

PUBLIC RECORD**Dates:** 31/03/2025 – 28/04/2025, 12/05/2025

Doctor: Dr Khaled ABDEL AZIZ

GMC reference number: 5201987

Primary medical qualification: MB BCh 1986 Ain Shams University

Type of case	Outcome on facts	Outcome on impairment
New - Misconduct	Facts relevant to impairment not found proved	Consideration of impairment not reached

Summary of outcome

Case concluded

Tribunal:

Legally Qualified Chair	Mrs Helen Potts
Registrant Tribunal Members:	Dr Ammar Ghouri, Dr David Mabin

Tribunal Clerks:	Ms Jennifer Ireland: 31/03 -28/04/2025, Mr Francis Ekengwu: 12/05/2025
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Attendance and Representation:

Doctor:	Present, represented
Doctor's Representative:	Ms Katie Mustard, Counsel, instructed by Hempsons
GMC Representative:	Mr Ian Brook, Counsel

Attendance of Press / Public

In accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 the hearing was held partly in public and partly in private.

Overarching Objective

Throughout the decision making process the tribunal has borne in mind the statutory overarching objective as set out in s1 Medical Act 1983 (the 1983 Act) to protect, promote

and maintain the health, safety and well-being of the public, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of that profession.

Determination on Facts - 12/05/2025

Background

1. Dr Abdel Aziz qualified as a doctor with MB BCH in 1986 from Ain Shams University, Egypt. He moved to the UK in 1998 to study at the London School of Tropical Medicine, later settling in Reading in 2004. Dr Abdel Aziz has held a number of different posts throughout the UK. At the time of the events giving rise to the Allegation, Dr Abdel Aziz was practising as a Consultant in acute medicine at the Bristol Royal Infirmary.

2. The Allegation that has led to Dr Abdel Aziz's hearing arises in his private life in the context of his attendance at the Reading Festival ('the Festival') on Friday 25 August 2023. XXX. He was dropped off at the Festival in the late afternoon of 25 August 2023 XXX. Dr Abdel Aziz was due to be working the following day in Bristol and planned to travel by train directly from Reading to Bristol later that evening.

3. It is alleged that while at the Festival on 25 August 2023, Dr Abdel Aziz touched a XXX girl, Miss A, without her consent. The alleged touching is said to have taken place in the Radio One Xtra tent ('the Tent') at the Festival. It is alleged that Dr Abdel Aziz touched Miss A on her upper thigh, bottom, back and hips and that he placed his hands on her hips, pulling his body towards her, touching her bottom with his crotch. It is alleged that his actions were sexually motivated and that, at the material time, Miss A was vulnerable due to her age.

4. Miss A reported the alleged touching to a security guard at the Festival who in turn reported it to the Pit Crew Supervisor in Specialised Security, Mr D. The Police were called and Dr Abdel Aziz was arrested. Miss A and Mr D produced witness statements as part of the investigation by the Police. The Police investigated further and determined to take no further action. The GMC was notified of the Police decision on 3 November 2023 and continued its own investigation.

The Outcome of Applications Made during the Facts Stage

5. The Tribunal accepted the GMC's unopposed application that Miss A be anonymised throughout these proceedings.

The Tribunal refused the GMC's application, made pursuant to Rule 34(1) of the General Medical Council (Fitness to Practise Rules) 2004 as amended ('the Rules'), to admit a telephone note of a conversation between Dr Abdel Aziz and a member of GMC staff on 10 October 2023 into the evidence. The Tribunal's full decision on the application is included at Annex A.

6. The Tribunal granted an application on behalf of Dr Abdel Aziz, made pursuant to Rule 34(1) of the Rules, to admit the statement of Dr C into the evidence. The Tribunal's full decision on the application is included at Annex B.

The Allegation and the Doctor's Response

7. The Allegation made against Dr Abdel Aziz is as follows:

That being registered under the Medical Act 1983 (as amended):

1. On one or more occasion on 25 August 2023, you:
 - a. touched Miss A (a minor) on her:
 - i. upper thigh; **To be determined.**
 - ii. bottom; **To be determined.**
 - iii. back; **To be determined.**
 - iv. hips; **To be determined.**
 - b. placed your hands around Miss A's waist and;
 - i. pulled your body towards her; **To be determined.**
 - ii. touched her bottom with your crotch. **To be determined.**
2. Your actions as described at paragraphs 1a and 1b were:
 - a. carried out without Miss A's consent; **To be determined.**
 - b. sexually motivated. **To be determined.**

3. At all material times, Miss A was vulnerable due to her age. **To be determined.**

And that by reason of the matters set out above your fitness to practise is impaired because of your misconduct. **To be determined.**

The Facts to be Determined

8. Dr Abdel Aziz made no admissions to the Allegation. In light of this response, the Tribunal is required to determine the facts in full.

Witness Evidence

9. The Tribunal received evidence on behalf of the GMC from the following witnesses, both of whom provided written witness statements for these proceedings and gave oral evidence under affirmation:

- Miss A; and
- Mr D, Security Guard at the Festival in the Tent.

10. Dr Abdel Aziz provided his own witness statement, dated 20 January 2025, and also gave oral evidence under affirmation at the hearing.

11. The Tribunal also received evidence on behalf of Dr Abdel Aziz in the form of a written witness statement from Dr C. Dr C did not attend to give oral evidence. The Tribunal determined to admit his written statement into the evidence, following an application on behalf of Dr Abdel Aziz. The Tribunal's decision on the application is included at Annex B.

Documentary and Audiovisual Evidence

12. The Tribunal also received a bundle of documentary and audiovisual evidence provided by the parties. This evidence included but was not limited to:

- Body Worn Camera footage taken by the Police on 25 August 2025 during Dr Abdel Aziz's arrest;
- MG11 Police witness statement of Miss A, dated 26 August 2023;
- MG11 Police witness statement of Mr D, dated 25 August 2025; and
- A hand drawn diagram of the layout of the Tent, produced by Mr D during his oral evidence.

13. The Tribunal also received an agreed statement of facts from the parties in relation to attempts by the GMC to secure CCTV footage from within the Tent at the material time. This includes a statement by the Police that there was one camera within the Tent and that the CCTV had been reviewed but showed neither the aggrieved party (Miss A) nor the suspect (Dr Abdel Aziz).

The Tribunal's Approach

14. In reaching its decision on the facts, the Tribunal accepted the advice of the Legally Qualified Chair ('LQC'), as set out below.

15. The Tribunal bore in mind that the burden of proof rests on the GMC and it is for the GMC to prove the Allegation. Dr Abdel Aziz does not need to prove anything. The standard of proof is that applicable to civil proceedings, namely the balance of probabilities, which means that a fact cannot be found proved unless the Tribunal is satisfied that it is more likely than not to have occurred as alleged.

16. Although there is one standard of proof, there are cases where the allegations are such that a heightened examination of the evidence may be necessary by reason of the inherent unlikelihood of the alleged event having taken place, the seriousness of the allegation itself and/or the seriousness of the consequences if it is proved.

17. However, it does not follow that the more serious an allegation, the less likely it is to have occurred. So whilst the Tribunal may take account of inherent probabilities, there is no logical or necessary connection between seriousness and probability. Thus it is not the case that *'the more serious the allegation, the more cogent the evidence needed to prove it'* (*Byrne v General Medical Council* [2021] EWHC 2277 (Admin)).

18. The Tribunal was reminded that hearsay evidence has been admitted, in the form of a statement from Dr C. While the Tribunal is entitled to have regard to hearsay evidence, it must give careful consideration to the weight that it considers appropriate to attach to such evidence, bearing in mind that the maker of the statement has not given evidence under oath and there has been no opportunity for the witness to be cross-examined or challenged in relation to their statement or for the Tribunal to assess the credibility or reliability of the maker of the statement.

19. The Tribunal was reminded of the cases of *Dutta v GMC* [2020] EWHC 1974 (Admin) and *Khan v The General Medical Council* [2021] EWHC 374 (Admin). The Tribunal should not assess a witness's credibility exclusively on their demeanour when giving evidence, but their veracity should be tested by reference to objective facts proved independently of their evidence, in particular by reference to the documents in the case. The Tribunal should consider all of the evidence before coming to a conclusion about an individual witness's credibility. This could include conflicts in evidence with another witness, denials of the allegations and reasons why their account could not be true. There is no rule that corroboration of a complainant's account is required. Further, it was confirmed in *Khan* that it is open to Tribunals not to rule out the whole of a witness's evidence based on credibility; credibility can be divisible.

20. The Tribunal reminded itself that, when considering the evidence of any witness it should also bear in mind the extent to which the passage of time may have affected the memory of a witness. The Tribunal was aware from its own experience that memories can fade with the passage of time, and that recollections may change, or may become confused, as to what did or did not happen at a particular time. The Tribunal made due allowance for the way in which the passage of time may have affected the recollections of any of the witnesses. In relation to witnesses generally, the Tribunal bore in mind that an honest witness could be mistaken, and a mistaken witness was not necessarily wrong about every fact.

21. As to individual pieces of evidence, the Tribunal reminded itself that it is entitled to draw proper inferences (that is to say to come to common sense conclusions based upon the evidence which it accepted as reliable) but it must not speculate. Similarly, the Tribunal should not speculate about what other evidence there might have been. The Tribunal should only draw an inference if it can safely exclude as less than probable other possible explanations for the conduct: *Soni v GMC* [2015] EWHC 364 (Admin) and *Arunkalaivanan v GMC* [2014] EWHC 873 (Admin).

22. The Tribunal had regard to the whole of the evidence and formed its own judgement about the witnesses, and which evidence is reliable and which is not. It took into account that Dr Abdel Aziz has given evidence in this matter, and that the Tribunal must judge his evidence by precisely the same fair standards as it judges all other evidence in the case.

23. The Tribunal took into account at all times that Dr Abdel Aziz is of good character and has no disciplinary matters recorded against him. Good character is not a defence but it is an important factor capable of assisting a doctor. It is relevant to the Tribunal's consideration in two ways:

- (1) Dr Abdel Aziz has given evidence. Good character is a positive feature which the Tribunal will take into account when considering whether or not this evidence is accepted as credible;
- (2) the fact that Dr Abdel Aziz has no previous adverse findings may make it less likely that he has acted as is now alleged.

24. The case of *Arunkalaivanan v GMC* [2014] EWHC 873 (Admin), emphasised that, in cases of alleged sexual misconduct, a person's character is particularly significant and relevant to the issue of whether they were likely to have behaved in the way alleged.

25. That said, the Tribunal took into account that Dr Abdel Aziz's good character is not a defence to the allegations. It is for the Tribunal to decide what weight to give to the evidence of good character, taking into account all the evidence before it.

26. It is alleged that Dr Abdel Aziz's actions were sexually motivated. In *Basson v GMC* [2018] EWHC 505 (Admin), the High Court defined acting with sexual motivation as conduct done either in pursuit of sexual gratification or in pursuit of a future sexual relationship. The LQC reminded the Tribunal that whether or not Dr Abdel Aziz's actions were sexually motivated, in the absence of any admission by him to that effect, will be a matter of inference. There is no direct evidence of his motivation, other than Miss A's perception of events, but it may be possible to find sexual motivation by way of inference. Given the seriousness of the allegation, the Tribunal reminded itself that it should seek cogent evidence before it concludes that sexual motivation is made out. Sexual motivation requires a specific intent on the part of the doctor.

27. When considering sexual motivation, the Tribunal bore in mind that it should make a deduction from all the facts and circumstances of the case and look at the material in the round. However, the best evidence of a sexual motivation could be the behaviour itself. If there is no plausible, alternative explanation as to why the doctor engaged in conduct or

actions of an overtly sexual nature, then the Tribunal is entitled to conclude that the motivation was sexual: *Haris v GMC* [2021] EWCA Civ 763.

28. The Tribunal was reminded that it must consider each paragraph of the Allegation separately in order to make individual findings. It has to reach a conclusion on each paragraph separately but it is entitled, in determining whether or not each paragraph is proved, to have regard to relevant evidence in regard to any other paragraph and may consider the evidence in the round.

29. The Tribunal should ensure that it gives adequate and clear reasons for its decisions. Those reasons should be sufficient to demonstrate how it has reached its decision in such a way that the parties, and any other person scrutinising the reasons, can understand clearly why the parties were successful in making their case or not.

30. The Tribunal was reminded that, in dealing with witness evidence, procedural fairness requires that the Tribunal give reasons for any adverse findings it makes against a Doctor. If the Tribunal prefers another witness's version of events over that of Dr Abdel Aziz then it should explain not only why it prefers the account of that other witness but why Dr Abdel Aziz's evidence on that matter has been rejected; if the Tribunal doubts Dr Abdel Aziz's credibility whether generally or by reference to specific particulars of the Allegation, it should expressly say so and give its reasons for doing so, even if only relatively briefly.

The Tribunal's Analysis of the Evidence and Findings

31. The Tribunal observed that this is a case which turns upon the Tribunal determining whether to accept the account of Miss A over that of Dr Abdel Aziz. The GMC relies on the written and oral evidence of Miss A as the sole witness to the alleged touching.

32. Miss A's account of the events which took place in the Tent are set out in:

- (i) her MG11 written witness statement to the Police dated 26 August 2023;
- (ii) her GMC witness statement dated 26 February 2024;
- (iii) her supplemental GMC witness statement dated 25 October 2024;
- (iv) her second supplemental GMC witness statement dated 31 March 2025; and
- (v) her oral evidence to the Tribunal on 31 March 2025.

33. She states that on 25 August 2023 she was touched in the manner set out in the Allegation and identifies Dr Abdel Aziz as the man who touched her. Her account is explored in greater detail below.

34. Dr Abdel Aziz denies the Allegation. His account comes from his written witness statement prepared for these proceedings and from his oral evidence to the Tribunal. Dr Abdel Aziz accepts that he was in the Tent that afternoon. He provides an account of why he was in the Tent and his actions while there; Miss A is wholly absent from that account. Again, his account is explored in greater detail below.

35. There are no independent witnesses to the alleged touching. Although Miss A was present at the Festival with a group of friends, none of them witnessed the alleged touching. CCTV from within the Tent has been viewed by the Police and is reported to show neither Miss A nor Dr Abdel Aziz.

36. Such contemporaneous documentation as does exist includes the Police witness statements of Mr D and Miss A which are dated respectively 25 August and 26 August 2023. However, whilst written close in time to events, these statements remain the subjective accounts of their authors. Further, Mr D did not witness the alleged touching, nor did he observe any inappropriate behaviour by Dr Abdel Aziz. His involvement began at the point when Miss A first reported the matter to security.

37. Similarly, while the Police body-worn camera footage of Dr Abdel Aziz's arrest provides objective evidence of matters that followed his arrest, it does not assist the Tribunal with the central question as to whether the alleged touching took place in the manner alleged by Miss A.

Areas of Agreement

38. The Tribunal observed that there are relatively few areas of agreement between the parties.

39. It is not in dispute that Miss A was present in the Tent on the afternoon of 25 August 2023 with a group of her friends. She was attending the Festival for the first time, camping with a group of friends XXX.

40. It is also agreed that Dr Abdel Aziz was in the Tent at around the time that Miss A alleges the touching took place. Miss A, in her initial Police witness statement describes arriving at the tent at around 17:00 and '*the incident*' taking place around 15 minutes later. Dr Abdel Aziz describes arriving at the Festival at 16:30 and, after getting something to eat and drink from a stall near the entrance, entering the Tent, at which time he states it was relatively quiet.

41. Both parties agree that the Tent hosted DJs playing music and also a number of live artist performances, described as playing Grime, British rap, and House music, although there was some difference between the parties as to what time the live performances began that afternoon. The Tribunal did not consider that this was a dispute which it was required to resolve. Following a concession by Miss A in her oral evidence, there was agreement that a live artist was performing at or around 17:00 on 25 August 2023.

42. It is agreed that the general demographic within the Tent was young, with most, but not all, of those present being under the age of 25. Miss A and Mr D both observed that Dr Abdel Aziz did not fit this demographic. Dr Abdel Aziz did not dispute that he did not fit the general demographic within the Tent.

43. It is not in dispute that the Tent was crowded at the time of the alleged touching. There is some dispute as to the number of Festival-goers present in the Tent, which is discussed below, but broad consensus is that at the point the live artist was performing, the Tent was crowded with mosh pits forming.

The GMC's case

44. Having identified the areas of agreement between the parties, the Tribunal went on to consider the GMC's case. As the Tribunal has already observed, the GMC's case relies primarily on the written and oral evidence of Miss A as the sole witness of the alleged touching by Dr Abdel Aziz.

Miss A's evidence

45. Miss A first provided a written account of the alleged touching by Dr Abdel Aziz to the Police on 26 August 2023, the day after she says it took place. She had been offered the opportunity to provide a statement on 25 August 2023 but this would have meant she would have missed seeing a performance by her favourite artist.

46. Miss A then provided further clarification of her early account in her Police statement by way of three written witness statements prepared for these proceedings. She also attended to give oral evidence to the Tribunal.

47. Miss A, in her Police witness statement dated 26 August 2023, describes arriving at the Tent at around 17:00 with five others. She describes mosh pits forming and being *'quite closely packed in the crowd'* within the Tent, when she felt a body come directly behind her, *'so close that they were touching skin-to-skin.'* She states that, at first, she did not think anything of it because everyone was standing close together. She then *'felt a hand go down towards more 'personal space' by which I mean by [sic] bum'*. She describes the touching as *'quite subtle, just lightly brushing his fingers against me'*. She states:

'I still didn't think much of it and didn't turn around figuring it was someone around my age trying to 'make a move' by which I mean trying to get my attention. This probably happened for around one or two minutes.

48. She then describes *'a natural movement in the crowd'* which takes her a couple of feet away from *'the man'*. Miss A then describes how the man *'must have found me again'*. This time, she felt him put his two hands on her waist, and pull himself subtly towards her, touching her buttocks with his crotch area. Miss A formed the view that the touching was not accidental and moved away and turned to her side. At this stage, she noted that the man was much older than everyone else in the Tent.

49. In her Police statement, she provides a description of the man. She then describes seeing him again some twenty minutes later and becoming suspicious of his behaviour and attitude on realising that he appeared to be alone and was not engaging with the music. She describes pointing him out to security and watching as they located him.

50. In her subsequent GMC accounts, Miss A provides further detail of the matters set out in her Police statement. In her oral evidence to the Tribunal, she said that at the time she had produced her Police statement, XXX and *'it was a lot to process'*. She had not known what level of detail was required. She had written her Police statement within 20 to 30 minutes. She had not been asked detailed questions and it had been rushed. By contrast, she had taken hours going through her GMC witness statements and had been asked so many more questions by comparison. She had had the opportunity to reflect and to read back

through her GMC statements. She considered that her memory of events had improved as she had reflected on events.

51. Mr Brook, on behalf of the GMC, conceded in closing that there were some minor inconsistencies across Miss A's accounts and that she did not now have a clear recollection of all matters. However, Mr Brook invited the Tribunal to find that her evidence was generally reliable and that she was a credible witness. He submitted that Miss A's Police statement was made at a time when matters were fresh in her mind. He further reminded the Tribunal that Miss A had confirmed in oral evidence that her original GMC witness statement, produced some six months after events, on 26 February 2024, was true and correct on the date that she signed it.

52. Ms Mustard, on behalf of Dr Abdel Aziz submitted that Miss A had embellished her accounts and that her evidence was unreliable. Inconsistencies in Miss A's accounts are explored within the Tribunal's findings on the individual particulars of the Allegation.

Mr D's evidence

53. The GMC further relies on the evidence of Mr D, Pit Crew Supervisor working in Specialised Security in the Tent at the relevant time. Mr D provided a Police witness statement on the day of the alleged events, on 25 August 2023. He provided a witness statement for these proceedings on 27 March 2025.

54. Mr D's role involved supervising the area at the front between the stage and the crowd, looking after everyone's welfare and making sure that no-one came over the barrier to the stage. He was made aware by one of his team that Miss A wanted to make a complaint about an older male in the crowd.

55. Mr D spoke with Miss A to get a description of the man. He and a colleague located the man in the crowd and were moving toward him when the artist on stage came into the crowd and the whole crowd moved. They relocated the man when the crowd had dispersed and took him to the side of the stage behind the Mojo barrier which is a low barrier to keep the crowd away from the stage. Miss A confirmed that the man who had been extracted was the man who had touched her. Mr D then called for the response team to escort Dr Abdel Aziz to the evictions area. Mr D did not see Dr Abdel Aziz again. He saw Miss A again the following morning, having suggested that she seek him out for a welfare check.

56. In his oral evidence, Mr D provided the Tribunal with assistance in describing the layout of Tent, the size of the crowd in the Tent and the type of music and demographic of the crowd.

Dr Abdel Aziz's case

57. Dr Abdel Aziz denies the Allegation in its entirety. His account comes from his written witness statement prepared for these proceedings and from his oral evidence to the Tribunal.

Dr Abdel's Aziz's evidence

58. Dr Abdel Aziz's account is that he enjoys a wide variety of music and is a regular attendee of the Festival. He attended the Festival on 25 August 2023 with the intention of meeting with some old friends whom he had not seen for some time. He had a tradition of meeting this group of friends at the Festival although this had been interrupted by the Covid pandemic.

59. He was dropped off at the Festival at around 16:30 on 25 August 2023 XXX. Dr Abdel Aziz was due to be working the following day in Bristol and planned to travel by train directly from Reading to Bristol later that evening.

60. Dr Abdel Aziz's friends were due to arrive later. Having bought something to eat and drink, he had entered the Tent because it was near to the Festival entrance where he hoped in due course to meet his friends. He had a problem with his ankle and the Tent had been quiet and relatively empty when he had entered it, allowing him to lean on a barrier and take his weight off his ankle. A live performer had then come on stage and the Tent had filled up. He had found himself quickly surrounded by people. He had listened to the music for a period but had not enjoyed it so had made his way across the Tent to one of the exits. He had lost his balance and nearly fallen over several times while trying to cross the Tent; he was concerned to protect his ankle in the process.

61. After exiting the Tent, Dr Abdel Aziz found a quiet place to phone his friend Dr C to find out when he was due to arrive. As he did this, he was approached by a security guard and informed of the allegations against him. The Police attended and he was arrested. His arrest is captured by a Police body worn camera and the Tribunal had the benefit of viewing the recording.

62. The Tribunal noted that there is no mention of Miss A in Dr Abdel Aziz's written witness statement. While both in his written witness statement and his oral evidence he described losing his balance while trying to exit the Tent, he did not advance a positive defence that he had bumped into her or had accidental physical contact with her. He describes himself as '*shocked and baffled*' when approached by security guards and informed of the allegations against him. He had asked for CCTV from within the Tent as his '*alibi*' but none had been made available to him.

Dr C's evidence

63. Dr C's evidence is set out in his written statement, dated 26 March 2025, which was admitted as hearsay evidence. Dr C's evidence is part factual and part testimonial in nature. Dr C confirms that he was part of a group of friends who would meet annually at the Festival. He confirms that he had planned to attend the Reading Festival on 25 August 2023 but was prevented from attending that day by a sudden family emergency.

GMC submissions

64. Mr Brook, in closing submissions, set out the GMC's case that Dr Abdel Aziz is a sexual predator who attended the festival with the specific intent of ogling or groping young women. Mr Brook described the Festival as a '*pervert's paradise*' where a sexual predator would have a ready-made defence that any physical contact was inadvertent and unintentional. In support of this proposition, Mr Brook observed that Dr Abdel Aziz had gone to the Festival alone and had no solid arrangement to meet others there. He had bought his ticket at the last minute. Further, it is the GMC's case that Dr Abdel Aziz '*made up*' his account of the sore ankle subsequent to the Allegation, in order to provide an excuse for being in the Tent, and that this was supported by a change in his description from a '*twisted ankle*' in earlier statements, to '*Plantar Fasciitis*' in his later evidence. The GMC's case is that, had he been in pain in the way he described, then he would not have attended the Festival.

Defence submissions

65. Ms Mustard, on behalf of Dr Abdel Aziz, submitted that the GMC had failed to discharge the burden of proof. She reminded the Tribunal that he is a man of previous good character. She highlighted inconsistencies in Miss A's evidence and the absence of any corroborative evidence; none of the five friends with Miss A had seen anything, there was no CCTV and Mr D had not seen any inappropriate behaviour by Dr Abdel Aziz. While she noted some differences between Dr Abdel Aziz's descriptions of the Tent and those of Mr D, she submitted that these did not go directly to the Allegation.

66. Ms Mustard submitted that it appeared Miss A had initially not thought much about the person who had come behind her; on her own account she had not turned around during the two minutes she was first touched. She had not reported matters to security at that stage and had not told her friends. The trigger for reporting matters was seeing Dr Abdel Aziz come up behind another girl and becoming concerned about his behaviour as a result of observing the other girl's apparent reaction. Ms Mustard suggested that Miss A's previous negative experience of older men had given her a negative mindset about Dr Abdel Aziz based on his appearance. Ms Mustard highlighted a number of inconsistencies within Miss A's accounts.

67. Ms Mustard submitted that, Dr Abdel Aziz has been consistent in his denials of the Allegation. He had given his account of why he had attended the Festival, which was that he is a music lover, and he had given his account of how he had ended up in the Tent and why he had decided to leave. She said that, in oral evidence, Dr Abdel Aziz had given thoughtful answers.

Key areas of Dispute

68. Prior to its consideration of the individual particulars of the Allegation, the Tribunal identified two key areas of dispute between the parties which it considered it would be helpful to resolve before moving on to make specific factual findings on the individual particulars. These are:

- The environment within the Tent, in which the alleged conduct by Dr Abdel Aziz is said to have taken place; and
- Dr Abdel Aziz's purpose and motivation in attending the Festival.

69. The Tribunal reminded itself that the burden of proof is on the GMC; Dr Abdel Aziz is not required to prove anything. Where there was a dispute between the parties in respect of any background fact which did not form part of the Allegation faced by Dr Abdel Aziz, the Tribunal took care at all times not to reverse that burden.

The Environment of the Tent

70. The first area of dispute between the parties relates to the layout of the Tent, the capacity of the Tent, and the size of the crowd present.

71. Mr D in his oral evidence stated that the Tent had a capacity of thousands, but not tens of thousands. He thought that at the time the alleged matters were said to have taken place, between 17:00 and 17:30 on 25 August 2023, there were several hundred people in the Tent. He explained that the Tent was sectioned off with Mojo barriers which are aluminium barriers which segregate the crowd from the stage. He estimated that there were around 150 people in the section within which the alleged matters are said to have taken place. He described the section as being around 8 metres deep and 8 metres wide.

72. Miss A, in her GMC witness statement of 26 February 2024 described the Tent as *‘not too busy, everyone was very close together and you couldn’t see past people’s shoulders.’* In her oral evidence, she estimated that there were around 75 people in the Tent at the time.

73. Dr Abdel Aziz described the Tent being relatively empty when he first went in and them becoming significantly busier when an artist appeared on the stage, leading to a crowd of hundreds of people gathering inside the Tent. He describes,

‘very quickly being surrounded by people who were coming to watch the artist perform, leaving my body pressed against the barrier for what I believe was around 5 to 10 minutes.’

74. Dr Abdel Aziz goes on to describe,

‘some young people being lifted over the other side of the barrier due to there being no room to move. It concerned me to see so many young people in a dangerous situation being pulled over or crushed against the barriers...’

75. It was not disputed that the Tent became significantly busier when the music started. The Tribunal accepted that the Tent had the capacity to hold several thousand people, which was broadly agreed by those present. As to the number of people estimated to have been in the Tent at the material time, the Tribunal preferred the evidence of Mr D to that of the other witnesses. Mr D estimated that the crowd was around 150 in number in his Police witness statement produced on the day of the alleged events. His account was therefore contemporaneous. He provided further explanation in his oral evidence that the estimate of 150 people related to the section of the Tent in which the alleged matters took place rather than the whole tent. He was able to describe the size of the relevant area. As an experienced security guard, with extensive experience of the Festival, the Tribunal was of the view that he

would be better able to gauge how many people were in the crowd than either of the other witnesses.

76. The Tribunal considered Dr Abdel Aziz's account that the Tent was so busy that people were being lifted over barrier. Neither Mr D nor Miss A witnessed this. The Tribunal was unable to resolve this inconsistency but was satisfied it made no material difference in the context of an acceptance by all witnesses that the relevant area of the Tent was crowded at the material time.

77. There was also some dispute between the witnesses as to the layout of the Tent, the location of the Mojo barriers within it, the location of the exits, and the spot where Dr Abdel Aziz was approached by security staff. The Tribunal had regard to a diagram of the layout of the Tent, helpfully hand drawn by Mr D during his oral evidence. Dr Abdel Aziz disputed the accuracy of the drawing.

78. The Tribunal accepted that the hand drawn diagram was not to scale, and there were no photos of the inside of the Tent. Mr D stated that the layout of the Tent had changed in 2024 but that his drawing reflected what was there in 2023.

79. Mr D, in his oral evidence, described the Mojo barrier as being shaped like a capital 'I' protruding from the front of the stage. He said that Miss A and Dr Abdel Aziz were both to the left side of the stage at the time he became involved. He was clear in his evidence, that following Miss A's complaint, he had removed Dr Abdel Aziz from the crowd inside the Tent, and that he had brought Miss A to the edge of the covered Harris fencing (6 foot high metal fencing placed upright in plastic blocks, commonly used to secure building sites, which was covered with hessian fabric) at the side of the stage so that she could make a positive identification. Mr D also stated that there were four entrances to the Tent, one each to the left and right, and two at the back.

80. Dr Abdel Aziz, in his evidence, stated that the Mojo barrier ran straight along the front of the stage. He disputed that there was an I-shaped protrusion as described by Mr D. He stated that he was at the front of the crowd, and to the right-hand side of the stage. Further, it was his evidence that there was only one entrance, and this was to the left of the stage. He maintained that he had already exited the Tent, and was some distance away, when Mr D had approached him.

81. The Tribunal accepted Mr D's explanation of the layout of the Tent as more likely to be accurate. It was of the view that as an experienced security guard, with years of experience working at the Festival, and who was stationed in the Tent for the entire weekend, he was more likely to have an accurate recall of the layout. The Tribunal made due allowance for the way in which the passage of time may have affected Dr Abdel Aziz's memory of the layout of the Tent and did not consider that it was a detail which undermined his credibility.

Dr Abdel Aziz's purpose and motivation in attending the Festival

82. The second key area of dispute relates to Dr Abdel Aziz's purpose and motivation in attending the Festival and the GMC's case that he is a sexual pervert who attended the Festival with the specific intent of ogling or groping young women. The Tribunal considered that, even were it to find the Allegation against Dr Abdel Aziz proved its entirety, it did not inevitably follow from his subsequent actions that he had formed such a specific intent prior to his attendance; nor did it follow, in the absence of any other evidence, that Dr Abdel Aziz was a sexual pervert.

83. The Tribunal took into account that Dr Abdel Aziz is a man of good character. There are no previous findings against him that would suggest that the alleged conduct at the Festival, if proved, was part of a pattern of behaviour.

84. Dr Abdel Aziz's evidence is that the purpose of his attendance was to meet up with old friends, as he had done in the past, to enjoy the live music that the Festival offered, and to seek to have conversations with others about causes that were important to him. Under extensive cross examination by Mr Brook, the Tribunal found that Dr Abdel Aziz was genuinely knowledgeable about a wide range of musical genres and was open to experiencing new music. The Tribunal was satisfied that Dr Abdel Aziz's motivation in attending the Festival included his love of music.

85. Dr Abdel Aziz told the Tribunal that he had attended the Festival regularly since 2013, only missing occasional years. He said that he had last attended the Festival in 2019 due to the COVID-19 pandemic. Further, Dr Abdel Aziz told the Tribunal that he would usually meet a group of friends and associates at the Festival and that this had become something of an annual tradition. Dr Abdel Aziz described a chat group on Yahoo and Facebook with members from the Reading area, many of whom shared his interests on social justice, equality and the environment.

86. In his oral evidence, he listed by name the friends he hoped to meet at the Festival and some of their mutual interests. He accepted he had no solid arrangement to meet them at a specified time in a specified place. He explained that his friends were due to arrive later that evening. In the past, they had generally met on the Saturday of the Festival, but he was going to be working on the Saturday and could only attend on the Friday. He described how he had his mobile phone with him and was trying to make contact with his friend Dr C whom he understood was due to attend the Festival that day.

87. Dr C, in his statement dated 26 March 2025, provides corroboration for Dr Abdel Aziz's account. He states:

'In August 2023, we had planned to continue our tradition at the Reading festival on the 25th. I had everything planned and was really looking forward to it. Unfortunately, a sudden family emergency prevented me from attending on that day, which was a huge disappointment for me.'

88. The Tribunal was satisfied that while Dr Abdel Aziz had no firm plans to meet specific friends at a specific time, he had made loose plans to meet Dr C and he also expected there to be other people he knew at the Festival many whom he had not seen for some time, in part due to Covid and the pressures that this had put on his working life.

89. The Tribunal did not think, as was put to him by the GMC, that it was unusual that Dr Abdel had chosen to attend the Festival with friends XXX. This was an event he had regularly attended with friends, XXX.

90. The Tribunal accepted that there was some confusion within Dr Abdel Aziz's evidence about when he had purchased his Festival ticket. When initially asked in cross examination, Dr Abdel Aziz told the Tribunal that he had purchased a ticket on the day of the event for approximately £68. Later in his evidence, he told the Tribunal that the £68 ticket was for the train to Bristol, and that he had not been asked about when he purchased the Festival tickets. He later clarified that he had purchased a three-day Festival ticket earlier in the summer for approximately £220. He told the Tribunal that he had intended to attend the whole Festival weekend but had then been asked to return to work on 26 August 2023, so had only been able to attend on 25 August 2023.

91. The Tribunal accepted Dr Abdel Aziz’s account of his purchase of the Festival ticket. It considered that he had genuinely misunderstood or misinterpreted the question which was initially put to him by Mr Brook about the cost of the ticket. The Tribunal observed that Dr Abdel Aziz was genuinely surprised when asked a second time about the £68 he had paid.

92. The Tribunal took into account Dr Abdel Aziz’s evidence about his sore ankle. He explained that in his witness statement, he had used the term ‘*twisted ankle*’ so that a lay person could understand what he meant. XXX. The Tribunal did not accept the submission of the GMC that the complaint described by Dr Abdel Aziz was such that he would not have attended the Festival had he truly had such a complaint. On his own account, he was able to move around the Tent, and the body worn camera footage, which the Tribunal has seen, suggests that any ailment was clearly not disabling.

93. The Tribunal accepted that Dr Abdel Aziz’s motivation in attending the Festival was that he had wanted to ‘*connect again*’ with old friends and to ‘*feel normal*’ after his difficult experiences during the COVID-19 pandemic and the junior doctors’ strikes. The Tribunal did not accept the submission by the GMC that Dr Abdel Aziz had attended the Festival with specific intent of ogling or groping young women. The Tribunal considered that the inference that the GMC had invited it to draw – that Dr Abdel Aziz is a sexual predator who attended the festival with the specific intent of ogling or groping young women – is not an inference that can be properly drawn on the evidence available.

94. Having formed a view as to Dr Abdel Aziz’s motivation in attending the Festival and the environment within which the alleged conduct by Dr Abdel Aziz is said to have taken place, the Tribunal went on to consider each outstanding particular of the Allegation, evaluating the evidence in order to make its findings on the facts.

Particulars of the Allegation

Paragraph 1(a)

95. It is alleged that Dr Abdel Aziz, on one or more occasions on 25 August 2023, touched Miss A (a minor) on her upper thigh, bottom, back, and hips.

96. The Tribunal accepted that there was no dispute that Miss A was a minor at the time of the alleged touching XXX.

Miss A's accounts of the nature of alleged touching

97. Miss A provides accounts of the touching alleged in Paragraph 1(a) in her statement to the Police and her three subsequent GMC witness statements. She also gave oral evidence to the Tribunal and was cross examined on it.

98. In her Police witness statement dated 26 August 2023, written the day after the alleged touching, Miss A describes being '*quite closely packed in the crowd*' within the Tent, when she felt a body come directly behind her, '*so close that they were touching skin-to-skin.*' She states that, at first, she did not think anything of it because everyone was standing close together. She then '*felt a hand go down towards more 'personal space' by which I mean by [sic] bum*'. She describes the touching as '*quite subtle, just lightly brushing his fingers against me*'. She states:

'I still didn't think much of it and didn't turn around figuring it was someone around my age trying to 'make a move' by which I mean trying to get my attention. This probably happened for around one or two minutes'.

99. In her first GMC witness statement dated 26 February 2024, Miss A provides further clarification on aspects of her earlier Police statement. She notes that while the Tent was really crowded at the time, the person standing behind her had stood out to her because he was not moving and had stood directly behind her for about a minute. She distinguishes this from the situation where someone accidentally bumps into you in the mosh pit which she describes as '*a far more aggressive and temporary movement.*'

100. Miss A confirms in her first GMC statement that she did not turn round while this was happening as she '*did not think much of it*'. She describes starting to dance to the music and then feeling the person put his hands on her lower back. She states that she could not remember if he used both hands but she remembered her lower back, hips and bottom being touched. She explains that when she wrote that he was '*lightly brushing his fingers against me*' in her Police witness statement, this was a reference to that fact that the man had not gripped or grabbed her. She stated, '*It was a more subtle and deliberate action.*'

101. In her first supplemental GMC statement dated 25 October 2024, Miss A provides further clarification in relation to her earlier Police and GMC witness statements, in answer to specific questions raised by the GMC. She confirms that when she used the phrase '*skin to skin*' to describe her initial contact with Dr Abdel Aziz, this was a reference to his proximity to

her. She states that Dr Abdel Aziz was wearing a black t-shirt with a dark coloured hoodie over it and black shorts with a very thin puffer jacket tied around his waist with the sleeves of the jacket tied around the front of his waist. She states,

‘When he first approached me, he had his chest against my back, and he had his groin area against my bum. Due to the clothing he was wearing, his direct skin was not touching mine however I used the term ‘skin-to-skin’ to describe that his body was pressed against mine. When he had his body against mine at this time however, he had his hand placed directly on my skin on my lower bottom area.

102. Miss A goes on in her supplemental GMC statement of 25 October 2024 to describe the clothes she was wearing at the time. She states that her lower bottom showed beneath her denim shorts such that Dr Abdel Aziz was able to touch her lower bottom with his hand without moving any of her clothing. She goes on to state,

‘I have been asked by the GMC to clarify how Dr Abdel Aziz touched my bottom and I can confirm that as he approached me and stood directly behind me, he had his hands placed by his side below his waist. As his hands were below his waist he put his hand on my upper thigh just below my bottom and then he moved his hand slightly up to my lower bottom and began to caress my lower bottom by moving his hands across my skin. In this same instance, Dr Abdel Aziz also touched my lower back and hips as stated in paragraph 9 of my first GMC statement. To clarify, Dr Abdel Aziz made direct skin contact with my lower back, hips, upper thigh and bottom at this time.’

103. In Miss A’s second supplemental witness statement dated 31 March 2025 she does not provide further descriptions of the alleged touching but does state that she recalled telling the security guard that the man had been behind her and had been *‘feeling up on me by touching my bum and legs’*.

104. In her oral evidence to the Tribunal, Miss A said that the man had initially stood directly behind her for about a minute. There had been no physical contact at first. She had not turned round to see who it was; nor had she said anything to her friends. As she had started dancing, she had then then felt his hands on her lower back, upper thigh and bottom. She had identified him when there had been a natural movement in the crowd. Miss A describes Dr Abdel Aziz as wearing a cap, black hoodie, t-shirt, shorts and jacket tied around his waist.

105. The Tribunal considered that Miss A had provided a consistent account across her statements in relation to the fact of a man standing behind her, in close physical contact to her, and the man touching her on the lower back, upper thigh, bottom and hips. The Tribunal found her descriptions of that touching, which she variously described as him *‘lightly brushing his fingers against me’*, beginning *“to caress my lower bottom by moving his hands across my skin”* and as *‘a more subtle and deliberate action’* as consistent in nature. The Tribunal found Miss A’s descriptions of what she was wearing and how Dr Abdel Aziz was, therefore, able to touch her upper thigh, bottom, back and hips to be coherent and clear.

The Tribunal considered, however, that while Miss A was consistent in her descriptions of the nature of the touching, there remained a number of weaknesses and inconsistencies in relation to her evidence on the matters alleged in Paragraph 1(a), as set out below.

Sequence of the touching incidents

106. Paragraph 1 of the Allegation is particularised in sub-paragraphs 1(a) and 1(b) as two occasions of touching by Dr Abdel Aziz: the first involving touching Miss A on the upper thigh, bottom, back and hips; and the second involving Dr Abdel Aziz placing his hands around Miss A’s waist and pulling his body towards her so that his crotch touched her bottom.

107. The Tribunal found that there was some inconsistency across Miss A’s accounts as to the sequence of events and whether the two ‘occasions’ happened immediately after one another or with a break between them.

108. In her redacted Police witness statement dated 26 August 2023, Miss A states that following the first incident, there was a *‘natural movement in the crowd which took me maybe a couple of feet away from him however he must have found me again and this time placed his hands around my waist...’* She states that she did not turn around during the first incident, which lasted for one or two minutes. She only describes moving away and turning to her side following the second incident, when she feels the man’s crotch in direct contact with her buttocks. It is only at this stage that she says she realises he is much older than everyone else in the Tent. The Tribunal found that this first account by Miss A, which was provided the day after the alleged events, appears to describe two incidents happening immediately after one another, separated only by a natural movement of the crowd taking him a couple of feet away from her.

109. By contrast, in her subsequent GMC witness statement dated 26 February 2024, Miss A appears to describe two separate occasions of a man, later identified as Dr Abdel Aziz, touching her. She describes those occasions as being separated by her witnessing him going up behind another girl and then later returning and coming back behind her. She states, *‘I can’t recall what happened between him moving away from the girl and ending up behind me for a second time.’*

110. In relation to the first occasion, she states that she does not turn around while she is being touched. She describes first looking round and seeing the man who touched her at the point when there is a natural movement of the crowd. She describes the second occasion taking place when she had just come out of a mosh pit and was catching her breath. She felt the man’s hands on her waist and felt herself being pulled backwards into him, with his crotch against her bottom. She turned around this time and realised that *‘it was the same man’* as previously. The Tribunal found this to be inconsistent with her account to the Police where she does not identify him until after the second incident of touching.

111. In her first supplemental GMC witness statement dated 25 October 2024, Miss A again appears to describe two separate occasions of touching, separated by a period of time, in that she writes in relation to the second occasion, *“At this time, the doctor was wearing the same clothing that he had been wearing previously that day.”*

112. In her oral evidence, during cross examination, Miss A confirmed that the first incident of being touched had come to an end as the man had moved away. She had carried on dancing and had not told anyone about what had happened. She had then seen the man going up behind another girl and he had then subsequently returned and come behind Miss A for a second time. The Tribunal noted that this was consistent with her first GMC witness statement and supplemental statement but appeared to the Tribunal to be inconsistent with her earlier account to the Police in which she appears to first see Dr Abdel Aziz’s appearance following the second incident of touching, not the first.

113. The Tribunal carefully considered whether the apparent reordering of events across Miss A’s statements, undermines the reliability of her recollection and/or her credibility. The Tribunal did not accept Miss A’s view that her memory of events would have improved with the revisiting them for the purposes of preparing her GMC statement and supplemental statements. The Tribunal considered that it was more likely than not that her Police statement, written the day after the index events provided a more accurate history of events

than statements produced many months later. Further, the Tribunal considered that Miss A's account of two incidents happening in quick succession, as described in her Police witness statement, was inherently more likely than the account given in her subsequent GMC statements in which the two incidents were separated by Miss A witnessing what she believed to be Dr Abdel Aziz approaching another girl from behind and then returning to touch her a second time.

114. The Tribunal carefully considered whether, and the extent to which, the apparent reordering of the timeline of events as between Miss A's more contemporaneous account to the Police and that provided to the GMC undermined her credibility. The Tribunal reminded itself that credibility can be divisible. It accepted that Miss A's memory of the order in which events took place, may have been affected by the passage of time and by the retelling of those events to others. The Tribunal did not consider that a degree of inconsistency in accounts of when things happened fatally undermined descriptions of what happened. However, it found that Miss A's insistence that her later account was likely to be more accurate than her contemporaneous account inevitably reduced the weight which the Tribunal could place on her evidence.

Identification of Dr Abdel Aziz

115. The Tribunal took into account that, in her various descriptions of the touching in Paragraph 1(a), Miss A provides differing accounts as to when she identified Dr Abdel Aziz as the person who had come up behind her and touched her.

116. In her Police witness statement of 26 August 2023, Miss A writes that she did not turn round at the time she was first touched '*figuring it was someone around my age trying to 'make a move' by which I mean trying to get my attention*'. She does not describe identifying Dr Abdel Aziz until after he found her for a second time and she felt his crotch in direct contact with her buttocks, at which point she noted how much older he was than the crowd within the tent.

117. In her first GMC witness statement Miss A describes identifying Dr Abdel Aziz at the point when the '*natural movement in the crowd*' takes her away from him following the first incident of touching and when she looked around to see who it was that had touched her and saw Dr Abdel Aziz.

118. In her oral evidence to the Tribunal, Miss A said that the man had initially stood directly behind her for about a minute. There had been no physical contact at first. She had not turned round to see who it was; nor had she said anything to her friends. As she had started dancing, she had then felt his hands on her lower back. Although she had not turned around to look at him at this point, she said that she was satisfied that it was the same person whom she later identified *‘because I felt him directly behind me the whole time. I would have noticed if there had been a shift of movement and it was a different person.’*

119. Later in her oral evidence she confirmed that following the first occasion of touching, she had *‘seen him after he left’*. She said, *‘I definitely saw him and there was no other possibility of it being anyone else when the situation happened...I definitely saw him.’* The Tribunal found that this was inconsistent with her initial Police statement, in which Miss A only identifies Dr Abdel Aziz as the person who touched her after she felt his crotch against her buttocks which was the trigger for her realisation that the touching could not have been accidental. The Tribunal considers that this contemporaneous account provides a more accurate history of events. The Tribunal did not share Miss A’s confidence in the accuracy of her subsequent account and again concluded that her insistence that her account had been improved by further reflection was misguided. It accepted that in revisiting events she had tried her best to recollect events and had given an account which she honestly believed to be accurate. However, the Tribunal concluded that in so doing she had inadvertently filled in gaps in her recollection leading to inconsistencies across her accounts.

Dr Abdel Aziz’s appearance

120. It was put to Miss A in cross examination that Miss A had made an assumption that it was Dr Abdel Aziz who had touched her based on his appearance and the fact that he stood out. Miss A in her descriptions of Dr Abdel Aziz in her Police and GMC witness statements, describes seeing him, subsequent to touching her, looking around in a *‘perverted and creepy’* way. In her oral evidence, she said that when she had seen him later in the Tent he had *“the same look that all other men have had in my experience when any sort of sexual assault has taken place. I could not see what he was looking at but in the moment it is easy to understand”*. She described how he was not engaging with the music or dancing; nor was he looking for a particular person as, had he been doing so, he would not have stayed behind Miss A for so long.

121. The Tribunal considered whether Miss A had formed a view of Dr Abdel Aziz based on his appearance and informed by her previous negative experiences of older men, which had

led her to identify him as the perpetrator of the alleged touching, as opposed to any other individual in close proximity to her. The Tribunal concluded that whilst it was clear that Miss A had gone on to form a negative view of Dr Abdel Aziz, this did not explain her identification of him as the perpetrator of the touching at the point that identification was first made.

Duration of the alleged touching

122. Miss A in her statement to the Police, in relation to the touching alleged at Paragraph 1(a) states that the man touched her for one to two minutes, whereas in her statement to the GMC she states the touching had lasted for the entirety of the two minutes that he was standing behind her.

123. It was put to Miss A in cross examination that two minutes was a long period and that she had embellished or exaggerated her account in her GMC statement. Miss A denied exaggerating her account. She told the Tribunal that when she had said one to two minutes, she could not tell the difference, and it *'could have been 20 seconds less'*. Miss A said that she had never had to give a statement before her statement to the Police. She XXX *'it was a lot to process'*. She had not known what level of detail was required and she had written her police statement within 20 to 30 minutes. She had not been asked detailed questions and it had been rushed. By contrast, she had taken hours going through her GMC witness statements and had been asked so many more questions by comparison. She had had the opportunity to reflect and to read back through her GMC statements.

124. The Tribunal did not consider that the lack of specificity as to whether Miss A was touched for one or two minutes undermined the reliability of her account to any significant extent. It was aware from its own experience that it is often difficult for witnesses to be accurate in estimating the duration of specific events. The Tribunal, however, again considered that her earlier account that she had been touched for one to two minutes was more likely than her account in her GMC witness statement that she had been touched for the entirety of the two minutes. She conceded in her oral evidence that it may have been less than this.

Miss A's reaction to the alleged touching

125. It was put to Miss A in cross examination that it was strange that, on her own account, she had not turned around or reacted to being touched up by the man behind her for up to two minutes. In her Police witness statement of 26 August 2023, Miss A states that she did not turn round at the time she was first touched *'figuring it was someone around my*

age trying to ‘make a move’ by which I mean trying to get my attention’. Nor did she seek to tell anyone about it in the first instance; she carried on dancing. In her oral evidence to the Tribunal, Miss A said that she had not understood the severity of the situation. She describes in her Police statement that it was only when he found her again following a *‘natural movement in the crowd’* which took her *‘a couple of feet away from him’* and put his hands around her waist that she *‘figured that this wasn’t accidental touching’*.

126. The Tribunal did not consider that Miss A’s initial reaction, or apparent lack of reaction, to the alleged touching was unusual. The Tribunal accepted that people react differently to touching of the nature described by Miss A; there is no one classic response. The fact that Miss A did not react immediately or seek to tell her friends about what had happened does not mean that her account is false or mistaken. Nor does the fact that she did not initially appreciate that the matter was serious mean that it was not in fact serious.

Descriptions of Dr Abdel Aziz’s clothing

127. Miss A in her Police statement describes Dr Abdel Aziz as wearing all dark clothes – a black t-shirt, black or dark sports style shorts, a jacket around his waist and a navy blue baseball cap. In her GMC supplemental witness statement of 10 October 2024 describes Dr Abdel Aziz as wearing a black t-shirt with a dark coloured hoodie over it and black shorts with a very thin puffer jacket tied around his waist with the sleeves of the jacket tied around the front of his waist. The Tribunal noted that the hoodie was absent from her earlier account.

128. The Tribunal had the benefit of viewing the Police body worn camera footage from the time of Dr Abdel Aziz’s arrest. It noted that Dr Abdel Aziz was wearing a cap, and t-shirt as described by Miss A and that he had a light jacket with him. However, it is clear from the footage that he was wearing black jeans rather than shorts on his lower half. It is also clear that he is not wearing a hoodie. There is no evidence to suggest that he had changed his clothing at any point. The Tribunal took into account the inconsistency between Miss A’s account and the objective evidence of the body worn camera footage. The Tribunal did not consider that, on its own, this significantly undermined the reliability of her evidence but accepted that it again pointed to some shortcomings in her recollection of events.

Number of friends present

129. It was put to Miss A in cross examination that there was a discrepancy in her accounts as to whether she was with four or five other friends in the Tent. Miss A explained that one of

those present was not a friend who had been with the group very often. The Tribunal did not find this to be a material inconsistency.

Mosh pits

130. Miss A was asked in cross examination why she had written in her Police statement that the alleged touching had taken place at a time when a lot of mosh pits were forming in the Tent and she and her friends were *'quite closely packed in the crowd'*, whereas in her statement to the GMC she had written that there were no mosh pits taking place at that point. Miss A clarified that when writing her witness statement for the Police she had been talking in general terms about there being mosh pits in the Tent, whereas in her GMC witness statement she was talking about whether there were mosh pits going on at the point when she first felt someone behind her. Again, the Tribunal did not consider this inconsistency to be material and concluded Miss A had provided a reasonable explanation for any difference between her accounts.

131. Having identified and analysed a number of internal inconsistencies within Miss A's accounts the Tribunal carefully considered whether, and to what extent, these undermined the reliability of her evidence in relation to the touching alleged in 1(a) and her overall credibility. The Tribunal reminded itself that Miss A has provided a detailed account of events which took place over 18 months ago. It made allowance for the way in which the passage of time may have created difficulties for Miss A in remembering things. It reminded itself that an honest witness can be a mistaken witness. The Tribunal could find no reason why Miss A would have fabricated her account and accepted that she had done her best to provide a considered and honest account of events, at times making concessions and accepting that there were matters that she could no longer recollect. The Tribunal has rejected her view that her memory has in some regards become clearer as she had reflected on matters in response to specific questions by the GMC in the preparation of her witness statements. However, the Tribunal reminded itself again that credibility can be divisible and it did not consider that the fact that she was wrong about some things meant that she was wrong about everything. The Tribunal accepted that she had given a series of accounts over time which were broadly consistent in relation to the core allegation in Paragraph 1(a) but which was undermined by inconsistency in some of the details.

132. The Tribunal reminded itself that there are no independent witnesses to Dr Abdel Aziz's alleged touching of Miss A. It reminded itself again that Dr Abdel Aziz is a man of good character and he is entitled to have that good character taken into account when considering

both the question of his credibility and his propensity to act as alleged. The Tribunal weighed the unlikelihood of Miss A fabricating her account against the inherent unlikelihood of a man of good character acting as Dr Abdel Aziz is alleged to have done. It reminded itself that good character is a factor to be taken into account but it does not provide a defence to the Allegation.

133. The Tribunal carefully considered whether Miss A's evidence was sufficiently cogent such that the Tribunal could prefer it over that of Dr Abdel Aziz. It reminded itself of the advice it had received that it is not enough for it to prefer one witness's version of events over that of Dr Abdel Aziz; if it is to do so then it should explain not only why it prefers the account of that other witness but why Dr Abdel Aziz's evidence on that matter has been rejected.

134. Dr Abdel Aziz has been consistent in his denial of the Allegation. The Police body worn video footage shows him attempting to make denials to the Police but being cautioned not to do so. The Tribunal accepted that the credibility of Dr Abdel Aziz's denial can only be assessed by reference to the credibility of the evidence supporting the allegation which is denied.

135. The Tribunal has already found that Dr Abdel Aziz has given a cogent and persuasive account of his purpose and motivation in attending the Festival. The Tribunal did not accept the submission by the GMC that Dr Abdel Aziz is a sexual pervert who attended the Festival with specific intent of ogling or groping young women.

136. The Tribunal next considered the cogency of Dr Abdel Aziz's account of his conduct and time within the Tent. It reminded itself that he is not required to prove anything. It concluded that he had provided a coherent account of how he came to be in the Tent in circumstances where he did not fit the demographic of the other Festival-goers who were there. It further concluded that he had provided a clear account of how he came to leave the Tent and the difficulties that he experienced when crossing the crowded tent with a sore ankle.

137. The Tribunal found Dr Abdel Aziz's evidence to be well considered and persuasive in the face of robust cross examination by the GMC. He was able to provide detailed accounts about background matters relating to his attendance at the Festival which the Tribunal considered were highly unlikely to have been fabricated.

138. The Tribunal again reminded itself that Dr Abdel Aziz is not required to prove anything; the burden of proof rests with the GMC. The Tribunal was not satisfied that the GMC had discharged that burden. It did not consider that Miss A's account was sufficiently cogent so as to prefer it over the account of Dr Abdel Aziz.

139. Accordingly, the Tribunal found paragraph 1(a) of the Allegation not proved.

Paragraph 1(b)

140. The Tribunal next considered the second incident of touching, as particularised in paragraph 1(b), in which it is alleged Dr Abdel Aziz placed his hands on Miss A's waist and (i) pulled her towards him and (ii) touched her bottom with his crotch, as alleged.

141. The Tribunal considered that it could properly consider sub-particulars 1(b) (i) and (ii) together in that Miss A's descriptions of the touching alleged in 1(b) (i) and (ii) form part of a single incident of touching

Miss A's evidence

142. As it had done in relation to particular 1(a), the Tribunal examined in turn the accounts given by Miss A of this second incident in: (i) her MG11 written witness statement to the Police dated 26 August 2023; (ii) her GMC witness statement dated 26 February 2024; (iii) her supplemental GMC witness statement dated 25 October 2024; (iv) her second supplemental GMC witness statement dated 31 March 2025; and (v) her oral evidence to the Tribunal on 31 March 2025.

143. In her Police statement of 26 August 2023, Miss A describes how, following the natural movement in the crowd which followed the first incident of touching:

'he must have found me again and this time placed his hands around my waist and I felt him pull himself subtly towards me until I felt his crotch in direct contact with my buttocks. It was at this point that I figured that this wasn't accidental touching and moved away and turned to my side. I could see that he was much older than everyone else in the arena'

144. In her first statement to the GMC of 26 February 2023, Miss A describes how the second incident took place as she was catching her breath when a mosh pit had just ended. She noticed someone behind her. She states as follows:

‘He then put two hands on my waist and I felt myself going backwards as he pulled me into him. This wasn’t in an aggressive way but rather in a more gentle and intimate way. At this point, I noticed that I could feel his crotch against my bottom. I say this because I believe I could feel the man’s erection. I was definitely with one of my friends at this point, but I can’t remember who and no one saw the incident take place.

The whole interaction was very short, lasting only around 15 to 20 seconds, as I turned around very quickly this time. When I saw that it was the same man, I walked away immediately. I didn’t say anything to the man and he didn’t say anything to me. I felt really annoyed and frustrated that the man had touched me again....

I don’t believe that the man touched me accidentally as, like I said above, the action was too deliberate and gentle. The man was also not dancing or moving around and he was dressed in all black with a baseball cap, all of which further made me believe that this was not accidental.’

145. In her first supplemental statement to the GMC dated 25 October 2024, she provides further clarification following a query by the GMC, as follows:

‘To clarify, Dr Abdel Aziz placed his hands around my waist and moved forward pulling himself towards me, I do not recall being pulled backwards in this instance. At this time, the doctor was wearing the same clothing that he had been wearing previously that day. He was wearing a black t shirt with a dark coloured hoodie over it, and he was wearing dark coloured shorts with his thin puffer jacket tied around his waist with the sleeves tied at the front of his waist.’

146. In her oral evidence, Miss A said that she could not recall whether Dr Abdel Aziz moved forwards or pulled her backwards into him. Miss A was asked in cross examination how she accounted for the difference in her accounts, she said that she had been asked different questions by different people and in doing so her memory had been ‘spiked’ and she had remembered more. The Tribunal found that there was little difference between the description of Dr Abdel Aziz pulling Miss A backwards into him in her Police witness statement, and that of him pulling himself towards her in her GMC statement. The Tribunal considered that she would have experienced the motion in much the same way. The Tribunal did not consider this amounted to an inconsistency in her accounts.

147. It was put to Miss A that she had not mentioned in her Police statement that she had believed that she had felt Dr Abdel Aziz's erection, whereas she had included this detail in her GMC witness statement. Miss A agreed that she had '*made an assumption*' when she had stated that she believed she had felt Dr Abdel Aziz's erection. She said that she could feel him directly behind her '*so it would not have been anything other than his crotch*'. She said that while she was not 100% sure, if she '*had had to guess*' she would have said it was an erection. Miss A accepted that she had not mentioned the fact of the erection in her Police statement. She said that this was again because she had not been asked the question. She did not accept that she had exaggerated or embellished her account over time. She said that she '*wasn't necessarily affected by it and did not necessarily understand the severity of it*' and it had not therefore been an important detail to report. She described herself as '*concerned and disgusted but...not physically hurt*'.

148. The Tribunal did not consider that the addition, in her GMC account, of the reference to believing she felt Dr Abdel Aziz's erection was an embellishment of her original Police statement. In her Police statement, she wrote that *she 'felt his crotch in direct contact with my buttocks'*. The Tribunal considered that it might reasonably be inferred from that description that she thought she felt his erection. The Tribunal accepted that she had given a broadly consistent account across her statements of the matters alleged in paragraph 1(b).

149. The Tribunal reminded itself that, in relation to its finding at Paragraph 1(a), it had identified inconsistencies and weaknesses in Miss A's evidence in relation to:

- the sequence of the touching incidents alleged in paragraphs 1(a) and 1(b);
- the identification of Dr Abdel Aziz as the perpetrator of the alleged touching;
- Miss A's response to Dr Abdel Aziz's appearance;
- the duration of the alleged touching;
- Miss A's reaction to the alleged touching; and
- the description of Dr Abdel Aziz's clothing.

150. The Tribunal considered the extent to which those identified inconsistencies are relevant to the matters alleged in paragraph 1(b). The Tribunal concluded that its findings in relation to the sequence of the touching incidents; Miss A's response to Dr Abdel Aziz's appearance and the description of Dr Abdel Aziz's clothing were equally relevant in relation to paragraph 1(b).

151. In relation to the duration of the alleged matters in Paragraph 1(b), the Tribunal noted that, in her Police statement, Miss A does not suggest any specific timeframe. However, she describes moving away from Dr Abdel Aziz after she feels him pulling himself towards her bringing his crotch in direct contact with her buttocks. In her GMC witness statement, she suggests that the whole interaction took around 15 to 20 seconds which the Tribunal found to be consistent with the description of events in her Police statement. The Tribunal took into account that in relation to this second incident, Miss A appears to have reacted quite differently to the first. She is consistent across her accounts that she moved away when she felt Dr Abdel Aziz's crotch against her buttocks.

152. In relation to the question of how and when Miss A identified Dr Abdel Aziz as the person who touched her, the Tribunal considered that the facts alleged in Paragraph 1(b) gave rise to a different analysis to its findings at 1(a). As has been previously noted, in her evidence in her Police statement, Miss A appears to identify Dr Abdel Aziz as the perpetrator of the alleged for the first time immediately after the events described in Paragraph 1(b). She states that it is when she feels his crotch in contact with her buttocks that she figures that this is not accidental touching that she moves away and turns to her side, identifying in that moment that Dr Abdel Aziz is much older than everyone else in the Tent. In her GMC account, Miss A has already identified Dr Abdel Aziz at an earlier stage – following the first incident - and now identifies him as the same man who touched her previously.

153. While acknowledging the difference between these two accounts, the Tribunal found that in relation to paragraph 1(b), Miss A was consistent across both accounts that she had moved away and turned to look at the person who was touching her, positively identifying Dr Abdel Aziz in the process. The Tribunal was satisfied, therefore, that she had made a positive identification.

154. Furthermore, Miss A was sufficiently concerned by what had happened that she had kept an eye on Dr Abdel Aziz for her remaining time in the Tent, and ultimately reported what had happened to security. She had recalled what Dr Abdel was wearing sufficiently to provide a sufficient accurate description of him to security, such that they were able to identify him, albeit that she described him wearing shorts and a hoodie which is not borne out by the objective evidence of the Police body worn video footage.

155. The Tribunal considered that Miss A has provided a coherent and consistent account of the matters alleged in Paragraph 1(b). It accepted that, in its findings in relation to Paragraph 1(a) it has identified certain shortcomings in Miss A's recollection of some events. It has also identified a strength of conviction in her own account which the Tribunal has found is not always wholly supported by other evidence.

Dr Abdel Aziz's evidence

156. The Tribunal reminded itself that Dr Abdel Aziz denies that any of the alleged matters described by Miss A at 1(b) occurred. His evidence is that he stumbled and had almost fallen several times as he attempted to cross the crowded Tent toward the exit. He did not advance a positive case that he may have grabbed Miss A as he accidentally fell into her. Nor did he advance a positive case that he had come up behind Miss A and she had felt something other than his erection. It was his evidence, supported by the Police body-worn camera footage that he was carrying a number of bulky items, including his phone, wallet, a power bank, and his ear pods in the front pockets of his jeans. However, again he did not advance a positive case that Miss A had felt these items in his pockets as he had come up behind her. He does not recall any contact with her at all. Further, the Tribunal found that Miss A's description of the alleged matters in Paragraph 1(b) is inconsistent with any formulation that Dr Abdel Aziz had any form of accidental contact with Miss A as he made his way across the Tent due to his sore ankle. Miss A describes his actions as '*gentle and intimate*' and intentional in nature.

157. The Tribunal reminded itself once again that the credibility of Dr Abdel Aziz's denial can only be assessed by reference to the credibility of the evidence supporting the allegation which is denied.

158. The Tribunal has found that, in relation to the matters alleged at Paragraph 1(b) Miss A has provided a cogent and consistent account.

159. Against that account, Dr Abdel Aziz has provided his own account of events. The Tribunal has already found that Dr Abdel Aziz has given a cogent and persuasive account of his purpose and motivation in attending the Festival and of his conduct and time within the Tent on 25 August 2023.

160. The Tribunal took into account that an allegation of a doctor placing his hands around a young woman's waist and pulling her towards him so that his crotch touched her bottom is a serious allegation. The Tribunal weighed the inherent improbability of Dr Abdel Aziz, as a

man of positive good character, touching Miss A in the manner alleged against the relative improbability of Miss A fabricating the allegation or being mistaken as to the facts.

161. The Tribunal reminded itself that it had found Dr Abdel Aziz's evidence to be well considered and persuasive in the face of robust cross examination by the GMC. He was able to provide detailed accounts about background matters relating to his attendance at the Festival which the Tribunal considered were highly unlikely to have been fabricated.

162. The Tribunal further reminded itself that Dr Abdel Aziz is not required to prove anything; the burden of proof rests with the GMC.

163. The Tribunal carefully considered whether the GMC had discharged that burden. The Tribunal concluded that Miss A had given a clear and consistent account of events across her statements in relation to paragraph 1(b). She was consistent that someone placed their hands on her waist in a deliberate way, and either pulled her subtly toward himself or pulled himself into her. She was consistent that she had felt his crotch against her bottom. Her evidence on 1(b) had been measured. She had not sought to suggest that this interaction had gone on for more than 15 to 20 seconds. Further, she had been clear across her accounts that she had positively identified Dr Abdel Aziz as the perpetrator of the touching. The Tribunal found her evidence to be cogent and persuasive.

164. The Tribunal then considered Dr Abdel Aziz's denial of Paragraph 1(b) and found Dr Abdel Aziz's evidence to be equally cogent and persuasive. The Tribunal was unable, in those circumstances, to prefer the account of Miss A over that of Dr Abdel Aziz.

165. Accordingly, the Tribunal found paragraph 1(b) of the Allegation not proved.

Paragraph 2(a) and 2(b)

166. The Tribunal has found Paragraphs 1(a) and 1(b) of the Allegation not proved. Accordingly, the Tribunal was not required to go on to consider Paragraphs 2(a) and 2(b) in relation to Paragraphs 1(a) and 1(b).

Paragraph 3

167. The Tribunal then went on to consider whether, at the material time, Miss A was vulnerable due to her age.

168. The Tribunal reminded itself that Miss A had XXX when she attended the Festival and noted that this was her first camping festival. It also took into consideration that Miss A attended the Festival with a group of friends of her own age, and there were no adults accompanying them.

169. The Tribunal was of the view that Miss A was a robust and articulate young woman. It was to Miss A's credit that she felt able to report the incident in the way she did, and spoke to her sense of public duty. The Tribunal observed that she conducted herself well throughout the hearing.

170. However, the Tribunal could not ignore the inherent vulnerability of Miss A being a minor at her first camping event, with no immediate adult support.

171. Therefore, the Tribunal found paragraph 3 of the Allegation proved.

172. The Tribunal has found that only Paragraph 3 of the Allegation has been proved to the requisite standard, that is to say that Miss A was vulnerable due to her age. The Tribunal considered that Paragraph 3 of the Allegation is an allegation of fact which does not give rise to any specific concern about the conduct of Dr Abdel Aziz. The Tribunal considered that it was not, therefore, an allegation which was capable of amounting to a finding of Misconduct. Submissions were invited from both parties who agreed that the allegation fell with the Tribunal's determination in relation to Paragraphs 1 and 2 of the Allegation.

The Tribunal's Overall Determination on the Facts

173. The Tribunal has determined the facts as follows:

That being registered under the Medical Act 1983 (as amended):

1. On one or more occasion on 25 August 2023, you:
 - a. touched Miss A (a minor) on her:
 - i. upper thigh; **Not proved.**
 - ii. bottom; **Not proved.**
 - iii. back; **Not proved.**

- iv. hips; **Not proved.**
- b. placed your hands around Miss A's waist and;
 - i. pulled your body towards her; **Not proved.**
 - ii. touched her bottom with your crotch. **Not proved.**
- 2. Your actions as described at paragraphs 1a and 1b were:
 - a. carried out without Miss A's consent; **Not proved.**
 - b. sexually motivated. **Not proved.**
- 3. At all material times, Miss A was vulnerable due to her age. **Determined and found proved.**

And that by reason of the matters set out above your fitness to practise is impaired because of your misconduct. **Not proved.**

174. That concludes the case.

ANNEX A – 12/05/2025

Application to admit further documents as hearsay evidence under Rule 34

175. On Day 2 of the hearing, Mr Brook, on behalf of the GMC, made an application under Rule 34(1) for an unredacted copy of a telephone note created by a GMC staff member to be admitted as evidence.

Submissions

176. The parties provided written skeleton arguments to the Tribunal in advance of the hearing.

177. Mr Brook told the Tribunal that, on 10 October 2023, Dr Abdel Aziz had contacted the GMC and spoken to the Investigation Officer responsible for his case. The Investigation Officer had made a telephone note of their conversation and had recorded a brief statement by Dr Abdel Aziz, which the GMC considered to be probative of the facts alleged. Mr Brook said that the statement had been redacted from the documents provided to the Tribunal following an objection by Dr Abdel Aziz as to the accuracy of the telephone note as a record of the call. The GMC now applied for the Tribunal to receive the unredacted telephone note as hearsay evidence.

178. Mr Brook told the Tribunal that Dr Abdel Aziz had made no comment on the accuracy of the telephone note previously and had done so only when it was included in the draft hearing bundle relatively recently. Mr Brook told the Tribunal that this telephone call took place before Dr Abdel Aziz was legally represented and before he provided his robust denials in his Rule 7 response to the GMC.

179. Mr Brook accepted that the usual means of managing a dispute as to the accuracy of a telephone note would be to require the person who made the note to produce a witness statement and to attend to give oral evidence. This would allow the other party to challenge the accuracy of the telephone note with its author in cross examination. However, the GMC staff member who produced the telephone note was currently on long term sickness absence, and was not, therefore, available to provide a written statement, or to give oral evidence about how the note came to be produced. Mr Brook acknowledged that there was no specific medical evidence in relation to the GMC staff member's health but submitted that the individual concerned was clearly unable to attend whilst on sickness absence. He said that the GMC had therefore obtained a witness statement from the line manager of that staff

member, explaining the audit history of the telephone note, as there was no recording of the call and no verbatim record.

180. Mr Brook reminded the Tribunal that the rules as to the admission of hearsay evidence in other proceedings, whether in the criminal or the civil jurisdiction, do not apply to these proceedings. He provided the Tribunal with an explanation of admissibility in criminal proceedings for comparative purposes but reminded the Tribunal that the sole consideration under Rule 34 is whether it would be fair and relevant to admit the evidence.

181. Mr Brook referred the Tribunal to the relevant legal principles on the admission of the hearsay evidence as set out in *Thorneycroft v NMC* [2014] EWHC 1565 (Admin). He submitted that the evidence which the GMC sought to have admitted was not the sole and decisive evidence of any allegation on its own; each and every allegation was supported by the evidence of Miss A. He submitted that there was no suggestion that the contents of the telephone note were fabricated; the note had been produced as a business record in the course of the Investigation Officer's employment. Mr Brook said that there was a good reason for the non-attendance of the Investigation Officer and while there was no medical evidence as to the member of staff's medical condition, the Tribunal had the evidence that they were on long term sickness leave.

182. Mr Brook conceded that the allegation faced by Dr Abdel Aziz is a serious one and that Ms Mustard, on behalf of Dr Abdel Aziz, would not be able to challenge the contents of the telephone note if it were admitted. He submitted, however, that the Tribunal could in due course determine to give it such weight as it saw fit. He reminded the Tribunal that the weight to be given to hearsay evidence was a matter which it could take into account when considering whether to admit the evidence but it was not the determinative factor.

183. Mr Brook submitted that it would be fair to admit the material under Rule 34 and invited the Tribunal to admit it as hearsay evidence.

184. Ms Mustard, on behalf of Dr Abdel Aziz, objected to the GMC's application. She said that Dr Abdel Aziz disputed the accuracy of the redacted part of the telephone note, and that it would be unfair to him to admit it as hearsay evidence.

185. Ms Mustard submitted that the GMC sought to rely on the telephone note because it contained something which the GMC considered to be significant and probative and because

the GMC wished to make a direct comparison between it and Dr Abdel Aziz's later submissions. It followed, therefore, that to use the telephone note against Dr Abdel Aziz in this way would be prejudicial. She reminded the Tribunal that the telephone note related to a conversation that took place before Dr Abdel Aziz had the benefit of legal advice.

186. Ms Mustard acknowledged the GMC's position that the telephone note was neither the sole nor decisive piece of evidence but submitted that did not take away from the fact that the GMC sought to use it as a significant part of their case against Dr Abdel Aziz. She submitted that the Allegation is of a serious nature and has significant potential ramifications for Dr Abdel Aziz.

187. Ms Mustard stated that it was right that Dr Abdel Aziz had not disputed the telephone note in his Rule 7 response. She submitted that Dr Abdel Aziz had never had to deal with proceedings of this nature, or any form of arrest before. She submitted that this was entirely new ground for Dr Abdel Aziz, and it was understandably a stressful scenario. Ms Mustard submitted that, in that context, it was not right or fair to criticise him for not specifically disputing the telephone note, in his lengthy and detailed Rule 7 response, given he simply did not know what he could or should challenge.

188. Turning to the legal principles, Ms Mustard responded to Mr Brook's argument on the gateways for the admissions of hearsay evidence in criminal proceedings but reminded the Tribunal of its own function and the differences between criminal procedures and the regulatory function of the Medical Practitioners Tribunal.

189. Ms Mustard submitted that it was accepted that there is no suggestion that the witness has willingly or knowingly lied in the telephone note. She stated that this would not make sense in the circumstances, but notwithstanding that there could be any number of reasons why a telephone attendance note is not entirely accurate, such as mishearing or misremembering the conversation. She stated that ordinarily this could be challenged in oral evidence, but it had now been confirmed the author of the note was not available to give evidence, and so there was no opportunity to do so.

190. Ms Mustard submitted that the telephone note may be of some interest and some relevance. However, she submitted that there is no other evidence that can be given on this point which means there is prejudice to Dr Abdel Aziz that he cannot challenge in any meaningful way something that is clearly controversial and disputed by him.

191. Ms Mustard submitted that the telephone note was drafted by an individual and is subjective, given it was what the author remembered and interpreted from the conversation with Dr Abdel Aziz. She submitted that the author produced the telephone note in a professional capacity as part of their role, however, it was still subjective, and there was potential for error or misinterpretation. She therefore submitted that the Tribunal should consider the prejudice that Dr Abdel Aziz will face if this document is admitted when it cannot be challenged in any way. She submitted that, in those circumstances, the balance falls with the document not being admitted.

Legal Advice

192. The Legally Qualified Chair ('LQC') reminded the Tribunal that the admission of evidence is governed by Rule 34(1) which states as follows:

'The Tribunal may admit any evidence they consider fair and relevant to the case before them, whether or not such evidence would be admissible in a court of law'.

193. Rule 34(1) of the Fitness to Practise Rules gives the Tribunal a broad discretion to admit any evidence, including hearsay evidence, subject only to the considerations of relevance and fairness.

194. The LQC reminded the Tribunal that fairness is a concept which applies to both parties in a case and that, in deciding whether or not it is fair to admit evidence, the Tribunal should have regard to its statutory overarching objective:

- to protect, promote and maintain the health, safety and well-being of the public;
- to promote and maintain public confidence in the medical profession; and
- to promote and maintain proper professional standards and conduct for members of that profession.

195. The LQC reminded the Tribunal of the case of *Thorneycroft v NMC* [2014] EWHC 1565 (Admin). In *Thorneycroft*, Mr Andrew Thomas QC (sitting as a Judge of the High Court) commented that *'all such cases are fact-sensitive, and the test is the requirement of fairness'*. He went on to summarise the principles arising from previous cases as follows

‘(a) The admission of the statement of an absent witness should not be regarded as a routine matter. The FTP rules require the Panel to consider the issue of fairness before admitting the evidence.

(b) The fact that the absence of the witness can be reflected in the weight to be attached to their evidence is a factor to weigh in the balance, but it will not always be a sufficient answer to the objection to admissibility.

(c) The existence or otherwise of a good and cogent reason for the non- attendance of the witness is an important factor. However, the absence of a good reason does not automatically result in the exclusion of the evidence.

(d) Where such evidence is the sole or decisive evidence in relation to the charges, the decision whether or not to admit it requires the Panel to make a careful assessment, weighing up the competing factors. To do so, the Panel must consider the issues in the case, the other evidence which is to be called and the potential consequences of admitting the evidence. The Panel must be satisfied either that the evidence is demonstrably reliable, or alternatively that there will be some means of testing its reliability.’

196. The LQC further referred the Tribunal to the case of *El Karout v Nursing and Midwifery Council* [2019] EWHC 19 (Admin) in which it was said that the nature and quality of the hearsay evidence will be a key factor in assessing the fairness of admission. The better the quality of the evidence the more likely it will be that admission will be fair. Relevant considerations will include why and how it was recorded.

197. The LQC advised the Tribunal that *Thorneycroft* sets out a series of matters to which the Tribunal should have regard when considering whether to admit the disputed hearsay evidence, as follows:

1. Whether the statements were the sole and decisive evidence in support of the charges;
2. The nature and extent of the challenge to the contents of the statements;
3. Whether there was any suggestion that the witnesses had reasons to fabricate their allegations;

4. The seriousness of the charge, taking into account the impact which adverse findings might have on Registrant's career;
5. Whether there was a good reason for the non-attendance of the witnesses;
6. Whether the Respondent had taken reasonable steps to secure the attendance of the witness;
7. The fact that Registrant did not have prior notice that the witness statements were to be read.

The Tribunal's decision

198. The Tribunal reminded itself that Rule 34(1) afforded it a broad discretion to admit any evidence it considered fair and relevant to the case before it.

199. It was not in dispute that, in the context of the Allegation, the contents of the telephone note were relevant to the case. The Tribunal, therefore, went on to consider whether it would be fair to admit the unredacted telephone note. It reminded itself that fairness included fairness to both the GMC and Dr Abdel Aziz. The Tribunal applied the principles laid out in *Thorneycroft* to the facts of the case.

200. It was not suggested by either party that the telephone note was the sole and Tribunal decisive evidence in relation to the Allegation or any part of it. The GMC relies on the evidence of Miss A to prove its case and to a lesser extent the evidence of Mr D. However, it was accepted that the GMC considered the contents of the telephone note to be significant/probative in the context of the Allegation which Dr Abdel Aziz faces.

201. The Tribunal considered the nature and extent of Dr Abdel Aziz's challenge to the telephone note. The Tribunal reminded itself that whilst the note was produced by the GMC Investigation Officer in the context of their employment, it was nonetheless that staff member's subjective record of the conversation. Dr Abdel Aziz challenges the accuracy of the telephone note. There is no statement from the author of that note and if the Tribunal admits it into the evidence, there will be no opportunity for him to challenge the accuracy with the author of the note through cross examination. The Tribunal took into account that the GMC had sought to remedy the absence of the author of the note by obtaining a statement from the author's line manager as to how such notes come to be placed on the GMC's case management system. However, the Tribunal determined that it could give that statement little weight in circumstances where the witness had no direct knowledge of the discussion between Dr Abdel Aziz and the Investigation Officer.

202. The Tribunal accepted that there was nothing to suggest that the telephone note had been fabricated. It was written contemporaneously by a member of GMC staff, in the course of their day-to-day work. It accepted therefore, that any inaccuracies within the note were likely to have been inadvertent and the result of misunderstanding, mishearing, or misremembering what was said. However, it remained the case that the telephone note was a subjective record of the discussion by the Investigation Officer.

203. The Tribunal accepted that the Allegation which Dr Abdel Aziz faces is serious; it involves alleged sexual misconduct which if found proved, could have a significant impact on Dr Abdel Aziz's career and reputation.

204. The Tribunal took into account that the GMC has provided no specific medical evidence as to how the Investigation Officer's medical condition prevents them from attending to give evidence, beyond the information that the staff member is on long term sickness absence. There was also no information before the Tribunal as to the steps taken to obtain a written statement from the Investigation Officer or any steps taken to secure their attendance.

205. The Tribunal acknowledged that there is no absolute right for a Registrant to cross examine a witness in relation to their evidence. However, the Tribunal concluded that, on the facts of the case that there was the potential for real prejudice to Dr Abdel Aziz in not being able to challenge the content of the telephone note through cross examination of its author in relation to what is a serious Allegation.

206. Taking all of these factors into account, the Tribunal determined that the admission of the telephone note as hearsay would be unfair.

207. The Tribunal accordingly determined to reject Mr Brooks' application under Rule 34(1).

ANNEX B – 12/05/2025

Application to admit further documents as hearsay evidence under Rule 34

208. On Day 4 of the hearing, Ms Mustard, on behalf of Dr Abdel Aziz, made an application under Rule 34(1) for the witness statement of Dr C to be admitted as hearsay evidence.

Submissions

209. Ms Mustard submitted that Dr C was one of the individuals whom Dr Abdel Aziz was intending to meet at the Festival, although he did not make it to the Festival because of personal circumstances. She stated that there was nothing in the statement that goes directly to any part of the Allegation, however, the statement confirmed Dr Abdel Aziz's evidence. She submitted that this statement was predominately a character reference, which Dr Abdel Aziz is entitled to put before the Tribunal at this stage as evidence of his good character.

210. Ms Mustard submitted that Dr C was not directly a witness of fact, and therefore there would be limited, if any, prejudice to the GMC in his written statement being admitted. She said that Dr Abdel Aziz would, however, be disadvantaged by not being permitted to have evidence of his character before the Tribunal.

211. Ms Mustard submitted that Dr C was unable to attend to give evidence and be cross examined as he had work commitments which prevented him from attending due to the short notice of the request. Further, Dr C had not responded to the most recent emails about his availability.

212. Ms Mustard submitted that the statement had been made in full knowledge of the facts, following a formal request by Dr Abdel Aziz's legal representatives. She submitted that this meant there was good reason to think that this is a credible statement upon which the Tribunal can rely.

213. Ms Mustard submitted that prejudice or difficulty to the GMC would be limited on the basis that she was not seeking to rely on the statement as the sole or decisive evidence in the case. She submitted that the statement is primarily a testimonial. She accepted that there was an element that corroborated what Dr Abdel Aziz had already told the Tribunal in his evidence. However, she submitted that there had already been an opportunity for Mr Brook to explore this at length with Dr Abdel Aziz, so that he should be in a position to make submissions about it.

214. Ms Mustard submitted that admitting the statement as hearsay would not prejudice the GMC in any meaningful way but it would prejudice Dr Abdel Aziz, if he were not able to present testimonial evidence.

215. On behalf of the GMC, Mr Brook submitted that the GMC was neutral on the application.

216. Mr Brook stated that there are questions that he would have wished to ask of Dr C, in that the statement is an amalgam of factual and testimonial evidence. He submitted that he would not be seeking to cross examine on the character reference, but he would have had questions on the issues of fact. He conceded that he had laid the foundation for those matters in his cross examination of Dr Abdel Aziz which would enable him to make some submissions in due course.

217. Mr Brook submitted that there was some concern about Dr C's attitude to attending, given his responses to emails. However, he accepted that Dr Abdel Aziz's representatives had taken all appropriate steps to try to secure his attendance.

218. Mr Brook submitted that, should the Tribunal accept the statement into evidence, then he would make submissions regarding the appropriate weight that it should be given in the circumstances of the case.

219. Mr Brook submitted that the testimonial part of the statement was not opposed, and Dr Abdel Aziz is perfectly entitled to have that before the Tribunal.

Legal Advice

220. The LQC referred the Tribunal to her earlier advice in relation to Rule 34(1). She also reminded the Tribunal to apply the legal principles derived from the case of *Thorneycroft*.

The Tribunal's decision

221. The Tribunal carefully considered Ms Mustard's application. It reminded itself that Rule 34(1) afforded it a broad discretion to admit any evidence it considered fair and relevant to the case before it.

222. The Tribunal considered that the statement of Dr C was relevant to the Allegation in that it provided corroboration of Dr Abdel Aziz's account about some of the background

issues to his attendance at the Festival. Dr C was the friend Dr Abdel Aziz was intending to meet at the Festival, and the statement provided context to, and corroboration of, answers given by Dr Abdel Aziz in his oral evidence.

223. Turning to fairness, the Tribunal noted the neutral position adopted by the GMC. It took into account that Dr C's witness statement went directly to questions asked of Dr Abdel Aziz, on behalf of the GMC in cross examination. The Tribunal also noted that the GMC did not object to the character element of the statement.

224. The Tribunal accepted that Dr Abdel Aziz would be disadvantaged if the statement were not admitted as evidence; the statement was primarily a character reference and he was entitled to have his good character taken into account at this stage of proceedings.

225. Mr Brook conceded, and the Tribunal accepted, that all reasonable steps had been taken to secure the virtual attendance of the Dr C. It accepted Mr Brook's position that he would have liked to have the opportunity to ask questions of Dr C, but reminded itself that there is no absolute right to cross examine a witness. The Tribunal concluded that the extent of any disadvantage to the GMC in not being able to cross examine Dr C was outweighed by the prejudice that would be suffered by Dr Abdel Aziz if Dr C's statement were not admitted. The Tribunal reminded itself that Dr Abdel Aziz faces a serious Allegation of sexual misconduct.

226. The Tribunal accordingly determined to grant Ms Mustard's application under Rule 34(1).