

**Final Report by
The National Experts
Committee**

**Regarding
The Scientific Expert Opinion**

**required
In**

**Case 607/2003-
Felonies/Benghazi**

Presented to

The Benghazi Appeals Court

(December 28th, 2003)

Translated from Arabic by: *Nureddin M. Wefati*

The Experts

(In the same order as presented in the Preliminary Ruling)

We the experts:

1. Professor, Doctor, Othman Al-Shibani Al-Zentani
MBBS; MD; FAAFS; FIAFM ; FIPAFM

- PhD in Forensic Medicine, the University of Lausanne, Switzerland.
- Consultant in Forensic Medicine- The Secretariat of the General People's Committee for Justice and Public Security.
- Head of the Forensic Medicine Department, Tripoli, the Tripoli Medical Centre.
- Member of the teaching staff and head of the Forensic Medicine Unit, the Department of Forensic Medicine and Toxicology, the Faculty of Medicine, al-Fatah University.
- A member of the American Academy of Forensic Medicine.
- A member of the Mediterranean Association of Forensic Medicine.
- A member of the South East Asia Association of Forensic Medicine.
- A member of the International Association of Forensic Medicine.
- Registrar of the Libyan Association for the History of Medical Science.

2. Professor, Doctor, Mohamed Dhao Ighniah
B.pharm; MPS; PhD; MD

- PhD Clinical Microbiology, Trinity Collage, Ireland.
- Professor and head of the Department of Microbiology, the Faculty of Medicine, al-Fatah University.
- General Practitioner of Medicine.
- A member of the International Association of Nosocomial Infections.
- A member of the American Association of Microbiology
- A member of the European Association of Clinical Microbiology.
- A member of the European Association of Gastrointestinal Disease.
- Editor in some medical and scientific Journals.

3. Professor, Doctor, Ibrahim Abdusalam Abeid
BSc; Dip-Bact.; MSc; PhD; ARCCM

- Bachelor of Medical Laboratories.
- Diploma of Bacteriology and Virology, the University of Manchester, Britain.
- Master of Microbiology, the University of Manchester, Britain.
- PhD Microbiology, the University of Glasgow, Scotland.
- A member of the European Association of Microbiology and Infectious Diseases.
- A member of the Canadian Collage of Microbiology.
- Registrar of the Scientific Committee of Liver of Infections.

- A member of the teaching staff, Head of Pathogens' Unit of the Department of Microbiology, the Faculty of Medicine, the University of Garunis.
- A member of the Medical Specialties Council, the Specialty of Laboratory Medicine.

4. Professor, Doctor, Amina Saleh Abusidra

MBBS; DCP, MSc, PhD

- Diploma of Clinical Disease, the University of London, Britain.
- Master of Clinical Immunology, the University of London, Britain.
- PhD Immunology, the University of London, Britain.
- A member of the teaching staff of the Department of Microbiology, the Faculty of Medicine, the University of Garunis.
- A member of the British Association of Immunology.
- A member of the Royal British Association of Pathogenesis.
- Head of the Medical Laboratory of the Centre of Infectious Diseases and Immunology, Benghazi.
- A member of the Medical Specialties Council, the Specialty of Immunology.

5. Doctor, Osama Awadh al-Zwai

MBBS; MD.

- Bachelor of Medicine and Surgery (1990), the University of Garunis.
- Doctor of Internal Medicine (1998).
- A member of the teaching staff (lecturer), the Faculty of Medicine, the University of Garunis.
- President of Medical Services, the Secretariat of Health, Benghazi.
- A member of the Medical Specialties Council, the specialty of Kidney Disease.
- A specialist of Internal Medicine and Nephrology at the Centre of Kidney Disease, Benghazi.
- A member of the Arab Association for Kidney Disease and Transplant.

Summary of results:
(Based on the aforementioned)

- The HIV outbreak at the Al-Fateh Children Hospital in Benghazi was only observed in certain treatment units. Such units, that registered concentrated infections, should have been the least susceptible as compared to other units with higher risk of an outbreak.
- A distinctive point in the epidemiological study of this outbreak, is that the outbreak was localized to this particular hospital and not observed in any of the other hospitals in the city of Benghazi.
- Indwelling Catheters were never imported by the hospital's administration and were not used by the medical staff in any medical treatments. Furthermore, there is no evidence for the reuse of syringes or any disposable sharp objects at the said hospital. This refutes what was stated in the Montagnier and Colizzi Report.
- The gene analysis of the virus causing the disease, established the virus as unique and was not having been previously registered at the Gene Bank.
- The incidence of large number of infected children is a strange accident and is difficult to explain as a medical accident that is a result of the misuse or lack of medical instruments.
- The scientific reports submitted by foreign experts which support the assumption of a nosocomial infection, lack epidemiological evidence and scientific proof.
- Laboratory analysis of the plasma vials proved that they were contaminated because of the presence of antibodies to the HIV antigens.
- The mortality rate (10.6%) of the infected children (to date) is high and indicate strong infections. The laboratory results of the infected children conducted following their arrival in Switzerland for treatment indicated high viremia. This type of infection does not correlate to nosocomial infections or none deliberate negligence.
- The direct cause of mortality among the infected children was HIV (AIDS) and accompanying opportunistic infections.

Conclusion

Upon examining the scientific attached scientific papers, medical reports, and defence memoranda: with respect to the scientific view and according to known scientific practices, the National Experts Committee deems the outbreak of AIDS in the Al-Fateh Children Hospital as not having occurred as a result of a nosocomial infection and having not resulted because of the misuse and/or the reuse of medical instruments. Furthermore, the data available to us did not contradict the possibility of a deliberate transmission of HIV to the infected children.

The National Experts Committee

Signed

Dr. Amina Saleh Abusidra

Dr. Othman Al-Shibani Al-Zentani

Dr. Mohamed Dhao Ighniah

Dr. Ibrahim Abdusalam Abeid

Dr Osama Awadh al-Zwai

(written and signed in Benghazi on Sunday December 28, 2003)