

PUBLIC

**AI Index: MDE 15/047/2008
28 November 2008**

Further information on UA 284/08 (MDE 15/041/08, 16 October 2008) and follow-up (MDE 15/046/08, 07 November 2008) Medical Concern

ISRAEL/OCCUPIED

PALESTINIAN TERRITORIES Hamza Hassan Abu Habel (m), aged 1 year 2 months

Action no longer required: Ahmed Nahid Mohsin (m), aged 1 year 5 months
Nour Mohammed al-Jarou (f), aged 5 months
Mohammed Odeh Thabet (m), aged 17 years
Yousef Rami Abu Latifa (m), aged 3 years 5 months

The children named above suffer from congenital heart diseases, including conditions commonly known as holes in the heart. Urgent surgery cannot be provided in Gaza, where necessary medical facilities and specialists are not available. These are however available at a hospital in East Jerusalem, only an hour's drive from Gaza.

The Israeli authorities have told Amnesty International that Hamza Hassan Abu Habel will be allowed to travel to the hospital in Jerusalem on 18 January 2009. However, he needs to travel in the next week, as a team of visiting paediatric cardiology surgeons from New Zealand are waiting to operate on him. Time is crucial as the team will only be at the hospital for another 10 days.

Mohammed Odeh Thabet and Yousef Rami Abu Latifa have now undergone the necessary surgery at the Makassad hospital in East Jerusalem and have returned home to Gaza. Ahmed Nahid Mohsin's family are apparently considering an alternative course of action on his behalf and so this case does not require any action at this time. Neither does Nour Mohammed al-Jarou, whose family are in the process of making new arrangements for her to be treated in East Jerusalem.

BACKGROUND INFORMATION

Medical facilities in Gaza lack the specialized staff and equipment to treat a range of conditions, including cardiovascular illnesses and cancer. Israel, as the occupying power, is required under international law to ensure that Palestinians in Gaza and the West Bank have access to the same level of medical provision and hospital treatment as they provide to Israeli nationals. The blockade of Gaza and the refusal to allow patients to leave the Gaza Strip to obtain medical treatment which is not available there, constitutes collective punishment which is prohibited under international humanitarian law.

The Israeli authorities control the Gaza Strip's borders and often refuse to allow critically ill patients to leave for medical treatment which is not available in Gaza. Sometimes no answer is given to the request, but in most cases permission is refused on "security" grounds. However, the Israeli authorities do not ever provide any evidence or information to substantiate their allegations that these patients are a "security threat" – making it impossible for the patients to challenge the allegations. Some of the patients who have been refused passage out of Gaza were in a critical condition and unable to move. As well, on 8 October 2008 the Israeli authorities refused permission to enter Gaza to an Israeli medical team, who were to carry out operations and medical consultations and provide training on trauma and post-traumatic treatment over three days. Also in October the Israeli army refused entry to Gaza to 80 foreign mental health and health care professionals to attend a mental health conference organized by the Gaza Community Mental Health Programme and the World Health Organization (WHO).

The Israeli army imposed a siege on the Gaza Strip in June 2007 when Hamas took over the Palestinian security forces there. Israel closed Gaza's main gate to the outside world, the Gaza-Egypt border which is only allowed to open on rare occasions for exceptional "humanitarian" cases. The only other passage out of Gaza, the Erez crossing with Israel, is closed to Palestinians except for exceptional medical or "humanitarian" cases.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- welcoming the fact Mohammed Odeh Thabet and Yousef Rami Abu Latifa were eventually allowed to travel to the hospital in East Jerusalem,
- expressing concern that Hamza Hassan Abu Habel has still not been able to travel and urging that his accompanier (one of his parents) be granted a permit immediately and not made to wait until 18 January 2009 when a team of visiting paediatric cardiology surgeons from New Zealand will no longer be available to treat him;
- pointing out that under international law, Israel, as the occupying power, has the responsibility to ensure that the population of Gaza has access to medical care to the same extent as Israeli nationals.

APPEALS TO:

Ehud Barak
Minister of Defence
Ministry of Defence
37 Kaplan Street
Hakirya,
Tel Aviv 61909, Israel

Fax: +972 3 691 6940
Email: minister@mod.gov.il
Salutation: Dear Minister

Yacov Ben Yizri
Minister of Health
Ministry of Health
2 Ben Tabai Street
PO Box 1176
Jerusalem 91010, Israel

Fax: +972 2 678 7662
+972 2 623 3026
Salutation: Dear Minister

COPIES TO: diplomatic representatives of Israel accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 January 2009.