

Unveiling Biases: WOLAS Challenges Human Rights Watch's Report on Al-Ahli Hospital Strike

In a period characterised by ongoing bombings and deliberate targeting of civilians, settlements, and medical facilities in Gaza by Israel, the international community finds itself regrettably incapable of providing protection or humanitarian assistance to civilians. Against this backdrop, Human Rights Watch (HRW) released an extensive [report](#) on the Al-Ahli Baptist Hospital massacre that occurred on 17th October 2023, claiming the lives of 471 people and injuring 342 others, including displaced individuals, patients, and medical staff.

The organisation's report adopts the narrative put forth by the occupying army, asserting that the explosion resulted from a misfired rocket commonly used by Palestinian armed groups in their conflicts with Israel. Notably, the report absolves the occupation army of any responsibility for the tragic massacre.

WOLAS contends that the findings presented in the HRW report are both manipulative and lacking objectivity for the following reasons:

- The challenging investigative environment: The continuous, intense, and violent shelling poses significant obstacles to the work of UN agencies and human rights organisations, impeding their ability to conduct thorough field research.
- Insufficient time and effort for a war crime investigation: Conducting a comprehensive investigation into a war crime targeting a hospital, leading to the deaths of hundreds of civilians, including patients, health workers, and displaced individuals seeking refuge after their homes were demolished, requires a more extensive commitment of time and effort. This would involve the thorough examination of all available sources, the gathering of survivor testimonies, witness accounts, and on-site evidence.

WOLAS maintains that the complexities of the situation demand a more nuanced and diligent approach to ensure an unbiased and thorough understanding of the events surrounding the Al-Ahli Baptist Hospital massacre.

HRW's report appears to be devoid of all these qualifications. However, it is not only these qualities that have been ignored, but also proof about who perpetrated the massacre. Contrary to the report's claim, there is sound scientific evidence indicating that the massacre at the hospital in question was perpetrated by the Israeli army:

- On 20th October 2023, Earshot published a concise [report](#) using a method called 'Doppler Effect Analysis', which analyses the direction from which the missiles were fired based on sound pitch. The report concludes that it is highly unlikely that the missiles were fired from the southwestern direction, where the Palestinian resistance groups are located, as claimed by the IDF. Rather, it is most likely that the missiles were fired from the East or Northeast, as the report indicates.
- Forensic Architecture, in its [video and forensic architectural reports](#), pointed out that the attack in question was carried out by Israel. In the same report, Forensic Architecture also stated there was footage of Israel's bombing of the cancer department of the hospital in question.
- UK-based Channel 4 exposed the baselessness of Israel's assertion through [the images and sounds](#) it provided. The channel highlighted that the missiles were fired from a distance,

not from a close range, as indicated by the height of the missile and the location where it fell. Contrary to the Israeli army spokesperson's claim that Hamas had mistakenly struck a nearby location, this area is extremely close to the hospital. Residents and health workers interviewed by the same channel reported previous threats from Israel to bomb the hospital.

- Channel 4 journalists, who conducted a site visit in the aftermath of the incident, [reported](#) observing small craters consistent with mortar strikes rather than missile impacts. Additionally, surrounding buildings exhibited only superficial damage with no structural collapse. The broadcaster noted that the observed damage makes a ground-detonating Israeli missile strike improbable. However, it does not dismiss the possibility of an airburst munition, which could result in significant loss of life while producing comparatively less structural damage. Why did HRW opt to disregard the consideration of this possibility, instead choosing to conclude solely that the munition responsible for the attack was not an Israeli missile that detonated upon impact with the ground?
- Analysing the Al Ahli Hospital bombing in Gaza, Murat Aslan, a defence expert and an Associate Professor at Hasan Kalyoncu University, [highlighted](#) the strategic use of time-delayed munition fuses in attacks on populated areas to increase impact, in an interview he gave to Anadolu Agency. Examining the aftermath, Aslan suggested the munition was set to explode prematurely on the air, enhancing the explosion's airburst effect and widening its impact area. He dismissed Israel's claim of a "howitzer munition," deeming it unrealistic for causing high casualties within a 30-50-metre radius. Aslan emphasised the likelihood of a warplane-dropped munition, pointing to the potential use of the MK82 bomb by Israel, known for precision guidance capabilities.
- In the [report](#) published by the Presidency of The Republic of Turkey Center for Countering Disinformation, it was determined that the images shared by Israel about the hospital attack were edited, cropped, and inverted in a way that could be manipulated before they were shared. After a detailed analysis of the unedited footage, the Center determined that the missiles launched from Gaza were aimed at Israel and that the hospital subjected to the devastating attack was not in the path of the missiles.
- An Al Jazeera digital [investigation](#) found no grounds for the Israeli army's claim that the strike on the al-Ahli Arab hospital in Gaza was caused by a failed rocket launch.

From all the evidence we have examined, it is evident that the attack was carried out by Israeli forces and not by resistance groups.¹

The predominant assumption presented in the HRW report, asserting that Israel can only cause substantial damage with its weapons, is inaccurate. Discrediting this assumption equates to challenging the core argument used by HRW to dismiss the possibility that the attack was orchestrated by Israel. WOLAS, relying on our research into expert opinions, has conclusively demonstrated the groundlessness of this assumption.

The evidentiary basis supporting our contention lies in the comprehensive capabilities of the Israeli Air Force, encompassing a diverse array of weapons with varying sizes and lethality. Particularly noteworthy is the GBU-39/B Small Diameter Bomb (SDB), a lightweight munition. Renowned for its precision, this bomb is characterised by low fragmentation upon detonation. Notably, a comparable bomb dropped in Aleppo International Airport, Syria,

¹ For the discrepancies in Israel's Gaza hospital attack claims, see Aljazeera's [coverage](#).

during an Israeli attack in the second week of October (2023), generated a small crater akin to the one observed at Al-Ahli Hospital.

Israel's acquisition of 1,000 GBU-39/B bombs from the U.S. for \$735 million in 2021, as reported by [IsraelDefense](#), suggests Israel's deliberate investment in these munitions for precise targeting in Gaza. Versatility is a key feature, with the GBU-39/B being compatible with various fighter jets such as F-15 Thunder, F-15 Eagle, and the F-16, allowing a single jet to carry multiple bombs concurrently. Furthermore, these bombs can be effectively launched from ground-based launchers.

The GBU-39/B's distinctive carbon fibre composition facilitates disintegration upon impact, thereby accounting for the absence of shrapnel or fragmentation in the aftermath of the Al-Ahli Hospital incident. The observed post-blast fireball could be attributed to any explosive material – e.g., car fuel – struck by the bomb. Collectively, this compelling evidence substantiates Israel's capacity to deploy munitions that leave no crater, or generate small craters, and yield low fragmentation. This would also explain the intact state of the solar panels, roof, and surrounding structures in the affected area. Based on all this, the assumption that Israel's capacity to inflict substantial damage with its weaponry necessarily entails the creation of extensive craters is entirely erroneous. Israel cannot be completely exonerated based on this assumption of HRW.

HRW's hastily prepared report is a murky and political document devoid of objective criteria, seemingly crafted to whitewash the actions of the Israeli occupation forces. These forces, with no concealment of their intent to target hospitals, executed this plan in dozens of medical facilities in the Gaza Strip over a 50-day period. They even explicitly threatened to bomb the Civil Hospital - as seen in the case of the Shifa hospital - demanding its evacuation on numerous occasions before repeatedly bombing its surroundings, ultimately leading to the tragic massacre.

We observe that the organisation has overlooked the distinction between the destructive power of the rockets used by Palestinian resistance groups and the asymmetric destructive power of the Israeli bombs and missiles deployed by the Israeli occupation in its attacks. These attacks, which rained down on Gaza, resulted in the destruction of over 50% of the buildings and facilities in the Gaza Strip.

We underscore that, for human rights and the law to effectively protect people from all crimes and violations, all human rights organisations must adhere to impartiality, professionalism, and a standard of conduct beyond suspicion.

We assert that HRW's endorsement of the allegations made by the occupation forces, which have been implicated in genocide, ethnic cleansing, and various war crimes, places the organisation in the precarious position of compromising its professionalism and reputation. It appears to unjustly exonerate those accused of crimes they have repeatedly threatened, committed, and for which there is ample evidence of guilt.

Therefore, we strongly urge the organisation to revisit this report, to conclude its work by incorporating unbiased scientific studies, and to finalise its report in accordance with the standards necessary for recognition as a human rights body that upholds factual accuracy. As a human rights institution, rather than seeking to legitimise the actions of oppressors through biased and superficial research, we implore it to shed light on the grievances of the oppressed and confront the genocide and war crimes against the Palestinian people. We all share the responsibility of ensuring that human rights institutions are not instrumentalised for colonial practices.

As a result, on behalf of WOLAS (Worldwide Lawyers Association), we express profound concern regarding the Human Rights Watch's (HRW) report on the Al-Ahli Hospital strike on 17th October 2023. The premature release of an inconclusive report by HRW, lacking definitive results and key evidence while being devoid of access to the hospital site, raises serious questions about the integrity of HRW's findings. This decision to publish amid the ongoing conflict in Israel, characterised by what many experts and UN officials term a genocidal war, appears misguided and counterproductive.

WOLAS contends that, during a crisis of such magnitude, HRW should prioritise calling for a ceasefire and working to end the unfolding humanitarian catastrophe rather than disseminating what seems to be unfounded theories. By doing so, HRW risks advertently or inadvertently supporting Israeli propaganda and providing justification for the ongoing atrocities, thereby exacerbating the dire situation facing Gaza's healthcare system.

WOLAS is particularly critical of HRW's reliance on the opinions of military experts who lacked on-site access, basing their conclusions solely on photos and videos. This methodology disregards the possibility that Israel may have used a new type of munition and lacks the necessary evidence to substantiate its claims. WOLAS inquires to HRW:

1. Why did HRW fail to incorporate the possibility that Israel might have employed alternative ammunition in its investigation?
2. If the rationale behind this omission is HRW's (conviction on²) possession of comprehensive knowledge regarding the munitions at the disposal of Israeli forces, how does a human rights organisation acquire military secrets from an army, and what explanation can be provided for such a relationship?

The call for an independent investigation and accountability, supported by many local human rights organisations, is deemed essential by WOLAS to ascertain the truth behind the Al-Ahli Hospital strike.

Furthermore, WOLAS condemns HRW for not submitting Freedom of Information Law requests for key evidence from Israel, thereby hindering a comprehensive and impartial understanding of the events. WOLAS argues that HRW's report, instead of fostering credibility in human rights advocacy, weakens the standing of such organisations and places the lives of Palestinians at increased risk. In a time where the need for trustworthy and impartial fact-finding institutions is paramount, WOLAS calls for a re-evaluation of HRW's approach and a proven commitment to truth and justice in the pursuit of human rights.

On these grounds we also would like to express our support and solidarity to [the statement](#) issued by a coalition of Palestinian human rights and civil society organisations on 26 November 2023 in response to the Human Rights Watch report.

² We have already proven through GBU-39/B that this can only be a conviction of HRW, not the fact.