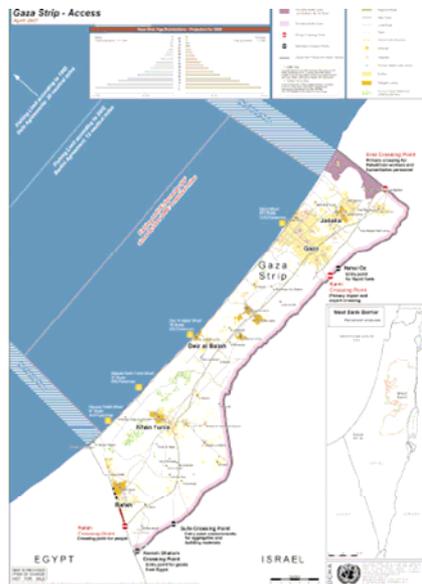


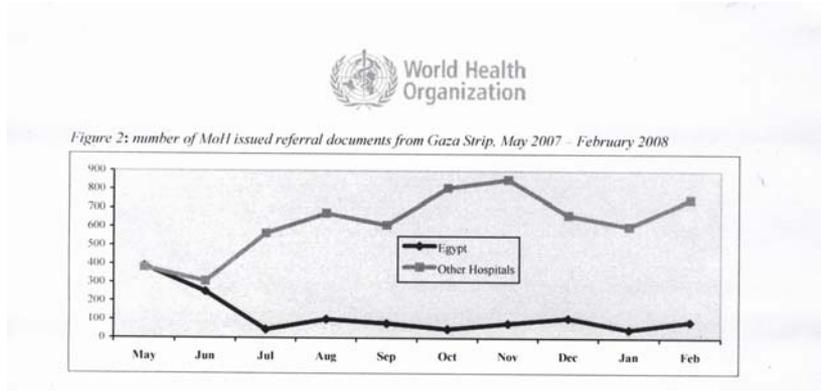
Challenges to Medical Access from Gaza

Policies of the Israeli Government,
the GSS and the High Court of
Justice since June 2007

Erez Crossing: The Only Way Out



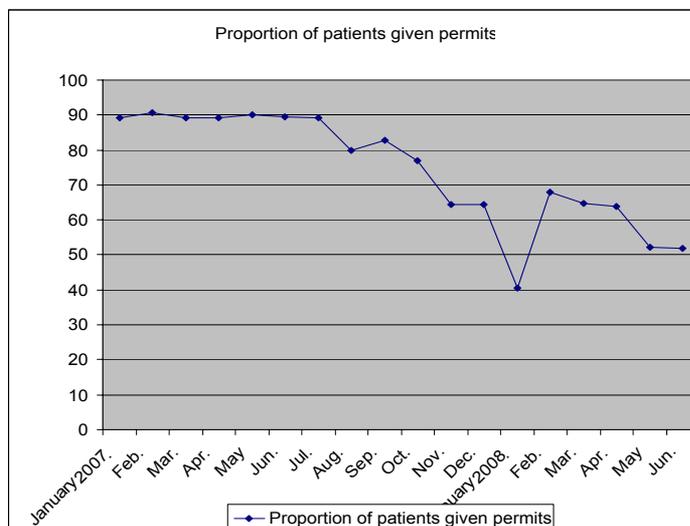
June '07: Closure of Rafah Crossing



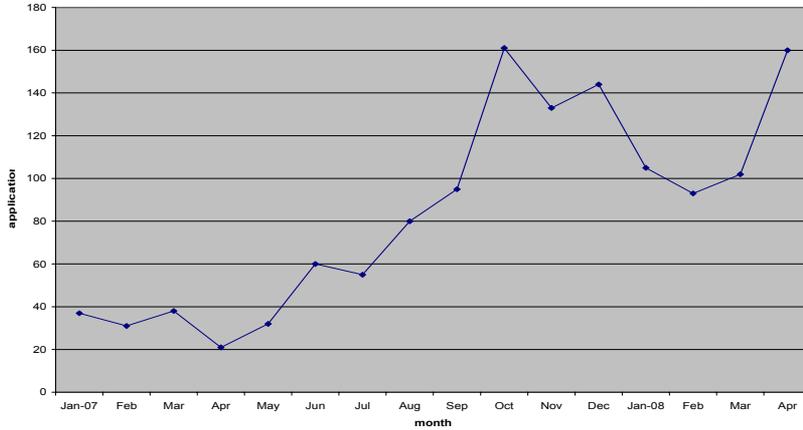
Decrease in proportion of permits

Source: World Health Organisation, July 2008

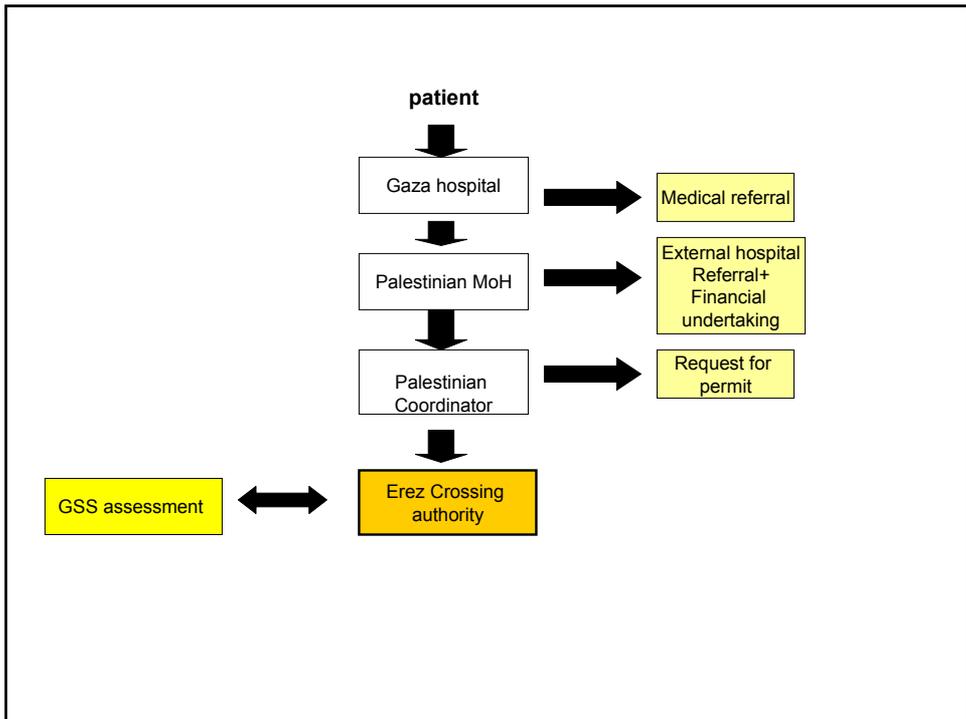
- **January – June 2007 – about 90% of requests are approved**
- **July – number of applications doubles, proportion of permits falls**
- **August – 79%**
- **December – 64%**
- **June 2008 – 52%**

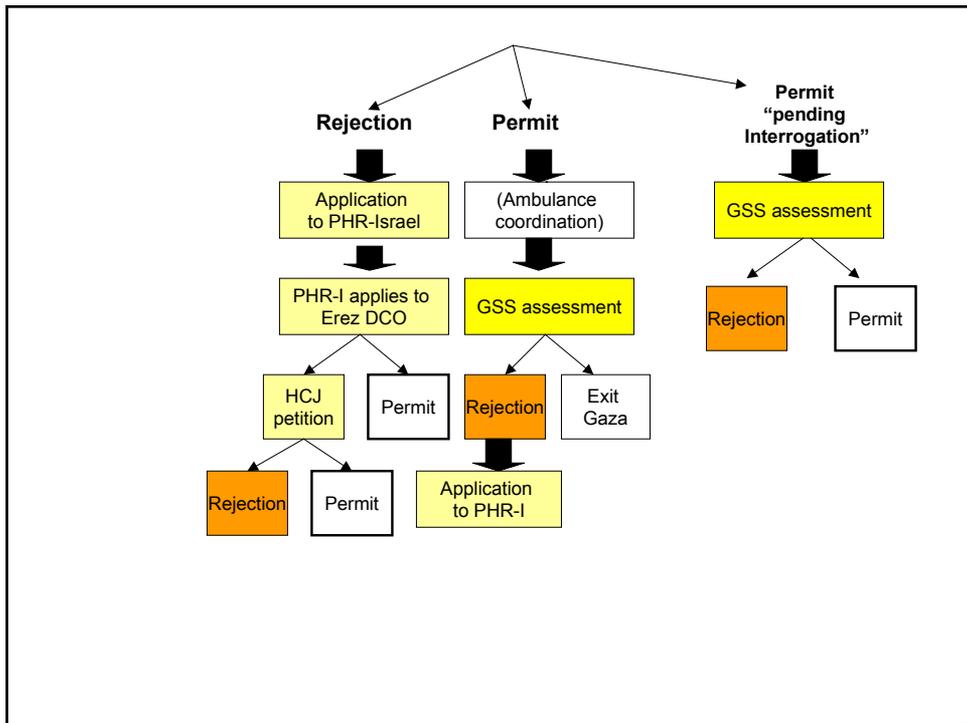


Applications to PHR-Israel, Jan '07 – Apr '08



- June '07 –** Closure of Rafah Crossing.
- September '08 –** Israel: Gaza a 'hostile entity'; even life-threatening cases denied.
- January '08 –** Israeli High Court of Justice: "occupation of Gaza is over"





I. Hand in Hand: The High Court of Justice and State policies

June 2007: No ruling on policy; life/limb distinction

HCJ 5429/07 (PHR-Israel and Gisha)

- The Court refuses to discuss the legal status of Gaza and Israel's responsibility or lack thereof
- The Court refuses to intervene in the security prohibition of two patients to whom denial of care caused the loss of a limb (a leg and an eye, respectively).

June 2007: Life or Limb



November 2007: “Even ‘evil people’ should not be denied life-saving care” HCJ 9522/07 (PHR-Israel and 11 patients).

- Court delays hearing by 16 days during which one patient dies.
- Ruling (28.11.07) repeats decision not to relate to principle issues connected to Israeli legal status vis a vis Gaza.
- For life-threatening cases, the ruling recommends finding solutions that enable medical care while minimizing the possibility of damage to security. Comparison is made to prisoners who receive appropriate medical care.

Na'el: Last Words



2008: The end of local legal redress

On the 30th of January, the Israeli High Court declares Israeli responsibilities as Occupying Power in Gaza to be over.

- **January 2008: No hope for patients: 8 patients in life-threatening condition denied redress** (HCJ 11105/07: PHR-Israel and 15 patients; HCJ 559/08: PHR-Israel and one patient): The Court found “no grounds for intervention” in the decision of the State to deny access to 8 patients on security grounds, in two separate petitions.
- In **March**, Justice Melzer wondered why a cancer patient had not submitted a letter of thanks to the Israelis for previous care.
- In **May**, the Court refused to intervene in 13 further cases, and referred the appellants to an administrative court.
- In **July**, the Court declared it would no longer receive patients' applications for access

II. Holding Health to Ransom: GSS Extortion at Erez Crossing

- **July 2007 – First evidence of interrogations at Erez Crossing**
- **November 2007 – Formalization of the process: “Permit pending interrogation”**
- **Questioning as bait for arrest; patients forego medical care.**
- **Number of interrogations: Unknown.**

PHR-Israel collected 32 testimonies from those willing to talk by April 08. In April-May, WHO recorded 28 further interrogations. In August alone, 37 official interrogations were recorded.

The interrogation

- Isolation of the patient; Intimidating atmosphere; Face-to-face questioning underground
- Heavy pressure, implicit or explicit, to inform on others and collaborate as a condition for exit
- Patient in a double-bind between the need for medical care and unwillingness to endanger himself and other people by acting as a GSS informer

Testimony 5

A., 38, is a cancer patient with Hodgkin's lymphoma, who had recently developed a new lump in the neck. He was referred urgently for a PET/CT scan - a test that is not available in Gaza - at Ichilov Hospital, Tel Aviv. Following a petition submitted by PHR-Israel to the High Court of Justice in November 2007 (HCJ 9522/07), the State announced that it would allow the patient to enter Israel pending GSS questioning at Erez Crossing. The patient received a hospital appointment for the 02.12.2007 at 14:00. He arrived at Erez Crossing early in the morning, and was made to wait there for several hours. When he finally went in for questioning, **GSS interrogators demanded that he collaborate with them, and threatened that unless he responded to their demand they would prevent his entry into Israel. "Then he said, you have cancer, and it will soon spread to your brain. As long as you don't help us, wait for Rafah Crossing."**

After the end of his interrogation, A. was forced to continue waiting at the crossing until 15:30. He missed his appointment and returned to Gaza.

Deaths

- **In April 2008, the WHO published a report on access related deaths in Gaza, citing 32 cases and reporting in detail the cases of 5, none of whom had been rejected for security reasons. World Health Organisation, *Access to Health Services for Palestinian People*, Jerusalem, April 2008.**
- **By August 2008, the Palestinian Ministry of Health had recorded over 200 access-related deaths in Gaza.**

Chronicle of a Death Foretold

Rajab Almughrabi, 28, was diagnosed in October 2007 as suffering from Chondrosarcoma, a rare cancer. On 25.11.07 he was referred by the Palestinian MoH for medical care at Maqassed hospital in East Jerusalem. The GSS opposed his exit. PHR-Israel submitted a request on his behalf on 25.11.07, which was rejected. The High Court petition submitted on his behalf on 27.12.07 resulted in an undertaking by GSS to enable his exit to Jordan. The Jordanian embassy, however, rejected his request for a visa a month later. Rajab's condition deteriorated and a second request was submitted on his behalf for passage to East Jerusalem on 14.1.08. Before an answer was received, the Rafah Crossing was breached on 25.1.08, and Rajab reached Al Arish hospital on 28.1.08, where, however, the necessary treatment was unavailable. His access to Egypt was blocked by the Egyptians. He returned to Gaza in late February and died at home on the 9th of March, untreated, seven months after his disease had been diagnosed.

PHR-Israel Demands

- That the State ensure access of all patients needing medical care unavailable in Gaza to medical centers outside Gaza, as a matter of policy.
- That the GSS (Israeli secret service, *Shabac*) desist immediately from conditioning the exit of patients from Gaza on acting as informers on others.
- That Israel recognize its responsibility for the welfare of the population of Gaza as Occupying Power.
- That international players use political means as well as leverage connected to their own provision of aid to Gaza to pressure Israel to recognize its responsibilities for the oPt as whole, and end its siege on Gaza.

Challenges

- The HCJ decision has caused international confusion regarding the legal status of Gaza as Occupied Territory. Thus not only local but also international legal redress is challenged.
- The GSS is a secret, immune and powerful mechanism of oppression. Challenging it is both difficult and dangerous.
- The isolation of Gaza serves the interests of many, making opposition to it more difficult..
- The international community is an active participant in the sanctions, not an observer. On the one hand it funds Palestinians, on the other it oppresses them.