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**Physicians for
Human Rights**

HOSPITAL STAFF UPHOLDS INTERNATIONAL MEDICAL ETHICS DURING UNREST IN BANGKOK

A Briefing Paper by
Physicians for Human Rights
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Physicians for Human Rights

Physicians for Human Rights (PHR) mobilizes health professionals and concerned citizens to advance the health and dignity of all people, through actions that promote respect for, and protection and fulfillment of human rights.

PHR is an independent, non-profit organization and has a track record of more than two decades documenting health rights violations around the world, including in Afghanistan, Chad, Chile, Chechnya, former Yugoslavia, Kosovo, India, Israel and Palestine, Mexico, Peru, Rwanda, Sudan, and the United States.

Since 1986, PHR members have worked to stop torture, disappearances, political killings, and denial of the right to health by governments and opposition groups, and to investigate and expose violations, including deaths, injuries, and trauma inflicted on civilians in armed conflict; suffering and deprivation, including denial of access to health care caused by political differences as well as ethnic and racial discrimination; mental and physical anguish inflicted on women by abuse; loss of life or limb from landmines and other indiscriminate weapons; harsh methods of incarceration and interrogation and torture in prisons and detention centers, and poor health stemming from vast inequalities in societies.

As one of the original steering committee members of the International Campaign to Ban Landmines, PHR shared the 1997 Nobel Peace Prize.

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Introduction

Physicians for Human Rights commends the staff and administration at a major Bangkok hospital for upholding their high ethical duties as health professionals during the past six weeks of unrest, and expresses grave concern over the failure of Thai security forces to provide adequate protection to medical personnel and patients.

Following public outcries, anti-government protesters in Thailand have apologized for blockading and forcibly entering King Chulalongkorn Memorial Hospital last week and for the actions of protestors who impeded the work of medical personnel and staff. These actions violated humanitarian principles that protect delivery of medical care and ensure unhindered access to patients at all times and in all contexts.

PHR strongly urges all stakeholders in the current political crisis in Thailand to ensure that all political entities and institutions realize the importance of maintaining the neutrality of medical care and safeguard unhindered access to medical facilities for patients and hospital staff.

The following narrative summarizes the findings of a PHR inquiry into the blockade and subsequent evacuation of Chulalongkorn Hospital. Richard Sollom MA MPH, PHR Director of Research and Investigations, and Adam Richards MD MPH, PHR Board Member, conducted key informant interviews in Bangkok with senior hospital administrators, physicians, nurses and house staff during 1-3 May 2010.

Senior officials of the Thai National Police did not respond to PHR's requests for interviews, and the PHR team was unable to interview protest leaders. The narrative is therefore based principally on accounts from medical personnel and hospital staff, supplemented by reports in the local media as well as video and photographic evidence.

Chronology of Events

King Chulalongkorn Memorial Hospital, named after the current king's grandfather, is owned and managed by the Thai Red Cross Society. Located near Bangkok's central shopping and banking district, the sprawling complex of more than 80 buildings includes medical and other health professional schools and a 1,500-bed tertiary hospital that provides specialized care to patients referred from all regions of Thailand.

In early April 2010, members of the United Front of Democracy against Dictatorship (UDD), commonly known as the "red shirts," began to erect barricades of bamboo poles and tires along Rajdamri Road between the hospital and the adjacent Lumpini Park, leaving only a single lane open for patients and visitors to access the hospital. About 20 protesters began squatting in the hospital each night. Senior hospital officials told PHR that they contacted police and military officials within the first few days of the UDD protests to express

concern about hospital access and patient safety, but were told that additional security would not be provided. The hospital administration's request of the Thai authorities comports with humanitarian principles and international standards on medical ethics, which require that medical personnel be granted necessary protection to carry out freely their responsibilities.

Tensions mounted between hospital staff and the UDD over several weeks, as UDD security forces, some wielding knives and sharpened bamboo staves, began to inspect vehicles entering the hospital. On several occasions, protesters searched ambulances with acutely ill patients, hospital officials said, claiming that soldiers could hide weapons in those vehicles. No weapons were found. Hospital staff described being taunted and verbally harassed as they passed UDD protesters on their way to the hospital. UDD leaders violated core humanitarian principles, which affirm that medical transport be respected and protected at all times and that access for health personnel to sick and injured patients be free and unhindered.

Despite these tensions, hospital staff continued to treat UDD protesters for acute traumatic injuries and exacerbations of chronic illnesses. For example, a medical resident assigned to the emergency room described treating a protester for a face laceration and asthma. Such non-discriminatory treatment adheres to medical ethics, which state that, even during emergencies, physicians must give the required care impartially and without consideration of sex, race, nationality, religion, political affiliation or other status.

On at least one occasion a red shirt protester claiming to be a physician is reported to have demanded that the house staff modify the medical record of another protester to make it appear as if that person's facial wound had resulted from a fall. According to house staff, the physician-protester became belligerent when the treating physician initially wrote that the laceration was consistent with a glancing blow to the face. In response to the intimidation, the house staff acquiesced and modified the medical record. Such coercion violates international standards of medical ethics, which mandate that physicians be afforded complete independence in conducting their professional duties.

On 22 April, five M79 grenades exploded near the Dusit Thani Hotel, less than 200 meters from the Chulalongkorn Hospital, killing one person and wounding at least 75. Chulalongkorn clinicians treated 19 blast victims. PHR was shown photos of three hospital windows damaged by projectiles later that night. Hospital staff independently described to PHR how these events contributed to their heightened state of fear for their own safety and that of the public. An emergency room nurse told PHR she started sleeping at the hospital so she would be available to help with the hospital's response in case of massive casualties.

On 26 April, approximately 60 UDD protesters demanded entrance to the hospital to search for a pro-government physician. Administration officials told PHR investigators that they notified the police when UDD protesters entered the first floor

of the hospital, that the police arrived in less than 10 minutes, and that the police and hospital security guards successfully convinced the protesters to leave peacefully. Following this incident, senior hospital administrators contacted government officials to express their concern for the safety of approximately 1,200 patients, but were told not to expect any further protection. This decision constitutes a second instance in which Thai security forces refused to give medical personnel the protection they needed to carry out freely their ethical responsibilities to care for patients.

A senior hospital administrator recounted to PHR how two days later (28 April) he found five liquid propane tanks the protesters had arrayed within 50 meters of the emergency room entrance. According to the administrator, one of the protesters threatened “If I were you, I would move your patients.” Assuming that an explosion of the propane tanks would have a blast radius of 50 to 200 meters, the administration evacuated all hospital buildings within 200 meters of the tanks. By early afternoon over 200 patients, including some 120 children, were relocated to recently constructed buildings in a more distant area of the hospital compound. PHR was shown photos of patients lying on mattresses on the floor, with the explanation that the wards in these new buildings had not been scheduled to open for several months.

The tense mood increased throughout the day, as the afternoon brought news of increased fighting in the north, and several explosions were heard outside the hospital. Later that day, the protesters extended a clear plastic tube from one of the propane tanks toward the hospital basement and, according to two key informants, threatened to burn the building. They later withdrew the plastic tube after negotiating with the hospital security guards.

That evening protesters returned to the emergency room, saying they were looking for soldiers and policemen. They also spoke lewdly to physicians, nurses, and other hospital staff, and threatened to return the following day to take them hostage. These events impeded medical professionals from carrying out their humanitarian tasks, and are similar to breaches of medical neutrality during armed conflict.

Around 6 p.m. on 29 April, UDD leader Phayap Panket and some 25 red shirt guards appeared at the gate of the emergency department with more than 100 protesters, some of them openly carrying sharpened bamboo stakes, to demand that they again be allowed to search the building for the police and soldiers they believed had stationed themselves inside the hospital. The UDD protesters shouted threats and made lewd comments, and grabbed the shirts of several hospital guards. The protesters refused to believe the senior administrators who assured them that soldiers were not permitted in the hospital. Hospital administrators immediately called police, who at that time had not established a formal police presence near the hospital.

UDD leaders persisted in their demand to search the hospital, and the hospital administrators felt compelled by the

large number of protesters to accede to their demand. Despite the request to limit the number of searchers, several hundred stormed the hospital compound and began to search two of the previously evacuated larger buildings. When police arrived, they accompanied UDD leaders in their search of other hospital buildings, while other UDD protesters walked throughout the hospital and surrounding grounds in small groups. Physicians and nurses expressed shock at the brazen attitude of the UDD protesters and their disregard for fundamental humanitarian principles and core ethical obligations of health personnel. Said one: “We are neutral.... Maybe they don’t understand about the principles of the Red Cross.”

For safety reasons, the hospital administration decided that evening to close the emergency room and pharmacy and moved most hospital staff to buildings further away from the UDD encampment. Hospital administrators held an emergency meeting of senior leadership to discuss the implications of the recent incursion into the hospital, and consensus was reached around 9 p.m. to evacuate the entire hospital early the next morning, 30 April. The decision to evacuate was based on concern for the safety and security for the patients, which the administration did not feel could be guaranteed, despite the presence of 100 policemen dispatched earlier that day to guard the hospital. Around 10:30 p.m. a text message was sent to all leadership in the hospital to prepare transfer summaries for all patients, and staff began to communicate with other hospitals to see whether they would accept the patients.

By 7 a.m. 30 April, staff began to transfer and discharge the remaining 600 patients. By that evening only the Supreme Patriarch (Thailand’s most revered Buddhist monk) remained as a patient in the hospital. The next day, after His Holiness was transferred to Siriraj Hospital, the hospital had no patients.

Several red shirt leaders quickly apologized for the raid, calling it a mistake. Weng Tojirakarn, a physician and protest leader, was quoted as saying that “the situation got out of control. It is not our policy to obstruct hospital operations.”

The umbrella organization representing five of Thailand’s professional health associations has condemned anti-government protesters for storming Chulalongkorn Hospital. The umbrella group includes the Medical Council, the Nursing Council, the Pharmaceutical Council, the Council of Medical Laboratory Scientists, and the Council of Physical Therapists.

On 2 May, Metropolitan Police Lieutenant General Santhan Chayanon negotiated with the UDD to clear one lane on each side of Rajdamri Road in front of Chulalongkorn Hospital; later that day the UDD moved the barricade to comply with this agreement. And on 3 May, the Bangkok Post reported that Chulalongkorn Hospital had demanded that protesters clear the road entirely, from Saladaeng to Sarasin intersections, “for safety of medical personnel and patients.”

Background

The current uprising in the streets of Bangkok took root amid a complex political landscape where social and class divisions largely define party allegiance.

The People's Alliance for Democracy (PAD, commonly known as the yellow shirts) formed in 2006 as a political pressure group against Thaksin Shinawatra, Thailand's former prime minister. The yellow shirts, named for the protesters who wear the color of the monarchy, consist mainly of urban middle class, conservative elites, and other royalists who deride Thaksin's populist social welfare policies and accuse his government of corruption.

After a Thai court convicted him of corruption and sentenced him to two years' imprisonment, Thaksin fled the country. The yellow shirts led protests that culminated in the military overthrow of Thaksin's interim government in 2006. Thailand's Constitutional Court dissolved Thaksin's political party (Thais Love Thais) in 2007 for election fraud, but remnants of the party merely regrouped as the People's Power Party, which led the coalition government following the 2007 general election. Anti-Thaksin yellow shirts thus re-established themselves in

2008, leading street protests and seizing control of government buildings as well as the main airport. The current Prime Minister, Abhisit Vejjajiva, was favored among yellow shirts and assumed premiership in December 2008 with backing by PAD, monarchists, the military, and urban elite.

In opposition to the PAD yellow shirts stand the UDD red shirts (National United Front of Democracy Against Dictatorship), a political pressure group that supports deposed Prime Minister Thaksin Shinawatra. The red shirts align with the For Thais Party, which opposes the current coalition government of Abhisit. The UDD red shirts assert that Abhisit gained power illegitimately with backing from the Thai Army and judiciary. The red shirts thus demanded that Abhisit immediately dissolve Parliament, which would trigger a constitutional requirement to hold an election within 45-60 days.

PHR strongly urges all stakeholders in the current political crisis in Thailand to ensure that all political entities and institutions realize the importance of maintaining the neutrality of medical care and safeguard unhindered access to medical facilities for patients and hospital staff.