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STATEMENT RELEASED BY THE
TRANSVAAL REGIONAL COMMITTEE
OF THE NATIONAL MEDICAL AND DENTAL ASSOCI-
ATION (NAMDA), 29.5.85

NAMDA rejects the recent statement by the Police Directorate of Public Relations that the police do not intervene when any person involved in an unrest area seeks medical aid, and that any person taken into custody receives the required medical treatment.

At a meeting on 29.5.85, about 300 members of the medical profession heard accounts from medical and legal colleagues who had attended to victims of the unrest in the Eastern Cape. They stated that:

- injured people were arrested when seeking medical attention, while receiving treatment, or after discharge
- other injured people were afraid to seek medical attention for fear of immediate arrest
- information regarding injured and arrested victims was often not given by the hospital administration to family members, nor was access to them granted
- a number of medical practitioners were instructed by the police not to treat victims of the unrest and were harassed and prevented from doing so; in fact, a senior police officer threatened to arrest any doctor treating an injured patient on the grounds that they were obstructing the ends of justice
- a large and undisciplined police presence at the provincial hospitals in the Eastern Cape created an atmosphere of fear and tension among patients, staff, and visitors and this may have influenced their medical care
- some of the injured were released from the hospital into police custody by medical personnel while still critically ill

- there were accounts of at least two victims who were denied their usual medical treatment while in police custody

NAMDA wishes to draw the attention of all doctors and members of other health professions to the legal opinion expressed by Advocate Marcus that there is no general obligation in law for doctors to report any injury, including gunshot wounds, to the police. In addition, a medical practitioner is not under a general obligation to divulge information to a policeman who arrives at a hospital on a "fishing expedition" in search of people wounded in the unrest. It may well be that to disclose such information is unethical.

NAMDA calls on members of the health professions, whether in private or hospital practice, to take a strong personal and public stand on this issue and to absolutely reject any police interference with the proper treatment of their patients.

NAMDA calls on the provincial hospital authorities to issue a public statement and undertaking that:

- the patients attending hospitals and clinics will be safe from harassment and interference by the police
- families shall enjoy normal access to the patient and shall have the right to speedy confirmation of the presence of the patient in hospital as well as the condition of the patient
- doctors must compile a comprehensive medical report including details of the treatment required before allowing a patient to be handed over to the arresting authority who should be identified and instructed to give this report immediately to the district surgeon who should also be identified by name

- if the doctor is unhappy about the condition of his patient or has reason to fear that s/he might not receive the proper care in custody, the doctor should refuse to allow such a patient to be released.

NAMDA urges the SAMDC to take note of the judgement of the Supreme Court that if the SAMDC fails to deal properly with complaints of professional misconduct or improper or disgraceful conduct, one of the main and important objects of the South African Medical and Dental Council Act will be defeated and will be rendered nugatory and the medical profession and public interests, in so far as members of the public are affected by such conduct, will be unprotected.