house in Maarzita. The raids killed three people, one of them identified as Khaled Razouk Katish, the other is a displaced woman from Taybat al-Imam village, concerning the wounded, one of them was identified as "Mustafa Hameed".

STJ reporter found out that the strike location in the cemetery was more than 600 meters away from Sham Ambulance System.

¹⁶ The STJ field researcher visited the impact site on September 22, 2017.



Image of the cemetery and the strike location.

Photo Credit: STJ

STJ conducted an interview¹⁷ with Abu Islam, a witness of the raid, he said in his testimony:

“At about 11:30 a.m. we were at home listening to the Walkie Talkie, tracking the news of the warplanes in the area; I heard one of the observatories warned the civilians of a Russian aircraft hovering over our village, and asked them for attention and caution. Moments later, the observatory shouted, "warplane done, attention Maarzita" and I heard sound of the rockets falling from the sky followed by the sound of four powerful explosions that shook the village. Later, after we made sure that the air was clear of warplanes, I rushed to the strike location to find out that a percussion rocket had fallen in the cemetery and caused a crater and massive destruction to the graves. Two other rockets had fallen on a civilian's house, caused 3 martyrs, wounded several others and caused great destruction in the nearby houses.”

¹⁷ STJ field researcher conducted the interview personally on Friday, September 22, 2017.



Sixth: Targeting the Obstetric Hospital (Al-Rahman) in Al-Teh village in Idlib Province on 19 September 2017

Al-Rahman Central Hospital, also known as the Obstetric Hospital in the village, is located north of [Al-Teh](#) village in the southern countryside of Idlib Province, specifically on the road between al-Teh and Deir Sharqi. It is a hospital specialized in gynecology and obstetrics, and includes clinics for pediatric and first aid, and special sections for incubators, labor and x-ray.

The hospital serves the villages between the two cities [Ma`arat al-Nu`man](#) and [Khan Sheikhoun](#), with **approximately 100,000 population**.

On Tuesday, 19 September, a warplane, believed to be Russian, "according to one of the observatories" shelled the hospital with high explosive rockets, killed a woman working in the hospital, wounded others, and caused the hospital to be out of service because of the extensive damage of the building and medical equipment.

According to a well-known observatory in the countryside of Idlib, whom its officer was interviewed¹⁸ by STJ, based on the recorded information he had about the raids on Tuesday, 19 September 2017, he said:

"On Tuesday, 19 September 2017, at 12:54 pm, Russian warplanes targeted the Obstetric Hospital in al-Teh village in the southern countryside of Idlib with a two-stage air raid by (Sukhoi-34) and used thermobaric bombs."

¹⁸ The interview was conducted online on 24 September 2017



Photo showing the hospital's signboard – Source: [Video](#) for “Smart” media agency



Photo showing hospital's another signboard – Source: [Video](#) for “Smart” media agency

News reported on multiple news networks of killing three nurses as a result of the raids on the Obstetric Hospital in al-Teh village. STJ has verified this news by taking testimonies from the medical staff and previewing the impact site and the victims, and it turned out that news of killing three nurses was untrue, but one of the female workers in the hospital was killed.



A [videotape](#) published by "Khotwa (Step) News Agency" showed the moment of targeting the hospital for the third time, and the damage affected the hospital.

The field researcher of STJ visited al-Rahman Hospital after the attack and interviewed¹⁹ Nae'em al-Kurdi, the managing director, who testified and said:

"On Tuesday, 19 September, I was with the medical staff at the hospital watching news of the Syrian and Russian warplanes' targeting hospitals and infrastructure in the region.

The medical team was working normally with anticipation of any sudden attack by aircrafts, and indeed, at 11:00 a.m., news came that our hospital had become a target for aircrafts that used to target health centers in the area, so I helped the medical staff with a gradual evacuation process, where we started evacuating the clinics, then the emergency department.

After that, we all went out to a land near the hospital, and waited for about half an hour, then we decided to leave to our houses, because the surrounding situation was worsening, so we went towards the village on foot because aircrafts did not leave the airspace of the southern countryside of Idlib Province. Once we were a little far away from the hospital, the raids started on us, we took refuge in some nearby olive trees, but the shrapnel reached us and caused a major injury in my feet, which demanded my transfer to a nearby hospital.

The entire hospital was razed to the ground as a result of the raids, and some of the staff told me that when they arrived at the hospital to inspect the damage, they found one of the workers "a cleaner" seriously injured who died afterwards; the material damage was very large which caused the hospital to be out of service."

STJ also interviewed²⁰ Ms. Ghalia Hamoud, the monitoring and evaluation officer of al-Teh hospital, she testified about the raid and said:

"On Tuesday, 19 September 2017, about an hour before the attack, we evacuated the hospital that was crowded of patients and visitors; the medical staff and I stayed at the hospital, then we heard an observatory through walkie-talkie asking to evacuate all hospitals in the area because they were targeted by warplanes. We did not go out to a nearby agricultural land, and it was only moments before rockets barraged on the hospital from the warplanes. The sound was very loud, and dust spread in the air, so we stayed on the ground until we heard the observatory saying that the aircraft left the airspace. We rushed to the hospital, which had been razed to the ground, and saw the body of the cleaner identified as "Fathiya al-Arnous" lying on the floor near the hospital gate, she was injured by several fragments in different parts of her body. The raid also left a number of wounded, including Mr. Nae'em el Kurdi, the managing director of the hospital, and considerable material damage, which led the hospital to be out of service."

¹⁹ The interview was conducted personally on 24 September 2017

²⁰ The interview was conducted personally on 24 September 2017



Photo showing the damage in new-born babies section – Source: [Video](#) for “Smart” media agency



Photo showing the damage in new-born babies section – Source: [Video](#) for “Step” media agency



Smart News Agency has published a [videotape](#) shows aftermath of targeting the hospital; and interviews with some members of the hospital's medical staff.

Ubada al-Thekraa, head of Civil Defense Center in Ma`arat al-Nu`man city, testified²¹ to STJ about the Tuesday attacks 19 September on al-Rahman Hospital (Obstetrics) saying:

"At about 11:00 p.m. Tuesday, 19 September 2017, the Obstetric Hospital in al-Teh village was subjected to two airstrikes by Russian aircraft causing massive destruction to the hospital, fires in its warehouses, as well as damage of ambulances and several other vehicles in addition to the hospital's being completely out of service. When we, the Civil Defense team, arrived at the hospital, the warplanes reiterated targeting the hospital with two raids, but it missed the target and none of medics nor civil defense teams were hurt. It is worth mentioning that the raid caused a martyr from the staff and a number of injuries among staff, patients and companions."



Photo showing the damage in the hospital – Source: [Video](#) for “Step” media agency

²¹ The interview was conducted in person on 24 September 2017



Photo showing the damage in the hospital – Source: [Video](#) for “Smart” media agency



Photo showing the damage in the hospital – Source: [Video](#) for “Smart” media agency



Abdullah Sa'ad, the media activist, testified to STJ after conducting visits to the hospitals targeted on Tuesday, 19 September 2017, he said:

"We woke up that morning on news of warplanes targeting al-Hekma Hospital in Khan Sheikhoun city, coinciding with commencing a battle in the countryside of Hama, in an area not covered by the agreement; followed by Russian/Syrian warplanes shelling medical centers in Idlib Province, as al-Hekma Hospital and the Civil Defense Centre in Khan Sheikhoun in addition to a hospital in al-Teh and al-Tamanah area besides Kafr Nabl Surgical Hospital (Orient). All the above targeted areas were more than 50 km away from the battle site; warplanes also shelled a hospital in Hass city in the evening that day."

Abdullah Sa'ad, the media man, added that he went to the Obstetric Hospital in al-Teh village immediately after the attack to inspect the damage and photograph the site. He said the hospital was severely damaged and went out of service. Since it was an obstetric hospital, there was danger on infants, which prompted the medical staff to evacuate the hospital rapidly because of the shelling, the thing which resulted the loss of an infant's data, who had been transferred to al-Salam Hospital in Ma`arat al-Nu`man without knowing his parents' names.



Image of al-Rahman Hospital located in al-Teh in southern countryside of Idlib that was targeted by warplanes.

Photo Credit: al-Ma'ara Media Centre



Seventh: Shelling al-Sham Surgical Hospital in Hass Town on 20-21-22 September 2017

Al-Sham Surgical Hospital, located in [Hass](#) town in the southern countryside of Idlib, stuffed by specialist in "General Surgery, genitourinary and *orthopedic* surgery" and a number of other specialties, as well as several clinics like gynecology, pediatric, *internal among others*.

On Wednesday, 20 September 2017, activists reported news of shelling the hospital by warplanes believed to be Russian, "according to observatories", and after STJ verified this news, it appeared that the raids occurred in the vicinity of the hospital relatively distant from its building.

On Thursday, 21 September, warplanes carried out an air raid on the hospital warehouse, causing material damage.

On Friday morning, 22 September, activists reported the fall of ballistic missiles on the hospital warehouses, causing panic among the residents and the medical staff, and consequently closing the hospital.

The field researcher of STJ visited²² the impact site and interviewed Sa'ad Zedan, a media activist from Hass village, who testified²³ about event sequences of the attack on the hospital, saying:

"On Wednesday, 20 September, at about 1:00 a.m., I was at home, when I heard sound of aircrafts looping around in the air, and it was only moments before I heard the sound of rockets fired, followed by a powerful explosion that shook the village. I rushed to the top of the house to find out the place of the raid, I could not distinguish where the rocket fall because of the pitch dark, but it was close to the hospital, and after a few minutes, the Russian warplanes returned and bombed the same area. I rushed to the strike location but found that the hospital staff were unharmed and the hospital was evacuated directly by the Free Police Department in the village.

The next day, Thursday, 21 September, at about 3:00 p.m., I heard the sound of warplane again; it carried out a raid on the hospital warehouse causing significant material damage but without human casualties due to the pre-evacuation of the hospital.

On Friday morning, 22 September, I heard the observatories saying that there were ballistic missiles fired from the Mediterranean side by Russian submarines towards our region, so I rushed, by virtue of my work, to monitor these rockets in case they pass our airspace, but I did not expect our village to be the target!

²² The STJ field researcher visited the impact site on 23 September 2017.

²³ The interview was conducted personally on 23 September 2017.



The rocket was terrifying in its sound and view; it flew very low near the ground and targeted the hospital warehouses again. I rushed to the strike location to help and inspect the damage, but the Free Police had imposed a security cordon around the hospital to prevent anyone from approaching in anticipation of another raid because the warplanes were hovering in the space. Subsequently we had inspected the significant material damage to the warehouse, and although the hospital was not directly affected, the medical staff and the villagers decided to close it until further notice."

STJ field researcher, during his field visit to Hass village, conducted an interview²⁴ with a member of the hospital staff who refused to disclose his identity for security purposes, he stated in his testimony:

"Sham Surgical Hospital in Hass village was subjected to several raids by Russian and Syrian aircrafts, the first raid was on Wednesday, 20 September at 1.15 a.m. when the aircraft shelled a highly explosive rocket that fell near the hospital warehouse. The second raid was on the same place about five minutes later. This resulted a partial destruction to one of the houses nearby the hospital, as well as a minor injury to a member of the medical staff, and minor material damage to the hospital.

The next day, another raid by Russian aircraft hit the hospital at 3:15 pm, resulted in material damage to nearby houses and to the hospital building without any human casualties.

On Friday, 22 September, the heaviest campaign took place on the hospital. According to observatories, at 10 a.m., the hospital and the surrounding area were shelled by rockets from Russian frigates in the Mediterranean Sea causing full destruction to one of the buildings adjacent to the hospital. Three raids by Russian warplanes followed on the hospital area, caused extensive destruction and injured two civilians. It is worth mentioning that the hospital went out of service fearful of repeating the shelling."

²⁴ The interview was conducted personally on 23 September 2017



An image traded by activists in Hass village shows remnants of the ballistic missile that fall on the hospital area.



Eighth: Attack on al-Sham Central Hospital (Sham 4 surgical) in Kafr Nabl in Idlib Province on 26 September 2017

The central Sham Hospital, known as "Sham 4 surgical" northwest of [Kafr Nabl](#) city in Idlib Province, is a surgical hospital located in the basement of an old building; it is a three-storey hospital underground, and contains operation rooms, emergency section and intensive care unit.

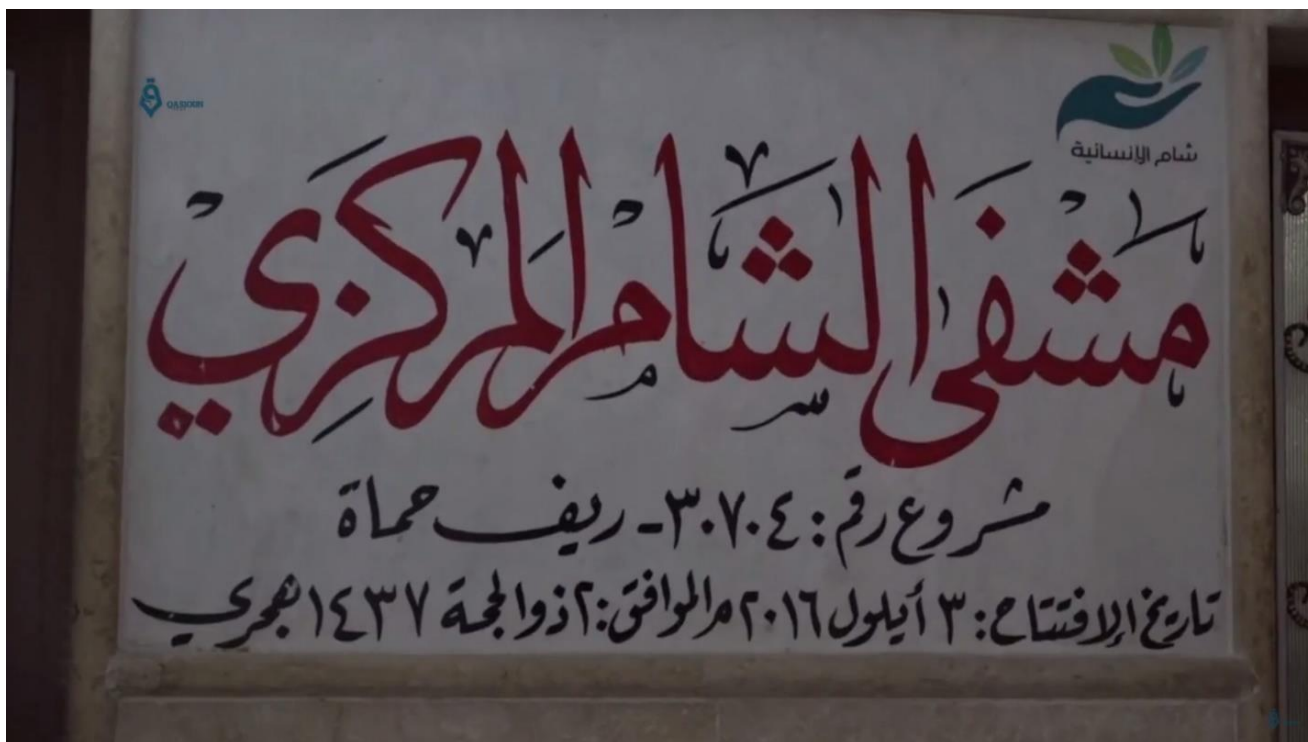


Photo showing al-Sham Central Hospital's signboard – Source: [Video](#) for "Qasyun" news agency

On Thursday, 26 September, a Russian aircraft carried out three airstrikes on the hospital, one of which was by a rocket penetrated several floors, destroying and causing significant damage to the hospital's wards at a depth of three underground floors.

Bilal Bayuosh, a media man from Kafr Nabl, testified to STJ about these raids and his examination of the damage to the hospital today:



"At about 6:40 Thursday morning, 26 September 2017, a Russian warplane targeted Sham 4 hospital, west of Kafr Nabl, with three air raids. In five minutes, I headed towards the hospital for coverage, since I am a media man, and fortunately, there were no casualties, but considerable material damage; the hospital security guards prevented us from entering for an hour, fearful of another target. An hour later, the hospital administration allowed us to enter, photograph, and inspect the damage.

The major damage was from the second raid, because it was a rocket penetrated three concrete floors until it reached the lowest floor. There was no military target in the area, and the medical staff consisted of a doctor, two nurses and a cleaner who were at the emergency department. A rocket fell in the center of the intensive care unit and caused complete destruction to the operation room and significant damage to the emergency room; the hospital got out of service completely."

A [videotape](#) published by Sham News network showed the damage affected the hospital due to the target, and showed an interview with a staff member working in the hospital.

Qasioun News Agency in turn also published a [videotape](#) showed the crater caused by the rocket after penetrating three concrete floors, and showed an interview with an eyewitness resides in the region.

Labib Ahmad Istef, a media activist, published a [video footage](#) showed the devastation caused by the rocket after penetrating the concrete floors.

Edlib Media Centre published a [video footage](#) showed aftermath of the destruction of the hospital as well as the material damage caused by the attack.



Photo showing the damage in one of the ambulances – Source: [Video](#) for “Sham” news agency



Photo showing the damage in one of the ambulances and it shows the big hole formed from the missile in the back
– Source: [Video](#) for “Qasyun” news



Panoramic photo assembled from two screenshots from a [Video](#) for "Idlib media center" for the hole was formed because of the missile



Panoramic photo assembled from three screenshots from a [Video](#) for “Qasyun” news for the hole was formed because of the missile



Ninth: Attack on the "The Specialized Center for Rehabilitation and Care of Spinal Cord Injury" in Damascus Countryside on 26 September 2017

The Specialized Center for Rehabilitation and Care of Spinal Cord Injury is located in Eastern Ghouta, in Damascus countryside. It was inaugurated on 1 September 2016, and is the only center in the region to provide rehabilitation and care services for spinal cord damage. It is a healthcare center equipped with sports tools and physiotherapy equipment as well as a training and scientific rehabilitation center.

On 26 September 2017 at about 5:00 p.m. Russian warplanes targeted the center, according to the hospital administration which said in a statement that the attack killed three, "Khalil Miasa", director of the Vocational Rehabilitation Department, "Ziyad ar-Rihani" a patients who suffered from paralysis of the lower limbs, "Majd **Qadish** " who had quadruple paralysis, as well as injured 10 of the medical personnel along with patients registered at the center, some were seriously injured.

The attack also destroyed the center, damaged most of its equipment, left it completely out of service, and interrupted the rehabilitative therapeutic process for patients.

[The Facebook homepage for The Specialized Center for Rehabilitation and Care of Spinal Cord Injury](#) published the following images for the center to be compared before and after shelling:







Khaled al-Halaj, Director of The Specialized Center for Rehabilitation and Care of Spinal Cord Injury, testified to STJ about the target incident and the damage it caused, he said:

"At about 4:30 Tuesday afternoon, 26 September 2017, the center was targeted by three high-explosive thermobaric weapons, caused dramatic destruction in the targeted area, and the center went totally out of service as well as destroyed all its equipment, in addition to the building which is no longer usable in any way.

The attack caused the death of Mr. Khalil Miasa, one of the center's workers and the supervisor of the vocational rehabilitation process, nearly 70 years old. Two of the injured who were receiving treatment were also killed at the center, they were identified as Majd Qadish, who suffered from a quadruple paralysis and Ziyad ar-Rihani who suffered from paralysis of the lower limbs; several people working and receiving treatment have been injured.

Targeting this center shocked and surprised us, given such centers are designated for people who are not able to move at all, therefore, aid providers and we were confused during rescuing the injured after the attack."

Khaled al-Halaj continued that the center was inaugurated on 1 September 2016, and it is one of the few centers in Syria, which offers such services.

The center has received 43 patients so far, 22 cases of them rehabilitated and left the hospital, in addition to the employment for 13 other cases, whereas 15 cases were receiving physical and psychological treatment in the center. Al-Halaj confirmed that the center has provided consultancy services to more than 100 patients.



بيان صحفي

قام الطيران الحربي الروسي الأسدي الغادر من عصر يوم الثلاثاء ٢٠١٧/٠٩/٢٦ حوالي الساعة الخامسة مساءً باستهداف المركز التخصصي لتأهيل ورعاية أذيات الحبل الشوكي وهو عبارة عن مركز رعاية وعناية صحية مجهزة بأدوات رياضية وتجهيزات المعالجة الفيزيائية إضافة إلى مركز تدريب وتأهيل علمي لدورات اللغة الإنكليزية وقيادة الحاسب ICDL التي يقيمها المركز خصيصاً للمرضى المسجلين لديه .

وكانت نتيجة استهداف المركز استشهاد الإخوة :

- خليل مياسا :مدير قسم التأهيل المهني .
- زياد الريحاني : مصاب شلل طرفين سفليين.
- مجد قاقيش : مصاب بشلل رباعي.
- ١٠ إصابات بعضها خطيرة لباقي أفراد الكادر الطبي والمصابين المسجلين في المركز.

وعلى الصعيد المادي أدى الاستهداف الى دمار المركز بشكل كامل وعطب معظم التجهيزات فيه وخروجه عن الخدمة بشكل كامل وتوقف العملية العلاجية التأهيلية للمصابين لحين إعادة تأهيل بناء وتجهيز مركز جديد وبموقع آخر.

كما نؤكد على عزمنا المضي قدماً في إعادة تقديم خدماتنا لإخواننا أصحاب ذوي الاحتياجات الخاصة رغم كل الظروف الصعبة التي نعاني منها ونُدين وبشدة هذا الاعتداء السافر لطيران الحقد الروسي الأسدي لاستهدافه المراكز الطبية والتي لا تمت بأي صلة لأي عمل أو فصيل عسكري ، وندعو الجهات المعنية لكي تأخذ دورها في منع مثل هذه الاعتداءات السافرة التي تمنعها جميع المعاهدات و الاتفاقيات الدولية و الأخلاق الإنسانية في استهداف مراكز طبية آمنة فما بالكم وأن نزلاء المركز من ذوي الاحتياجات الخاصة تمنعهم حالتهم الجسدية من الاختباء و الاحتماء في حالات الخطر والخوف الشديد !!!

#استهداف_المراكز_الطبية_جريمة_إنسانية

حرر بتاريخ: ٢٠١٧/٠٩/٢٧

Image of the press statement copy issued by “The Specialized Center for Rehabilitation and Care of Spinal Cord Injury” after the attack.



Tenth: Legal framework

The protection of medical objects and personnel in a non-international armed conflict (NIAC)

International humanitarian law applies to both international armed conflicts (IAC) and non-international armed conflicts (NIAC). The most relevant treaties regulating NIAC, such as the one in Syria, are Additional Protocol II and Common Article 3 of the Geneva Conventions of 1949. The provisions of the aforementioned treaties apply only to the States that are parties to the treaties. Syria *is not a party* to Additional Protocol II. Nevertheless, several provisions contained in the aforementioned treaties are now part of customary international law and as such are binding on all parties to the conflict regardless of whether they are parties to the treaty or not, and regardless of whether they are state or non-state actors.

The Protection Medical personnel under IHL

The term “medical personnel” is defined as follows:

“Personnel assigned, by a party to the conflict, *exclusively* to the search for, collection, transportation, diagnosis or treatment, including first-aid treatment, of the wounded, sick and shipwrecked, and the prevention of disease, to the administration of medical units or to the operation or administration of medical transports. Such assignments may be either permanent or temporary. The term medical personnel includes:

- (i) medical personnel of a party to the conflict, whether military or civilian, including those described in the First and Second Geneva Conventions, and those assigned to civil defence organizations;
- (ii) medical personnel of National Red Cross or Red Crescent Societies and other voluntary aid societies duly recognized and authorized by a party to the conflict, including the ICRC;
- (iii) medical personnel made available to a party to the conflict for humanitarian purposes by a neutral or other State which is not a party to the conflict; by a recognized and authorized aid society of such a State; or by an impartial international humanitarian organization”²⁵

²⁵ Additional Protocol I, Article 8(c).



The definition includes both *military and civilian* medical personnel. Under IHL, medical personnel enjoy a protected status, meaning that they cannot be targeted.. Other persons performing medical duties who do not fall within the definition of medical personnel (ie persons who have not been assigned to medical duties by a party to the conflict) enjoy the same protection against attack as civilians.²⁶

Under IHL, medical personnel *exclusively* assigned to medical duties must be respected and protected in all circumstances. The rule is found in **Article 9(1)** of Additional Protocol II and is implicit in common **Article 3** of the Geneva Conventions, which requires that the wounded and sick be collected and cared for. The rule is also part of customary international humanitarian law (See ICRC Customary IHL, **Rule 25**). Although IHL does not define the terms “respect and protection”, in states practice the terms have been interpreted to mean that medical personnel must not knowingly be attacked or unnecessarily prevented from discharging their proper functions.²⁷

In addition, customary international humanitarian law prohibits to direct attacks against medical personnel displaying the distinctive emblems of the Geneva Conventions in conformity with international law (See ICRC Customary IHL, **Rule 30**). Failure to wear or display the distinctive emblems does not in itself justify an attack on medical personnel when they are recognized as such.

Finally, under IHL it is prohibited to punish a person for performing medical duties compatible with medical ethics or to compel a person engaged in medical activities to perform acts contrary to medical ethics. The rule is found in **Article 10** of Additional Protocol II and is part of customary international humanitarian law (See ICRC, Customary IHL, **Rule 26**).

Besides the prohibition of directly targeting medical personnel, the **principle of proportionality** also prohibits the launching of attacks that might incidentally harm medical personnel when the harm would be excessive in relation to the concrete and direct military advantage anticipated (See ICRC, Customary IHL, **Rule 14**).²⁸ It should be noted that given the harm that would result out of the the killing of medical personnel, even if the killing was incidentally or part of collateral damage, the threshold of meeting the proportionality requirement should be set unequivocally high given the people that depend on such medical personnel.

In addition, the **principle of precaution** requires all the parties to the conflict to take all feasible precautions to avoid, and in any event to minimize, incidental loss of life and injury to medical

²⁶ ICRC, Customary IHL, Commentary to Rule 25.

²⁷ Ibid.

²⁸ Despite the contrary opinion of certain states, the ICRC affirms the applicability of the principle of proportionality and precaution to medical personnel and medical objects. See Statement of ICRC Vice President of 04/11/2013 <https://www.icrc.org/eng/resources/documents/statement/2013/10-18-protected-person-bruges.htm> .



personnel (See ICRC, Customary IHL, **Rule 15**).²⁹ In the case there medical personnel are present, the level of precautions should be equally unequivocally high.

Loss of protection

Medical personnel lose the specific protection to which they are entitled when they engage in hostile acts outside their humanitarian function. Neither the caring for enemy wounded and sick military personnel nor the sole wearing of enemy military uniforms or bearing of its insignia can be considered hostile acts.³⁰

In addition, the protected status of medical personnel does not cease if they are equipped with light individual weapons solely to defend their patients or themselves against acts of violence.

Medical objects

Medical units

The term “medical unit” refers to any unit, whether military or civilian, organized for medical purposes, be it fixed or mobile, permanent or temporary.³¹

Under IHL, medical units *exclusively assigned* to medical purposes must be respected and protected in all circumstances and must not be the object of attack. The rule is found in **Article 11** of Additional Protocol II and is implicit in common **Article 3** of the Geneva Conventions. The rule is part of customary international humanitarian law (See ICRC, Customary IHL, **Rule 28**).

In addition, customary IHL prohibits to direct an attack against a zone established to shelter the wounded, the sick and civilians from the effects of hostilities (See ICRC, Customary IHL, **Rule 35**).

Finally, customary international humanitarian law prohibits to direct attacks against medical objects displaying the distinctive emblems of the Geneva Conventions in conformity with international law (See ICRC Customary IHL, **Rule 30**). Failure to wear or display the distinctive emblems does not in itself justify an attack on medical objects when they are recognized as such.

Besides the prohibition of directly targeting medical objects, the **principle of proportionality** also prohibits the launching of attacks that might incidentally damage medical objects, when the damage would be excessive in relation to the concrete and direct military advantage anticipated (See ICRC, Customary IHL, **Rule 14**).³² It should be noted that given the harm that would result out of the the destructing of medical objects, even if the destruction was incidentally or part of collateral damage, the threshold of meeting the proportionality requirement should be set unequivocally high given the people that depend on such medical objects.

²⁹ Ibid.

³⁰ Ibid.

³¹ Additional Protocol I, Article 8 (e).

³² See note 4 above.



In addition, the **principle of precaution** requires all the parties to the conflict to take all feasible precautions to avoid, and in any event to minimize, incidental damage to medical objects (See ICRC, Customary IHL, **Rule 15**).³³ In the case there medical objects are present, the level of precautions should be equally unequivocally high.

Loss of protection

The protection of medical units ceases when they are being used, outside their humanitarian function, to commit hostile acts.³⁴ Additional Protocol I does not define what amounts to hostile acts. The ICTY Appeal Chambers in *Galic* referred to the following as relevant examples of hostile acts leading to the loss of protection for medical units:

- “[T]he use of a hospital as a shelter for able-bodied combatants or fugitives”;
- The use of a hospital “as an arms or ammunition dump”;
- The use of a hospital “as a military observation post”;
- “[T]he deliberate siting of a medical unit in a position where it would impede an enemy attack”; and
- Heavy fire from every window of a hospital meeting an approaching body of troops.³⁵

In the same judgement, the Appeal Chambers referred to the following as acts that *do not* lead to the loss of protection:

- Nursing sick or wounded members of the armed forces;
- “The presence of small arms and ammunition taken from such combatants which have not yet been handed to the proper service”;
- “[T]he personnel of the unit are equipped with light individual weapons for their own defence or for that of the wounded and sick in their charge”;
- “[T]he unit is guarded by a picket or by sentries or by an escort”;
- “[M]embers of the armed forces or other combatants are in the unit for medical reasons”;
- “[R]adiation emitted by X-ray apparatus [...] interfere[s] with the transmission or reception of wireless messages at a military location, or with the working of a radar unit”.³⁶

Finally, in the view of the Appeals Chamber “military activity does not permanently turn a protected facility into a legitimate military target. It remains a legitimate military target only as long as it is reasonably necessary for the opposing side to respond to the military activity. Additionally, an attack must be aimed at the military objects in or around the facility, so only weaponry reasonably necessary for that purpose can be used”.³⁷

³³ Ibid.

³⁴ Additional Protocol II, Article 11(2). ICRC, Customary IHL, Rule 28.

³⁵ ICTY, Appeals Chamber, *Galic* case, 30 November 2006, para 342

³⁶ Ibid, para 343.

³⁷ Ibid, para 436.



Article 11 of the Additional Protocol II, requires to give a warning prior to an attack against a medical unit which is being used to commit acts harmful to the enemy. In addition, an attack can only take place after such warning has remained unheeded. The same rule is found in the practice of several states and may reasonably be considered part of customary international law.³⁸

Medical transports

The term “medical transports” refers to any means of transportation, whether military or civilian, permanent or temporary, assigned exclusively to medical transportation under the control of a competent authority of a party to the conflict.³⁹

Under IHL, medical transports *assigned exclusively* to medical transportation must be respected and protected in all circumstances and must not be the object of attack. The rule is found in **Article 11** of Additional Protocol II and is implicit in common **Article 3** of the Geneva Conventions. The rule is part of customary international humanitarian law (See ICRC, Customary IHL, **Rule 29**).

Loss of protection

The protection of medical units ceases when they are being used, outside their humanitarian function, to commit acts harmful to the enemy.⁴⁰ State practice gives the following as examples of hostile acts which lead to the loss of protection; the transport of healthy troops, arms or munitions and the collection or transmission of military intelligence.⁴¹

Security Council Resolutions

UN SC Resolution 2286 (2016) strongly condemned “attacks and threats against the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities”. The resolution also demanded that “all parties to armed conflicts facilitate safe and unimpeded passage for medical personnel exclusively engaged in medical duties, their equipment, transport and supplies”.

UN SC Resolution 1998 (2011) adopted in the context of the protection of children from armed conflict, strongly condemned “all violations of applicable international law [...] including attacks against schools or hospitals”.

³⁸ ICRC, Customary IHL, Commentary to Rule 28.

³⁹ Additional Protocol I, Article 8 (f) (g).

⁴⁰ Additional Protocol II, Article 11(2). ICRC, Customary IHL, Rule 29.

⁴¹ ICRC, Customary IHL, Commentary to Rule 29.



International Criminal Law

Pursuant to **Article 8 (2)(e) (ii) and (iv)** of the Rome Statute, “intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law” and “intentionally directing attacks against [...] hospitals and places where the sick and wounded are collected, provided they are not military objectives” constitute a war crime in a NIAC.