

# @HEALTH PERSONNEL

## Victims of human rights violations

Around the world, health workers are victims of human rights violations such as arbitrary arrest, torture, "disappearances" and extrajudicial executions. Governments appear to take such repressive measures against health personnel because of their political activities, their participation in the work of human rights bodies, their professional activities or criticisms of government health policy, their medical care of injured opposition figures, or a desire on the part of the government to make an example of a well known health worker. In addition, some attacks on health workers appear to be the result of chance; they happen to be in a place where an attack is occurring and become victims themselves. Arrests, torture, "disappearances" and extrajudicial executions of medical personnel can occur in countries of different political systems and different levels of political and social stability as this paper will illustrate.

### *A decade of repression*

In **El Salvador** and **Guatemala** in the early 1980s, health workers were among thousands of citizens subjected to arbitrary arrest, "disappearance" and extrajudicial execution. Some of the victims of torturers and "death squads" were active government opponents but the institutionalized nature of the abuses and the covert encouragement given to those responsible for perpetrating human rights violations meant that those with little or no political involvement were also victimised.

In July 1980, a United States Public Health Association Commission visited El Salvador to investigate attacks on the health professions. Its report listed more than 20 health professionals who were killed or "disappeared" in the first six months of 1980, many as a result of incursions by military personnel into hospitals and clinics. As with other extrajudicial executions carried out by "death squads" in El Salvador, many of the victims were tortured before being murdered. In Guatemala, health workers were also under attack. Amnesty International recorded the deaths of 14 medical personnel at the hands of military or "death squads" in the first half of 1981, some of whom were killed in or near hospitals or clinics. In both these countries, the practice of medicine or community health care in rural districts was apparently regarded by the military as linked to subversion and political opposition, since the

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health worker was a source of help, advice and support to the peasant population. Some doctors who did treat armed oppositionists for battle injuries were arrested for supporting the enemy, but more usually were dealt with outside the law.

In the period since the early 1980s, the level of extrajudicial executions of health workers in El Salvador and Guatemala has diminished, though cases are still reported. For example, in March 1989, AI published information on extrajudicial executions of medical personnel at a field hospital established by the armed opposition movement, the FMLN, where wounded combatants were treated. According to reports, the Salvadorian army attacked the hospital on 13 February 1989, killing a doctor, a nurse, three paramedics and five wounded combatants. The doctor, Alejandra Bravo Betancourt Mancera, aged 35, had been a professor in the Autonomous Metropolitan University in Mexico City before leaving to work in Central America. Post-mortem reports on her body and that of the Salvadorian nurse, Rosibel Dubón, suggested that both had been beaten and sexually assaulted before being killed by shooting.<sup>i</sup>

In April 1989, Madeleine Lagadec, a French nurse working in another FMLN field hospital, was killed along with an Argentinian doctor, a Salvadorian paramedic and two others following an attack by Salvadorian military forces. Reports from other workers at the field hospital indicated that she and a young Salvadorian nurse may have been captured and raped before being deliberately shot.

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A 24-year-old Spanish doctor, Begoña García Arandigoyen was shot dead on 10 September 1990 when Second Infantry Brigade soldiers attacked an FMLN field hospital in La Montañita, department of Santa Ana, in western El Salvador. Dr García had arrived in El Salvador eight months earlier and provided health care services to wounded members of the FMLN. The Salvadorian military authorities stated that she was a combatant killed by shots fired at long range. However, autopsy evidence called into question this account of the death. In his January 1991 report to the United Nations Commission on Human Rights, the UN Special Representative on El Salvador, Dr Pastor Ridruejo, supported the view that the characteristics of a head wound sustained by Dr Garcia suggested that she may have been killed after being taken captive.

A Catholic priest, Dr Ignacio Martín-Baró was one of six Jesuit priests murdered in San Salvador by military personnel in November 1989. The six priests were killed reportedly because they were suspected of sympathies with the FMLN. Dr Martín-Baró, who was a psychologist of international renown, died two weeks before he was due to attend an international meeting on health care for victims of political violence held in the Costa Rican capital, San José. Although nine members of the military have been brought to trial in connection with the murder, judicial proceedings have been continually hindered by the armed forces. In January 1991, two of the principal prosecutors in the case resigned, accusing the Armed Forces of blocking a broad investigation.

The arrest and ill-treatment of health workers in El Salvador is common, particularly for those working in the poorest urban and rural communities. Wilfredo Escobar Cabrera, an assistant pharmacist in Soyapango, San Salvador, was detained in the hospital where he worked on 24 August 1990 by two men in plain clothes who said they were National Police detectives. He was taken to the National Police headquarters where he was interrogated about stealing medicines for the FMLN. He was reportedly beaten and semi-asphyxiated several times with a rubber hood and the police threatened to arrest a family member if he didn't admit to having stolen 300 boxes of medicine.

In neighbouring Guatemala, a paediatrician, Dr Carmen Valenzuela was abducted by armed men in the capital, Guatemala City, on 10 February 1990. Dr Valenzuela, aged 35, was president of the Guatemalan Association of Women Doctors and a professor at the University of San Carlos Medical School. She was seized before witnesses by five or six men in civilian clothes carrying sub-machine guns after her car was rammed near a park where she was going to play softball. She was held for a week during which time she was tortured. Her abduction provoked international protest and led to interventions by foreign diplomatic personnel. After her release, she left the country.

In **Syria**, hundreds of doctors, lawyers and other professionals were arrested in March 1980 following a strike undertaken in support of demands for an end to the state of emergency in force since 1963 and for the respect of human rights in Syria. Shortly after the strike, the national congresses and regional assemblies of the Medical, Engineers' and Bar Associations

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were dissolved by the government and in the days that followed numerous members of these professions were arrested and held without charge or trial.

In 1983, Amnesty International published a list of some 100 health professionals who were then believed to remain in detention in Syria without charge or trial. In the following year, AI appealed again for information on those detained. The Government of Syria has released no information about the prisoners in the 11 years since their arrest. AI has learned through unofficial channels of the execution of two doctors in 1980 and 1981 and of the release of seven others. In the case of four of those held, AI has been able to confirm that they are prisoners of conscience and has called for their release. Details of the fate of the remainder is still lacking and in each of the last three years, Amnesty International has reiterated its appeal to the Syrian Government to make known information about the current situation of the prisoners, and to release them unless it can demonstrate that they have committed serious and recognisable crimes<sup>ii</sup>.

During the 1980s, several other health professionals were detained in Syria for reasons unrelated to the 1980 strike but because of the exercise of basic human rights. For example, Numair 'Ashur al-'Askari was a student in the Faculty of Medicine at Aleppo University when he was arrested in March 1983 under State of Emergency laws. Two of his brothers were also arrested in the 1982-3 period and his sister was arrested in 1987. All four have been held without charge or trial since arrest for membership of *Hizb al-'Amal al-Shuyu'i* (Party for Communist Action) which is prohibited in Syria. AI adopted Numair 'Ashur al-'Askari as a

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prisoner of conscience since he had neither used nor advocated violence and had committed no recognisable crime<sup>iii</sup>. He is now 30 years old.

In February 1981, the **Soviet** psychiatrist, Dr Anatoly Koryagin, was arrested in Belgorod in the south of the Russian Republic and in June 1981 was sentenced to 12 years' imprisonment and internal exile on charges of "anti-Soviet agitation and propaganda". At a press conference in January he had publicly criticised the political abuse of psychiatry in the Soviet Union and in April 1981 the British medical weekly *The Lancet* published an article he had written giving details of his experiences with individuals who had been forcibly confined to psychiatric hospitals. At the time he was psychiatric consultant to the unofficial Moscow Working Group to Investigate the Use of Psychiatry for Political Purposes. While working with this group, he examined, at their own request, 15 individuals who had been forcibly confined to psychiatric hospitals and concluded that in no case was forcible confinement justified. He was subjected to extremely harsh conditions while held in a labour camp and prison, and in 1983/4 he undertook hunger-strikes to protest against the conditions in which he was held.

In 1983, Dr Koryagin was made an honorary fellow of the World Psychiatric Association and continued to be the focus of intense international campaigning by human rights and professional organizations. In 1987 he was released from imprisonment and went into exile.

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Other health workers in the USSR working for the protection of human rights had earlier been sentenced to periods of imprisonment, including the psychiatrist Dr Semyon Gluzman, the psychiatric nurse Alexandr Podrabinek, and the radiologist Dr Leonard Ternovsky. All had been active in exposing the abuse of psychiatry for political purposes; they received varying sentences from three to 10 years' imprisonment or exile and have now all been released.

Throughout the 1980s, individual health workers and members of medical organizations in **South Africa** were subjected to a range of human rights violations both by the authorities and by unidentified agents thought to be acting for the state. For example, in 1982, a white doctor working with a black trade union, Dr Neil Aggett, was found dead in his cell while detained under Section 29 of the Internal Security Act (ISA). An inquest later found that Dr Aggett had committed suicide. The court heard evidence that his death followed a prolonged period of intensive interrogation, electric shock torture and denial of medical care. Lawyers acting for Dr Aggett's family conceded that he had committed suicide, but argued that he would not have taken his life if it were not for his 70 days in detention and the ill-treatment by the security police. They asked the court to find two named police officers guilty of culpable homicide for having decided to subject Dr Aggett to intensive interrogation. The court did not accept this argument and no one was found to bear any responsibility for the death.

Other doctors, nurses and medical students have been detained in South Africa under the ISA, as well as other security laws. Some of these are detailed in an Amnesty International

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report *South Africa: human rights violations and the medical profession*<sup>8</sup>, published in 1986. For example, the 66-year-old nurse, Albertina Sisulu, who had been under an almost continuous series of banning orders since 1963, was arrested in February 1985 and charged with treason for activities connected with the non-violent political movement, the United Democratic Front (UDF). She was released on bail in May 1985 and acquitted in December 1985 along with 11 other UDF leaders. Mrs Sisulu's husband, a leading member of the African National Congress (ANC), Walter Sisulu, was at that time serving a life sentence, for sabotage.

In one case a medical professional was the target for assassination by an officially-sanctioned "death squad" in South Africa. On 1 December 1986, Dr Fabian Ribeiro and his wife were shot dead in the black township Mamelodi, outside Pretoria. Dr Ribeiro's assistance to victims of the violent suppression of the township rebellion at the height of the national State of Emergency received international publicity in a film *Witness to Apartheid* released in 1986, some months prior to his death. Eye-witness accounts of the killings led to the arrest of a suspect who was released after a preliminary investigation. In 1990 however, a government commission of inquiry into allegations of security force involvement in the assassination of government opponents heard evidence that the initial suspect in the Ribeiro case was a member of a covert military unit, the Civil Cooperation Bureau (CCB). In his report to the government in September 1990, the judge heading the inquiry stated that there were grounds for believing that the suspect might have been involved, in an official capacity, in the murder of the Ribeiros, and that the Attorney General should investigate further.

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Despite the unbanning of political organizations and the release of long-term political prisoners like Nelson Mandela, Deputy President of the African National Congress (ANC), in 1990, the security police continued to detain without charge political and human rights activists. Among those detained were health workers. Pravin Gordhan, a pharmacist and executive member of the ANC-aligned Natal Indian Congress, was detained under section 29 of the Internal Security Act from 13 July until 29 October 1990, when he was charged in court along with eight others in connection with an alleged South African Communist Party plot to overthrow the government. Pravin Gordhan had previously been detained without charge for prolonged periods. During his detention in 1982 he was admitted to hospital following an alleged assault by the police. In 1990, he was allegedly assaulted again in detention. The Minister of Law and Order, when faced with court proceedings against the police, gave an undertaking to Pravin Gordhan's lawyers that he would not be assaulted. Dr Thabo Rangaka, a psychiatrist and superintendent of Bophelong Community Hospital in Mafikeng, was detained without charge for ten days in November 1990 when the security police of the nominally-independent "homeland" of Bophuthatswana were carrying out a wave of arrests against ANC activists. Dr Rangaka is an active member of a human rights monitoring group, the Mafikeng Anti-Repression Forum (MAREF). Another MAREF member, Dr David Green, was forced to abandon his human rights advocacy work and his medical practice in Mafikeng when, in January 1991, the authorities deported him from the "homeland" with 72 hours notice after verbal threats and other harassment. He has continued to suffer harassment from the security police since his departure.

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There have also been attacks on medical organizations opposed to apartheid and on individuals working with them on behalf of political detainees. Such attacks have had serious implications for the confidentiality of medical records. For example, on 9 and 10 May 1989, the head office of the National Medical and Dental Association (NAMDA) in Durban was raided by security police and medical and other records removed. The raid was three days before NAMDA's annual conference. There had previously been a raid on NAMDA in 1986 and a break-in in NAMDA's Port Elizabeth branch in 1988. This issue of confidentiality of medical records also arose in a court hearing in late 1988 in Johannesburg. Dr Paul Davis lost a court case in which he sought to protect the names of people whom he had examined following their release from detention. In 1986 a report he had prepared documenting physical abuse of detainees had been cited in the press and Dr Davis was subpoenaed to hand over the information on which his report had been based. While refusal would have rendered him liable to imprisonment for contempt of court, in the event he was unable to provide the records requested, as he had returned them to his patients and had kept no other record of names and addresses.

Some attacks took place outside a legal framework. For example, in the early morning of 2 November 1989, the home of Professor Jerry Coovadia, an executive member of NAMDA, was extensively damaged following an explosion; Professor Coovadia was absent and there were no casualties. The perpetrators of the attack were never identified. This attack was part of a pattern of attacks during the 1980s against anti-apartheid and human rights activists which became a subject of investigation by several official commissions of inquiry into the

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activities of security force units in 1990.

In **Chile** following the military coup of 1973 many doctors, medical students and other health workers were victims of human rights violations, in particular extrajudicial executions, "disappearances" and arbitrary arrests and torture. In the 1980s arrests of health workers continued though in a selective and more limited fashion. In May 1981, Drs Manuel Almeyda, Patricio Arroyo and Pedro Castillo were arrested and held incommunicado, allegedly in connection with a bank robbery. All of the doctors had political or human rights connections and all denied the charges. The arrests precipitated protests in Chile and abroad. Significantly, none of the doctors was tortured at a time when torture was routine and after being detained for several weeks, all were released without charge. Dr Almeyda was arrested again in the following year and in May 1983 he was beaten unconscious by a group of civilians believed to be members of the security forces. Dr Castillo, the president of the National Commission Against Torture, was arrested at his home in August 1985, apparently as a result of his human rights work. He was subsequently banished without charge, trial or rights of appeal to a small island more than 1300 km from his home. After strong international protest Dr Castillo was released less than three weeks later.

In February 1984, Dr Juan Restelli - the newly elected president of the Arica branch of the Chilean Human Rights Commission - was the subject of an intimidatory attack when an incendiary device destroyed his car. The attack appeared connected to his human rights work. In the previous year, Dr Restelli had documented traumatic injuries in four men, consistent with

their allegations of torture. Later in 1984, he and the local secretary of the Chilean Medical Association were banished to villages in remote parts of the country for three months; Amnesty International regarded them as prisoners of conscience.

Several doctors were arrested in Santiago during the period April to June 1986 in connection with the case of an injured man who sought help from the Roman Catholic human rights organization, the *Vicaría de la Solidaridad*. The man, Hugo Gomez Peña, who had bullet wounds, claimed that he had been injured while a bystander during an armed clash involving police. In the light of the frequency of these kinds of incidents, this was considered a plausible story and he was believed, though it later transpired that he had been a participant in the confrontation. He was examined by Dr Ramiro Olivares of the Vicaría's medical team and referred to the Chiloé Clinic, a private Santiago clinic. He subsequently left and did not return to the Vicaría. Two days later, four staff from the clinic were arrested. On 6 May 1986, three of them - Dr Ramon Rojas, Dr Alvaro Reyes and Claudio Muñoz - were charged under the Arms Control Law, and Dr Olivares and a Vicaría lawyer, Gustavo Villalobos, were arrested and subsequently charged under the same law. The Chilean Medical Association (*Colegio Médico de Chile*) publicly supported the detained doctors on the grounds that doctors "must never refuse efforts to lend our aid and care to any human being who requires it, independent of any religious, ideological or political consideration"<sup>vi</sup>.

However, in late May and early June two further doctors - Dr Juan Macaya and Dr Julia Bascuñan - were arrested, though by August 1986, all of the doctors had been released on bail.

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In December 1986, the authorities modified the charges against Dr Olivares and three others to more serious accusations under the Anti-Terrorist law and on 12 December Dr Olivares was taken back to prison where he remained for a year-and-a-half. In December 1988, the government used the incident to attempt to gain access to all medical records held by the Vicaría though this was successfully resisted by the human rights organization.

On 20 November 1989, a military prosecutor recommended that Dr Olivares and a colleague from the Vicaría, both of whom had been adopted by Amnesty International as prisoners of conscience, be sentenced to five years' imprisonment<sup>vii</sup>. However, the Chilean Supreme Court revoked the charges at a hearing in June 1990, three months after the coming to power of a civilian government. At the end of 1990, a military court sentenced Drs Rojas (who attended the wounded man in the Chiloé Clinic) and Dr Macaya (who attended him at his [Dr Macaya's] home) to five years' imprisonment. Two other doctors were sentenced to three years' imprisonment which was suspended.

Following the military coup in June 1989 in **Sudan**, abuses of human rights were widespread. All political parties, non-religious associations and trade unions were banned. In late November 1989, the banned Sudan Doctors' Union called a seven day strike in support of a memorandum it had submitted to the Minister of Health. Dozens of striking doctors were subsequently arrested. Some were beaten and later released uncharged; others were kept in detention. Some doctors were tortured. A nurse who had been badly beaten following her arrest after the coup was said to have suffered a nervous breakdown as a result of

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ill-treatment.

From the left, Dr Maamun Mohamed Hussein, Dr Gordon, Dr Ja'far Mohamed Hussein & Dr Sayed Mohamed Abdallah at their trial in December 1989 [see p.9]

Four doctors were put on trial in December 1989, accused of holding a ten minute meeting to declare the strike. On 10 December 1989, Dr Maamun Mohamed Hussein was convicted of "calling and organizing a strike" and "incitement to opposition against the government" and sentenced to death. Dr Sayed Mohamed Abdallah was sentenced to 15 years' imprisonment. The other two were acquitted. Amnesty International adopted the two convicted doctors as prisoners of conscience. The death sentence on Dr Hussein provoked international outrage and following intense campaigning he and Dr Abdallah were pardoned by the Head of State in May 1990 and released. However, in early August 1990 Dr Abdallah was re-arrested and remained in detention for several months without charge. Amnesty International learned of his release in early April 1991.

In April 1990, a prisoner of conscience, Dr Ali Fadul, was reported to have died under

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torture at a secret detention centre in Khartoum. He was an active member of the Sudan Doctors' Union and had been dismissed from his job after the strike in late November and early December 1989, after which he went into hiding. He surrendered to the security service in mid-March 1990 in the hope that this might lead to the release of his brother, also a doctor, who had been arrested in December 1989. However Dr Ali Fadul was immediately taken to a secret detention centre where he was reported to have died on the morning of 22 April. His body was taken to a military hospital at 3.00am by members of the security service. The authorities refused to show the body to the family and claimed that he died of malaria. Unofficial sources stated that he died of an internal haemorrhage and skull fracture which were due to torture. He was buried without an autopsy and without the family being permitted to attend the burial. No investigation or inquest was ordered into his death and no legal proceedings taken against any individual in connection with the death<sup>viii</sup>.

As of January 1991, an estimated 20 health professionals remained in detention in Sudan without charge or trial. Amnesty International and other human rights and professional associations continue to campaign for their release.

### ***Ethical standards***

Attempts to punish or discipline health personnel for their professional or ethical activities, particularly in connection with providing health care to those identified by the

authorities as enemies or opponents, means effectively punishing healers for remaining faithful to their moral and professional obligations. The duties of health personnel to provide care regardless of political considerations are embodied in a number of professional standards, international declarations and humanitarian pacts. For example, the World Medical Association's (WMA's) Declaration of Geneva - a modern equivalent of the Hippocratic Oath - states:

"I will not permit consideration of religion, nationality, race, party politics or social standing to intervene between my duty and my patient."

The WMA's Regulations in Times of Armed Conflict, after stating that medical ethical principles apply equally during times of peace and conflict, goes on to note at paragraph 4, that:

"In emergencies, the physician must always give the required care impartially and without consideration of sex, race, nationality, religion, political affiliation or any other similar criterion. Such medical assistance must be continued for as long as necessary and practicable."

The regulations specify that the privileges of the physician "must never be used for other than professional purposes" and notes, with respect to the care of sick and wounded, that:

"The fulfilment of medical duties and responsibilities shall in no circumstances be

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considered an offence. The physician must never be prosecuted for observing professional secrecy."<sup>ix</sup>

Article 15 of the first protocol to the Geneva Conventions of 12 August 1949 states, in part, that:

"Civilian medical personnel shall be respected and protected [and] ... shall not be compelled to carry out tasks which are not compatible with their humanitarian mission."

Article 16 of the same protocol states in part:

"Under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom."<sup>x</sup>

As some of the cases in the attached dossier illustrate, in many circumstances the practice of medicine or support for human rights causes is not a protection against arbitrary arrest, torture, and even "disappearance" or extrajudicial execution. Amnesty International is committed to the freeing of all prisoners of conscience, for prompt and fair trials for all political prisoners and for an end to torture and the death penalty in all circumstances. In cases such as those described in this paper, it believes that the health professions themselves can play an important part in the protection of colleagues world-wide.

**Notes**

- i. *Killings of medical personnel: El Salvador.* AI Index: AMR 29/10/89, 17 March 1989.
  - ii. See *Imprisoned health professionals: Syria.* AI Index: MDE 24/06/90, 21 May 1990.
  - iii. *Detained medical student: Syria.* AI Index: MDE 24/05/90, 10 May 1990.
  - iv. *South Africa: human rights violations and the medical profession.* AI Index: AFR 53/20/86, 14 February 1986.
  - v. For a more detailed review of human rights violations against medical personnel in Chile, see *Human Rights in Chile: the Role of the Medical Profession.* AI Index: AMR 22/36/86, July 1986.
  - vi. *Detention of health and legal personnel associated with human rights work: Chile.* AI Index: AMR 22/29/86, 20 June 1986.
  - vii. *Further information on Dr Ramiro Olivares and Gustavo Villalobos.* AI Index: AMR 22/01/90, 16 March 1990.
  - viii. See *Sudan: health workers and human rights.* AI Index: AFR 54/35/90, October 1990.
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ix. Both these WMA codes are contained in *Ethical Codes and Declarations Relevant to the Health Professions (Second edition)*. Amnesty International, June 1985.

x. See *Protocols Additional to the Geneva Conventions of August 12 1949*. Geneva: International Committee of the Red Cross, 1977. 124pp.