

To: Health professional networks (excluding Israel/UK/USA)  
From: Medical office / Middle East Program  
Date: 15 August 2001

### **MEDICAL LETTER WRITING ACTION**

#### **Systematic torture, execution and punitive surgery Iraq**

**Key words**     torture / amputations / executions

#### **Summary**

For many years Amnesty International has received numerous reports of torture and interviewed hundreds of torture victims from Iraq. Victims of torture in Iraq have been subjected to a wide range of forms of torture; many victims now live with permanent physical or psychological damage. The bodies of many of those executed showed evident signs of torture when returned to their families, including gouging out of the eyes, marks of severe beatings and electric shocks to various parts of the body. Victims of torture have included suspected government opponents and their relatives.

As part of Amnesty International's Campaign against Torture the organization is calling on the Iraqi authorities to ratify and implement the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to abolish punishments which constitute torture including punitive surgery and to declare a moratorium on executions (related report: *Iraq: Systematic torture of political prisoners*. 15 August 2001, AI index: MDE 14/008/2001).

#### **Recommended actions**

Please write letters preferably in English or Arabic to the addresses below:

- calling on the government to issue a public declaration that torture, including rape, will not be tolerated under any circumstance, as provided for in Iraqi legislation;
- urging the government to ratify and implement fully in domestic law and practice the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- urging the authorities to abolish punishments which constitute torture or cruel, inhuman and degrading treatment including punitive surgery;
- expressing concern that such punitive surgery amounting to torture would be contrary to Iraqi legislation which prohibits the use of torture; punitive surgery would also be contrary to international law, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to international codes of medical ethics such as the UN Principles of Medical Ethics and the World Medical Association's Declarations of Geneva and Tokyo;
- asking the authorities to demonstrate respect for the inherent right to life by declaring a moratorium on executions.

Regular postal services to Iraq have been suspended since the imposition of UN sanctions in 1990. Before sending letters, please check with the postal services in your country to find out what services are available. If letters can be sent directly to Iraq, please send also copies to Iraq's diplomatic representative in your country. Otherwise please send them via Iraq's Embassy, if there is one, or via the Interests Section for Iraq, in your country (for example the UK has no diplomatic relations with Iraq but there is an Interests Section for Iraq at the Jordanian Embassy in London). In this case your letters should be accompanied by : 1) a copy of your letter to the authorities in Baghdad; 2) a covering letter to the Ambassador (or diplomatic representative) explaining your aims, asking them for assistance in obtaining a response and kindly requesting that your letter be forwarded to the government officials in Baghdad.

If you receive no reply from the government or other recipients within two months of dispatch of your letter, please send a follow up letter seeking a response. Please check with the medical team if you are sending appeals after 15 October 2001, and send copies of any replies you do receive to the International Secretariat (att: medical team).

### **Addresses**

#### **Saddam Hussain**

President of the Republic  
Presidential Palace  
Karadat Mariam  
Baghdad, Iraq  
Salutation: Your Excellency

#### **Taha Yassin Ramadan**

Vice-President / Deputy Prime Minister  
Office of the Vice-President  
Presidential Palace  
Karadat Mariam  
Baghdad, Iraq  
Salutation: Your Excellency

#### **Tariq Aziz**

Deputy Prime Minister  
Office of the Vice-President  
Presidential Palace  
Karadat Mariam  
Baghdad, Iraq  
Salutation: Your Excellency

#### **Mahmoud Dhiyab al-Ahmad**

Minister of Interior, Ministry of Interior  
Baghdad, Iraq  
Salutation: Your Excellency

#### **Mundhir Ibrahim al-Shawi**

Minister of Justice, Ministry of Justice  
Baghdad, Iraq  
Salutation: Your Excellency

#### **Khalid al-Sa'idi**

National Assembly(al-Majlis al-Watani)  
Head of the National Assembly's Human Rights Committee  
Baghdad, Iraq  
Salutation: Your Excellency

and to diplomatic representatives of Iraq accredited to your country.

PUBLIC

Date:15 August 2001

## **MEDICAL CONCERN**

### **Systematic torture including punitive surgery Iraq**

#### **Introduction**

For many years Amnesty International has received numerous reports of torture and interviewed hundreds of torture victims from Iraq. Victims of torture in Iraq have been subjected to a wide range of forms of torture; many victims now live with permanent physical or psychological damage. The bodies of many of those executed had evident signs of torture, including gouging out of the eyes, marks of severe beatings and electric shocks to various parts of the body when returned to their families. Victims of torture have included suspected government opponents and their relatives.

#### **Victims of torture and execution**

Many victims of torture have been Shi'a Muslims from Baghdad or from southern Iraq, arrested and tortured because they were suspected of anti-government activities. Many of them were students at *al-Hawza al-'Ilmiya* in al-Najaf in the south, which is considered to be one of the most prestigious theological teaching institutions in Shi'a Islam. Mass arrests and torture often took place during the periods of unrest which southern Iraq has witnessed intermittently following the murder of a prominent Shi'a cleric and his two sons in 1999.

Al-Shaikh Yahya Muhsin Ja'far al-Zeini, from Saddam City, is a 29-year-old former theology student in *al-Hawza al-'Ilmiya*. On 2 July 1999 he was arrested in his parents' house following his arrival from al-Najaf. His father and two brothers had been detained as substitute prisoners until his arrest. Security men blindfolded him and took him to the building of the Saddam Security Directorate. Once there, he was taken to a room and his blindfold was removed. He told Amnesty International:

" ... I saw a friend of mine, al-Shaikh Nasser Tareh al-Sa'idi, naked. He was handcuffed and a piece of wood was placed between his elbows and his knees. The two ends of the wood were placed on two high chairs and al-Shaikh Nasser was being suspended like a chicken. This method of torture is known as *al-Khaygania* (a reference to a former security director known as al-Khaygani). An electric wire was attached to al-Shaikh Nasser's penis and another one attached to one of his toes. He was asked if he could identify me and he said "this is al-Shaikh Yahya". They took me to another room and then after about 10 minutes they stripped me of my clothes and a security officer said "the person you saw has confessed against you". He said to me "You followers of [Ayatollah] al-Sadr have carried out acts harmful to the security of the country and have been distributing anti-government statements coming from abroad. He asked if I have any contact with an Iraqi religious scholar based in Iran who has been signing these statements. I said "I do not have any contacts with him"... I was then left suspended in the same manner as al-Shaikh al-Sa'idi. My face was looking upward. They attached an electric wire on my penis and the other end of the wire is attached to an electric motor. One security man was hitting my feet with a cable. Electric shocks were applied every few minutes and were increased. I must have been suspended for more than an hour. I lost consciousness. They took me to another room and made me walk even though my feet were swollen from beating.... They repeated this method a few times".

Al-Shaikh Yahya was regularly subjected to electric shocks followed by beating on the feet. For two months he had to sleep on the floor with his hands tied behind his back and his face on the floor. He stated that this was more unbearable than being subjected to electric shocks. On one occasion Shaikh Yahya was suspended from a window for three days. Another method of torture that he described was that while suspended a heavy weight was attached to his genitals and was left hanging for some time. Al-Shaikh Yahya was held without charge or trial until 14 April 2000 when he was released.

A number of former Iraqi political detainees were forced to undergo surgery to have a leg or arm amputated because they developed infections following prolonged torture and had developed gangrene.

Su'ad Jihad Shams al-Din, a 61-year-old medical doctor, was arrested at her clinic in Baghdad on 29 June 1999 on suspicion that she had contacts with Shi'a Islamist groups. She was detained without charge or trial and was released on 25 July 1999. She was initially held in Baghdad Security Directorate and then was transferred to al-Ambar Security Directorate (also in Baghdad) on 5 July. Su'ad Jihad Shams al-Din was tortured frequently during interrogation by security men. Methods of torture included mostly beatings on the soles of the feet (*falaqa*) with a cable.

Some women have been raped in custody. They were detained and tortured because they were relatives of well known Iraqi opposition activists living abroad. For example, on 7 June 2000 Najib al-Salihi, a former army general who fled Iraq in 1995 and joined the Iraqi opposition, was sent a videotape showing the rape of a female relative. Shortly afterwards he reportedly received a telephone call from the Iraqi intelligence service, asking him whether he had received the "gift" and informing him that his relative was in their custody.

In October 2000 dozens of women suspected of prostitution were beheaded in Baghdad and other cities after they had been arrested and ill-treated. Men suspected of procurement were also beheaded. Najat Mohammad Haydar, an obstetrician in Baghdad, was beheaded in October 2000 allegedly for engagement in prostitution. However, she was reportedly arrested before the introduction of the policy to behead prostitutes and was said to have been critical of corruption within the health services.

### **Judicial amputations**

In 1994 Iraq introduced judicial punishments amounting to torture or to cruel, inhuman or degrading punishments for at least 30 criminal offences, including certain forms of theft, "monopolizing rationed goods", defaulting or deserting from military service and performing plastic surgery on an amputated arm or leg. The punishments consisted of the amputation of the right hand for a first offence, and of the left foot for a second offence, or the severance of one or both ears. People convicted under these decrees were also branded with an "X" mark on the forehead.<sup>1</sup> The Iraqi Government argued that the introduction of these severe punishments was in response to the rising crime rate resulting from worsening economic conditions as a result of the UN imposed sanctions. The punishment of amputation of the ears and the branding of the foreheads was suspended in 1996 by the Iraqi Government.

A number of former soldiers who suffered amputation or had their ears cut off have and fled the country now live with permanent physical damage as a result of such punishments. They include:

- Ahmad Dakhel Kadhim, aged 30 was arrested on 1 September 1994. He had been serving in the army and then deserted following the invasion of Kuwait. He was in hiding until his arrest. He was taken to al-Samawa prison and later found himself in al-Samawa hospital. He was made to lie on a bed and his hands were tied to each side of the bed. He was given an anaesthetic and when he recovered consciousness his right ear had been cut off as a punishment. He was taken back to prison, eventually managed to escape, and at the beginning of 1995 he fled the country. Ahmad Dakhel Kadhim has been sentenced to death *in absentia*.

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<sup>1</sup>For more details on these punishments see Amnesty International's report *Iraq: State cruelty - branding, amputation and the death penalty*, AI Index: MDE 14/03/96, published in April 1996

- Majed 'Abd al-Wahed al-Sarraji, aged 30 from Baghdad, was arrested on 15 September 1994 because he failed to join the army when he was called to service. He told Amnesty International:

“They took me to al-Nu'man Hospital in Baghdad. I was given anaesthetic by injection on my right arm and when I woke up I discovered that they had cut off a small part of my right ear.”

Majed 'Abd al-Wahed al-Sarraji managed to escape and was living in hiding until the beginning of 1999 when he managed to flee the country.

Amputations were very often publicized in Iraqi media, including on television and in newspapers. However, since the end of 1996, following international condemnation of these punishments, reports of amputations being carried out have rarely been publicized in Iraq. In August 1998 six members of *Feda'iyye Saddam* - a militia created in 1994 by 'Uday Saddam Hussain, the son of President Saddam Hussain - reportedly had their hands amputated by order of 'Uday Saddam Hussain. They were said to have been accused of theft and extortion from travellers in the southern city of Basra.

Amputation of the tongue was reportedly approved by the authorities in mid-2000 as a new penalty for slander or abusive remarks about the President or his family. In September 2000 a man reportedly had his tongue amputated by members of *Feda'iyye Saddam* in Baghdad for slandering the President. He was said to have been driven around after the punishment while information about his alleged offence was broadcast through a loudspeaker.

Amnesty International has publicly called on the Iraqi Government to abolish the penalties of amputation and to provide reparation for all victims, or for families of victims.

## **Legislation & professional statements prohibiting torture**

### *National legislation*

Iraq's legislation prohibits the use of torture and provides for prosecution of torturers. Article 22(a) of Iraq's Interim Constitution states that “the dignity of the person is safeguarded. It is inadmissible to cause any physical or psychological harm”. Article 127 of the Code of Criminal Procedure states that “it is not permissible to use any illegal means to influence the accused to secure his statement. Mistreatment, threatening to harm, inducement, threats, menace, psychological influence, and the use of narcotics, intoxicants and drugs are all considered illegal means.” In fact the Iraqi Penal Code criminalizes the use of torture by any public servant. Article 333 states that “any employee or public servant who tortures, or orders the torture of an accused, witness, or expert in order to compel that person to confess to committing a crime, to give a statement or information, to hide certain matters, or to give a specific opinion will be punished by imprisonment or detention. The use of force or threats is considered to be torture”. Amnesty International is not aware of any instances where officials suspected of torture of detainees have been brought to justice.

### *International legislation & statements by professional bodies*

Iraq has ratified the International Covenant on Civil and Political Rights (ICCPR) which states:

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (article 7)

In November 1997 the UN Human Rights Committee, the international body of experts responsible for supervising the implementation of the ICCPR, expressed deep concern that Iraq “has resorted to the imposition of cruel, inhuman and degrading punishments, such as amputation and branding, which are incompatible with Article 7 of the Covenant” and urged that the imposition of such punishments be ceased immediately and related laws revoked.<sup>2</sup> The Committee recommended that “a thorough

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<sup>2</sup>UN Doc. CCPR/C/79/Add.84, para 12 (19 Nov 1997)

review of existing temporary laws and decrees be undertaken with a view to ensuring their compliance with the provisions of the Covenant”<sup>3</sup>  
(See: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/4c6e0bf385b5c8f6802565530050e6b5](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/4c6e0bf385b5c8f6802565530050e6b5) )

The *UN Principles of Medical Ethics*<sup>4</sup> address the issue of participation of health professionals in the practice of torture:

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment. (principle 2)

It is a contravention of medical ethics for health personnel, particularly physicians, to (..) participate in any way in the infliction of any treatment or punishment which is not in accordance with the relevant international instruments. (principle 4)

The World Medical Association's *Declaration of Geneva*, a modern equivalent of the Hippocratic Oath first adopted in 1948 and most recently amended in 1994, includes the following:

“I solemnly pledge myself to consecrate my life to the service of humanity(..);  
The health of the patient will be my first consideration (..);  
I will maintain the utmost respect for human life from its beginning even under threat and I will not use my medical knowledge contrary to the laws of humanity.”

In 1975 the World Medical Association adopted the Declaration of Tokyo, which is the most comprehensive statement produced by the medical profession on the question of torture and cruel, inhuman or degrading treatment of detainees. It states that:

1. The doctor shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offence of which the victim of such procedures is suspected, accused or guilty (..).
2. The doctor shall not provide any premises, instruments, substances or knowledge to facilitate the practice of torture or other forms of cruel, inhuman or degrading treatment or to diminish the ability of the victim to resist such treatment.

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<sup>3</sup>Ibid, para 9

<sup>4</sup>UN Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. This and other codes and declarations cited are available in: *Ethical Codes and Declarations for Health Professionals* (2001, AI index: ACT 75/05/00)