



THE INTERNATIONAL LEGAL FORUM

June 22, 2016

World Health Organization

Avenue Appia 20

1211 Geneva 27

Switzerland

Fax: + 41 22 791 31 1

WHO Regional Office for Europe

UN City

Marmorvej 51

DK-2100 Copenhagen Ø

Denmark

Fax: +45 45 33 70 01

Re: Report A69/INF./6 on the Health Conditions in the Palestinian Territory:

On behalf of doctors and mental health professionals throughout the world associated with Medics for Global Ethics and on behalf of the International Legal Forum, we wish to respond to Report A69/INF./6 pertaining to health conditions in the Palestinian territory (hereinafter: "The Report" or "PA Health Report").

On May 20, 2016, the Palestinian Authority Ministry of Health submitted a report on health conditions of the Palestinian population to the 69th World Health Assembly of the World Health Organization. Based on that report, the WHO passed Resolution A69/B/CONF./1 on May 24, 2016.

As members of the international medical community, we see ourselves as obligated to raise our concerns regarding what is ostensibly a cynical exploitation of the medical report for the promotion of political interests at the expense of those suffering from poor medical conditions. Objective analysis of the above-mentioned report reveals that it is highly politicized and contains many false and unproved "facts." Unfortunately, it seems that the report was more of an attempt to demonize, delegitimize, and criticize Israel, rather than an accurate portrayal of the health conditions of Palestinian Arabs, and the causes of those conditions, in the Palestinian territories.

To support our position, we wish to point out a number of false and groundless claims brought in the Report. This letter is not intended to be a comprehensive evaluation of all of the facts and allegations contained in the Report but rather an effort to highlight a few examples of the inaccuracies and politically motivated claims.

Allegations of Environmental Aggressions:

- The Report claims that "*no settlement, with the exception of those built within the municipality of Jerusalem, has a sewerage system. Settlements therefore release their wastewater into Palestinian watercourses and land, further*

exacerbating environmental pollution and degrading Palestinian agricultural supplies"¹.

A simple examination of publicly available information clearly proves that this allegation is completely false. In fact, virtually all settlements have sewerage systems which are highly regulated. The entities responsible for regulating, reviewing, and approving sewerage plans are the Municipal Environmental Associations of Judea and Samaria² and the Civil Administration Environmental Staff Officer³.

- The Report claims that factories located in the Israeli settlements and industrial zones produce solid, liquid, and gaseous waste products which pose a threat to the environment and to the general health of the Palestinian population⁴.

However, our examination indicates that these factories are subject to strict environmental regulations which are no different than those which apply to factories located in the pre-67 territories⁵. The factories are supervised by both the Municipal Environmental Associations of Judea and Samaria⁶ and the Civil Administration Environmental Staff Officer⁷.

- The Report alleges that Israeli misconduct and aggression are the causes of the large number of Palestinian households which do not have adequate running water and electricity and, consequently, the health concerns that this inevitably causes⁸; however, the Report does not supply any evidence to support this allegation.

On the contrary, numerous studies and academic papers have shown that along with a dramatic improvement in the overall quality of life for Palestinian households, the percentage of Palestinian households connected to water and electricity, dramatically increased after 1967⁹. A report published in 2011 by the Palestinian Central Bureau of Statistics showed that 99.9% of all Palestinian households were connected to electricity, and 91.8% were

¹ PA Health Report page 33

² Municipal Environmental Associations of Judea and Samaria Website:
<http://www.enviosh.org.il/english>

³ Israeli Ministry of Environmental Protection Website:
<http://www.sviva.gov.il/YourEnv/KamatYosh/Pages/KamatRoles.aspx>

⁴ PA Health Report page 32

⁵ Meir, Yitzchak. "Management of Industry Hazards and Business Licenses." *State of the Environment in Judea & Samaria* (2012):37-45

⁶ See supra, note 2

⁷ See supra, note 3

⁸ PA Health Report page 43, 33

⁹ See for example: Stone, David "An Evidence-Based Analysis of the Nature and Impact of Israeli Public Health Policies Practices in the West Bank and Gaza." *Fathom* Autumn (2014): available at <http://fathomjournal.org/wp-content/uploads/2014/12/Has-Israel-damaged-Palestinian-health.pdf>

connected to water networks¹⁰. The evidence also suggests that Israel works closely with the PA to help improve Palestinian citizens' quality of life¹¹.

Mental Health:

In an effort to explain the high levels of mental distress in the Palestinian society the Report claims: *"Through its brazen attacks and repeated incursions into Palestinian cities and towns, its use of lethal and horrific force, and its imposition of a suffocating blockade on the Gaza Strip, the Israeli occupation has played a key role in exacerbating mental health problems, particularly among women and children"*¹².

While it is indisputable that living in an area of conflict has negative psychological ramifications, there are many additional factors which contribute significantly to mental distress in territories controlled by the PA which might be ameliorated with the help of WHO assistance. These additional factors were either mentioned as a side point, or completely ignored, such as the following:

- The Report notes that certain factors within the Palestinian society discourage people from seeking access to mental health, such as the belief that psychiatric medications are addictive, that mental disorders stem from weak moral or religious values, and fear of the social stigma associated with them¹³. The Report also notes that there are only 30 psychologists and one psychiatrist located in the entire West Bank and Gaza¹⁴. Both these factors make it extremely difficult for people suffering from mental health issues to receive help, exacerbating these issues and placing a large strain on their family members.
- Numerous studies have shown that violence against women is a severe issue in the Palestinian territories¹⁵, with a recent study by the Center of Women's Affairs in Gaza claiming that 63% of women in Gaza suffer from marital violence and 73% from verbal abuse¹⁶. Reports have also shown that women suffering from domestic abuse in areas controlled by the PA are reluctant to seek assistance from authorities, as the legal system and law enforcement authorities do not provide them with adequate assistance (for instance, marital

¹⁰ PCBS report available at: http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/int_Pop_2012e.pdf

¹¹ Israeli Ministry of Foreign Affairs (MFA):

<http://mfa.gov.il/MFA/ForeignPolicy/Peace/Humanitarian/Pages/Reclaimed-water-workshop-for-Palestinian-farmers-4-Dec-2014.aspx>; <http://mfa.gov.il/MFA/ForeignPolicy/Peace/Humanitarian/Pages/Workshop-on-recycled-water-for-agriculture-in-the-PA-10-Nov-2013.aspx>;
<http://mfa.gov.il/MFA/ForeignPolicy/Peace/Humanitarian/Documents/DecemberStorm.pdf>

¹² PA Health Report page 17

¹³ Id

¹⁴ Id, page 16

¹⁵ The New York Times:

http://www.nytimes.com/2006/11/07/world/middleeast/07palestinians.html?_r=2

¹⁶ http://palwatch.org/main.aspx?fi=157&doc_id=14431

rape is not recognized as a crime)¹⁷. These statistics clearly play a major role in the cases of mental distress, particularly in women and children¹⁸.

Despite this, the Report does not even mention these studies and statistics, preferring to focus on political issues and the conflict with Israel. By not reporting these statistics, the PA indicates that it does not view these concerns as a serious health issue and prefers to focus on attributing blame for the high levels of mental distress to external factors which serve their political agenda, rather than focusing on raising public awareness and on enforcing the law against domestic abusers. This policy is undoubtedly extremely detrimental to the victims.

The WHO must not condone this policy and has a responsibility toward the victims of domestic abuse to ensure that these issues are properly addressed.

Alleged Attacks on Medical Staff and Hospitals and Israeli Misconduct:

- The Report accuses the Israeli army of violating international law by searching, raiding, and, during operation Protective Edge, even bombing hospitals¹⁹.

However, the report fails to mention that these hospitals allowed militants to seek refuge, in stark violation of international law. The fact that militants sought refuge in hospitals was confirmed by Palestinian security sources after the IDF arrested an armed member of the violent Al Aqsa Martyrs' Brigades in Rafidiyeh Hospital. Palestinian security forces confirmed that the man arrested was not a patient²⁰. During Operation Protective Edge, the Washington Post reported that the Shifa Hospital in Gaza City had become a "de facto headquarters for Hamas leaders"²¹. Hospitals are meant to be a safe haven for the sick and the wounded in times of war. For that reason, exploiting their protected status for military purposes must be unequivocally condemned.

- The Report claims that Israeli Magen David Adom (MDA) medics discriminate between patients and prioritize care for injured Israelis over wounded Palestinians. The Report also alleged that Israeli soldiers deny Palestinian attackers emergency medical assistance²².

Having examined the MDA code of conduct and evidence, we have come to the conclusion that these claims are false (we do not reject the possibility that isolated instances of discrimination may have occurred in individual cases

¹⁷ <http://www.irinnews.org/feature/2011/01/27/little-recourse-victims-gender-based-violence>

¹⁸ UNICEF Report on the affect of marital violence on children:

<http://www.unicef.org/media/files/BehindClosedDoors.pdf>

¹⁹ PA Health Report page 49

²⁰ News24: <http://www.news24.com/World/News/Masked-troops-raid-hospital-20031025>

²¹ https://www.washingtonpost.com/world/middle_east/while-israel-held-its-fire-the-militant-group-hamas-did-not/2014/07/15/116fd3d7-3c0f-4413-94a9-2ab16af1445d_story.html?tid=a_inlv

²² PA Health Report page 49

against MDA policy; however, as the report fails to introduce any real evidence to back these allegations, we adhere to the general conclusion that the allegations are completely false).

According to the MDA ethical code, a MDA medic is obligated to "*meticulously supply the needs of individuals in need of MDA care based on medical criteria alone*"²³, without discriminating between wounded people. This obligation was recently reiterated by MDA director general, Eli Bin, who ordered that paramedics arriving at a terror scene treat the wounded without discrimination, even if it means treating a terrorist before the victims. Bin explained: "*When I see my enemy wounded I no longer treat him as a terrorist, but as a human being.*"²⁴

MDA does instruct medics not to treat a terrorist if he still poses a threat to the medic, in accordance with international Red Cross guidelines²⁵. Therefore, in cases where the medics fear that the terrorist still poses a threat (such as a fear that the wounded terrorist may be wearing explosives), the medics will wait for the security forces to tell them that it is safe for them to treat the wounded terrorist.

All evidence indicates that IDF soldiers routinely treat sick and wounded Palestinians, without any preconditions, and regardless of the political climate²⁶. The IDF also treats wounded Palestinian terrorists, implementing any medical procedures necessary and using cutting edge technology²⁷.

Additionally, the IDF recently opened a unit designed solely to provide medical care and humanitarian assistance to the Palestinian population²⁸.

- The Report alleges that Israeli authorities blatantly disregard human life and refuse to allow sick Palestinians access to hospitals and medical care²⁹. However, when examining the evidence on the ground, it appears that Israeli authorities work in cooperation with the PA to improve the health conditions of Palestinians. Thousands of Palestinian patients are transferred to Israeli hospitals for complicated treatments, regardless of the political and security

²³ MDA Website: <https://www.mdais.org/en/about/mission-statement>

²⁴ Maariv: <http://www.maariv.co.il/news/israel/Article-502381>

²⁵ International first aid and resuscitation guidelines, 2016:

http://www.ifrc.org/Global/Publications/Health/First-Aid-2016-Guidelines_EN.pdf

²⁶ See for example: Channel 10 Report: IDF soldiers save wounded Palestinian girl:

<https://www.youtube.com/watch?v=d6Glz5o7lv4> ;

Ynet: IDF doctor saves life of Palestinian baby: <http://www.ynetnews.com/articles/0,7340,L-4513440,00.html> ;

Ynet: IDF, settlers save Arab baby: <http://www.ynetnews.com/articles/0,7340,L-4043536,00.html>

²⁷ Times of Israel: <http://www.timesofisrael.com/idf-spares-no-expense-treating-palestinian-stabber/>

²⁸ MFA: <http://mfa.gov.il/MFA/ForeignPolicy/Peace/Humanitarian/Pages/IDF-unit-to-provide-medical-care-to-Palestinians-9-Jul-2015.aspx>

²⁹ PA Health Report page 22

situations³⁰. The Israeli and Palestinian health care sectors also work closely together. There are numerous partnerships between Israeli and Palestinian institutions, including programs which train Palestinian medical professionals at Israeli hospitals.³¹

Palestinian Prisoners in Israeli Prisons:

- The Report claims that Palestinians held in Israeli jails are subject to systematic torture, deprived of medical care, and are not provided with sanitary conditions, clean water, or a balanced diet³².

Having examined Israeli law and the evidence available, we come to the conclusion that these allegations are false. Israeli law requires that prisoners, including security prisoner (terrorists), receive humane conditions and medical treatment. Furthermore, any prisoner who believes that his or her rights have been violated has a right to appeal to courts, including Israel's Supreme Court³³. The International Committee of the Red Cross regularly monitors Israeli prisons insuring that they meet international standards³⁴.

- The Report notes that *"there is a widespread belief among Palestinians that medical drugs are tested on prisoners, and that Israel has injected prisoners with carcinogenic viruses,"* and questions, *"Is it true that Israel is injecting prisoners with viruses?"* The Report brings no evidence to back up this severe claim. Furthermore, when the Russian newspaper *Pravda* accused Israel of similar allegations in April 2013, the Palestinian Minister for Prisoners and Former Prisoners in the West Bank admitted that there is no confirmed information to support the allegations³⁵.

Such severe allegations cannot be blindly adopted by the WHO, especially given the allegations' questionable veracity given the absence of any evidence.

The WHO cannot allow itself to become a platform to disseminate and credit what seems to be no more than a modern day "blood libel."

Falsified Pictures of Israeli Violence:

³⁰ See supra, note 10

³¹ MFA: <http://mfa.gov.il/MFA/ForeignPolicy/Peace/Humanitarian/Pages/Medicine-is-bridge-to-peace-May-2013.aspx>

³² PA Health Report page 22

³³ Knesset report on prisoners' conditions: <https://www.knesset.gov.il/mmm/data/pdf/m03603.pdf>

³⁴ Country Reports on Human Rights Practices for 2015:
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252927#wrapper>

³⁵ The Commentator:
http://www.thecommentator.com/article/3299/pravda_accuses_israel_of_injecting_dangerous_viruses_into_palestinian_prisoners

The Report contains many pictures used to prove and illustrate its allegations. However, media watchdogs have revealed that many of the photos in the Report are photo-shopped, cropped, and/or falsely labeled. A few such examples include:

- A picture on page 40 of the Report captioned "*Photograph taken during the Israeli war on Gaza, 2014*" was revealed to actually be a fictional computer-generated image posted on *The Aviationist Blog* on March 8, 2012 to illustrate what a hypothetical Israeli attack on Iranian nuclear reactors would look like³⁶.
- A photo on page 30 of the Report captioned "*Settlers attacking a Palestinian child while being observed by Israeli occupation forces*" is actually a Getty Images picture showing IDF soldiers evicting Israelis from an illegal outpost. No Palestinians appear in the picture³⁷.
- A photo on page 49 of the Report captioned "*Israeli occupation soldiers search the interior of a Palestinian ambulance,*" is actually a picture of an IDF soldier inside an Israeli MDA ambulance. The picture was cropped so most of the MDA symbol is cut out of the picture³⁸.

Conclusions:

As mentioned above, the points brought forth in this letter are not a comprehensive review of all the claims in the Report. However, these examples prove unequivocally that the Report is highly politicized, contains false information, and is deliberately misleading.

As medical and mental health professionals who are committed to maintaining the noble traditions of our profession and to putting the service of humanity and the health of patients without discrimination based on nationality or political affiliation, as our first consideration³⁹, we condemn the use and exploitation of the health conditions of a society for political gain. We further denounce baseless accusations against our fellow Israeli colleagues who have been defamed and condemned without any valid indication that they have strayed from their commitment to these same values and the protection of all human lives.

Presenting such a political and misleading Report to the WHO is unethical and must be reprehended. Furthermore, such a Report is detrimental to the development and improvement of the health conditions in areas controlled by the Palestinian Authority and is detrimental because it sets a dangerous precedent of exploiting a medical organization, the WHO in this case, as a political battering tool.

³⁶ Committee for Accuracy in Middle East Reporting in America (CAMERA) Blog: http://blog.camera.org/archives/2016/05/post_161.html

³⁷ Id.

³⁸ The Jewish Press: <http://www.jewishpress.com/news/breaking-news/false-pictures-fill-palestinian-authority-report-to-world-health-organization/2016/06/03/0/>

³⁹ World Medical Association Declaration of Geneva: <http://www.wma.net/en/30publications/10policies/g1/index.html>

It is indisputable that there are serious health issues which need to be addressed in the Palestinian society. The PA's attempt to hijack these issues and cynically exploit them for international political gain (in some cases ignoring some of the major causes of these health issues), does a disservice to and severely harms the Palestinian people.

We call upon the WHO to condemn the PA for this Report and demand that an objective scientific analysis of the health conditions in the Palestinian Authority be conducted so that legitimate health issues of concern can be properly addressed.

We also call upon the PA to put its citizens' well-being, rather than political concerns, at the top of its agenda. Specifically, we call upon the PA to raise awareness among its citizens of issues related to mental health and domestic abuse, especially as they affect women and children. We further call upon the WHO to help implement programs to train Palestinian doctors in the field of mental health and to create programs designed to empower Palestinian women, the problems of whom have been largely neglected.