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AL MEZAN CENTER FOR HUMAN RIGHTS



March 29, 2022

To
Adv. Aner Helman
High Court Department Director
State Attorney's Office

via email

Dear Sir,

- U r g e n t -

Re: Reminder prior to legal action

Gaza CLA refusal to process applications filed by Gaza residents via human rights organizations

We hereby contact you with another reminder to respond to our urgent communication from February 3, 2022, as follows:

1. In our letter dated February 3, 2022, we requested your immediate intervention with respect to the refusal of the Gaza CLA to process applications filed by Gaza Strip residents via human rights organizations, including in humanitarian cases that require a most urgent response.
2. On February 9, 2022, we received a letter signed by an articling lawyer, Mr. Shai Dromi, indicating our communication had been forwarded for review and response by the relevant officials. Our attempts to inquire when a response could be expected and to receive an estimated timeline were unsuccessful. The only comment made was that the matter was under review.
3. On February 24, 2022, we sent a reminder asking for your response by March 1, 2022. We informed you that in the event that no response had been received by that date, we would be forced to take legal action given the urgency of the matter and the severe harm to Gaza residents, particularly those in need of urgent, essential medical care.
4. In the late evening of February 28, 2022, we were informed by Mr. Dromi that, "the allegations concerning your communications are under review by the relevant officials. An answer is planned within the coming two weeks." Mr. Dromi added, "it would appear that there is room for you to await the response."
5. Given this response and your professed intention to provide an answer by March 14, 2022, we decided to wait for an answer. However, we did request that, at the very least, you instruct your client, the Gaza CLA, to process and respond to urgent medical cases, in order to allow patients from Gaza to exit for medical treatment and avoid harm to their lives and health as a result of the CLA's conduct.
6. On March 14, 2022, we received the following response from Mr. Dromi:



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“I hereby reply that we have been informed that the matters mentioned in your communication have been brought to the attention of senior military officials, and an orderly response will be provided to you as soon as possible after the review is complete.

However, and in relation to your communication regarding urgent applications for exit by patients, we wish to inform you that even now, i.e., before a final decision has been made on the overall issues mentioned in your communication, the CLA continues to process applications regarding urgent exit for medical treatment in which no decision has yet been forwarded.”

7. Based on this response, to avoid legal action where a resolution is possible without judicial review (as was the case in 2009), and given your statement that urgent medical cases will be processed, we opted to wait. However, as Mr. Dromi was informed on March 16, 2022, it emerged that **contrary to the response you provided to us**, the Gaza CLA persists in its refusal to process urgent applications, including from patients.
8. In correspondence on the matter with Mr. Dromi, we provided him with two patient applications in which the CLA had provided an automated response and asked that he see to the matter. Mr. Dromi responded to these requests. However, in one of the cases, his conduct was the same as the CLA's, and he responded stating that “the CLA notifies that the decision in the matter of Mr. [REDACTED] has been forwarded to the [Palestinian] Civil Affairs Committee.” It was only upon a second appeal to Mr. Dromi, made after inquiries with the Palestinian Civil Affairs Committee revealed the CLA had not forwarded a decision in the matter, that we found out the patient's request had been approved and he would be able to exit for a medical treatment scheduled for March 28, 2022.
9. We reiterate that in stark contrast to your response, **the Gaza CLA persists in its refusal to process applications by human rights organizations and attorneys representing Gaza residents, including in the most urgent humanitarian cases, including urgent medical treatment.** Unfortunately, the CLA's conduct and its refusal to process applications have cost the lives of Gaza residents. So, for example, on Friday, March 25, 2022, [REDACTED] [REDACTED], a child born on July 26, 2020, who had cancer, passed away after she was denied exit for medical treatment at al-Makassed Hospital. Two-year-old [REDACTED] had three prior appointments for life-saving treatment. Her applications were never answered by the CLA, and an inquiry by Al Mezan resulted in the apathetic, automated response referring the applicants to the Palestinian Civil Affairs Committee.

A copy of the inquiry and response in the matter of the child, [REDACTED], is attached hereto and marked “A.”
10. The same conduct was repeated in the cases of three other patients whose applications to exit for urgent medical treatment received the automated response and were not processed by the CLA. We note that these cases are just a few of many patient applications that are not being processed.
 1. Application by Ms. [REDACTED] [REDACTED], I.D. No. [REDACTED], to exit for urgent treatment at a-Najah Hospital in Nablus. Ms. [REDACTED] is a stomach cancer patient in serious condition. She has already



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had to miss two appointments for treatment. The next appointment is scheduled for tomorrow, March 30, 2022. An inquiry by Al Mezan was met with the CLA's automated response, and inquiries with the Palestinian Civil Affairs Committee reveal the application is still in processing.

A copy of the inquiry and response in the matter of Ms. [REDACTED] is attached hereto and marked "B."

- Application by Mr. [REDACTED], I.D. [REDACTED], to exit for medical treatment at al-Makassed Hospital in Jerusalem. Mr. [REDACTED] suffers from Behcet and has already missed three appointments (the first of which was back in September 2021). The next appointment is scheduled for tomorrow, March 30, 2022. An inquiry by Al Mezan was met with the automated response, and inquiries with the Palestinian Civil Affairs Committee reveal the application is still in processing.

A copy of the inquiry and response in the matter of Mr. [REDACTED] is attached hereto and marked "C."

- Application by Ms. [REDACTED], I.D. [REDACTED], to exit for medical treatment at Augusta Victoria Hospital in Jerusalem. Ms. [REDACTED] is a cancer patient in serious condition who has already had to miss two appointments. Two inquiries made by Al Mezan were met with the automated response, and Ms. [REDACTED] has been unable to exit for medical treatment as the Palestinian Civil Affairs Committee told her that her application was being reviewed by the CLA, even after the appointment date had passed. Ms. [REDACTED]'s next appointment is scheduled for April 5, 2022.

Copies of inquiries and responses in the matter of Ms. [REDACTED] are attached hereto and marked "D."

- We reiterate that the conduct of the CLA addressed in our communication severely harms Gaza residents and violates their rights to receive legal assistance, to counsel and to due process. As demonstrated, the violation of the aforesaid rights leads to violations of their most fundamental rights, including the right to life. It goes without saying that this conduct forces organizations to contact various District Attorney's Offices threatening legal action, and file numerous court petitions, creating unnecessarily heavy workloads for all parties involved.
- Given the severe harm to applicants, particularly in urgent cases, and given the cumulative damage, compounded each day the CLA's new policy remains in place, and in order to obviate the need to take immediate legal action, we once again seek your immediate intervention. **Moreover, we ask that you instruct your clients to comply with your statement and supply the CLA's response in the three cases listed above, and all other cases concerning medical treatment. To remove any doubt, a response from the CLA to the effect that the response on a matter such as this had been forwarded to the Committee is insufficient and should be supplied immediately to the applicant's counsel as well.**
- Given the time that has elapsed since we contacted you, we request your response by April 5, 2022. Inasmuch as no response is received by this date, we shall be forced to take legal action.



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Your prompt attention to this matter is appreciated.

[signed]

Osnat Cohen Lifshitz, Adv.

Sincerely,

[signed]

Muna Hadad, Adv.