

The following document is a draft memorandum proposed by the Hillbrow branch of NAMDA. It is intended that hospital authorities be asked to endorse such a document. It is published here to generate discussion. Critical feedback should be sent to Critical Health, P.O. Box 16250, Doornfontein 2028.

MEMORANDUM

HEALTH PROFESSIONALS AND VICTIMS OF CIVIL UNREST -

NAMDA HILLBROW BRANCH

1 Patients' Rights

1.1 Gunshot wounds do not have to be reported to the SAP.

1.2 If a patient is under arrest in hospital, common law privileges apply unless the patient is held under laws which prohibit access. The family has the right to visit the patient.

1.3 The hospital should ensure that the family is informed of a victim's admission and condition. Enquiries should be competently handled. When a patient is removed into police custody, the family must be notified.

2 Health Professionals

2.1 Detailed records must be kept. Records must be safe-guarded against loss and should not be made available to army or police personnel without the appropriate authorisation.

2.2 A special disaster-plan to manage unrest victims may need to be drafted and all hospital staff may need to be trained in its application.

2.3 Special attention may need to be given to the training of personnel to manage the types of injuries occurring during civil unrest.

- 2.4 Staff should be given clear, unambiguous, and written instructions as to their relationship with the SAP.
- 2.5 All staff should be aware that divulging the particulars of the unrest victims to army or police personnel is a breach of patient confidentiality. This is unethical behaviour for which action can be taken by the relevant professional registering council.

3 Liaison with the SAP in Hospital

- 3.1 The patient's life and health needs are the primary concern of health professionals, regardless of race, colour, religion, or political conviction.
- 3.2 If a patient in hospital is under arrest, the SAP may not be allowed to interfere with his/her medical needs.
- 3.3 If the SAP wishes to remove a patient before s/he is fit to be discharged into SAP custody, a senior surgeon should be responsible for handing the patient over.
- 3.4 When removing a patient from the hospital against the advice of a senior surgeon, the SAP must sign a form specially drafted for this purpose. Provision should be made on this form for full particulars of the SAP member.
- 3.5 When a patient is removed by the SAP, a full report on the patient's condition addressed to the district surgeon must accompany the patient. A copy of the report should be sent under separate cover to the district surgeon. A further copy must be retained by the hospital.
- 3.6 The patient's family and legal representative must be informed immediately of the SAP's intentions and actions.

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