



PCHR
Palestinian Centre
For Human Rights



Medical Treatment Requests Under Study



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Report Sheds Light on Suffering of Gaza Strip Patients due to Israeli Restrictions on their Travel for Treatment Outside Gaza Hospitals

Palestinian Centre For Human Rights
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Introduction

The right to health is a fundamental human right that is protected by international conventions and instruments relevant to the international human rights law and international humanitarian law. Patients' access to medical treatment and meeting their healthcare needs is a necessity for the realization and provision of the right to health.

The Palestinian Centre for Human Rights (PCHR) has paid special attention, as part of its work over the years, the protection, promotion, and respect of the right to health to ensure that Palestinians have their right to health and appropriate treatment.

PCHR has monitored the obstacles the Israeli occupation authorities impose to prevent Palestinian civilians from enjoying their adequate health rights, including availability, accessibility, acceptability, and quality. Israel, as an occupying power, bears under international law several responsibilities towards the Gaza Strip population, including allowing patients to travel for treatment abroad. However, the Israeli authorities deliberately obstruct the travel of patients referred for treatment abroad in serious neglect of their obligations towards the patients.

This report addresses the right of Gaza Strip patients to freedom of movement and safe access to healthcare services and their right to travel for treatment abroad for serious diseases whose treatment is not available in the Gaza Strip. The Israeli restrictions on patients' travel mainly hinder their ability to access proper treatment and appropriate and acceptable medical care.

The report highlights the denial of thousands of patients from receiving treatment abroad (at hospitals in the West Bank, including occupied Jerusalem, Israel, or neighboring countries). It also reviews the Israeli occupation authorities' obstacles facing these patients and the consequences of obstructing their travel on their health conditions based on testimonies given by patients themselves to PCHR's researchers.

The report also underlines various Israeli obstacles that included deliberately depriving patients of treatment abroad without clarifying reasons "under study", denying patients travel for treatment under the pretext that it is available in the Gaza Strip or by claiming that their disease do not pose threat to their lives, depriving patients of travel for having a related family member is in violation of Israeli laws, preventing donors from traveling with patients for organ donation and transplantation and save the patients' lives, delaying responses to patients making them miss their pre-set hospital appointments. All these obstacles lead deterioration of their health conditions and putting their life at serious risk that would lead to death of some of them.

This report as well outlines the impact of the 16-year Israeli-imposed closure on the Gaza Strip and its repercussions on the fragile healthcare system and facilities in the Strip, rendering them incapable of providing treatment for serious diseases and thereby referring patients for treatment abroad.

The report concludes by reviewing PCHR's efforts in helping patients referred for treatment abroad and daily following up on the violations against patients as well as the role of PCHR's Legal Unit in providing legal aid to patients denied travel or facing obstacles on their travel for treatment abroad.

i. Israeli Occupation Authorities' Obligations to Realize the Right To Health Under International Law



Israel has occupied the Palestinian territory (the West Bank, including East Jerusalem and the Gaza Strip) for 55 years¹, controlling its population of 5.3 million Palestinians, and constantly violating their rights to health and freedom of movement, particularly their right to proper medical treatment. This constitutes a violation of international humanitarian law that obligates Israel to fulfil its responsibilities as an occupying power stated in 1949 Fourth Geneva Convention and customary international law, including 1907 Hague Convention that guarantees civilians' health rights in times of armed conflicts and in occupied territories; provides particular protection for the wounded and sick; and allows the supply of medicines and medical devices.

Article 16 of the Fourth Geneva Convention stipulates that, "the wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect." Also, Article 21 provides that conveying the wounded and sick civilians shall be respected and protected, whereas Article 55 ensures that the Occupying Power has the duty of ensuring the food and medical supplies of the population. Moreover, Article 56 stresses that the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health, and hygiene in the occupied territory.

The Israeli authorities' practices constitute a blatant violation of the international conventions. The 16-year Israeli-imposed closure caused a fragile healthcare system in the Gaza Strip due to banning the entry of new medical devices and spare parts necessary for the broken medical devices as well as the restrictions imposed on patients' travel to receive treatment abroad, in violation of Article 33 of the Geneva Conventions that prohibit the collective punishment policy.

The international human rights law provides that every human being is entitled to the enjoyment of the highest attainable standard of health. According to Article 12 of the International Covenant on Civil and Political Rights (ICCPR), it is the responsibility of the occupying power to ensure right to liberty of movement for individuals, particularly the sick, and accessibility to medical care.

Israel's disavowal of its responsibilities under the International Covenant on Economic, Social and Cultural Right in the oPt does not absolve Israel from fulfilling its duties by virtue of having effective control over the West Bank, including East Jerusalem, and the Gaza Strip where Israel maintains control of land, air, and sea.

The specialized legal committees in UN bodies follow up via their reports and observations the legal duties of the Israeli occupying power as the Committee on the Elimination of Racial Discrimination (CERD) has stressed that the occupying power shall comply with the Convention and end the blockade on the Gaza Strip to ensure freedom of movement and improve access to basic services, especially healthcare and safe drinking water³, while the UN Human Rights Committee expressed concern over the restrictions to their freedom of movement on patients, some of which have led to deaths of patients in need of urgent medical care.⁴

¹The International Court of Justice Advisory Opinion, P. 54-63: <https://www.icj-cij.org/public/files/summaries/summaries-2003-2007-ar.pdf>

²PCBS, the population situation in Palestine on the Occasion of World Population Day, 11 July 2022, <https://pcbs.gov.ps/post.aspx?lang=en&ItemID=4279>

³Concluding Observations of the Committee on the Elimination of Racial Discrimination, 2020, <https://www.ohchr.org/en/documents/concluding-observations/cerdcisrco17-19-committee-elimination-racial-discrimination>

⁴United Nations, Report of the Human Rights Committee, Volume 1, 97th Session, New York, 2010, P. 104. file:///C:/Users/Nihal/Downloads/A_65_40&A_65_40(Vol-I)-EN.pdf

ii. Impact of the Israeli Closure on the Healthcare system in the Gaza Strip



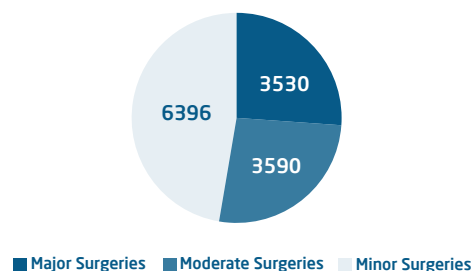
The healthcare system in the Gaza Strip has immensely suffered due to the 16-year Israeli closure on the Gaza Strip that has inflicted serious and negative consequences, including contributing to the low quality of medical services provided by the Gaza Strip hospitals. The health services provided for the Gaza Strip population have deteriorated due to the shortage in specialized medical staff, medicines, and medical supplies as well as having old and broken medical devices and the continued Israeli restrictions on the import of new ones. By this ongoing policy, the Israeli authorities violate Articles 55 and 56 of 1949 Geneva Convention when denying their obligations to provide medical supplies to the population under their control.

The Israeli occupation authorities impede the supply of new medical devices or spare parts necessary for maintaining the broken ones, thereby hindering any improvement or continuation of work at Gaza Strip hospitals in a way consistent with the residents' rights to health and proper treatment. In 2021, the Israeli authorities rejected 69% of the requests submitted by the World Health Organization (WHO) to import medical devices to Gaza Strip hospitals, including X-ray and CT Scan devices and mammogram devices for early detection and diagnosis of breast cancer among women. Breast cancer is considered the most common form of cancer among women, as it represents 34.3% with 363 new cases recorded in 2021⁵ in light of lack of radiotherapy devices, which are necessary for diagnosis and tests.

The Israeli authorities ban the entry of 24 necessary diagnostic radiology devices and procrastinate the entry of spare parts for maintenance of out-of-service devices in hospitals, primarily endoscopes used in surgeries, pneumatic drills to fix complex fractures and MRI and CT devices. These devices constitute the eyes for doctors and surgeons while conducting urgent surgeries, particularly for those

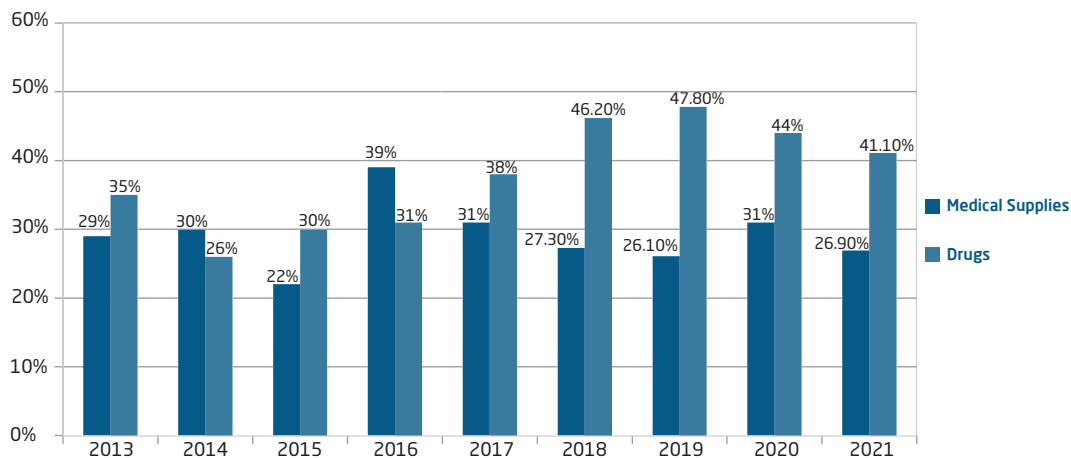
injured during the ongoing Israeli offensive. The ongoing restrictions on the entry of medicines, medical devices and spare parts for the inoperative devices hinder the work of medical personnel at the emergency departments, operating rooms, and intensive care units in order to provide the medical care for the patients. The Israeli restrictions and delay in supplying new medical devices or importing spare parts for inoperative devices have rendered the healthcare system in Gaza incapable of treating thousands of patients and thereby forced hospitals to cancel dozens of scheduled surgeries, postpone surgeries to no specified dates and refer patients to non-governmental hospitals in the Gaza Strip or the West Bank for medical interventions. This has increased the number of patients referred for treatment outside the Gaza Strip's hospitals.

Figure (1) Surgeries on waiting list in the Gaza Strip hospitals during the first half of 2022, according to the Ministry of Health (MOH)



⁵Ministry of Health, 2021 Annual report, page 50 https://site.moh.ps/Content/Books/Hqgu4D5vft6bDhDuti36GHhx9oYICS9jplXYDfOMKrnDt6YoDPkPdL_l6mhnD3xb5MaPpX1mx6k-6j4WowTrnGUc1135KRHMmuMwEi1Zh1QUmFY.pdf

Figure (2) Percentage of Zero-Stock Drugs and Medical Supplies over the Past Years, MOH



According to MOH in the Gaza Strip, 219 out of the 522 essential drug lists were reported at zero stock* in the MOH's Central Drug Store during the first half of 2022 with 41.9% drug shortage in addition to 62 drugs at low stock and sufficient for less than 3 months. ⁶ The negative impact triggered by the shortage of drug items increases especially for the cancer and hematology services with a deficit rate of 12% while the healthcare facilities face immense challenges in providing health services to cancer patients due to the shortage of 60% of the treatment protocols for them, seriously undermining the chances of their treatment. ⁷

Due to Governmental hospitals in the Gaza Strip failing to provide proper treatment for thousands of patients with serious diseases, there has been an increase in primarily relying on referral of these patients to receive proper treatment in the non-MOH health facilities in the occupied West Bank, including occupied Jerusalem, and lesser to the hospitals in Israel, Egypt and Jordan.

Thus, the suffering of Gaza Strip patients due to the strict permit issuance procedures and Israel-imposed restrictions on their freedom of movement and travel for treatment outside the Strip. These procedures are bureaucratic, rendering the patients in a constant state of anxiety and uncertainty, and depriving hundreds of patients from traveling for treatment under many pretexts that make them wait for days and months for the Israeli response to allow them to travel. Hence, this would deprive them of their only opportunity to receive timely treatment.

*Zero-stock drugs: drugs that have run out of the MOH Stores.

⁶Palestinian Ministry of Health, General Administration of Pharmacy, "Shortages of Drugs and Medical Disposables in MOH report, July 2022. <https://www.moh.gov.ps/portal/shortages-of-drugs-and-medical-disposables-in-moh/>

⁷Ministry of Health, Press Release concerning cancer patients in the Gaza Strip with the severe shortage of medications and the closure of the crossings, 01 August 2022, <https://www.moh.gov.ps/portal/113570-2/#!>

iii. Israeli Travel Obstacles Facing Gaza Strip Patients Referred for Treatment Abroad



Israeli authorities restrict the criteria relevant to issuance of patients' permits to travel via Beit Hanoun "Erez" Crossing for treatment abroad⁸, noting that "Erez" Crossing is the sole outlet for Gaza Strip residents to travel to the rest of the occupied Palestinian territory. The Israeli authorities categorize and differentiate between the medical cases whether they are "lifesaving" or "affecting quality of life" in addition to depriving the latter category of treatment despite their serious health conditions.⁹

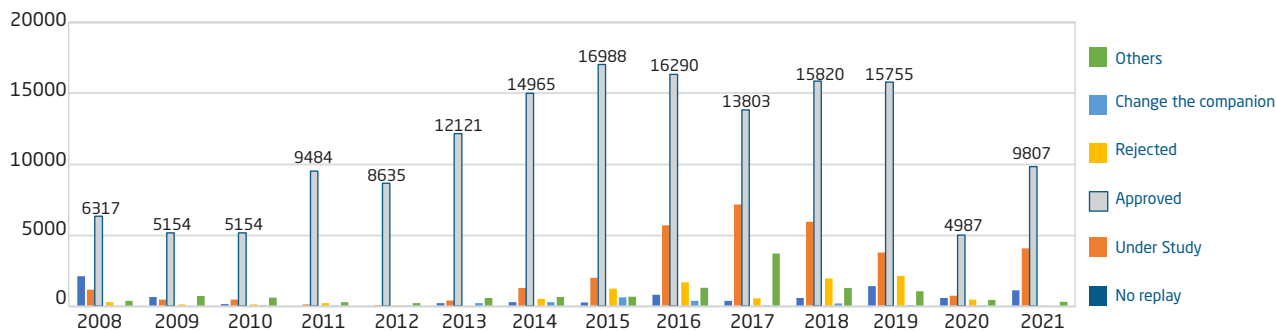
The Israeli obstacles comes in different forms such as depriving patients of travel for treatment without clarifying the reasons "under study", denying patients travel for their treatment under pretext that it is available in the Gaza Strip or by claiming that their diseases are not life-threatening, denying patients travel for treatment under pretext a related family member violates Israeli law, denying patient companion's travel, preventing organ donors from traveling to save patients' lives.

The Israeli authorities have tried to evade their legal responsibilities towards the Gaza Strip although Israel is still an occupying power under the international law and thereby has duties towards of the population of the Strip. These responsibilities include allowing Gaza Strip patients access to medical treatment they are in need of; therefore, preventing Gaza Strip patients to receive medical treatment abroad is considered non-fulfilment of its duties towards the population under its occupation

1. Obstructing travel of 73,955 patients referred for treatment abroad from 2008-2021

From 2008-2021, the Israeli authorities obstructed the travel of 73,955 patients from Gaza Strip who were referred for medical referral at hospitals in the West Bank, including occupied Jerusalem and Israel; this number is out of 204,086 total permits for treatment (i.e., 36.2% of total applications.) The Israeli authorities attributed the rejection of 11,299 patients for security reasons (5.5%) and did not respond to 21,505 other requests (10.5%) in addition to delaying responses "under study" to 27,177 patients (13.3%). The Israeli authorities also requested 2,242 patients to change their companions (1%) and delayed the travel of 11,732 patients (5.7%) under various pretexts such as waiting for response after the security interview, classifying the condition of the patient as improving quality of life and not being lifesaving according to the Israeli classification, responding that the treatment is available locally or asking for applying again.¹⁰

Figure (3): the Israeli responses to Gaza Strip patients referred for treatment abroad from 2008-2021



2. Obstructing travel of 5,001 patients referred for treatment abroad in 2022

Since the beginning of 2022 and until 31 August 2022, the Israeli authorities obstructed the travel of 5,001 out of 13,270 patients who applied for a permit to travel for treatment in Israeli or West Bank hospitals, including occupied Jerusalem, recording 37.6% of total requests.

The Israeli authorities refused 114 patients for security reasons (0.86%), did not respond to 601 applications (4.53%), delayed responses (under study) to 3,878 patients (29.22%), asked 52 patients to change the companions (0.39%), and did not allow 4 patients (0.03%) to enter Beit Hanoun “Erez” crossing and returned them. Meanwhile, the travel of 356 (2.68%) patients was prevented under various pretexts such as awaiting an interview, rescheduling a new hospital appointment, having a related family member in violation of law, responding the treatment is locally available or asking the patient to submit a new medical report.

It is noteworthy that the Israeli authorities have closed Beit Hanoun “Erez” crossing several times this year, the most serious closure was on 02 August 2022 for 6 days¹¹ when they banned the travel of 700 patients with cancer and serious diseases whose treatment is not available in the Gaza Strip hospitals. This violates Articles 16 and 17 of 1949 Geneva Convention which both obligate the parties to the conflict to endeavour to conclude local agreements for the removal of wounded and sick and shall be the object of particular protection and respect. Moreover, the crossing closure policy is considered collective punishment against civilians prohibited by Article 33 of the Fourth Geneva Convention.

Table (1): Israeli responses to patients referred for treatment in 2022¹²

Results	Number	Percentage
No reply	601	4.53%
Under study	3878	29.22%
Approved	8269	62.31%
Rejected	114	0.86%
Change the companion	52	0.39%
Returned	4	0.03%
Waiting for interview	16	0.12%
New appointment	12	0.09%
New application	31	0.23%
Treatment available locally	60	0.45%
Relatives in breach of permit	8	0.06%
Dead	4	0.03%
Hospital cancellation	191	1.44%
New medical report	28	0.21%
Inappropriate	2	0.02%
Total	13270	

⁸-Israeli criteria to issue permits for the Gaza Strip population to receive medical treatment, <https://www.gov.il/en/service/apply-medical-humanitarian-entry-permit-gaza-strip>

⁹-Coordination of Government Activities, Status of Authorizations for Entry of Palestinians into Israel, <http://www.gisha.org/UserFiles/File/LegalDocuments/procedures/general/50en.pdf>

¹⁰-The Coordination and Liaison Department of the Palestinian MOH Data collected by PCHR's researchers

¹¹-PCHR, Closure of Crossings Perpetuates Humanitarian Crises in Gaza Strip and Puts Patients' Lives at Risk, a press release on 04 August 2022, <https://pchr.org/en/closure-of-crossings-perpetuates-humanitarian-crises-in-gaza-strip-and-puts-patients-lives-at-risk/>

¹²-ibid

iv. Repercussions of obstructing patients travel on their health conditions



Patients with serious diseases which lack treatment in the Gaza Strip hospitals dangerously risk their health and right to life as a result of the continued restrictions on their travel and denial of access to healthcare facilities to receive therapeutic services such as radiotherapy, nuclear medicine, and some serious surgeries which the medical personnel cannot conduct in the Gaza Strip due to shortage of medical devices and limited capabilities at the Gaza Strip Hospitals.

1. Death of 7 patients due to obstruction of their travel for medical treatment outside the Gaza Strip since the beginning of 2022

The Israeli restrictions on the travel of patients have deteriorated the health condition of dozens of patients due to the long wait periods to obtain permits to travel via Beit Hanoun “Erez” crossing. As a result, 7 patients have died since the beginning of 2022 and the details are as follows:

- The Israeli authorities rejected the permit of **19-month-old baby girl, Fatima Jalal Al-Masri**, from Khan Yunis, to travel via Beit Hanoun “Erez” crossing for treatment at Al-Makassed Hospital in occupied Jerusalem. Al-Masri suffered from congenital heart defect and needed urgent and serious surgical intervention. The Israeli authorities put her 3 requests submitted by her father “under study” to obtain permits to cross the Erez crossing on 28 December 2022, 13 February 2022, and 04 May 2022. Due to not allowing her access to the hospital, her health condition deteriorated, and she was pronounced dead on 25 March 2022.

- The Israeli authorities refused to allow **Jihad Mousa Al-Qedra (55)**, from Khan Yunis, to travel to continue his treatment from nasopharyngeal cancer. His health deteriorated and eventually died while waiting for the Israeli response to his travel permit request. The following is the testimony of his son, Alaa Jihad Al-Qedra (20), to PCHR’s researcher:

“My father, Jihad Al-Qedra (55), had suffered from nasopharyngeal cancer since March 2020 and received chemotherapy and radiotherapy at Al-Mutla’ hospital in occupied Jerusalem. In April 2022, doctors decided that he needed a PET scan at the Patient’s Friends Hospital in Nablus, West Bank, to follow up how effective the treatment was on the spread of the disease. He received a hospital appointment on 26 April 2022 and applied to the Civil Affairs Ministry’s Coordination and Liaison Department to obtain a permit to travel via Erez to the hospital to continue his treatment. However, the Israeli authorities responded a day before the appointment that his permit request is still “under study”. My father applied again after obtaining hospital two other appointments on 29/05/2022 and 22/06/2022 to obtain an Israeli approval, but the response was always the request was still “under study”. Therefore, my father’s health deteriorated because he could not access the hospital. He was referred to Naser hospital in Khan Yunis, where he was pronounced dead on 4 July 2022.”

- **Loay Mohammad Al-Taweel (14)**, from Al-Nuseirat camp, died while waiting for his permit to continue his treatment at Al-Mutala’ Hospital in occupied Jerusalem. On 05 February 2022, he was diagnosed with a malignant brain tumor by doctors at Al-Makassed Hospital, who decided that he must start radiotherapy which is not available in the Hospital. Accordingly, the child’s uncle (his companion) had to return him back to the Gaza Strip to start new procedures to obtain the financial coverage in order to complete the treatment at Al-Muttala’ Hospital. However, his condition deteriorated while waiting for his travel permit and he died on 08 March 2022.

- **Mohammad Yasser Al-Leddawi (32)**, from Rafah, died on 06 September 2022 after the Israeli authorities obstructed his travel to receive treatment at Al-Mutala' Hospital in occupied Jerusalem. The Israeli authorities responded to his 8 requests, that latest was on 28 August 2022, that his permit to cross Beit Hanoun "Erez" crossing is still "under study". He suffered from Lymphoma and the treatment was not available in the Gaza Strip. His health gravely worsened and he was announced dead after staying for several days in the Turkish Friendship Hospital in the Gaza Strip.
- The Israeli authorities obstructed the travel of **Farouk Mohammad Abu Naja (6)**, from Rafah City, to receive medical treatment at the Israeli Hadassah Ein Karem Hospital in the occupied Jerusalem. His condition deteriorated after being denied travel for treatment and he was later announced dead. The following is the testimony of the child's grandfather, Suleiman Abu Naja (56):
"My grandson suffered from cerebral atrophy, and the treatment is not available in the Gaza Strip hospitals. Due to his serious condition, we obtained a medical referral at Hadassah Ein Kerem Hospital in Israel funded by the American Christian Aid Ministries. We obtained an appointment on 12 January 2022 and applied for a travel permit at the Israeli occupation authorities. However, the latter replied that his request was still under study, and he could not travel on the scheduled appointment. After his health deteriorated, we obtained another appointment on 10 August 2022 and then re-applied for the travel permit, but they put it under study. While waiting for the Israeli approval, my grandson's health condition deteriorated and he died at the Gaza European Hospital on Wednesday evening, 24 August 2022."
- **Tayseer Daoud Yousuf Al-Sayegh (67)** from the Gaza Strip died when the Israeli authorities denied his travel for treatment at Al-Mutala' Hospital in occupied Jerusalem. Al-Sayegh was diagnosed with a cancerous tumor spread in his lung and liver at the end of July 2022, so he received a medical referral and a hospital appointment on 05 September 2022. He then applied for a permit to the Israeli authorities to travel via Beit Hanoun 'Erez' crossing and receive treatment at the Hospital on the date appointed for his treatment, yet the latter delayed responding to his travel permit and the appointment date expired. As a result, he had to obtain a new appointment on 02 October 2022 and applied again for the permit to allow him to travel. PCHR, in its capacity as the legal representative, intervened and sent an urgent request to the Israeli legal advisor at Beit Hanoun "Erez" crossing to allow the patient to travel on 05 September 2022 but received a response that the permit was denied. PCHR filed a challenge to the Israeli Prosecution on 15 September 2022 to allow the patient to travel due to his serious condition, but the patient died on 20 September 2022 before receiving a response to the challenge.
- The Israeli occupation authorities denied travel of Wasim **Samir Ahmed 'Azzam (28)** for treatment at al-Makassed Hospital in East Jerusalem. 'Azzam sustained a neck fracture and spinal cord injury when he was swimming in the sea on 15 September 2022. Due to his serious condition, doctors referred him for treatment abroad, and an urgent travel permit was applied, but the Israeli authorities responded that the patient was denied for security reasons. PCHR, in its capacity as the legal representative, filed an appeal to the medical consultant at Beit Hanoun "Erez" crossing to allow the patient's travel on 16 September 2022 and received a response that the request was received and being checked by the competent authorities. However, the patient died on 23 September 2022 before PCHR receiving any response to the appeal.

According to WHO data, the Israeli travel obstacles on patients and their access to hospitals they were referred to from 2008 to 2021 caused the death of 839 patients who were waiting to be allowed to travel for treatment at hospitals.¹³ The chances of survival for cancer patients who did not obtain permits to travel via the Crossing and receive treatment decreased by 1.5 compared to patients who obtained permits and received treatment at hospital-s outside the Gaza Strip.¹⁴

2. Obstructing travel of patients under the pretext of “request under study”

The Israeli authorities impede access of patients with serious diseases to Israeli or West Bank hospitals, including occupied Jerusalem, by responding to their permit requests to travel via Erez crossing that they are still “under study” despite having a scheduled hospital appointment. This increases their suffering and requires them to re-start new procedures to obtain a medical referral for treatment abroad, including a new hospital appointment and a new request to the Civil Affairs Ministry’s Coordination and Liaison Department in order to obtain an Israeli approval to cross the crossing. This process can be repeated several times without getting approval. Since the beginning of 2022, 3,878 patients received an Israeli response that their requests are “under study”, representing 29.22% of the total requests (13,720) submitted until 31 August 2022.

By repeatedly putting the patients’ requests under study, the Israeli authorities aim to maintain a low percentage of the rejected permits, although the result is to deprive a large number of patients of their right to timely treatment.

In this context, the family of the sick 9-month-old baby, ‘A. T. obtained a medical referral to treat their child at Al-Ahly Hospital in Hebron since he suffers from Hydronephrosis. However, the Israeli authorities obstructed his travel and negatively responded to his permit request. The father of the child, F. T. (45), said to PCHR’s researcher the following:

“My son suffers from Hydronephrosis, so he was admitted to the hospital due to constant fever and Edema. The doctors said that he should be referred abroad to receive treatment. After we obtained a medical referral at Al-Ahly Hospital in Hebron, West Bank on 20/03/2022, we submitted a request to Civil Affairs Ministry’s Coordination and Liaison Department to obtain a permit to cross the Israeli side and reach the hospital via Beit Hanoun “Erez” Crossing. The authorities responded to our request that it was “under study”, denying us access to the hospital on time. Currently, I am trying to get a new hospital appointment and apply for a new approval from the Israeli authorities, and this process may take several weeks and worsen my child’s health.”

The Israeli authorities have also obstructed the travel of S. T. (55), from Khan Yunis, to receive radiotherapy at Al-Mutla’ Hospital in occupied Jerusalem under the pretext of the request is “under study”. The following is her brother’s, E.T (55), testimony:

“My sister is a person with speech and hearing disability and suffers from very low vision. Two years ago, she was diagnosed with breast cancer and received chemotherapy in the Turkish Hospital in Gaza. To stop the spread of the disease, she underwent a mastectomy, but to no avail. The doctors decided to refer her to Al-Mutla’ Hospital in Jerusalem to receive radiotherapy and nuclear scan, so we got a hospital appointment on 10/03/2022 and submitted a request to Civil Affairs Ministry’s Coordination and Liaison Department to travel via Beit Hanoun “Erez”

¹³.WHO, 15 Years of Gaza Blockade and Barriers to Health Access, <http://www.emro.who.int/images/stories/palestine/documents/15-Years-Gaza-Blockade-Factsheet.pdf?ua=1>

¹⁴.WHO, a scientific study by oncologists in the Gaza Strip from 2008-2017, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0251058>

crossing, but the response was the request was still under study. We obtained another hospital appointment on 10/04/2022 and received no response. I recently got a new appointment on 22/05/2022 and applied a new request, hoping that the Israeli authorities would approve on her travel permit to receive treatment at the Hospital since her health is getting worse and no treatment for her is available at the Gaza Strip hospitals."

The patient H. H. (40) has suffered from a heart disease and blocked coronary arteries for 5 years and submitted many travel requests after obtaining a medical referral to undergo an implantable cardioverter defibrillator surgery at Al-Makassed Hospital in occupied Jerusalem, but the Israeli authorities responded to his requests by saying "under study". The following is the testimony of the patient's wife, T. H. (39):

"My husband has suffered from a heart disease and Atherosclerosis that led to serious complications, short of breath and swollen feet and face. He was taken to the Indonesian Hospital in Gaza and underwent many life-saving surgeries, then the doctors decided to refer him to receive treatment abroad to have an implantable cardioverter defibrillator surgery to treat the blocked arteries at Al-Makassed Hospital in occupied Jerusalem. We submitted several requests to Civil Affairs Ministry's Coordination and Liaison Department to get a permit to access the hospital via Erez crossing, but the Israeli authorities responded, "under study", noting that the last request was on 20/06/2022. My husband's health condition is getting worse and he suffers from recurrent syncope as he needs an urgent surgery to save his life."

3. Denying patients treatment abroad claiming "treatment is locally available"

The Israeli occupation authorities deny patients' travel for treatment abroad, claiming that it is locally available, or their diseases are not life-threatening as only cases classified as "lifesaving" or cases whose treatment may completely affect meaning of life by its absence are allowed to travel according to the Israeli authorities' classification.

The Israeli authorities deny the travel of patients with serious diseases, including eye and orthopedic diseases claiming that they are not "lifesaving" cases but to improve "quality of life". Shortage in medical disposables and specialized medical personnel have aggravated the availability of treatment for these patients and thereby deteriorating their health conditions.

So far in 2022 ¹⁵, the Israeli authorities replies to 60 patients' requests that that their treatment is locally available. Among them was (M. B.) (20), a patient from Khan Yunis, who suffers from ptosis in the left eye. The following is his statement to PCHR's fieldworker:

"For two years, I have suffered from ptosis in the left eye and underwent 5 surgeries in the Gaza Strip hospitals: 3 at the Gaza European Hospital and 2 in Dar Essalam Hospital, but in vain, as my suffering continued. Thus, doctors decided to refer me to the St John of Jerusalem Eye Hospital to identify the reason behind the ptosis. I got a medical referral and applied for a permit to the Israeli authorities through the Civil Affairs Ministry's Coordination and Liaison Department to travel via Beit Hanoun "Erez" crossing. The Israeli side replied that the treatment is locally available. I submitted 3 other requests to the Israeli side but kept receiving the same reply. Accordingly, I was referred to St John Eye Hospital in the Gaza Strip for medical examination and waited so long until a doctor came from Jerusalem. After examination, the doctor confirmed that I was in dire need for a surgery in the St John of Jerusalem Eye Hospital, not in the Gaza Strip due to poor capabilities. I obtained a new medical referral and a new hospital appointment on 10 August 2022 and then applied for a new permit, but it has not yet been approved. I still have low vision in my left eye, affecting my life and academic performance since I am a university student."

¹⁵Data obtained by PCHR's researchers from the Palestinian Ministry of Health's Coordination and Liaison Department.

Patient (‘A. H.) (42), from Jabalia refugee camp in northern Gaza Strip, suffers from inflammation in the left foot bone known as Osteomyelitis and underwent several surgeries at the Gaza Strip’s hospitals without any improvement to his health condition. The following is his statement to PCHR’s fieldworker:

“I have been suffering for 3 years from a bacterial infection that caused an inflammation in my left foot bone known as Osteomyelitis and underwent several debridement surgeries, but in vain. Afterwards, doctors decided to refer me for treatment abroad in order to amputate my foot and implant a device. I obtained a medical referral for treatment in Egypt, but the Egyptian authorities at Rafah Crossing denied my entry into Egypt 3 times for unknown reasons. Accordingly, I was referred for treatment at al-Makassed Hospital in occupied East Jerusalem, and the hospital appointment was scheduled on 18 May 2022. I applied for a permit to the Israeli authorities through the Civil Affairs Ministry’s Coordination and Liaison Department to travel via the Beit Hanoun “Erez” crossing, but the Israeli side replied that the treatment was locally available. As my suffering continued, I obtained a new hospital appointment on 15 June 2022, and reapplied for a new permit, but have not received any response till 23 May 2022. My health condition is deteriorating, and I cannot walk alone.”

4. Denying patients travel for treatment claiming having a related family member in “violation” of Israeli laws

The Israeli authorities punish hundreds of patients with serious diseases that lack treatment at the Strip’s hospitals by depriving them of travel for treatment abroad for reasons pertaining to their relatives. Among the reasons IOF invoked was having a relative illegally residing in the West Bank or Israel. The following is the testimony of (S. D.) (51), a female patient from al-Shati refugee camp in western Gaza unable to travel for treatment for having a family member violating the Israeli law:

“I have been suffering from a hearing impairment for 6 years due to a fracture in the middle ear bone (the stirrup bone). I got a medical referral for treatment at St. Joseph of Jerusalem Eye Hospital in occupied East Jerusalem and applied for a permit through the Civil Affairs Ministry’s Coordination and Liaison Department to travel via the Beit Hanoun “Erez” crossing. My hospital appointment was on 25 May 2022, and the Israeli response to my request was “violating law”. Afterwards, I headed to the Civil Affairs Authority, which told me after contacting the Israeli side that I am denied travel for having a related family member illegally residing in Israel. The Israeli authorities said that only if that person returned, they will reconsider my request, noting that I do not know any of my relatives illegally residing in Israel.”

The Israeli authorities’ policy violates Article 33 of the 1949 Geneva Convention, which stipulates that, “No protected person may be punished for any offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.”

5. Delaying and procrastinating responses to patients

The Israeli authorities deliberately delay responses to patients' permit requests to travel via Erez crossing for treatment in the hospitals they were referred to according to their scheduled hospital appointments. As a result, health conditions of thousands of patients deteriorate as Gaza Strip hospitals are unable to provide medical services for them. Also, these patients face a lot of trouble while applying for new permit requests to the Israeli side to travel via the crossing for treatment, especially if the Israeli side does not approve the permit before the scheduled hospital appointment.

The Israeli authorities procrastinate in responding to a request applied by (H. N.) (50), a female patient from al-Shati refugee camp in western Gaza City, to travel for receiving radiotherapy at al-Mutala' Hospital in occupied East Jerusalem. The following is the patient's statement to PCHR's researcher:

"A year ago, I was diagnosed with breast cancer, and underwent a mastectomy in an attempt to stop the spread of cancer. Now, I am receiving treatment at the Turkish Hospital in Gaza and need radiotherapy, which is unavailable at Gaza hospitals. Thus, I obtained a medical referral for treatment at al-Mutala' Hospital in occupied Jerusalem and was supposed to travel on 15 May 2022, but the Israeli responded to my request that it was still "under study" and so being denied access to hospital on time. I obtained a new appointment on 27 June 2022 and applied for a permit request to the Israeli authorities through the Civil Affairs Ministry's Coordination and Liaison Department to travel via Beit Hanoun "Erez" crossing but have not so far received any response. I filed a complaint to PCHR to help me obtaining an approval from the Israeli side to travel for treatment, especially that cancer is spreading through my body, and I am in urgent need of radiotherapy."

6. Denying donors travel to save a patient's life

The Israeli authorities prevent patients' relatives from traveling to donate their tissues and organs to patients referred for treatment in the West Bank hospitals, including occupied Jerusalem, or Israeli hospitals. As a result, patients' treatment protocols are suspended, putting their life at death risk, as the donor must apply for a permit to obtain an approval from the Israeli side to travel via Beit Hanoun "Erez" Crossing and access the hospital for organ transplantation.

In perpetuation of this policy, the Israeli authorities procrastinate in responding to Gaza Strip donors' requests, including two siblings of a 4-year-old patient namely (D. A.), from Gaza City, as their tissues are closely matched with their sick sister. The Israeli authorities prevent these siblings from traveling for their sister's bone marrow transplant and saving her life. The following is the testimony of the girl's father (M. A.) (54):

"For a year, my daughter has suffered from leukemia and receives treatment at al-Rantisi Hospital in Gaza. Six months ago, doctors decided to refer her for treatment abroad as her treatment is unavailable at Gaza's hospitals. My daughter along with her mother arrived at Tel Hashomer Hospital in Israel, where doctors decided that she was in urgent need for a bone marrow transplant. As my daughter is compatible for a bone marrow transplant, the doctors requested samples from 32 members of my family to match their antigens with my daughter's. Following the sampling, it turned out that the antigens of two of my sons matched their sick sister's. Afterwards, since the beginning of April 2022, we

applied for the travel of my sons, 'Alaa and Mohammed, to the Civil Affairs Authority to obtain an approval from the Israeli side for their travel to donate their bone marrow, but we have not received any response until today, 15 July 2022. We were informed that the request is still under study. I filed a complaint at the Legal Unit at PCHR to help us obtaining a travel permit via Erez Crossing as soon as possible, and so far, we have not been able to travel. My daughter's health condition is getting worse as she is in urgent need for a bone marrow transplant. She is currently receiving chemotherapy until the donors can travel for the bone marrow transplant"

7. Summoning patients for security interviews to reconsider their permit request

The Israeli authorities summon hundreds of patients for an interview with the Israeli Intelligence Service at Beit Hanoun (Erez) Crossing to reconsider the possibility of giving them travel permits. These patients are interrogated, and the Israeli authorities then decide to ban or allow their travel via the crossing and access to the hospitals in the West Bank, including occupied Jerusalem, Israel or Jordan. According to the WHO data, 3,815 patients were interrogated by the Israeli authorities from January 2008 to May 2022 while 1,075 patients' companions were interrogated by the Israeli authorities in the same period. Moreover, from January 2016 to May 2022, the Israeli authorities arrested 28 patients and companions while traveling via Erez Crossing.¹⁶ This poses serious threat to their lives and further deteriorates their health conditions, especially cancer patients, who are in dire need for treatment as soon as possible.

The Israeli authorities require interviewing patients despite their serious health conditions and conducting these interviews does not end patients' suffering as they may continue to be denied access to the hospital and treatment for long period, putting their lives at risk. The following is the statement of (N. L.) (32), from Deir al-Balah, who was summoned for interrogation with Israeli authorities before considering or responding to her travel request for treatment at King Hussein Medical Center in Jordan:

"I have been suffering from lymphoma for 3 years. I traveled to al-Makassed Hospital in occupied Jerusalem and underwent a surgery to remove the tumor. Also, I received doses of radioactive iodine at the West Bank's hospitals before traveling to Jordan and having a surgery to remove the tumor at the King Hussein Medical Center in Jordan. I needed to return for checkup on 13 June 2022, so I applied for a permit to the Israeli authorities through the Civil Affairs Ministry's Coordination and Liaison Department to travel to the hospital via Beit Hanoun "Erez" crossing, but the Israeli response was "waiting for an interview". I am now in a very difficult health condition as I need radiotherapy and to resume the examinations at King Hussein Medical Center. I hope to help me so I can receive treatment."

¹⁶World Health Organization, Fact Sheet on the Right to Health during the 15 Years of Gaza Blockade, link: <http://www.emro.who.int/images/stories/palestine/documents/15-Years-Gaza-Blockade-Factsheet.pdf?ua=1>.

8. Israeli restrictions on the travel of companions of patients referred for treatment abroad

The Israeli authorities deny thousands of patients referred for treatment abroad to have their companions and ignore their dire need for the presence of a companion with them by refusing or delaying responses to their requests to travel with a companion. Also, the Israeli authorities deliberately do not respond to companions' travel requests and allow some patients to travel without a companion or ask them to change the companion.

In 2021, 17,588 companions submitted permit requests to travel via Beit Hanoun (Erez) Crossing and accompany patients referred for treatment abroad. The Israeli authorities did not reply to 10,271 requests (i.e., 58.4%) and rejected 288 requests (i.e., 1.3%).¹⁷ This delayed patients' travel and deprived them of receiving timely treatment.

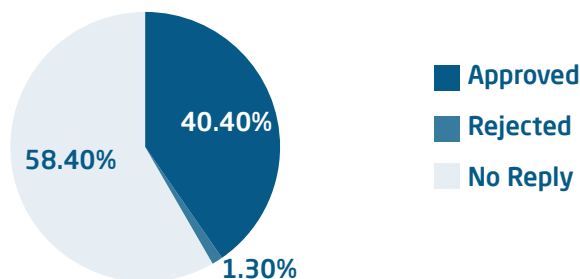
Moreover, from January 2008 to May 2022, the Israeli authorities rejected requests filed by 260,729 patients' companions (i.e., 44% of the total number of requests).¹⁸ The Israeli authorities also require summoning some patients' companions for an interview with the Israeli Intelligence Services at Beit Hanoun (Erez) Crossing; some of these companions are arrested. Usually, patients are forced to change the companion several times and reapply for a request with a new companion to obtain an approval.



¹⁷-World Health Organization, Report on Health Conditions in the Occupied Palestinian Territories 2022, link: https://apps.who.int/gb/ebwha/pdf_files/WHA75/A75_26-en.pdf

¹⁸-World Health Organization, Fact Sheet on the Right to Health during the 15 Years of Gaza Blockade, link: <http://www.emro.who.int/images/stories/palestine/documents/15-Years-Gaza-Blockade-Factsheet.pdf?ua=1>.

Israeli authorities' responses to requests submitted by companions of patients referred for treatment abroad



Since the beginning of 2018 until 2021, 43% of sick children referred for treatment abroad were had to travel without being accompanied by one of their parents¹⁹, due to refusing or delaying responses to companions' requests to travel via Beit "Erez" Crossing. In an attempt to overcome this obstacle, parents are forced to replace their names with the name of one of the child's relatives as a companion, provided that the latter must be over 55 years old. Thus, this process takes too long and leads to deterioration of the child's health condition.

To further entrench this policy, the Israeli authorities deprived (F. S.) (46) of accompanying her sick husband during his treatment journey at the occupied Jerusalem's hospitals. The following is her statement to PCHR's fieldworker:

"The Israeli authorities prevented me from accompanying my sick husband (W. S.) (51), who suffers from different types of cancer that have exhausted his weak body. My husband once fainted at Qalandia checkpoint and stayed there for 6 hours without a companion. For 3 years, my husband has periodically traveled to receive chemotherapy in the West Bank and occupied Jerusalem's hospitals without a companion as he travelled more than 10 times to al-Mutala' and Makassed Hospitals in occupied Jerusalem. He is currently receiving treatment at al-Najah Hospital and has a hospital appointment on 23 May 2022 to complete his treatment. I submitted several permit requests to the Israeli side to allow me to accompany my husband, but I was banned travel by claiming that my request is "under study". We replaced the companion several times, but in vain. My husband needs a companion with him to help him and ease the pain of the chemotherapy. His health condition is very difficult, and he currently lives on painkillers."

¹⁹ Ibid.

v. PCHR's Role in Helping Gaza Strip's Patients Referred for Treatment Abroad



PCHR exerts all efforts to help the patients referred for treatment abroad and monitors and documents violations against them at Beit Hanoun “Erez” crossing. PCHR’s Legal Unit seeks to help patients referred for treatment at hospitals in the West Bank, including occupied Jerusalem, or Israel via legal procedures, as it attaches all reports and information confirming the unavailability of treatment locally, builds a legal file for the patient and files complaints, appeals and sometimes cases to the Israeli judiciary.

These services are significant in light of the ongoing policy of restrictions on individuals’ movement at the Gaza Strip crossings and the serious deterioration of the health conditions in the Gaza Strip’s hospitals.

The Legal Unit has filed complaints and appeals to the Israeli COGAT office in Beit Hanoun “Erez” crossing to allow patients, who face travel obstacles, to travel for medical treatment abroad. The Legal Unit has also offered hundreds of legal consultations to these patients. The Unit intervenes after the Coordination and Liaison Department of the Civil Affairs in Gaza exhausts all ways to allow patients to travel and becomes unable to obtain a proper response to patients’ travel permits to receive the appropriate medical treatment for their serious diseases.

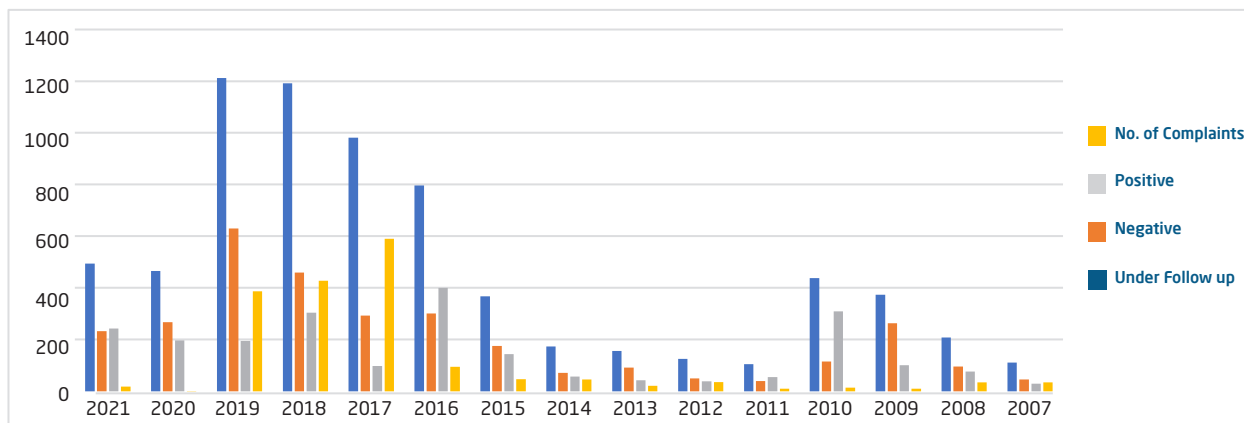
From 2007 – 2021, PCHR’s Legal Aid Unit followed 7,197 complaints of patients who faced travel obstacles to receive medical treatment abroad. The following table shows the Results after dealing with these complaints.

Table (2): Results after Dealing with Patients’ Files Followed up by the Legal Unit from 2007-2021

#	No. of Complaints	Follow-up Results		
		Positive	Negative	Under follow up
2021	494	233	243	18
2020	465	267	197	1
2019	1212	630	195	387
2018	1191	459	304	428
2017	981	293	98	590
2016	796	301	400	95
2015	367	176	144	47
2014	174	71	57	46
2013	156	92	43	21
2012	125	50	39	36
2011	105	40	55	10
2010	438	115	309	14
2009	374	263	101	10
2008	208	96	77	35
2007	111	46	30	35
Total	7197	3132	2292	1773

Furthermore, PCHR pays special attention to patients with cancer and serious diseases, as time is significant for them. In cases where the patient needs to travel by ambulance, PCHR submits petitions to the Israeli courts in order to order to facilitate their travel.²⁰

Figure (5): Results after Dealing with Patients' Files followed up by the Legal Unit from 2007-2021



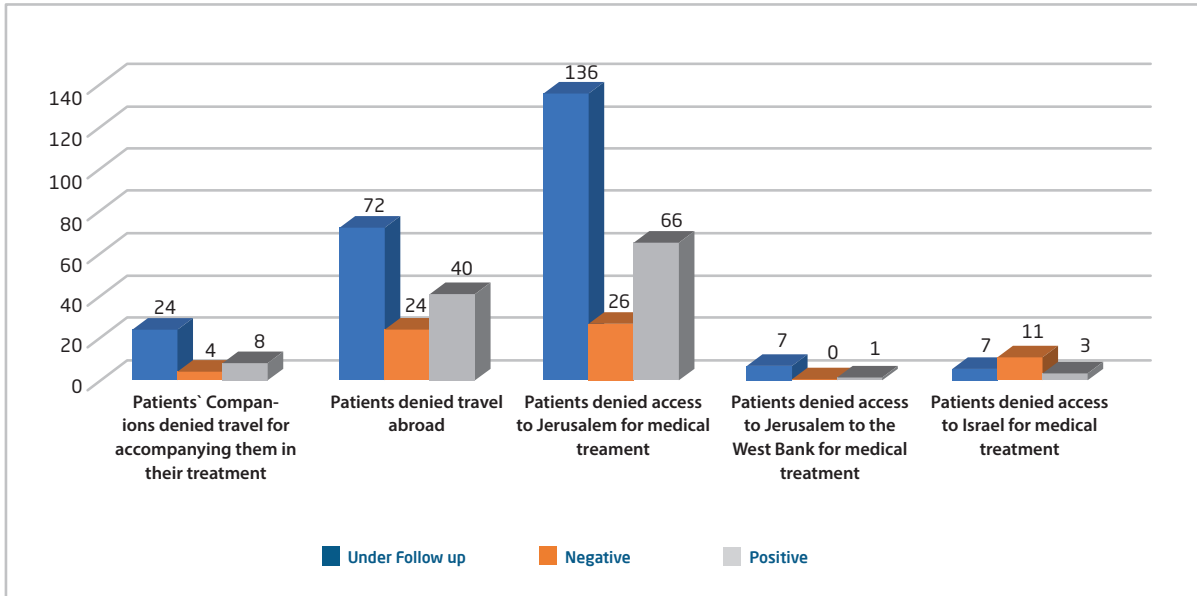
In the first half of 2022 (from 01 January 2022 – 30 June 2022,) the Legal Unit followed up 429 complaints filed by patients whose travel permits were denied by the Israeli authorities for medical treatment. The following table shows the results of dealing with these complaints.

Table (3): Results after Dealing with Patients' Files followed up by the Legal Unit from 01 January- to 30 June 2022

Complaint	Number of complaints	Classification			Follow-up Results		
		women	men	child	positive	negative	Under follow up
Patients denied access to Israel for medical treatment	36	5	10	21	24	4	8
Patients denied access to the West Bank for medical treatment	136	37	71	28	72	24	40
Patients denied access to Jerusalem for medical treatment	228	55	100	73	136	26	66
Patients denied travel abroad	8	4	3	1	7	0	1
Patients' Companions denied travel for accompanying patients in their treatment	21	7	11	3	7	11	3
Total	429	108	195	126	246	65	118

²⁰.An interview with Mohammed Besiso, lawyer at PCHR's legal Unit, on 18/9/2022.

Figure (6): Results after Dealing with Patients' Files followed up by the Legal Unit from 01 January to 30 June 2022



Recommendations

The Israeli authorities' policy to deny the Gaza Strip patients' travel permits for treatment abroad violates the international humanitarian law and international human rights law as well as being a form of torture and cruel, inhuman, and degrading treatment. These ongoing and systematic restrictions on patients perpetuate the use of collective punishment policy imposed by Israel against the Gaza Strip population for 16 years of unjust and tightened closure.

Thus, PCHR calls upon the international community to pressurize Israel to:

- Stop the illegal closure in order to enable the Gaza Strip population to move freely, particularly patients whose medical treatment is not available at the Gaza Strip's hospitals;
- Stop the Israeli policy of imposing strict restrictions on the Gaza Strip patients, who are referred for treatment abroad, as it deprives them of enjoying their right to travel and receive medical treatment;
- Allow all patients, who suffer from serious diseases and whose treatment is not available in the Gaza Strip's hospitals, to travel and access their medical treatment in the hospitals they are referred to immediately and without any delay as well as the significant need to issue long-term permits for patients with cancer and incurable diseases;
- Urgently stop its policy of distinguishing between the patients whose cases are "lifesaving" and cases "affecting quality of life" according to Israel's classification;
- Allow the entry of the medical devices used in radiotherapy, chemotherapy medications and periodic tests for cancer patients that are not available in the Gaza Strip's hospitals;
- Comply with the concluding observations of the Committee on Economic, Social and Cultural Rights, which called for adherence to the basic rules and principles approved by the United Nations; most significantly the right to enjoy the highest attainable standard of health;²¹
- Implement the recommendations of the Committee on the Elimination of Racial Discrimination (CERD) which provide that State party shall ensure equal treatment for all persons on the territories under its effective control and subject to its jurisdiction, amend or revoke any legislation that does not comply with the principle of non-discrimination, and take concrete measures by Israel to improve the health status of the Palestinians.²²

²¹ Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of Israel, link: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuWOfekjcyLVE4h%2FkYmh4jSatSY66nsjOxboaAu4bfCDK5HY6MTTcGy790ycf19hr1wv3zD%2FCRdXz86uGTURl%2BjvrNjQLfjgL9vVSE70E5djet>.

²² Committee on the Elimination of Racial Discrimination, Concluding Observations on Israel's Periodic Reports, 2020, link <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/019/68/PDF/G2001968.pdf?OpenElement>

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