
Protocol for the examination of detainees by district surgeons

A protocol for the examination of detainees has been approved by the Faculty of Medicine, University of the Witwatersrand, to assist district surgeons in dealing with the health care of detainees. It is based on the guidelines contained in the Declaration of Tokyo which have been accepted by the Medical Association of South Africa (MASA).

The protocol aims to assist doctors by standardising procedures for conducting the history, examination, treatment, referral and re-assessment of detainees. It should be completed in full. In the event of future judicial proceedings it may serve to protect both doctor and patient.

The same protocol may also be of use to outside doctors whose medical opinions are requested by district surgeons. In such instances, the outside doctor should, as is customary between colleagues, provide the referring district surgeon with a copy of the full report including recommendations for future management.

In accordance with normal practice, the protocol requires that certain conditions be fulfilled:

- All examinations should be conducted in a consulting room with adequate facilities for a comprehensive examination. If the facilities are not adequate, do not hesitate to request the authorities to provide adequate and appropriate conditions.

(Editors' note: this examination should be conducted in private, with no security guard in attendance.)

- The doctor should always introduce himself or herself to the detainee and a suitable female chaperone should be present whenever a female detainee is examined by a male doctor.

- The doctor should inform the detainee that s/he has the right to be visited on a routine



Indifference from prison authorities forced Dr Wendy Orr to take her complaints of maltreatment of detainees to court

fortnightly basis by a district surgeon. In addition, s/he has the right to request the services of a district surgeon should s/he feel the need for medical attention.

- The detainee should be informed that while every effort will be made to maintain confidentiality, a district surgeon must, under the Act, submit a report to the Office of the Director of Security Legislation and to the Divisional Commissioner.

- Immediate action should be taken if there is any evidence that the conditions of detention have adversely affected the mental or physical wellbeing of the detainee. The persons to be notified include:

1. The Commander of the Police Station or Prison or, if not available, his/her deputy..
2. The Inspector of Detainees or his/her deputy.
3. The Director of the Regional Office of the Department of Health and Welfare or his/her deputy.

(In the case of outside doctors, the persons to be notified should also include the District Surgeon who referred the patient, or his/her deputy.)

In an emergency this should be done verbally and confirmed by letter.

(Editors' note: if none of the above channels achieve positive results, the precedent, set by Dr Wendy Orr, of obtaining independent legal action, should be followed.)

Copies of this protocol are obtainable from the Faculty of Medicine, University of the Witwatersrand, Medical School, 7 York Rd, Parktown, 2193