

**PUBLIC**

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To: Health professionals  
From: Medical office / Gulf Team  
Date: 8 September 2000

***MEDICAL LETTER WRITING ACTION***

**“Eye-for-an-eye” sentence**

**Fear of punitive surgery: Gholamhossein Aryabakhshahyesh  
Iran**

**Key words**     punitive surgery / torture / medical ethics

**Summary**

Amnesty International fears that Gholamhossein Aryabakhshahyesh may be at risk of punitive surgery in Tehran. According to press reports on 21 August 2000, a Tehran court has ordered one of his eyes to be removed in accordance with the law of retribution, part of the Iranian penal code, after he had blinded Mohammad Ali Qorbani in one eye in a traffic argument in the middle of a Tehran street which reportedly took place in April 1997.

**Recommended actions**

Please write politely worded letters:

- expressing grave concern at reports that Gholamhossein Aryabakhshahyesh has been sentenced in a Tehran court to have one of his eyes removed as a punishment;
- asking for verification of these reports and asking for information about how such a punishment would be carried out;
- expressing concern that such punitive surgery would 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;
- urging the authorities to abolish punishments which constitute cruel, inhuman and degrading treatment, amounting to torture.

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 31 October 2000, and send copies of any replies you do receive to the International Secretariat (att: medical team).

## **Addresses**

Leader of the Islamic Republic  
His Excellency Ayatollah Sayed `Ali Khamenei,  
The Presidency, Palestine Avenue,  
Azerbaijan Intersection, Tehran, Islamic Republic of Iran  
Telegrams: Ayatollah Khamenei, Tehran, Iran  
Salutation: Your Excellency

President  
His Excellency Hojjatoleslam val Moslemin Sayed Mohammad Khatami  
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Azerbaijan Intersection, Tehran, Islamic Republic of Iran  
Telegrams: President Khatami, Tehran, Iran  
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Head of Judiciary  
His Excellency Ayatollah Mahmoud Hashemi-Shahrudi  
Ministry of Justice, Park-e Shahr,  
Tehran, Islamic Republic of Iran  
Telegrams: Head of the Judiciary, Tehran, Iran  
Salutation: Your Excellency

## **Copies**

Minister of Foreign Affairs  
His Excellency Kamal Kharrazi  
Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Avenue  
Tehran, Islamic Republic of Iran

Minister of Health  
H.E. Mohammad Farhadi  
Ministry of Health  
Jomhuri-e Eslami Avenue  
Tehran, Islamic Republic of Iran

Mr Mohammad Hassan Zia'i-Far  
Secretary, Islamic Human Rights Commission  
PO Box 13165-137, Tehran, Islamic Republic of Iran  
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and to diplomatic representatives of Iran accredited to your country.

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***MEDICAL CONCERN***

**“Eye-for-an-eye” sentence  
Fear of punitive surgery: Gholamhossein Aryabakhshahyesh  
Iran**

Amnesty International fears that Gholamhossein Aryabakhshahyesh may be at risk of punitive surgery in Tehran. According to press reports on 21 August 2000, a Tehran court has ordered one of his eyes to be removed in accordance with the law of retribution after he had blinded Mohammad Ali Qorbani in one eye in a traffic argument in the middle of a Tehran street which reportedly took place in April 1997.

**Background information**

According to a report in the Iranian newspaper *Entekhab*, Gholamhossein Aryabakhshahyesh had stopped his car in the middle of a street in central Tehran when Mohammad Ali Qorbani, travelling with some family members, asked him to park the car elsewhere. In the ensuing argument, Gholamhossein Aryabakhshahyesh allegedly became angry and hit Mohammad Ali Qorbani in the eye with a stick. Qorbani reportedly no longer has sight in the eye which was hit by Gholamhossein Aryabakhshahyesh.

A Tehran Court reportedly ordered one of Aryabakhshahyesh's eyes to be removed in accordance with the Iranian penal code which includes the law of retribution, also known as the “eye-for-an-eye” rule. Amnesty International believes that, if these reports are confirmed, this punishment would constitute a form of torture and be contrary to international human rights standards which Iran has ratified. In addition, the surgeon's participation in the punishment would be contrary to the Hippocratic Oath, the UN Principles of Medical Ethics and the World Medical Association's Declarations of Geneva and Tokyo.

In January 1998 a man was also sentenced by a court to be blinded for blinding another man in an acid attack, the daily newspaper *Iran* reported. The victim of the attack said that officials had informed him that the sentence had to be carried out under medical supervision and no doctor had agreed to carry out this punishment. Amnesty International has not been able to independently establish if the punishment was ever carried out.

**Medical ethics and human rights**

Iran continues to impose a number of punishments contrary to international law. The punishment of surgically removing an eye is in contradiction with both international law and international codes of medical ethics.

Iran is party to the *International Convention on Civil and Political Rights* which includes a prohibition of torture:

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (..).

The *UN Principles of Medical Ethics*<sup>1</sup> address the issue as follows:

Principle 2

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 4

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.

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>1</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.