

power to bring the necessary medical equipment, such as medications and vaccines into the occupied territory when the occupied area's resources do not suffice.³

13. Furthermore, Article 56 of the Fourth Geneva Convention expressly refers to the preventive measures necessary to combat the spread of communicable diseases and epidemics:

“To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory, **with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics.**”

14. These measures include, *inter alia*, the provision of medications, tests and medical disinfectants, the dispatch of medical teams, and the establishment of hospitals and medical centers to assist persons suffering from infectious diseases.⁴
15. Article 12 of the International Covenant on Economic, Social and Cultural Rights to which State of Israel is bound imposes on it the obligation to take the necessary measures to ensure, *inter alia*, “the prevention, treatment and control of epidemic, endemic, occupational and other diseases, treatment of these disease and supervision over them” (article 12.2(C) of the Convention). In addition, it must take the steps necessary for the “creation of conditions which would assure to all medical service and medical attention in the event of sickness” (Article 2.12(D) of the Convention).
16. The UN Committee on Economic, Social and Cultural Rights published its conclusions in November 2019 following an examination of the state of the Palestinian health system. The Committee expressed its concerns in view of the fact that Palestinians who live in the Occupied Territories, and particularly the Gaza Strip, have very limited and inadequate access to health facilities, apparatus, and health services. This is chiefly due to restrictions on the entry of goods defined by Israel as "dual-use equipment" which include essential medical equipment, and to the permit regime. The Committee recommended to the State of Israel that it, *inter alia*, allow unrestricted access to health facilities and services, including urgent medical services, and permit medical professionals to travel to and from the Gaza Strip.⁵ These recommendations - which Israel disregarded - derive from its obligation in accordance with the provisions of the Convention that are all the more valid at the present time.
17. Alongside Israel's duties under international law, its obligations also derive from High Court of Justice rulings which determined that in light of Israel's ongoing control of the border crossings, and the dependence on Israel that Gaza residents developed in relation to many aspects of life, it is

³ Pictet, J. (Ed.), "The Geneva Conventions of 12 August 1949: Geneva Convention relative to the protection of civilian persons in time of war", **International Committee of the Red Cross**, (1958), (Vol. 4), 314.

⁴ J. Pictet, p. 314.

⁵ Committee on Economic, Social and Cultural Rights: *Concluding Observations on the Fourth Periodic Report of Israel* (E/C.12/ISR/CO/4).

