



## 32. Cooperation between medical institutions and law authorities

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### Background

An application was made to the Ethics Board addressing the question of the proper balance between the rights of a hospitalized patient and the rights of society to protect itself. The application referred to an event occurring in a specific hospital which admitted an injured prisoner arrested on suspicion of setting fire to a government office.

The detainee received full medical treatment, under guard, but prior to his release the police contacted the hospital with a request not to release the detainee, but rather to hold him with artificially determined additional hospitalization. The intention of the police was to enable use of covert methods of interrogation, while he was still in the hospital, in order to extract from him information related to the criminal act.

The director of the hospital who contacted the Ethics Board wrote that the hospital has a clear and natural interest to cooperate with the police and aid it in the investigation of crimes against society, but on the other hand there is the question of infringement of the ethical rules that protect the rights and privacy of the patient.

Another aspect of the same issue arose in a complaint sent to the Ethics Board by a public entity that engages in the rights of foreign residents in Israel. According to this complaint, the director of another hospital, on his own initiative, contacted the immigration authorities and invited them to interrogate a resident of a foreign country who had come to the hospital to receive urgent medical treatment. The activities of this director, in the opinion of the complainers, compromised the ability of the hospital to protect the rights of its patients and their ability to seek treatment when a medical problem arises.

This complaint recalls the unfortunate incident in January 2003, when many foreign workers, some of whom were here without a visa, were injured in a terrorist attack in south Tel Aviv, and avoided seeking medical treatment in the hospitals because of their fear of being handed over to the immigration authorities. In this way, they tangibly endangered their lives and their health.

In the ethical rules appearing here, members of the Ethics Board have attempted to strike a delicate balance between the obligation to preserve the rights of the patient on the one hand and the obligation to preserve the right of society, on the other hand, to protect itself.

### Position paper

- Medical institutions should be regarded as places in which patients are protected in accordance with the medical ethical code.



- Consequently, even illegal residents and criminals are entitled to protection of their rights and privacy, as patients in a medical institution.
- This protection is not absolute, and is sometimes overridden by the good of society and its right to protect itself.
- Therefore, a medical institution shall cooperate with the security authorities in compromising the rights of the patient only where there is reasonable certainty that if they do not do so, harm will be caused to society by said patient.
- The determination of the balance between the freedom and rights of the individual, and the public interest, lies with the Court and not the physicians.
- Consequently, in any case of doubt, in which physicians are asked to harm the individual rights of the patients for the public good, application should be made to the Court to give a ruling on this issue.