



KZN SURGEON ARRESTED ON A MURDER CHARGE FOLLOWING THE DEATH OF A PATIENT

The South African Private Practitioners Forum (SAPPF), Surgicom and the Association of Surgeons of South Africa (ASSA) strongly condemn the arrest on a charge of murder on Friday 26 August 2022 of a KZN surgeon. This matter relates to the death of a patient in 2019 and currently forms the subject of pending civil action and proceedings before the Health Professions Council of South Africa (HPCSA), but no finding has been determined. The surgeon has always insisted that the patient’s death, whilst unfortunate, was not due to any act or omission on his part.

Murder implies the intentional and pre-meditated killing of another human being and is not appropriate for the unexpected death of a patient following medical treatment. Deaths which occur post-surgical procedures require investigation in accordance with South African law and if negligence can be proven, healthcare practitioners should face appropriate sanction. However, if this arrest signals the intention of the Department of Public Prosecutions to pursue medical professionals for alleged serious complications of treatment as criminal acts, the implications for healthcare practitioners are very serious. Few surgeons in this country will be willing to continue practicing if they face the risk of arrest for murder following the unexpected death of a patient.

Where it is necessary for healthcare practitioners to appear in court, their attendance can be secured by summons rather than arrest. We call upon the Director of Public Prosecutions and the South African Police Services to withdraw these charges and allow the on-going civil and HPCSA processes to continue to completion.

| | | | |
|----------------------|-----------------------|------------------|----------------------|
| Philip Matley | Simon Strachan | Zach Koto | Paul Goldberg |
| Chairman | CEO | President | Chairman |
| SAPPF & Surgicom | SAPPF | ASSA | ASSA |