

## ASSOCIATION OF SURGEONS OF SOUTH AFRICA STATEMENT

### ARREST AND RELEASE OF SURGEON AND ANESTHETIST

The Association of Surgeons of South Africa (ASSA) has noted with grave concern the arrest of a surgeon and anesthetist following the death of a patient as a result of elective surgery. Although both surgeon and anesthetist have subsequently been released on surety, this unprecedented move by the authorities raises serious disquiet around the practice of surgery and anesthesia in South Africa, with potential detrimental implications for the delivery of quality healthcare.

ASSA has united with the Federation of South African Surgeons in expressing deep sympathy with the patient's family, condemning the manner in which both clinicians were arrested and indicted, and calling for composure while the investigation into the death is underway.

Pursuant to the imminent statement by the Federation of South African Surgeons, and other Society press releases, ASSA independently issues this statement.

The death of a patient following surgery is tragic for both the family and the clinicians involved. Surgery and anesthesia cannot be regarded as precise arts, and the spectre of adverse events, including death, is ever present. Negligence on the part of either surgeon or anesthetist should not be automatically implied until such proof of negligence is evidenced following a thorough investigation by the statutory body, or a guilty conviction is returned in a transparent trial. ASSA's position is congruent with that of other Societies in deploring the circumvention of the normal process usually undertaken by the statutory body, and the public prosecution of the surgeon and anesthetist without a fair and transparent trial.

ASSA will engage with the national Minister of Health to frame legislation providing immunity from criminal charges for surgeons and anesthetists in all cases until due processes have been completed.

ASSA will furthermore advocate that healthcare, similar to the judiciary and the press, be free from political meddling.

ENDS