

Date: 20 July 2008  
Please cite 56424 in response

To: Colonel Nir Peres  
**Gaza DCO**

**By fax**

Dear Sir,

Re: **Unlawful and Disgraceful Conduct in the matter of Ms. Fadloallah: Compulsory Signing of an "Undertaking" Never to Return to Gaza as a Precondition for Medical Treatment**

1. My client, Ms. \_\_\_\_\_ Fadloallah (ID No. \_\_\_\_\_) is married to Mr. \_\_\_\_\_ 'Abdallah and resides in the Gaza Strip.
2. The couple is childless. After years of fertility treatments the treatment finally succeeded and my client became pregnant, with four fetuses. Her pregnancy was determined as high risk following the miscarriage of a fifth fetus, and due to the possibility of premature delivery which would endanger the remaining fetuses. Due to the substantial risk, her doctors recommended she deliver outside the Gaza Strip.
3. Following our appeals to the humanitarian desk of the Gaza District Coordination Office (DCO), my client's passage to the West Bank was finally approved.
4. On 3 July 2008, my client arrived at the Erez crossing, in a wheel chair, in order to travel to the West Bank. While crossing, she felt unwell and suffered sharp abdominal pains. The soldiers quickly called an ambulance, which evacuated her to Barzilai Medical Center in Ashkelon. There, she underwent thorough examinations and the doctors instructed her to remain in the hospital, on bedrest. My client has been hospitalized ever since. Obviously, the soldiers acted appropriately by assisting my client and by hastening to call an ambulance.
5. However, it has recently come to light that while she was being transferred to the ambulance, and was in pain, a soldier approached her and demanded she **sign an undertaking never to return to the Gaza Strip as a precondition for her evacuation to hospital.**
6. Obviously, in such difficult circumstances, my client had no choice but to sign the undertaking forced upon her. In exchange for the signed undertaking, the soldier returned her ID card and provided her with a permit to enter Israel, and she was placed in the ambulance and taken to hospital. It must be noted that the "undertaking" was in Hebrew and that my client did not receive a copy.
7. **This conduct is unlawful and outrageous.** Military personnel may not take advantage of the plight of a woman with a high risk pregnancy who is suffering pain and is on her way to an ambulance, to impose all manner of "undertakings" as a condition for the medical treatment she requires.

Let there be no doubt - such an "undertaking", signed as a prerequisite for medical attention in circumstances of anxiety and distress, is completely unacceptable and is null and void.

8. In light of the above I request:
  - A. That you immediately investigate the incident described above and the soldiers involved;
  - B. That we receive a copy of the "undertaking" which my client was compelled to sign;
  - C. That you ensure that incidents in which soldiers exploit the plight of Palestinians on route to receive medical treatment in order to have them sign "undertakings" and various documents – which are in any case void in view of the circumstances – do not recur;
  - D. That you conduct educational activities among the soldiers at the checkpoint, in order to clarify the meaning and importance of their position, and remind them of their duty to treat those passing through the checkpoint in the appropriate manner;
  - E. That you inform us as soon as possible of the measures taken – concerning both the soldier in question, and the future prevention of similar incidents.
9. I would appreciate your prompt response.

Respectfully,

Ido Blum, Adv.

Copies:

Major General Yosef Mishlav, Coordinator of Government Activities in the Territories

Major General Yoav Galant, GOC Southern Command

Brigadier General Avichai Mendelblit, Military Advocate General

Chief Superintendent Gabi Shmuelov, Head of Crossings Division

Lieutenant Chaim Sharvit, Legal Advisor to the Gaza DCO