



Report on the Armed Raid on al-Maqassed Hospital July 21, 2017

Evidence and event analysis based on the protection granted to medical facilities and teams by local legislation and international conventions

Writers: Ghada Majadli and Hadas Ziv

Testimonies collected by: Ghada Majadli, Hussam Issa Liftawi, Salah Haj-Yahia

Ethical consultants: Dr. Zeev Weiner, Dr. Nurit Wagner,

English Translation: Ami Asher

On July 21, al-Maqassed Hospital in East Jerusalem was raided by Israeli security forces under the pretext of searching for wounded protestors. Based on testimonies collected by Physicians for Human Rights Israel (PHRI), both the search itself and the manner in which it was conducted constituted a severe infringement against the hospital, including violation of its autonomy and the sense of security of healthcare professionals, patients and visitors. The raid involved the use of physical violence against the medical team as it provided essential treatment for patients injured by rubber-coated bullets and even live ammunition.

Even if the police had suspicions or evidence of illegal conduct in the hospital premises, it had to coordinate its entrance with the management, to allow it to maintain regular healthcare activity and the safety of the medical staff and patients.

This is not the first raid on al-Maqassed and other hospitals. PHRI has documented previous raids by security forces, also involving damage to teams and equipment, but the nature and scope of this raid are exceptional. The alerts we have sent to the Israeli healthcare system in previous cases have not yet led to any change in the situation. To the best of our knowledge, the Ministry of Health that is responsible for hospitals and their safety - including al-Maqassed - has done nothing to make the relevant ministries (the Ministry of Defense and the Ministry

of Public Security) cease this practice. Moreover, it appears that had this been a bona fide Israeli hospital, such phenomena would never have occurred and if they did, would not have been left unaddressed.

Background

Al-Maqassed Hospital is [licensed by the Israeli Ministry of Health](#) and defined as a public hospital. Thus, for the Israeli establishment it is subject to the same duties stipulated under Israeli legislation. At the same time, since East Jerusalem is an occupied territory, Israel is also subject to the Geneva Convention. In either case, Israel is bound by the duty of avoiding any harm to the work of medical teams, even in times of conflict and war. Moreover, in this particular case, the hospital itself is not located in the area of the conflict and no fighting occurred in its area.

On Friday, July 21, 2017, during the tense period of the Temple Mount (Haram a-Sharif) incidents, police and border police forces raided al-Maqassed Hospital. In order to gather information about the conduct of security forces during this raid and the potential damage to the hospital's operations and its status as a medical center entitled to protection, a PHRI team visited the hospital on Tuesday, July 25, as well as on Wednesday, July 26, to complete the collection of testimonies. Israeli armed raids on hospitals have been documented by PHRI several times in the past. For example, on October 10, 2015, security forces broke into three hospitals and East Jerusalem, one after the other: al-Maqassed, Augusta Victoria and St. Joseph. Al-Maqassed was raided again on October 27 of the same year, and once more the day after, but then the security forces failed to enter because of a protest watch. Following these incidents, PHRI contacted Israeli healthcare organizations and protested against their silence. After receiving our letter, the Israel Medical Association (IMA) wrote to the Director General of the Ministry of Health and stressed the "importance of maintaining the neutrality of medical institutes and the need to carefully maintain the conditions allowing medical teams to perform their work optimally".¹ The letter also called upon the ministry to investigate the claims made in PHRI's letter, and if these were substantiated, to take steps to ensure medical teams' ability to perform their work. Hitherto, we have received no answer and have seen no change on the ground.

Mr. Rafiq Hussaini, Director General of al-Maqassed Hospital and other staff members described this raid and being without precedent and significantly different from all the previous armed raids on the hospital. They described brutality and arrogance, deliberate violence against the hospital staff, as well as patients, injured, visitors and families, and damage to healthcare activities. The Israeli security forces defined the purpose of the raid as locating injured people who had participated, so they claimed, in the Al-Aqsa events after the Friday prayer.

The following is based on the findings from our visit and review of the events, based on the protection granted to medical facilities and teams by local legislation and international conventions.

¹ IMA Chair Leonid Idelman in a letter to Director General of the Ministry of Health Moshe Bar Siman Tov, December 9, 2015.

Summary of the Incident

Given the events around Temple Mount and the number of injured people rushed to the hospital and particularly to the emergency room for treatment, a state of emergency was declared at al-Maqassed. The hours after the Friday prayer saw an increase in the number of injured protestors arriving at the ER, including many wounded by rubber-coated bullets and two wounded by live ammunition, one of whom subsequently died in the hospital.

Shortly after these injured protestors arrived, the hospital was raided by dozens of police and border police officers. They tried entering the hospital's main courtyard, while the guards tried to stop them. At the same time, a second group stormed into the courtyard of the entrance leading to the ER. After overcoming the resistance of the hospital staff, the armed officers entered the hospital building and the various wards. The raid was accompanied by firing rubber-coated bullets and throwing stun grenades both at people in the hospital and at its roof. In addition, *Mista'arvim* – special undercover troops masquerading Palestinian civilians – were seen in the courtyard in front of the entrance to the ER.

Testimonies collected by the PHRI team from five staff members (whose names and full testimonies are saved in PHRI) indicate the following:

- Armed police and border police officers used excessive force during the raid.
- The official purpose of the raid was to search for injured protestors.
- The raid was accompanied by physical attacks of the hospital staff (pushing, kicking and beating), including the guards in the various wards.
- During their stay at the hospital, some of the officers threatened the medical staff with detention, investigation or even – in one case – "settling accounts" should they not cooperate.
- The attack also involved violence against visitors and families in the wards raided by the officers.
- The medical teams' work was obstructed, sometimes deliberately (blocking an elevator, which prevented an injured person from being transferred), constituting a severe violation of the patients' right to adequate and even lifesaving treatment.
- Damage to office equipment and property.
- Damage to the operating room's sterilization.

The Protected Status of Medical Institutes

International and Israeli law protects medical institutes and teams and prohibits any damage to them other than under unusual circumstances, in which case it must be proportional and maintain a clear distinction between a military and a civilian target. The First and Fourth Geneva Conventions, for example, provide immunity to medical facilities and teams in the course of performing their duty. Indeed, the Israeli High Court of Justice has already ruled in the context of fighting in the Occupied Territories that even if it abuse of medical facilities is suspected, this in itself does not mean they are not entitled to protection, and that every damage thereto must be subject to the proportionality principle.

The cause of the raid: Searching for injured protestors. [According to the 1940 British Public Health Ordinance, Section 29b](#), the Minister of Health may promulgate regulations that require "immediate notification of a nearby police station on any injured, unconscious or dead individual who has arrived at such a hospital or clinic, and there is reasonable suspicion that he has been involved in an act of violence". These regulations were promulgated in 1975 by the then Minister of Health Victor Shem Tov. [The 1996 Patient's Rights Act](#) details the cases when the medical institute is entitled to pass on information, including the case when "the clinician or medical facility are legally obliged to pass on the information". However, a request to provide a complete list of injured persons as though they are all suspected in violent acts (particularly given the reasonable assumptions that they are in fact victims of police violence) constitutes a blanket and excessive interpretation of the regulations. Indeed, following our appeal during the October 2000 events, the possibility for such an interpretation was narrowed even further, among other things to maintain the patients' trust in the healthcare system.²

[The Ministry of Health circular](#) on "Providing Information to the Police" from January 2006 emphasizes the problematic nature of a blanket request, such as the police's request for information about injured individuals in al-Maqassed:

In rare occasions, in the course of conducting its investigation the police requests lists of patients of a particular kind (emphasis in the original) (such as expectant mothers or the very different case of pedophiles) from all hospitals in Israel or a particular area. This means blanket violation of medical confidentiality, one that is difficult to justify, on the individual level, for most patients. Therefore, such violation may be approved only when there is no alternative course of action to promote the investigation of serious offenses or prevent crimes. According to the Ministry of Health guidelines, in such cases, prior to securing a court order (which is essential under such circumstances), you must consult the Ministry of Health's legal advisor. The court application will be made after agreeing with her on the scope of information requested. This will be determined in consideration of the necessity of the investigation on the one hand and the patients' right to confidentiality on the other.

In his testimony, al-Maqassed's Director General told us that when he asked the police officers what they were looking for, he was told that they needed the list of names [of injured protestors]. When he asked them why they stormed the hospital in this manner rather than call and coordinate matters in advance, his question remained unanswered. Based on all of the above, it may be inferred that the security forces operated in an unauthorized and illegal manner.

In addition, the prospect of wounded and sick individuals avoiding the hospitals due to losing trust in its ability to protect them is far from inconceivable - in fact, such a phenomenon has been observed in the past. One of the witnesses, a member of the ER intake team, had this to say: "We didn't manage to take one of

² Following our appeals during the October 2000 events, when the police issued orders to obtain the names of all Arab demonstrators who had arrived in hospitals, Prof. Eran Dolev, the then Chair of the IMA's Ethical Committee, said that "no medical materials would be given to a non-medical entity, particularly one that is not of the patient's party... Providing information would be considered if it were important in the service of justice... Moreover, use of other means to locate persons must be considered before involving the hospitals". The Ministry of Health itself was not pleased by the order, and Dr. Yitzhak Belovich, then Deputy Director General and Head of the Medical Administration, suggested that although hospitals are bound by court orders, the ministry itself may be opposed to it because "we would not like anyone to avoid reaching the hospital... There is a problem with this regulation from the 1970s, and the question is, how to apply this regulation". Hadas Ziv, "Medicine under Fire", PHRI, 2000 (Hebrew).

those injured from live ammunition to the radiology and imaging ward because he had left, fearing detention. We only provided him with primary care. Due to the excessive presence of military forces, many of the injured left the hospital fearing arrest, and were not properly treated".

Main Damages Caused by the Raid

Damage to healthcare and patient safety: The testimonies clearly indicate that the raiding troops conducted their search while severely compromising patient safety and the ability of the medical staff to work under safe and sterile conditions. For example, in one case, during resuscitation attempts, officers obstructed medical care while the patient was fighting for his life, and even lifted his blanket so that his bleeding body was exposed for all passers-by to see.

After twenty minutes, we decided to move [the wounded patient] to the operating room, because the commotion and the great number of people [in the ER] prevented us from completing the treatment. We moved out, with me massaging [his heart]. [The security forces] tried to prevent us from moving from the ER to the operating room, and pushed the bed [back to the ER]. We managed to push them back and to keep going towards the operating room. When the team arrived at the elevator, they tried to board it with us, although there was no room. I had my one hand on the patient's heart and used the other to try to prevent the officer from entering the elevator. He tried to force his way in and said he would settle accounts with me. His colleague, also a police officer, kicked me in the waist and in the meantime the elevator broke down and we tried to board the one in front of it, but it was too narrow for the bed to fit in. We then decided to enter the CT room because perhaps there it would be quieter. The hospital attendants went up to fetch the equipment from the operating room, and when we led the patient inside, his cousin happened to lie on the CT bed - he became hysterical and the team members had to sedate him. After 10-20 minutes [the first patient] was pronounced dead due to his hopeless condition.

There's no doubt about it... There were no safe conditions for treatment and we were forced to resuscitate the patient in such an extreme manner. In addition, we lost ten minutes in heading towards the elevator and eventually did not arrive at our destination. Note that normally, we can cover that distance within 90 seconds. Note also that I had to protect both myself and the injured person at the same time, and deal with a very difficult situation while exchanging blows, so that in addition to the physical effect there was also mental damage involved. I have never imagined I would experience anything remotely like this, and I hope no physician would ever have to.

(Operating room physician)

This testimony was corroborated by others, according to which the raiding forces disrupted healthcare operations in all the wards. An ER nurse, for example, testified that "they wanted the ER to be empty of staff and visitors, they attacked people brutally and attacked anyone who was in their way".

The violation of all rules designed to protect patients' safety is particularly evident in the incursion into the surgical ward, as suggested by the following:

We completed the operation at 16:20, and as we left the operating room, border police officers entered. They entered while we were still in the operating room. They entered the entire ward and searched all five rooms, saying they were looking for an injured individual. We told them that only this patient was there, and that he was not injured. He underwent head surgery while you are looking for a person with a chest injury. They saw a nurse with blood on his white uniform, and told him: "You treated the injured person". They also said that they would summon the four of us [the team in the operating room] to questioning at the Al-Barid police station. They would have done had not [General Director] Dr. Rafiq [Al-Hussaini] intervened, saying we would not be able to attend the questioning since we are on duty and cannot leave the surgical ward under the present emergency. They stayed in the ward for about half an hour and even asked to open the closed storerooms. They even crossed the red line into the sterile area. Consequently, we were forced to resterilize all the rooms. We moved out the patient [who had been operated on before the raid] without difficulty.

(Operating room nurse)

The testimonies clearly indicate that the raid was extensive and affected the entire hospital. The security forces also stormed the maternity ward, radiology and imaging ward, blood bank, reception, pharmacy, laboratory, and accounting offices.

Detering patients from seeking treatment: According to the testimonies, the security forces surrounded "the entire hospital and blocked people from passing into and out of the hospital". Within the hospital, traffic on the main floor hallway was blocked for 30–45 minutes. This was at a time when the hospital was full of patients, including cardiac patients, who reacted in panic to the way the forces stormed the premises and pointed their guns at them. As mentioned above, one of those injured in his leg from live ammunition left the hospital after receiving only primary care, due to his fear of the security forces. Other injured persons did the same.

Violence towards the staff and patients: All testimonies indicate that during the raid, the hospital staff was subjected to physical and verbal violence. One of the interviewees had this to say:

When we pushed the [injured person's] bed, I was confronted by one of the civilian officers [Mista'arvim] and he hit me on the right side of my neck and at the same time pushed me back. Later, I saw three soldiers over my head at the place where I fell to the ground. My hands were behind my head and my arm was covered my face for protection. This was after several moments of losing consciousness. I don't remember how I got up from the floor, but when I asked, they told me a young man came and picked me up.. After the doctors examined me, they decided I should take a CT test. I did it at once. The result calmed me down as it turned out that all I had was bruises. They gave me painkillers and sick leave.

(ER nurse)

A similar scene unfolded inside the blood bank room. When the security forces stormed in, about 20–25 people (both staff and donors) were present. One witness told us:

They knocked on the door we had closed and then this guy [one of the donors] opened it, and the men at the door attacked him, slapping and kicking. Another guy who was photographing the border police forces was attacked. During the incident, the staff took blood from three people sitting on the chairs and connected to the syringe, and only they remained in the room while the rest were being pushed out.

(Blood bank employee)

Conclusion

As we have seen, the hospital's protected status was rudely violated in the uncoordinated raid, **without having been presented by a court order or a legally binding request for information**. It was also violated by the actual conduct of the security forces within the premises during that raid, which compromised healthcare operations and endangered the patients. To reiterate, even if the police did have suspicions or evidence of illegal conduct in the hospital premises, it had to coordinate its entrance in advance. Certainly, there is no justification for its violence towards the medical staff and patients, as documented above.

This conduct drew no comments by the Ministry of Health or the Forum of Hospital Directors, despite being integral to their agenda. This raises questions with regard to their sincerity in protecting the autonomy and status of healthcare facilities when these are Palestinian, in protecting the rights of Palestinian patients.

The fact that despite the unprecedented scope of the damage in this recent case, this is not the first time we are protesting against hospital raids proves beyond the shadow of doubt that nothing has been done in the Ministry of Health to protect the hospitals under its responsibility.

This report is submitted by Physicians for Human Rights Israel to the following entities: Ministry of Health, Israel Medical Association, National Association of Nurses in Israel and Hospital Directors Forum. We demand that they investigate these events and act to protect hospitals against similar incidents in the future. In addition, the Ministry of Health must approach the relevant ministries and demand their response to the facts reported above, and that they act to ensure that the Israel Police and Israel Border Police be held accountable.