



19 May 2004

To:

Adv. Shai Nitzan

State Attorney

Supreme Court Division

Ministry of Justice

Jerusalem

URGENT

**RE: Denying Access to Medical Teams for the Evacuation of Palestinian Civilians
Injured and Killed in Rafah**

I hereby urgently request your intervention in instructing [Israel's] military forces to refrain from their current illegal actions, which are preventing medical rescue teams from evacuating Palestinian civilians injured and killed in Rafah:

1. Our office has received numerous complaints from residents of Rafah regarding military forces' denying access to medical rescue teams, and preventing them from attending to deceased and injured civilians, in order to evacuate them [to mortuaries] or hospitals to receive medical attention.
2. Obstructing the work of medical teams; impeding the evacuation of injured civilians, many of whose injuries are life-threatening; and preventing the evacuation of bodies from areas currently under Israeli military control is illegal, violates international human rights law as well as Israeli law, and contradicts the customary laws of war and international humanitarian law, as set forth in the Geneva Convention IV.
3. In accordance with Article 15 of Geneva Convention IV, military forces are obligated to evacuate injured civilians so that they can be given medical

P.O. Box 510 Shafa'amr 20200 Israel Tel: (972)-4-950-1610 Fax: (972)-4-950-3140

شفاة امر ٢٠٢٠٠ ص.ب. ٥١٠ هاتف: ٤-٩٥٠١٦١٠ فاكس: ٤-٩٥٠٣١٤٠
שפועם 20200 ת.ד. 510 טלפון: 04-9501610 פקס: 04-9503140

Email: adalah@adalah.org

<http://www.adalah.org>

attention without delay. Concerning the deceased, it states clearly that military forces are obligated to locate, evacuate and bury their bodies with due respect (see Article 17).

4. It is unnecessary to elaborate on the infringement to the dignity of injured and deceased Palestinians, which results when their evacuation for medical attention or conveyance for proper burial is prevented. This policy, as exercised by the army, infringes the constitutional right of injured Palestinians to bodily integrity, and contradicts Basic Law: Human Dignity and Freedom - 1992.
5. The duty of the army to attend to the welfare of civilians is affirmed in Article 43 of the Hague Regulations Respecting the Law and Customs of War on Land - 1907. According to this article, military commanders are responsible for all aspects of residents' lives and quality of life. The right of the injured to prompt medical attention, and the right of the deceased to a swift and dignified burial are among the basic needs of any person in a modern society. The provision of medical attention clearly includes assisting rescue teams and affording them safe and unhindered passage.

Thus, based on the above, and in order to avoid an urgent appeal to the Supreme Court, I request that you immediately instruct the Israeli military forces to refrain from obstructing the work of medical teams; to enable and assist the evacuation of injured civilians; and to immediately evacuate the deceased and bring them to a swift and dignified burial.

I await your prompt reply.

Sincerely,

Abeer Baker, Advocate