

The Crisis of Health Facilities and Personnel Protection in the Post-October 7, 2023 Israel-Palestine Conflict: An International Humanitarian Law Analysis

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Abstract:

This study examines the crisis regarding the protection of health facilities and personnel in the Gaza Strip following October 7, 2023, within the framework of International Humanitarian Law (IHL). Israel's systematic attacks on hospitals, ambulances, and medical personnel have not only resulted in thousands of casualties and the destruction of healthcare infrastructure but have also precipitated a profound humanitarian crisis. Normatively, the 1949 Geneva Conventions and their Additional Protocols provide robust protection for medical personnel as neutral actors; however, implementation in Gaza reveals a serious gap between legal norms and the reality on the ground. This study employs a normative legal methodology, analyzing international legal instruments, doctrines, and relevant literature, while comparing legal norms against empirical facts in Gaza. The findings indicate that Israel's actions suggest grave violations of IHL—including war crimes and genocide—that warrant action through International Criminal Court (ICC) and International Court of Justice (ICJ) mechanisms. The study's novelty lies in its focus on the legal protection of health personnel in Gaza post-October 7, 2023, specifically highlighting the disparity between international legal norms and implementation realities, while proposing legal reforms to enhance the effectiveness of protection mechanisms in the future.

Keywords: international humanitarian law; Israel-Palestine; health workers; medical facilities; war crimes.

INTRODUCTION

The conflict between Israel and Palestine escalated after Israel began targeting healthcare facilities and medical personnel. This situation worsened the humanitarian situation in the Gaza Strip, where healthcare workers were striving to provide assistance to the injured and critically ill. However, their efforts were often hampered by the continuous barrage of attacks on the territory. Hospitals, clinics, and other medical centers, which should have been safe zones, were not immune, forcing medical personnel to frequently suspend medical procedures to save themselves. This situation significantly hampered healthcare services in Gaza (Almubaroq, 2024). Many patients did not receive further treatment because medical personnel lacked facilities, medicines, and safe spaces to work. Furthermore, patient evacuation became extremely difficult due to the ongoing risk of attacks. These attacks on healthcare services not only claimed lives but also deprived many Gazans of their basic right to access healthcare. Under these circumstances, medical personnel faced a dilemma between fulfilling their professional responsibilities and maintaining their own safety (Mahase, 2024).

Between 2018 and 2022, healthcare facilities worldwide, particularly in 18 countries, were targeted 3,980 times. This data demonstrates the high risks faced by medical services and healthcare workers when operating in conflict zones or unstable conditions. These attacks not only cause physical damage to hospitals, clinics, and other medical facilities but also seriously impact the safety of patients and healthcare workers. These conditions force healthcare workers to work under extreme pressure, often facing the dilemma of whether to continue treatment or prioritize their own safety. Furthermore, these repeated attacks disrupt the continuity of healthcare services, leading to shortages of medicines, medical equipment, and other critical resources. This data underscores the need for stronger protection for healthcare services worldwide to ensure the public's right to care is maintained even in conflict situations (Tekin & Selcen Öcal, 2023). The following year, in October 2023, Israel attacked the Gaza Strip with 18,000 tons of bombs, primarily targeting healthcare facilities. The attack was in retaliation for Hamas's attacks and the hostage-taking of several Israeli citizens. The bombing killed 2,000 civilians, 67 journalists, 446 health workers, and 8,000 children. The attack also destroyed 59,000 homes, 266 schools, and 124 health facilities (Soni, 2023). By June 2024, Israel had damaged 464 health facilities, killing 727 health workers, injuring 933, and damaging 113 ambulances (Prasad, 2024).

Israel's repeated attacks on medical personnel and health facilities have drawn widespread condemnation from the international community, including various countries, global organizations, and the United Nations (UN). These actions have sparked a strong reaction from the medical community, with more than 2,500 doctors from various countries calling for an end to the attacks and the immediate release of the hostage health workers. This situation highlights the crucial role of medical personnel in maintaining public health, particularly in crisis-stricken areas like the Gaza Strip. In Gaza, the need for health services is acute due to the ongoing conflict, making the presence of medical personnel vital for treating victims and meeting the medical needs of civilians. Attacks on health facilities and medical personnel not only threaten their safety but also disrupt the entire health care system. The international response and calls from the global medical community emphasize the urgency of protecting health workers and medical facilities so they can safely carry out their humanitarian missions. These incidents also highlight the gap between international legal norms protecting medical personnel and the reality on the ground, demanding greater efforts to ensure compliance with International Humanitarian Law (IHL) (Rokibah & Azizah, 2024).

The ongoing threat to the safety of healthcare workers has changed the way they carry out their professional roles. Many healthcare workers in conflict zones face a difficult dilemma: fulfilling their professional responsibility to care for patients or protecting their own safety. High levels of violence and the constant risk of harm force many to prioritize personal safety. This decision indirectly impacts patients' access to adequate healthcare services, as the number of available healthcare workers decreases or services are temporarily suspended for the safety of staff. This situation exacerbates the health crisis in conflict zones, particularly in the Gaza Strip, where medical needs are particularly pressing due to high casualty rates and limited facilities. This dilemma underscores the vulnerability of healthcare systems in wartime and the importance of effective protection for healthcare workers. Without security guarantees, the humanitarian mission of healthcare workers is compromised, and the principle of International Humanitarian Law protection for healthcare workers must be rigorously enforced to ensure they can carry out their duties without compromising their own safety or the quality of care provided to patients (Ariyanti et al., 2023).

The impact of this situation is felt not only by patients who lose access to timely medical care, but also by the sustainability of the region's health system, which is increasingly weakened amidst the ongoing crisis. The security and continuity of medical services are threatened, leaving healthcare for civilians limited and inadequate. The global response to Israel's actions demonstrates international concern for the protection of medical personnel, who must remain neutral and safe in carrying out their humanitarian duties. In this context, international diplomatic efforts, political pressure, and advocacy from medical and human rights organizations are crucial to upholding the rights of healthcare workers. These measures aim to ensure that medical facilities and healthcare workers can operate safely, so that patients continue to receive the care they need, even in areas of extreme conflict (Intiasari, 2025). This situation emphasizes that protecting healthcare workers is not simply a matter of compliance with international law but also a pressing humanitarian issue. Maintaining the safety of healthcare workers and medical facilities is crucial for the health system to continue functioning properly and providing necessary services. This protection ensures that healthcare workers can carry out their humanitarian duties without threat, so that patients continue to receive vital care. Thus, the safety of healthcare workers and the continuity of medical facilities play a direct role in saving the lives of civilians affected by armed conflict. These efforts also serve as a concrete indicator of the application of humanitarian principles in wartime situations, while

also underscoring the urgency of international action to ensure effective protection for medical professionals and healthcare facilities in conflict areas (Manshur, 2025).

Health workers, in carrying out their duties, urgently need support and protection from all forms of violence. Therefore, attacks on health facilities and medical personnel in the Gaza Strip have drawn international attention as they reflect a serious humanitarian crisis. This situation emphasizes the urgency of legal protection for health workers and medical facilities in conflict zones, given the ongoing tensions between Israel and Palestine. Adequate protection concerns not only the physical safety of medical personnel but also ensures the continuity of health services for conflict-affected communities (Suratiningsih & Lukitowati, 2020a). In this context, research is needed that examines legal protection for health workers in war zones, referring to international legal provisions. Such studies are crucial for identifying gaps between existing legal norms and actual conditions on the ground, while simultaneously formulating recommendations for more effective legal reform. This research focuses on two main aspects (Wardani, 2025). First, an analysis of legal protection for medical facilities and personnel in conflict or war zones under international law, including conventions, additional protocols, and other relevant norms. This aspect aims to understand the legal principles that should guarantee the safety and neutrality of medical personnel in conflict situations. Second, it examines the application of this legal protection by the State of Palestine, to assess the extent to which international provisions can be applied in real-world practice, which is full of challenges and complexities. This approach allows research to uncover gaps between international legal theory and practice, while also providing a basis for policy recommendations and legal reforms aimed at strengthening the protection of health workers in conflict zones ('Alimi et al., 2025).

Various previous studies have extensively addressed the topic of protecting health facilities and personnel in conflict, including one by Maulida and Mujib (Maulida et al., 2024), which highlighted the situation in Palestine-Israel from the perspective of International Humanitarian Law using a conflict theory approach (Marx). However, this study was general in nature and did not focus on a specific period or event. Unlike previous studies, this study focuses on the post-October 7, 2023, conflict, focusing on analyzing the gap between legal norms and their implementation on the ground. The damage to medical facilities that occurred since October 7, 2023, is a primary focus, particularly in terms of spatial aspects and building conditions. However, previous studies tended to under-emphasize the normative legal dimension and humanitarian legal accountability. Therefore, this study seeks to fill this gap by emphasizing a more detailed legal evaluation, thus providing a more comprehensive understanding of the protection of medical personnel in the context of the current humanitarian crisis. The study conducted by (Asi et al., 2024) focused on damage to civilian infrastructure in general, without specifically emphasizing the protection of health workers. The study also does not address the legal aspects governing the safety of medical personnel or analyze the gap between legal norms and actual conditions on the ground. Furthermore, the study does not include legal recommendations that could serve as a reference for improving legal protection for health facilities and personnel in conflict areas. Thus, Mills et al.'s study is limited to the physical damage to civilian infrastructure and does not provide an in-depth understanding of legal protection, humanitarian responsibilities, or relevant policies for addressing health emergencies in armed conflict. This highlights the need for additional studies emphasizing the legal dimension, the protection of medical personnel, and concrete legal reform recommendations to strengthen the security and rights of health workers (Mackay et al., 2013; Poole et al., 2024b).

This study focuses on the post-October 7, 2023, Israeli-Palestinian conflict, particularly the systematic attacks on medical facilities and healthcare workers. Most previous studies have discussed armed conflict in general without paying specific attention to the case of Gaza as a contemporary phenomenon. While previous studies examining international humanitarian law tended to focus on the protection of civilians or prisoners of war, this study specifically highlights the protection of medical personnel and healthcare facilities, which should be neutral but have instead become targets of attacks (Lalira, 2025). In addition to discussing international legal provisions such as the Geneva Conventions and Additional Protocols, this study also compares these legal norms with real-world conditions, namely violations occurring in Gaza. This approach allows for the identification of gaps between applicable regulations and their implementation in practice, thus exposing real challenges in enforcing international humanitarian law. Thus, this study not only provides a theoretical understanding of legal protection for healthcare workers but also emphasizes the urgency of practical protection for those on the front lines of armed conflict. The results of this study are expected to form the basis for legal and policy recommendations to strengthen the safety of healthcare workers in conflict areas (Perwita et al., 2025). This research goes beyond descriptive-normative considerations, but also offers ideas for reforming and strengthening international law enforcement mechanisms to ensure more effective protection for healthcare workers in the future. Its novelty lies in its focus on the legal protection of healthcare workers in the Gaza Strip after October 7,

2023, emphasizing an analysis of the gap between international humanitarian law norms and the reality of their implementation. It also provides recommendations for legal reform rarely addressed in previous research.

METHOD

This research is classified as normative legal research because it focuses on the study and comparison of various literature sources, including books, journals, laws and regulations, and online news. The normative approach was chosen because the research object is a legal norm, which requires analysis of international legal provisions such as the 1949 Geneva Conventions, Additional Protocols, the Rome Statute, and other relevant legal documents. Normative legal research allows researchers to evaluate and interpret legal principles, rules, and regulations governing the protection of health workers and medical facilities in armed conflict. Because it focuses on legal norms and substance, this approach does not rely on empirical field data or direct observation (Al-Fatih, 2023). Thus, the normative method is most appropriate for examining how international legal rules regulate the protection of health workers, comparing applicable provisions, and assessing their relevance and implementation in actual practice. This research aims to produce a systematic understanding of legal protection based on the international legal framework (Masidin, 2023). Furthermore, this study uses secondary legal materials obtained from literature studies: books, journals, scientific articles, international organization reports, mass media, and electronic data. This source is in accordance with the character of normative research which is oriented towards legal literature.

This research also focuses on legal interpretation and comparison. By using normative methods, researchers can examine, interpret, and compare various international legal instruments with their implementation practices in Gaza. This approach allows for the identification of gaps between ideal legal provisions and the reality on the ground, particularly regarding the protection of healthcare workers and medical facilities in conflict (Pratiwi, 2024). Furthermore, because the research objective is not simply to describe the facts of the conflict but also to formulate legal recommendations to strengthen the protection of healthcare workers, normative methods are the most relevant approach. Through normative analysis, researchers can systematically evaluate international humanitarian law doctrine, literature, and instruments, thereby gaining a deeper understanding of the rights and legal protections for healthcare workers. Therefore, the selection of normative legal methods is based on the study's focus on legal instruments, international principles, and related literature addressing the protection of healthcare workers in conflict zones, enabling this research to produce applicable legal recommendations that align with international standards (Wiseso et al., 2025). This research uses a normative approach to examine the differences between existing legal provisions and practices on the ground. The normative method allows for in-depth analysis of legal norms through comprehensive literature review. Sources used include books, academic journals, scientific articles, reports from international organizations, and electronic sources relevant to the research topic. This approach aims to understand the legal framework governing the protection of medical personnel and health facilities, while also assessing how these regulations are implemented in real-world contexts. With a systematic literature review, research can uncover gaps between ideal legal norms and actual conditions on the ground, and provide a basis for more effective legal recommendations. The normative method is relevant because the research focuses not on empirical data collection but on legal analysis and interpretation of international regulations governing the protection of health workers in conflict zones.

RESULTS AND DISCUSSION

The post-October 2023 Israeli-Palestinian conflict has demonstrated a pattern of systematic attacks targeting medical personnel and health facilities in the Gaza Strip. Airstrikes have not only caused civilian casualties but also killed hundreds of health workers attempting to provide medical care. Furthermore, thousands of homes, schools, and hundreds of health facilities have been severely damaged or completely destroyed, disrupting the continuity of medical services in the region. By mid-2024, data showed that hundreds of medical personnel had been killed, dozens of ambulances destroyed, and many medical facilities rendered inoperable. This situation has created a serious health crisis and demonstrated how armed conflict can weaken an entire health system. Actions targeting medical personnel and health facilities have been widely condemned by the international community for violating International Humanitarian Law, which explicitly regulates the protection of medical personnel in conflict areas. These attacks underscore the urgency of more effective legal protection for medical personnel and health facilities and demonstrate the need for a robust international mechanism to enforce

International Humanitarian Law. Enforcing these norms is crucial for the continued functioning of medical services and the safety of health workers, even in the midst of armed conflict (Pusponegoro & Sujudi, 2016).

This situation has created a very serious humanitarian crisis and highlighted the significant gap between the legal norms that should protect healthcare workers and the reality on the ground. This fact underscores the importance of comprehensive legal research to strengthen protection for healthcare workers during armed conflict. Such research not only analyzes existing legal provisions but also assesses the extent of their implementation in practice, thereby identifying gaps and weaknesses in the existing protection system. The research findings are expected to provide recommendations for legal reform and improvements to international law enforcement mechanisms, so that the rights of healthcare workers are more effectively protected and the risk of similar violations in the future can be minimized. Adequate protection for healthcare workers is crucial, as they carry out vital humanitarian missions amidst war and health crises. This effort is crucial to ensure that humanitarian principles are upheld even as armed conflict escalates, while strengthening international protection standards for healthcare workers. With effective law enforcement and regulatory reform, healthcare workers can work safely, medical services continue to function, and the rights of patients and healthcare workers are protected from the impacts of armed conflict violence (Anggraeni & Brata, 2025).

Legal Protection for Health Facilities and Personnel in Conflict/War Areas Under International Law

International Humanitarian Law (IHL) is a branch of the law of war that serves as a foundation for discussing issues related to armed conflict, the protection of civilians, and the fulfillment of human rights. IHL aims to limit the impact of conflict on humans and civilian objects, and establishes obligations for parties involved in war. The primary legal basis of IHL refers to the 1949 Geneva Conventions and their additional protocols, which are widely used as guidelines for dealing with situations of armed conflict. IHL also serves as a framework for upholding human rights in times of war, guaranteeing the protection of individuals from arbitrary treatment and violence, especially those not directly involved in the fighting (Bakry, 2019). Most of the principles of IHL are contained in the four Geneva Conventions ratified in 1949, as well as additional protocols that regulate the rights and obligations of states and armed actors in conflict. These conventions have been universally adopted by almost all countries worldwide, making them the international standard governing the protection of war victims, including medical personnel, civilians, and prisoners of war. Thus, IHL plays a crucial role as a legal instrument that ensures that even in conflict, humanitarian principles are maintained and basic human rights are not neglected. The enforcement of IHL also serves as a benchmark for the international community in assessing a state's compliance with the norms of legitimate war and civilian protection (Mufty, 2025).

International Humanitarian Law is the basis for civilians, health workers, patients, prisoners of war, and even medical facilities, including those in the Gaza Strip, to receive protection. International Humanitarian Law explicitly protects health facilities and health workers in conflict or war zones, prohibiting anyone from attacking them. Therefore, health workers and hospitals are protected by IHL, and direct attacks on these facilities are categorized as serious violations. Article 19 of Conventions I and II and Article 13 of Protocol I state that if a hospital is used for military purposes, prior warning and evacuation must be given. Article 24 further emphasizes that medical personnel (doctors, nurses, paramedics) exclusively assigned to the care of the wounded/sick must be respected and protected. Likewise, civilian hospital staff, Red Cross volunteers, and medical transport receive full protection. This is explained in Articles 25, 26, 35, 36, and 37 of the Geneva Conventions (Al Faruqi & Mariana, 2024). Thus, Israel's massive attacks on medical facilities and healthcare workers in the Gaza Strip demonstrate allegations of serious violations of International Humanitarian Law, which could constitute war crimes. These actions resulted in significant casualties and damage to health infrastructure, drawing the attention of the international community. However, Israel argues that the International Criminal Court (ICC) lacks jurisdiction over several territories controlled by Tel Aviv since the 1967 Middle East War, as the country is not a signatory to the Rome Statute. This argument has sparked debate about the ability of international institutions to enforce the law against violations occurring in disputed territories and limits the scope for international legal accountability mechanisms. This situation highlights the challenges in ensuring compliance with International Humanitarian Law when conflicts occur in areas with complex international legal status (Yoesry et al., 2025).

Human Rights Watch (HRW) has also reported alleged crimes committed by Israel to the International Criminal Court (ICC). HRW is an independent, international watchdog organization comprised of approximately 550 members from 70 countries. Its mandate is to investigate and uncover human rights violations and report on cases of violations occurring in various regions of the world. Furthermore, HRW actively engages with governments, the United Nations, rebel groups, companies, and other relevant parties, with the aim of ensuring

that policies are improved, laws are enforced, and justice is served (Rahmawati et al., 2025). In the context of investigating Israeli violations, both the International Court of Justice (ICJ) and the ICC have the authority to investigate alleged war crimes or serious human rights violations. Through these mechanisms, international institutions can assess evidence, prosecute those responsible, and impose sanctions in accordance with international law. The involvement of HRW and the international court demonstrates the importance of global oversight mechanisms in ensuring the accountability of states or non-state actors who commit violations of international humanitarian law, including the protection of medical personnel and health facilities in conflict areas (Ifara et al., 2024).

If the alleged violations are true, then both international institutions, the International Court of Justice (ICJ) and the International Criminal Court (ICC), have the authority to hold Israel accountable for attacks targeting healthcare workers and medical facilities in the Gaza Strip. However, in reality, Israel continues to carry out attacks targeting healthcare facilities and medical personnel. The ICC has initiated an investigation and determined that Israel's actions constitute war crimes. It should be noted that only Palestine is a member of the ICC, while Israel is not, allowing it to reject the investigation conducted by this international institution (Wicaksono et al., 2023). This situation has sparked criticism from various human rights organizations and activists, who believe the ICC is not taking the case seriously enough. In 2023, Palestinian human rights organizations pushed the ICC to issue arrest warrants for Israeli President Benjamin Netanyahu and Defense Minister Yoav Gallant. Following the issuance of these warrants, several ICC lawyers and judges faced threats and intimidation, including threats against the children of prosecutors who were potential targets of Israeli attacks. This situation highlights the significant challenges in international law enforcement, where political pressure, limited jurisdiction, and threats against law enforcement officials can hinder the accountability process. Nevertheless, the ICC's actions remain crucial as an international legal mechanism to ensure that violations against health workers and medical facilities in the Gaza Strip do not escape accountability (Gabriella et al., 2017).

Article 2 of the Genocide Convention stipulates that genocide includes any act intended to destroy a particular group, whether by killing its members, causing physical or mental harm, or preventing the group from having future generations. Based on this definition, Israel's actions in the Gaza Strip are suspected of constituting the crime of genocide. Genocide is one of the most serious forms of human rights violations. Accusations of genocide against Israel arose from the alleged mass killing of Palestinians (Dalimunthe & Azizah, 2024). In response, South Africa filed a lawsuit against Israel at the International Court of Justice (ICJ) on January 26, 2024, alleging genocide. This action also received support from countries such as Turkey and Malaysia. The systematic targeting and destruction of health facilities and medical personnel in Gaza is said to be part of Israel's military strategy. Many Israeli officials have even reportedly expressed intentions that could be linked to genocide. This strategy not only causes mass casualties but also weakens the health system in the conflict-affected region, thus exacerbating the ongoing humanitarian crisis. This case highlights the importance of international legal mechanisms in enforcing accountability for gross human rights violations (Hanbali et al., 2024).

Following the ratification of the Rome Statute in 1998, the concepts of genocide and crimes against humanity began to be formally formulated. Article 5, paragraph (1), affirms that genocide is one of the most serious crimes at the international level, and that all perpetrators are legally responsible. The Rome Statute strengthened the framework of International Humanitarian Law (IHL) by codifying various categories of violations, including war crimes, crimes against humanity, and genocide, in a single international legal instrument that is binding on states parties. The International Criminal Court (ICC) provides a concrete legal mechanism for investigating and prosecuting these serious violations, which have often previously gone unaccounted for. Furthermore, Article 8, concerning war crimes, serves as an important interpretive guide. While not a directly binding norm, it provides guidance on interpreting the elements of acts that constitute war crimes, thus assisting judges, prosecutors, and international law enforcement agencies in consistently upholding accountability. Thus, the Rome Statute and the ICC together strengthen the enforcement of international law and provide a clear legal framework for addressing gross human rights violations in armed conflicts (Dörmann, 2003).

The resolution of the Israeli-Palestinian conflict faces various obstacles because, although Israel has ratified the Genocide Convention, it has not ratified either the Geneva Conventions or the Rome Statute. Therefore, these provisions of international law do not directly apply to Israel. Geneva Convention I/1949 emphasizes that medical personnel carry out humanitarian missions with the primary task of treating patients and preventing the spread of disease. Therefore, health workers must receive assistance, respect, and protection under all circumstances, and attacks against them are expressly prohibited. Furthermore, all medical facilities such as hospitals, clinics, and health care centers must be kept safe from attack. This protection is not only

normative but also provided through the use of special identification symbols that distinguish medical personnel and health facilities from other parties to the conflict. These symbols serve as internationally recognized indicators to ensure the safety of medical personnel and the continuity of health services. While these legal provisions are clear, their implementation in the field often faces obstacles, particularly in areas experiencing armed conflict and political disputes. This creates a gap between ideal legal norms and the reality on the ground. This condition shows the importance of international law enforcement and additional protection mechanisms to ensure that medical personnel and health facilities are truly safe, so that they can carry out their humanitarian missions without being threatened by violence or military attacks (Putri & Ruslie, 2024).

In the Gaza Strip, medical facilities and healthcare workers are often disrespected, subjected to attacks, and denied protection, even becoming primary targets of Israeli attacks. In principle, healthcare workers are carrying out a humanitarian mission and should therefore be neutral, impartial, and not involved in armed conflict. However, in reality, healthcare workers in Gaza do not feel safe while carrying out their duties. They often experience anxiety due to feelings of threat and high risk. Article 24 of the First Geneva Convention (1949) and Article 9 of Additional Protocol II (1977) emphasize that healthcare workers have a neutral status and must be respected and protected, and must not be targeted in warfare. Furthermore, Article 25, Part I of the Fourth Geneva Convention (1949) also emphasizes that protection and respect must be accorded to healthcare workers, even when they are in close proximity to the enemy or in the hands of opposing parties. This situation demonstrates a clear gap between international legal provisions and practice on the ground, where the rights and safety of healthcare workers are often neglected. Effective legal protection and the implementation of international regulations are crucial to enable healthcare workers to carry out their humanitarian missions without the threat and risk of attack (Tandris, 2018).

This phenomenon demonstrates that the enforcement of International Humanitarian Law (IHL) still faces various obstacles and has not been effective. One of the main causes is that not all countries are willing to comply with existing provisions. Many countries, including parties involved in the conflict, tend to have their own agendas or interests that make them reluctant to comply with IHL norms. In the context of the Israeli-Palestinian conflict, Israel is known to prefer targeting health facilities and medical personnel as part of its political and military strategy (Adira & Harahap, 2025). As a result, protection for medical facilities and health personnel is not optimally implemented, even though international law clearly stipulates the obligation to respect and protect neutral parties in the conflict. This ineffectiveness creates a gap between international legal norms and the reality on the ground, often neglecting the rights and safety of medical personnel and the continuity of civilian health services. IHL stipulates that although states have the right to make decisions about going to war, the implementation of military operations must still comply with applicable international law. This includes the obligation to protect civilians, medical personnel, and humanitarian facilities from attack, as well as ensuring that military action does not cause disproportionate damage to civilian objects (Siregar et al., 2024). Thus, the situation in Gaza underscores the need for stronger international law enforcement mechanisms and a commitment by states parties to respect the principles of IHL. Without effective compliance and oversight, international legal norms will remain merely theoretical guidelines with no real impact on the protection of victims of armed conflict, particularly health workers.

Implementation of International Humanitarian Law Protection for the State of Palestine

Health facilities and medical personnel play a crucial role in addressing the health crisis in Palestine, particularly in providing services to victims of armed conflict. This role is crucial given the high number of casualties and the enormous medical needs amidst wartime situations. International law explicitly provides special protection for health facilities and medical personnel, with the aim of ensuring they can carry out humanitarian duties without the threat of attack or harassment from parties involved in the conflict (Hanisah & Purwaningtyas, 2025). However, in practice, medical personnel in Palestine remain at high risk and are frequently victims of attacks. This situation has been exacerbated since Israel targeted hospitals and medical facilities as part of its military strategy, resulting in many facilities in Gaza suffering severe damage or even complete destruction. This situation has had a direct impact on the disruption of health services, while the Israeli blockade further limits the supply of medicines and medical equipment, worsening the health crisis in the region. As a form of international legal protection, several medical facilities in Palestine are specially marked with the Red Cross or Red Crescent symbol, which is supposed to signify neutrality and protection from attack (Nada & El-Afaf, 2024). These symbols are internationally recognized and serve as indicators that healthcare facilities and personnel should not be targeted in conflict. Ideally, Israel and related parties should respect these symbols and avoid

attacking medical facilities. However, in reality, these protections are not fully respected, leading to a severe humanitarian crisis and threatening the safety of healthcare workers and the continuity of medical services for civilians affected by the war (Suratiningsih & Lukitowati, 2020b).

Attacks on medical facilities and health workers must be subject to strict legal sanctions, as such actions clearly violate the provisions of the 1949 Geneva Conventions and their Additional Protocols. Geneva Conventions I to IV emphasize the importance of protecting all victims of armed conflict, including medical personnel and health facilities, so that they can carry out their humanitarian duties without interference. Additional Protocols I and II expand the scope of this protection to include both international and non-international armed conflicts. These protocols emphasize that symbols such as the Red Cross and Red Crescent must be respected as signs of neutrality and protection, and attacks on hospitals, ambulances, and medical personnel are expressly prohibited. These provisions are designed to ensure the continuity of health services even in wartime situations and to safeguard the safety of medical personnel on the front lines of assistance. Compliance with these norms is a crucial indicator of the effectiveness of International Humanitarian Law in protecting neutral parties during armed conflict. Therefore, violations of these rules must be prosecuted through international legal mechanisms to uphold humanitarian principles (Suryokumoro et al., 2020).

Attacks targeting medical personnel and health facilities in the Gaza Strip clearly violate the principles of International Humanitarian Law (IHL), particularly the humanitarian principle that emphasizes the protection of the life and well-being of individuals not directly involved in the conflict. This principle emphasizes that those outside the fighting, such as health workers and patients, must be kept safe and not targeted. The United Nations Security Council has firmly condemned such actions and called on all parties to the conflict to comply with IHL provisions. While this international norm is clear, practice on the ground shows that Israel has not fully complied with it. Attacks on medical facilities and health workers in Gaza have caused casualties and disrupted vital health services for civilians. This non-compliance makes these actions a war crime under international law. This situation highlights the need for stronger international oversight and enforcement mechanisms to ensure that IHL norms are respected and medical personnel and health facilities are fully protected, thus upholding humanitarian principles in situations of armed conflict (Ihsan & Susanti, 2024). In this context, strengthening international judicial mechanisms is crucial to ensure that such violations can be prosecuted and processed fairly. The existence of an international institution capable of enforcing accountability is key to ensuring that the principles of international humanitarian law are upheld, and that attacks on medical facilities and healthcare workers are not left unpunished. Thus, international law enforcement is a key instrument in preventing further violence and protecting the rights of neutral parties in armed conflict (Saleh et al., 2024).

The weaknesses in the protection of medical facilities and healthcare workers during the post-October 7, 2023, Israeli-Palestinian conflict demonstrate that the enforcement of International Humanitarian Law (IHL) remains ineffective. This situation underscores the importance of implementing more comprehensive and structured solutions. One crucial effort is strengthening international mechanisms to ensure compliance with IHL. This strengthening of these mechanisms can be achieved through the imposition of stricter sanctions against states or non-state actors found to have violated international law. One key instrument in this context is the International Criminal Court (ICC), which has the authority to investigate and prosecute serious violations such as war crimes, crimes against humanity, and genocide. With a firm legal mechanism and clear threats of sanctions, it is hoped that states and non-state actors will be more likely to comply with IHL norms. These measures are not only crucial for upholding the law but also serve as a deterrent to similar violations in the future. Effective protection of medical personnel and health facilities in conflict areas is an indicator of the successful implementation of IHL and the international community's commitment to maintaining humanitarian principles in the midst of armed conflict (Prasetyo et al., 2025).

Strengthening international mechanisms serves not only as a means of law enforcement but also as a deterrent to similar violations in the future. With the threat of clear sanctions and a firm legal process, states parties and non-state actors are expected to better comply with IHL provisions, including protecting medical personnel and health facilities from attacks. First, this approach is crucial to ensure that humanitarian principles are upheld, the rights of health workers are respected, and medical services for civilians can continue even in situations of armed conflict (Akande, 2020). Second, independent investigations based on geospatial technology must be intensified to document attacks on hospitals and medical personnel, as has been done in WHO studies and international medical research (Poole et al., 2024a). Third, states parties to the Geneva Conventions need to mobilize multilateral diplomacy to pressure conflicting parties to halt attacks on health facilities, in line with the mandates of the WHO and the ICRC (Giacca, 2014). Fourth, safe access for humanitarian organizations such as

the ICRC, WHO, and MSF must be guaranteed, with the development of emergency medical evacuation protocols (Fry, 2020) In addition, humanitarian law training for militaries and armed groups needs to be expanded so that compliance with medical protection rules can be increased (Sassòli, 2019).

In the long term, a just political settlement remains the fundamental solution, as continued conflict only increases the risk of IHL violations (Rodin & Shue, 2008). Therefore, efforts to protect medical facilities and healthcare workers are not limited to strengthening legal regulations alone, but also require the implementation of effective oversight mechanisms, constructive international diplomacy, and targeted political solutions. The legal approach must be supported by oversight capable of ensuring compliance by relevant parties with the norms of International Humanitarian Law. Furthermore, diplomacy can play a role in fostering agreements and exerting pressure on violating actors, while political settlements help create safer conditions for healthcare workers to carry out their humanitarian duties. The combination of these three aspects is key to ensuring that healthcare facilities and healthcare workers are protected not only normatively but also practically, so they can operate safely in situations of armed conflict. This holistic approach is crucial to upholding humanitarian principles (Nababan & Sewu, 2024).

CONCLUSION

The tragic situation affecting health facilities and personnel in the Gaza Strip after October 7, 2023, reflects a serious failure in the implementation of International Humanitarian Law (IHL), particularly in ensuring the protection of neutral and unarmed humanitarian actors. Although international legal provisions, such as the Geneva Conventions and their Additional Protocols, explicitly regulate the protection of medical facilities and health personnel in armed conflict, the reality on the ground demonstrates systematic violations that even amount to war crimes and genocide. Israel, as a direct party to the conflict, has clearly violated fundamental norms of IHL by targeting hospitals, ambulances, and medical personnel. These actions not only damage health infrastructure but also deny the public basic access to essential medical services and cause further suffering for the civilian population. This crisis highlights the gap between legal norms and their implementation. Therefore, it is crucial for the international community, including international law enforcement bodies such as the ICC and ICJ, to improve the effectiveness of law enforcement mechanisms so that perpetrators of violations can be held accountable in a fair and transparent manner. Furthermore, global solidarity and diplomatic pressure from UN member states are needed to stop the violence against medical personnel and healthcare facilities and ensure their future protection. Protecting healthcare workers is not simply a legal issue, but a manifestation of universal humanitarian values. Even in conflict situations, the law must be upheld, and humanity is non-negotiable.

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