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February 28, 2021

To:
Joseph R. Biden
President of the United States

Subject: Request to require the State of Israel to use US aid funds to vaccinate the Palestinian population in the West Bank and Gaza Strip

1. This appeal is sent to you in the name of "Combatants for Peace", an Israeli-Palestinian NGO, which is committed to promoting peace and the ending of the Israeli military occupation of the West Bank and Gaza. The NGO's actions are based on building partnerships for a bi-national activity based on non-violence and activism.
2. Unfortunately, the State of Israel renounces its obligations under international law to ensure the Covid-19 vaccination of the Palestinian population in the West Bank and the Gaza Strip.
3. Despite Israel's successful roll-out of its vaccination program against COVID-19, which in the recent days began to include any Israeli citizen above the age of 16 – including Israeli settlers that lives illegally in the West Bank – until now the Israeli government agreed to transfer to the Palestinian Authority in the West Bank only a few thousand vaccines, predominantly for health workers.
4. As a result of this shameful and discriminatory policy, the Israeli activists in "Combatants for Peace" were already able to vaccinate, while the Palestinian activists will have to wait for an unknown period of time.
5. As was clarified in a statement by UN human rights experts published on January 14, 2021¹, as the occupying power of both the West Bank and the Gaza strip, Israel is required under the Fourth Geneva Convention, "**to the fullest extent of the means available to it**", to maintain health services in the occupied territory. Article 56 requires Israel to adopt and apply "**the prophylactic and preventive**

¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26655&LangID=E>

measures necessary to combat the spread of contagious diseases and epidemics” in cooperation with national and local authorities. If the protected population is inadequately supplied, the occupying power is required under the Convention to facilitate relief schemes **“by all means at its disposal”**. Even if some relief consignments, including ‘medical supplies’, are provided by others, article 60 states that such consignments **“shall in no way relieve the occupying power of any of its responsibilities”** for health care to the protected population.

6. The urgent need to vaccinate the Palestinian population in the West Bank and the Gaza strip, was supported also by the Israeli Medical Association and the Israeli Association of Public Health Physicians².
7. As even some EU countries are struggling to compete for vaccines, it is absolutely clear that the Palestinian Authority in the West Bank or the Hamas in the Gaza Strip do not have the political and economic bargaining power to compete in the global vaccine market.
8. Since Israel lowered the bar of vaccination to age 16, and the Israeli government admitted that there is a significant slowdown in the Israeli public's desire to be vaccinated³, there's no doubt that the State of Israel has the means at its disposal to vaccinate at least the populations most at risk in the West Bank and the Gaza strip according to the WHO guidelines and recommendations. Sadly, the State of Israel prefers to stockpile vaccines rather than distribute them to Palestinians who need them.
9. This behavior becomes far more blatant still, as we now learn that Israel intends to trade in Moderna's vaccines in exchange for political favors with countries such as Honduras, the Czech Republic, Guatemala and others.⁴
10. The reasons for the Israeli government's policy appear to be purely political: The State of Israel is in the midst of an election campaign, and there is strong opposition in the electorate of Prime Minister Benjamin Netanyahu and the right-wing parties to any minimal humanitarian and human gesture to the Palestinians.

² <https://cdn.doctorsonly.co.il/2021/02/%D7%A0%D7%99%D7%99%D7%A8-%D7%A2%D7%9E%D7%93%D7%94-%D7%94%D7%A6%D7%95%D7%A8%D7%9A-%D7%91%D7%97%D7%99%D7%A1%D7%95%D7%A0%D7%99%D7%9D-%D7%A0%D7%92%D7%93-%D7%A7%D7%95%D7%A8%D7%95%D7%A0%D7%94-%D7%9C%D7%90%D7%95%D7%9B%D7%9C%D7%95%D7%A1%D7%99%D7%94-%D7%94%D7%A4%D7%9C%D7%A1%D7%98%D7%99%D7%A0%D7%99%D7%AA-17.2.21.pdf>

³ <https://www.haaretz.co.il/health/corona/1.9506936>

⁴ <https://www.nytimes.com/2021/02/23/world/middleeast/israel-palestinians-vaccine-diplomacy.html>

11. In January, the Israeli Government showcased its appetite to take politically motivated decisions on the distribution of COVID-19 vaccines at the expense of human rights, when Interior-Minister Amir Ohana caused a significant delay in vaccines for prisoners, while ignoring both Israeli and International law⁵.
12. In creating a reality in which the Israeli population has been vaccinated and the Palestinian population has not, Israel is creating an epidemiological excuse for the further segregation and isolation of the Palestinian people, who already suffer severe limits on their freedom of movement within the Occupied territories.
13. Israel is the largest cumulative recipient of U.S. foreign assistance since World War II. To date, the U.S. has provided Israel \$146 billion (current, or noninflation-adjusted, dollars) in bilateral assistance and missile defense funding⁶.
14. According to official statements by both countries, successive Administrations - working with Congress - have provided Israel this significant assistance in light of robust domestic U.S. support for Israel and its security; shared strategic goals in the Middle East; a mutual commitment to democratic values; and historical ties dating from U.S. support for the creation of Israel in 1948.
15. In reality, unfortunately, this aid has also been used for the control, oppression and dispossession of the Palestinian population, contributed to the arms race in the Middle East, caused the militarization of the Israeli society and encouraged the lack of accountability and the dangerous behavior of Israeli governments.
16. U.S. aid has contributed to the Israeli governments' belief that they can continue to refuse peace, control the Palestinian population and occupy the Palestinian territories indefinitely.
17. In 2016, the U.S. and Israeli governments signed their third 10-year Memorandum of Understanding (MoU) on aid, covering 2019 to 2028⁷. Under the terms of the MOU, the U.S. pledged to provide—subject to congressional appropriation—\$38 billion in aid (\$33 billion in Foreign Military Financing grants plus \$5 billion in missile defense appropriations) to Israel. This MOU followed a previous \$30 billion 10-year agreement, which ran through 2018.

⁵ <https://www.timesofisrael.com/ag-slams-ohana-says-he-wont-defend-order-in-court-to-not-vaccinate-prisoners/>

⁶ <https://fas.org/sgp/crs/mideast/RL33222.pdf>

⁷ <https://2009-2017.state.gov/documents/organization/265160.pdf>

18. Under the current MOU, the U.S. government underscored the importance of making the aid resources available to finance the purchase of US goods and services in the United States. Since the two main vaccine providers of the State of Israel are American companies, we believe that the U.S. government is legally and morally able to require the State of Israel to use the aid funds to vaccinate the Palestinian population in the West Bank and the Gaza Strip.

19. While due to narrow political interests the Netanyahu government refuses to admit it, there is no doubt that vaccinating the Palestinian population in the West Bank and the Gaza Strip is essential for the national security of the State of Israel, and therefore U.S. aid funds could and should be used for this according to the MOU.

20. For all of the reasons above, we seek the clear position of the U.S. government regarding the discriminatory, illegal and immoral policies of the State of Israel. Just as the U.S. government would denounce a country that would refuse to vaccinate its Jewish or black citizens, so it is expected that U.S. government should take a clear legal and moral stand against the discrimination of Palestinian people and the denying of their basic human rights.

21. As explained in this letter, the solution to circumvent the stubbornness of the Netanyahu government is by directing some of the U.S. aid funds to vaccinate the Palestinian population, and the sooner the better.



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