

Points of attention **MEDICAL CRIMINAL LAW**

1. A criminal investigation led by the (Medical) Public Prosecutor is generally conducted by the police. You have to take into account the fact that the medical knowledge of the average detective lags way behind that of the IGJ investigators. In order to avoid (medical) misunderstandings and possible subsequent legal problems, we recommend that you have a specialised criminal lawyer assist you when you make a statement to the police as a witness or suspect.
2. A criminal investigation is often preceded by or runs parallel with an investigation led by the IGJ. Although, in principle, you have to cooperate with an IGJ investigation, it is important that you realise that the information gathered by the IGJ may, at a later stage, end up with the Public Prosecutor. Which is why we generally get involved early on.
3. Suppose the Public Prosecutor's Office informs you they want information covered by professional confidentiality. Are you allowed to give them this information? This is a tricky question. Breaching medical confidentiality can result in a criminal offence (violation of Article 272, Criminal Code), as well as be cause for a disciplinary reprimand. Hence, it is important to not 'simply' comply with a Public Prosecutor's Office's demand to surrender medical information or care or patient files. Our specialised team regularly gives advice on these complex issues.