

PUBLIC

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From: Health and human rights team  
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## Health Professional Action

### Denial of access to health care ISRAEL/ OCCUPIED PALESTINIAN TERRITORIES/EGYPT

#### Summary

Amnesty International is concerned that inhabitants of the Gaza Strip who are in need of medical care, including urgent treatment, not available in Gaza are being denied passage out of Gaza by the Israeli authorities. Scores of patients have been denied passage outright or subjected to delays preventing timely access to care. The nearest treatment outside Gaza is in Israel, Egypt or Jordan but permission to leave Gaza is usually denied or delayed by the Israeli authorities. The organization is urging that such access be urgently assured for 11 men and two women who have been recommended to seek further medical treatment not available in Gaza but who have been denied passage out of Gaza.

Attempts by a number of Gaza patients to leave Gaza for hospitals in Jordan on 17 January 2008 led to 14 patients being allowed to leave while eight others (including some of those named below) being denied passage out of Gaza. AI is urging the Israeli authorities to expedite access to medical care for those needing it as a matter of urgency, and the Palestinian Authority, Egypt and Jordan, to do whatever they can to facilitate access to health care for those from Gaza with urgent needs.

The two women are:

- Rihab 'Attia Abu Taha, aged 28. She suffers from throat cancer and needs radiation therapy (which she has been receiving in Egypt regularly for four years but has not been able to in the past year).
- Karima Abu Dalal, aged 34. She also suffers from cancer (Hodgkin's lymphoma) and urgently needs chemotherapy which she cannot receive in Gaza. She had previously received two courses of chemotherapy in Nablus in the West Bank. She has very good chance of recovery if treated but her condition will deteriorate if denied treatment.

The 11 men are:

- Bassam al-Oehidi, aged 28. He suffers from retinal detachment and is at risk of losing his eyesight, and needs urgent medical intervention.
- Sha'aban Fares Salama Abu 'Obeid, aged 37, suffers from a serious heart condition and is in urgent need of a medical intervention.



Bassam al-Oehidi

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- Tayseer al-Qanou', aged 50, suffers from a recurrent malignant tumour in the eyelid which was removed several times but is still active and must be removed again to avoid metastases.
- Ibrahim al-Qanou', aged 28, suffers from hepatitis B virus and chronic disease of the liver which requires tests to establish possible complications (cirrhosis and/or a primary hepato-cellular carcinoma). He is reported to suffer from an enlarged liver with abdominal pain.
- Rami al-Masri, aged 25, suffers from a tumour in the left optic nerve and needs an urgent MRI test and a possibility of an urgent operation on the tumour. He had had an appointment at St John's Eye Hospital in East Jerusalem on 3 December but was prevented from keeping the appointment.

- Ahmad Mas'oud, aged 20. He suffers from a rectal ulcer and glandular dysplasia and requires further tests to determine appropriate diagnosis and determine treatment.
- Sameer Taleb, aged 47. Following decompressive laminectomy surgery (in Egypt), though there is a residue of the disc and spinal stenosis at L4-5. There is fear of inflammation and infection of soft tissue. He is in need of a repeat operation which must avoid the spread of an infection which could be life-threatening and/or paraplegia.
- Iyad Jandiya, aged 32, suffers from a giant hernia in the abdominal wall, developed following colostomy and spleen removal, and needs combined surgery to correct the hernia and close the colostomy.
- Amin Fayad, aged 28, suffers from cancer (chronic myeloid leukemia) and recently experienced enlargement of lymph glands in the groin. AI was informed that this was possibly as a result of development of resistance to the treatment he is receiving. Needs urgent diagnosis and possible alternative treatment.
- Rami Al-Arouqi, aged 29, suffers from tumour in the bone of the right leg and needs a scan, unavailable in Gaza, to determine treatment strategy. Early commencement of treatment is critical for chances of recovery
- Bassam al-Dos, aged 35, who suffers from cancer of the pancreas and is in need of surgery.



Bassam el-Dos

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### Denial of travel for medical care



Rihab Abu Taha

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The Israeli authorities continue to deny passage out of the Gaza Strip to Palestinians, including those who are critically ill and who are in need of urgent medical treatment which is not available in Gaza. Since Israel tightened its blockade on the Gaza Strip in June 2007, closing the crossing between the Gaza Strip and Egypt, every single one of the 1.5 million inhabitants of the Gaza Strip requires permission from the Israeli military authorities to leave the Gaza Strip. Except for rare exceptions the Israeli authorities systematically refuse such permission to travel even to those in need of urgent treatment.

The 13 above-mentioned adults are only some of those affected by Israel's blockade on the Gaza Strip. They all require surgery, medical treatment, or tests necessary to determine the required treatment, which are not available in Gaza. Refusing them

passage out of the Gaza Strip deprives them of the treatment they urgently need and put their lives and their long-term health in jeopardy.



Sha'aban 'Obeid

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Following a petition lodged by the Israeli human rights organization, Physician for Human Rights – Israel, the Israeli Supreme Court examined the decision of the Israeli military authorities to refuse passage out of Gaza to a number of the above-mentioned men and women. However, even though the court acknowledged that the patients' health conditions necessitate urgent treatment, it ruled that it could not intervene in the decision to refuse passage from Gaza to these sick people.

The Israeli authorities justify the refusal to allow these and other ill patients to leave the Gaza Strip by reference to unspecified 'security' reasons. Such restrictions, though common for several years, have reached an unprecedented level in recent months, notably since Hamas' takeover in Gaza in June 2007.

Denying passage to patients in desperate need of medical care does not serve any legitimate security purpose – as patients undergo strict security checks at the crossing, and are generally in dire medical conditions. Rather, such measures appear to be

in retaliation for rockets attacks launched by Palestinian armed groups from Gaza into southern Israel.

Dozens of patients have died or suffered irreparable or long-term damage in recent months after having been refused passage out of Gaza. The news service of the UN Office for the Coordination of Humanitarian Affairs, IRIN, reported on 5 December 2007 that "at least 13 people who completed the permit application process died in the past two months waiting for treatment, according to health organisations. Another 15 or so died while still applying, according to the Gaza ministry of health."

On several occasions patients who were denied permits to leave Gaza on security grounds were eventually allowed to leave Gaza after Israeli human rights NGOs threatened to take the cases to the Supreme Court. However, there are many more patients who are not allowed to leave Gaza.

*Health:*

- 17.5% of patients who have requested access to East Jerusalem, Israel or abroad for emergency or chronic medical treatment have been denied permits since June 2007.
- Due to the lack of spare parts, equipment of the Ministry of Health is no longer functioning.
- 20% of essential drugs and 31% of essential medical supplies were at zero availability in October 2007, while 11 out of 18 psychiatric medications in use in primary health care facilities are unavailable since August 2007.
- The UNRWA Community Health Programme and Palestinian Centre for Democracy and Conflict Resolution have observed a growing proportion of the population experiencing psychological symptoms.
- The proportion of deaths among hospitalized neonates at Gaza's pediatric hospitals has increased from 5.6% during the period January-October 2006 to 6.9% during the corresponding period in 2007.

Extract from 'Gaza Strip Humanitarian Fact Sheet', Office for the Coordination of Humanitarian Affairs (OCHA), 28 November 2007<sup>1</sup>

<sup>1</sup> Available at: [http://www.ochaopt.org/documents/GazaStripHumanitarianFactSheet\\_2007\\_11\\_28.pdf](http://www.ochaopt.org/documents/GazaStripHumanitarianFactSheet_2007_11_28.pdf)

## **Background**

1.5 million Palestinians remain trapped in Gaza following the total closure of Gaza's main gate to the outside world - the Rafah Crossing point to Egypt – by Israel on 9 June 2007. Only a small number of Palestinians have since been permitted to leave Gaza, exceptionally, via Israel (via the Erez crossing – used almost exclusively by foreign journalists and humanitarian workers but closed to Palestinians, with very rare exceptions).<sup>2</sup>

Medical facilities in Gaza lack the specialized personnel and equipment to treat a range of conditions, such as cancer, cardio-vascular illnesses, complex surgeries and other emergencies. Hospitals and medical facilities are also increasingly suffering from a shortage of drugs and disposable supplies as a result of the blockades imposed by Israel on Gaza's imports. According to the World Health Organisation (WHO), scores of essential drugs are out of stock, and the stock is low for scores of other drugs.<sup>3</sup>

## **Israel's obligations under international law**

Preventing persons living in Gaza from promptly receiving necessary medical treatment violates Israel's obligations under international law. As an Occupying Power, Israel has the obligation under human rights treaties to which it is a party and under international humanitarian law to ensure the right to health of the population of Gaza, without discrimination. This includes the right of the inhabitants of the Gaza Strip to access timely, appropriate and affordable quality health care, without discrimination. Among other things, international law imposes a particular and absolute duty on the authorities to ensure protection and respect for persons who are ill, infirm and expectant mothers. Furthermore, under Article 55 of the Fourth Geneva Convention, Israel has the obligation to ensure, to the fullest extent of the means available to it, medical supplies to the population of Gaza.

The Israeli authorities should also ensure that necessary, affordable health services of good quality are available to the population of Gaza, without discrimination. In prohibiting persons from leaving Gaza to seek necessary medical care which is unavailable locally, the authorities are violating the rights to freedom of movement, health, dignity and life of persons in Gaza. Rather than taking action which denies persons access to medical treatment, the authorities should, as a matter of international law, take proportionate action necessary to address any specific, identified and reasonable security concerns which arise in any individual case, while at the same time ensuring that the individual concerned receives the necessary medical care and treatment in a timely manner. The authorities must not impose disproportionate restrictions on the whole population nor may they deny persons living in Gaza access to necessary medical treatment by unreasonably and disproportionately restricting the freedom of movement of these individuals. Israel, as the occupying power, is prohibited from imposing collective punishment or reprisals on the Palestinian population and not must ensure that the residents of the Gaza Strip have access to the necessary medical care.

## **Recommended Action:**

Please send polite letters in English or your own language as soon as possible,:

## **Letters to the Israeli Authorities should:**

- Introduce yourself as a health professional concerned with human rights

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<sup>2</sup> Early in January 2008 a group of 13 patients from Gaza, including elderly and women patients has been permitted to enter Jordan for diagnosis and treatment. The Jordanian government will treat the patients without charge according to an IRIN report (10 January).

<sup>3</sup> Supplies of 91 out of 416 essential drugs have run out, as have about a third of essential medical supplies, as of early December 2007.

- express grave concern that patients are routinely prevented from leaving the Gaza Strip to travel to West Bank, to other countries or to Israel to receive the necessary medical treatment, and that such denial puts their lives and health in danger;
- note that as a result of the blockade imposed by Israel on the Gaza Strip since 9 June 2007, the entire population of Gaza – 1.5 million people – is now trapped in Gaza, where certain medical assistance is not available to them;
- politely remind the Israeli authorities that according to international law, Israel, as the occupying power in the Gaza Strip, must ensure that the residents of the Gaza Strip have access to the necessary medical care, as well as to medical care to the same extent as nationals of the State of Israel.

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 Head of the District Coordination Office  
 Erez Crossing  
 Israel  
 Fax: + 972 8 6741625  
 Salutation: Dear Mr Press

Yuval Diskin  
 Director  
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 Salutation: Dear Mr Diskin,

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 Minister of Defence  
 Ministry of Defence  
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 Hakiryia  
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 Email: [minister@mod.gov.il](mailto:minister@mod.gov.il)  
 Salutation: Dear Minister

Brigadier General Avihai Mandelblit  
 Judge Advocate General  
 6 David Elazar Street; Hakiryia  
 Tel Aviv, Israel  
 Fax: + 972 3 608 0366  
 Email: [c/o arbel@mail.idf.il](mailto:c/o_arbel@mail.idf.il)  
 Salutation: Dear Brigadier General

**Letters to the Palestinian Authority (PA) and to Egypt should:**

- call on the PA Prime Minister and the Egyptian President to spare no efforts to work for the reopening of the Rafah crossing between the Gaza Strip and Egypt, which is the only gate to the outside world for the population of Gaza.

**Letters to the Jordanian authorities should:**

- urge the Jordanian Prime Minister to spare no effort to ensure that Palestinians in need of medical treatment are allowed access to Jordan and to overcome continuing barriers to passage of Palestinian patients to Jordan.

### **Addresses**

His Excellency Mahmoud Abbas  
President of the Palestinian Authority  
Fax: +972 2 296 3170/296 3179  
Salutation: Dear President

His Excellency Mohammad Hosni Mubarak  
President of the Arab Republic of Egypt  
'Abedine Palace  
Cairo, Egypt  
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Salutation: Your Excellency

His Excellency Nader Dhabi  
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Hashemite Kingdom of Jordan  
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Salutation: Your Excellency

### **Copies**

Please send copies of your letters to diplomatic representatives of Israel, the Palestinian Authority and Egypt accredited to your country.

**Please send appeals immediately.** Check with the international secretariat, or your section office, if sending appeals after 28 February 2008.