



To: Health Professional Network  
From: Health and Human Rights Team  
Date: 29 August 2008

**Health Professional Action**  
**Patients from Gaza are still denied access to medical treatment in Israel**  
**Israel/OPT**

The Israeli authorities are still denying scores of critically ill patients the authorization they need to leave Gaza for medical treatment that is unavailable in Gaza. Hospitals in Gaza continue to lack vital medical equipment and trained personnel to carry out advanced medical treatment, including many surgical operations and the provision of chemotherapy for cancer patients. Even those patients who are given permission to leave Gaza for treatment are often suffering as a result of delays in receiving exit permits, which contribute to a decline in patient's health and emotional well-being.

**Interrogation by the General Security Service**

Over the past year, the denial of permits to seriously ill patients has primarily been based on undisclosed security reasons. Some patients from Gaza testified to Amnesty International that they were openly told in interviews with the Israeli General Security Service (GSS) at the Erez Crossing point at the northern border with Israel that they would not receive treatment in Israel unless they become informants for the GSS. As Physicians for Human Rights – Israel (PHR-Israel) describes in a recent report<sup>1</sup>, “patients are detained for interrogation at Erez Crossing, and requested either to provide information or to act as collaborators on a regular basis as a condition for permission to exit Gaza for medical treatment.” The report provides testimonies that PHR-Israel has received from a number of patients that demonstrate this practice.

According to PHR-Israel, rejection or approval of a patient's request to leave Gaza for treatment almost entirely depends on the GSS who are taking advantage of the vulnerability of patients who have no other means of accessing medical care. Even patients who already have an exit permit from the authorities to cross into Israel at Erez are being denied permission to leave Gaza after an “unsatisfactory” interrogation. This policy by the GSS of questioning patients in exchange for entry into Israel appears to have become a formal part of the exit procedure for patients and is reportedly discouraging some patients from attempting to leave Gaza in the first place.

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<sup>1</sup> The full report by PHR – Israel, entitled  *Holding Health to Ransom: GSS Interrogation and Extortion of Palestinian Patients at Erez Crossing*, can be accessed at the following link:  
[http://www.phr.org.il/phr/files/articlefile\\_1217866249125.pdf](http://www.phr.org.il/phr/files/articlefile_1217866249125.pdf)

### **An urgent appeal has been issued by PHR-Israel for Ahmad Abu Shawish**

Ahmad Abu Shawish (m), aged 46, suffers from a cancerous mass in the bladder and has lost a significant amount of blood. According to a PHR-Israel specialist in internal medicine, a radical cystectomy is necessary to remove the cancer and stop the bleeding. Immediate access to medical care would give Ahmad Abu Shawish a good chance of recovery as there is not yet evidence of metastasis (spreading) of the cancer. Delay in medical care will endanger his life. Nevertheless, the GSS has refused Ahmad Abu Shawish, who used to work in the Islamic University in Gaza, permission to leave for undisclosed "security" reasons and demanded that he be further interrogated by GSS agents at Erez. He is now extremely weak. Exit to Jordan is not an immediate possibility for him as the guarded shuttle bus which carried some patients in the past has been suspended. In addition treatment in Jordan would necessitate a new referral and financial undertaking to a Jordanian hospital, a Jordanian visa and security clearance, which could take weeks.

**Nufuz Husni** (f), aged 44, is a housewife with six children. She has suffered from a malignant anal tumour since 2005. She received treatment in the Augusta Victoria Hospital in Jerusalem and the Ichilov Hospital in Tel Aviv and has therefore entered Israel four times in the past three years. The treatment she received, which included chemotherapy and radiotherapy, relieved her condition. However, by February 2008 her condition had worsened and she received another appointment at Ichilov Hospital for treatment that was unavailable in Gaza. However, the GSS has refused permission for her to leave Gaza.

**Muhammad al-Hurani** (m), aged 33, was diagnosed in February 2008 with a malignant brain tumour which affects his vision. In April 2008 he began to suffer from fits and seizures. He was in bed in hospital when the GSS told him to come for security questioning on 27 April 2008. However, this appointment was cancelled at the last moment. He then decided not to accept an interrogation by the GSS but instead tried to leave for Egypt or Jordan for treatment. However, he was not able to leave as the Rafah crossing to Egypt was only open for a few humanitarian cases and he is still in Gaza in need of treatment.

### **Patients in need of treatment**

Many of the cases raised in our previous medical action (AI Index: MDE 15/004/2008) remain in Gaza without access to the medical treatment they need:

**Bassam al-Oehidi** (m), aged 28, suffers from retinal detachment;

**Rami al-Masri** (m), aged 25, suffers from a tumour in the left optic nerve;

**Sameer Taleb** (m), aged 47, is in need of a repeat operation following a decompressive laminectomy;

**Rami al-Arouqi** (m), aged 29, suffers from a tumour in a bone of the right leg.

These are among many patients who have been denied treatment by the GSS for allegedly posing a security risk. Bassam al-Oehidi told Amnesty International that even after obtaining a permit from the Israeli authorities to leave Gaza for treatment at a hospital in Jerusalem, he was denied passage at the border following his refusal to become an informant. Since then he has not been able to leave Gaza for treatment and now risks losing his sight. Rami al-Masri was called once for an interrogation but was then denied permission to leave. He decided that there was no point in returning to Erez for a second interrogation.

PHR-Israel, and other Israeli human rights organizations, have frequently petitioned the Israeli High Court of Justice (HCJ) on behalf of a number of Palestinians who had been refused treatment for security reasons. Most petitions have been turned down. The latest of these cases -- separate petitions on behalf of 13 patients, including the eight patients named below -- was rejected by the HCJ. The HCJ accepted GSS statements that it does not make health care dependant on becoming an informant, rejecting affidavits from numerous Palestinians who were refused treatment. The HCJ refused to rule on the right of access to health when the GSS promised that it would find solutions for those in the case and that those without access to other solutions would be allowed to travel to Egypt or Jordan by a secure shuttle bus. Three months later the following patients are still waiting to leave Gaza and there are no signs of a shuttle bus being arranged in the near future.

**Nadira Abu Oweimar** (f), aged 29, suffers from Hodgkin's lymphoma;

**Ahmad al-Baghdadi** (m), aged 27, suffers from cancer of the pancreas;

**Shadi Hilis** (m), aged 31, suffers from a malignant tumour of the tongue;  
**Muhammed al-Hurani** (m), aged 33, (see above) suffers from a malignant brain tumour;  
**Nufuz Husni** (f), aged 44, (see above) suffers from a malignant anal tumour;  
**Rada Khdeir** (f), aged 22, suffers from systemic vasculitis with damage to the kidneys;  
**As'ad al-Qarinawi** (m), aged 47, suffered a heart attack and needs catheterization, unavailable in Gaza;  
**Mustafa Sha'sha'a** (m), aged 51, suffers from cancer of the kidney, which has recurred with metastases to the spine.

Amnesty International has issued numerous appeals on behalf of patients in Gaza, including some of those named above. (See, in addition to the Health Action, cited above, Urgent Action of 14 January 2008, AI Index MDE 15/001/2008 and update; and Urgent Action of 18 April 2008, AI Index MDE 15/019/2008 and update).

Other urgent cases of patients waiting to leave Gaza for treatment include:

**Walid al-Swirki** (m), aged 57, suffers from a heart condition and needs bypass surgery;  
**Mahmud Odeh** (m), aged 31, suffers from chronic kidney disease and needs a biopsy for diagnosis;  
**Naser al-Akhras** (m), aged 24, is wounded in the pelvis;  
**Jihad al-Shatali** (m), aged 50, suffers from a heart condition;  
**Muhammed Owdalla** (m), aged 56, needs an urgent heart operation;  
**Fathi al-Ghouf** (m), aged 43, needs a heart operation which cannot be done in Gaza;  
**Radi Abu Rida** (m), aged 50, suffers from advanced kidney stones that are threatening kidney failure;  
**Suleiman Abu Shawish** (m), aged 59, needs an eye operation due to detachment of the retina;  
**Ayman al-Lidawi** (m), aged 35, suffers from ischaemic heart disease and needs a special procedure.

For many patients denial of permission to leave Gaza for treatment has been fatal. In one such case, it was reported that Ahmed Abu Amra, a three-month-old boy, died of heart failure on 1 August 2008 after his parents were not allowed to leave Gaza to transfer him to a specialist hospital in Israel. Within 24 hours another four adults who had been refused permission to leave Gaza for medical treatment also died.

### **Israel's obligations to the civilian population**

As the occupying power in the Gaza Strip, Israel has an obligation under international human rights and humanitarian law to ensure the right to health of the population of Gaza, without discrimination. International law imposes a particular and absolute duty on the Israeli authorities to ensure protection and respect for persons who are ill or infirm, and expectant mothers. Under Article 55 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, Israel also 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 have consistently failed to meet these obligations.

### **Background**

Patients who need to leave Gaza for medical treatment need authorization from the Israeli authorities. According to the UN Office for the Coordination of Humanitarian Affairs, since the beginning of 2008 only 58 per cent of the applications for permits submitted by patients have been approved, compared to an average of 90 per cent in the first half of 2007. In July 2008 approximately two thirds of patients received permits, 2.5 per cent of patients were refused and 300 patients, nearly a third of the total, were given no response. A patient who receives no response is left in limbo, unable even to appeal against the response.

Although all patients who leave Gaza have to undergo an intensive search when they pass through the Erez Crossing to Israel, the Israeli authorities frequently use the excuse that patients are a security risk in order to refuse patients the treatment they need. The Israeli authorities said that they would institute a shuttle service with a security guard in order to take seriously ill patients whom they consider a security risk through Israel to hospitals outside Gaza. However, the service is almost non-existent. It ran only three times in 2008 until July, when the State Attorney informed the HCJ that shuttles would no longer be used to transport patients. Since then, one further shuttle in early August has transported only two seriously ill patients.

Apart from the Erez Crossing, the only other crossing out of the Gaza Strip is the Rafah Crossing into Egypt. The Rafah Crossing has only been open to those with permits for 23 days during 2008. In the last three months, the crossing was open on only one occasion, for two days between 2 and 3 July, during which only 22 patients were able to leave. Nufuz Husni, named above, attempted to leave Gaza through the Rafah Crossing on 2 July, after the Israeli authorities refused to grant her a permit to pass through Erez. However, after waiting 36 hours at the crossing with her husband, she was forced to return home. Israel has made it clear that the Rafah Crossing will not be open except in the framework of a joint agreement.

### **Recommended action**

Please write to the authorities below:

- explaining that you are a health professional concerned about human rights and mentioning if you have previously written about this concern;
- seeking further information about the situation of the individuals named in this action and urge that they be granted permits to access medical care outside Gaza and that they are not subjected to interrogation by the General Security Service;
- expressing grave concern that patients are routinely prevented from leaving the Gaza strip to travel to the West Bank, Israel and other countries to receive the necessary medical treatment and that such denial puts their lives and health in danger;
- calling on the Israeli authorities to ensure that the General Security Service immediately stops exploiting patients in urgent need of medical treatment for the purposes of obtaining security information;
- reminding the Israeli authorities that according to international law, Israel, as the occupying power in the Gaza Strip, must ensure that the residents of Gaza have access to the necessary medical care, as well as to medical care to the same extent as nationals of the State of Israel.

### **Addresses**

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Salutation: Dear Mr Prime Minister

#### **Tzipi Livni (f)**

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Salutation: Dear Minister

#### **Yacov Ben Yizri**

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Please also send copies to diplomatic representatives of Israel accredited to your country.

If you receive no reply within six weeks of sending your letter, please send a follow-up letter seeking a response. Please send copies of any letters you receive to the International Secretariat, attention of Health and Human Rights Team, 1 Easton Street, London WC1X 0DW or e-mail: [health@amnesty.org](mailto:health@amnesty.org)