



EUPHA's statement on the Gaza conflict and its impact on public health

21 November 2024

On 26th February 2024, EUPHA issued a statement condemning the attack on Israel by Hamas on 7th October 2023, and calling for the release of hostages, an immediate ceasefire, and unimpeded access to humanitarian aid.[1] We continue to call for the release of those hostages that are still alive. Since then, the situation in this region has deteriorated significantly. Hostages remain in Gaza, many have been killed, and while over 100 hostages were released in November 2023, negotiations to secure the release of others have not progressed.[2] The conflict has expanded into Lebanon, Syria, Iran, and Yemen. Israelis and Palestinians have been killed by missiles fired from Lebanon, where over one million people have been displaced and over 3,000 have died. Large numbers of Palestinians in the West Bank have also been killed or detained without trial.

At the time of our previous statement, the estimated death toll in Gaza was 33,000. It is now significantly higher, although the exact figure is unknown.[3] This total includes the 43,000 recorded deaths by the Gaza Health Ministry, an estimated 10,000 additional deaths by violence not yet recorded, and the many indirect deaths likely numbering in the tens of thousands due to the destruction of infrastructure and restriction of food, water, and medicines.[4-6]

The situation has also worsened with extensive evidence of severe human rights abuses (Annex). This has to stop.

EUPHA therefore:

- a) Calls on the parties to the conflict to agree to an immediate cessation of hostilities throughout the region, implement a massive programme of reconstruction,[7] and address the long-term effects including mental health,[8, 9] food security, and environmental degradation. This should include the return of displaced individuals in Gaza, Lebanon, and Israel as soon as the reconstruction allows;
- b) Calls on the parties to the conflict to uphold the authority of the United Nations, including an immediate cessation of attacks on UNIFIL,[10] and the authority of the International Court of Justice, the unprecedented decision to make the United Nations Secretary-General persona non grata in Israel,[11] and restrictions on the activities of UNRWA and physical attacks on its staff[12];
- c) Calls on all governments, including those directly involved in the conflict and those supplying them with weapons, to uphold international humanitarian law, taking note of recent decisions by the International Court of Justice;[13, 14]
- d) Calls on all governments to support the investigation and prosecution of human rights abuses, including providing unfettered access by journalists to conflict zones and ceasing targeted attacks on them;[15]
- e) Expresses its solidarity with and pledges support for the many courageous individuals, of all religions and none, who continue to speak out against human rights abuses, especially when it involves criticizing their own governments and authorities. It also supports the public health professionals from all sides who are working together to build bridges to safeguard public health and build bridges towards a better future. EUPHA strongly condemns the abuse of language to delegitimize these individuals. Criticism of any government should not automatically be equated with an attack on the religion of its members. Those who promulgate this false equivalence undermine their own arguments.

Annex

The following paragraphs, while specifically applied to the situation in the Middle East, reflect EUPA's understanding of international humanitarian law and inform our approach to armed conflict globally, particularly in regions such as Ukraine and Sudan.

EUPHA recognises Israel's right to self defence in response to the attack of 7th October and missile strikes from Lebanon, Iran, and Yemen, as outlined in Article 51 of the United Nations Charter, which permits the use of force in self-defence until the United Nations Security Council can take appropriate measures to restore peace and security. However, this right is subject to certain conditions.

The doctrine of necessity requires that self-defence must be a necessary response to an ongoing or imminent attack.[16] If diplomatic solutions or other measures are available and viable, the use of force in self-defence may not be justified.

The doctrine of proportionality mandates that any self-defence actions must be proportionate to the initial attack.[17] This means the defensive force does not exceed what is necessary to repel the attack or prevent further harm.

International law does not recognize "revenge" as a legitimate basis for action. The closest concept is reprisal, an otherwise illegal act taken by one state against another in response to that other state's violation of international law. However, reprisals must be proportional, temporary, and intended to induce the offending state to return to lawful behaviour rather than to punish the offending state. Reprisal must cease once the offending state returns to lawful behavior.

Finally, self-defence must be limited to the immediate threat or preventing further attacks, not as a basis for punitive or prolonged military action.

EUPHA is concerned that many actions in this region violate international law, including murder, extermination, enslavement, deportation, imprisonment, torture, rape, and other inhumane acts. These include:

- a. **Killing of civilians:** Verified evidence shows a high number of civilian casualties including many women and children, killed in residential areas due to the use of indiscriminate weapons. This raises serious concerns about compliance with the principles of necessity, distinction, and proportionality under IHL.
- b. **Systematic targeting and family destruction:** The OHCHR has confirmed that entire families were killed in targeted airstrikes, with reports of multiple families losing 20 to 30 members.[18] This pattern suggests targeted strikes on residential buildings that housed extended families, indicating a potential disregard for civilian life and basic legal protections under IHL.
- c. **Denial of humanitarian aid:** Restrictions on humanitarian aid and essential supplies in the northern part of Gaza have led to starvation conditions, particularly among vulnerable groups. Statements from officials indicated that starvation might have been used as a punitive measure. There is evidence that the remaining hostages have also been denied humanitarian aid and faced starvation.
- d. **Attacks on humanitarian personnel and aid blockades:** Numerous incidents have been documented where aid workers and civilians collecting aid were killed. These actions reportedly obstructed access to life-saving resources and violated IHL provisions for protecting humanitarian workers and civilians.
- e. **Use of indiscriminate weapons (white phosphorus):** There have been reports of white phosphorus used in civilian-dense areas, leading to severe injuries, environmental harm, and long-term health impacts. This breaches international law.
- f. **Summary executions and unlawful killings:** Incidents of both Hamas and Israeli Defence Forces allegedly carrying out summary executions and targeting unarmed civilians have been documented, including in hospitals and areas where civilians sought refuge.

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