

EXTERNAL

AI Index: MDE 14/13/94
Distrib: PG/SC

Date: 20 October 1994

<p style="text-align: center;"><i>MEDICAL CONCERN</i></p> <p style="text-align: center;">Amputation and Branding Detention of Health Professionals</p> <p style="text-align: center;">IRAQ</p>
--

Recent decrees published by the Iraqi Government have introduced amputation of hands, feet and ears as judicial punishments in Iraq, together with branding on the forehead. It appears that these sentences are being carried out in hospitals and that health professionals are being forced to perform the operations.

The decrees

Decree No. 59 of the Revolutionary Command Council of Iraq, passed on 4 July 1994, prescribes amputation of the right hand at the wrist for offenders who have been convicted of theft, and amputation of the left foot on conviction for a second theft. According to Decree No. 109, issued on 18 August 1994, anyone who has their hand amputated for theft will also have an x-shaped mark branded into their forehead.

The decree for amputation of ears, Revolutionary Command Council Decree No. 115, was issued on 25 August 1994. Its provisions apply to army deserters, draft evaders and anyone who shelters an evader or deserter. The external part of one ear will be severed for a first offence, and the forehead will be branded. The other external ear will be cut off as punishment for a second offence. A third offence carries the death penalty.

On the same day, 25 August 1994, the Revolutionary Command Council issued another decree, No. 117, stating that anyone who assists in the removal of the mark made by branding, or who conducts plastic surgery on the amputated hand or ear, will be subjected to the same punishment.

Amnesty International believes that amputation and branding fall within the category of cruel, inhuman or degrading punishment, and as such are outlawed by Article 7 of the International Covenant on Civil and Political Rights (ICCPR). While there is a basis for amputation of the hand and foot in Islamic Shari'a law, the provisions for branding of the forehead and amputation of ears have no foundation in Islam and appear to be inventions of the Iraqi Government.

Amputations

Amputations according to the provisions of these decrees have commenced. Although information about the implementation of judicial sentences in Iraq is often difficult to obtain, Amnesty International is aware of at least three people who have each had a hand amputated for theft since Decree No. 59 was passed. At least one of these individuals was

also branded on the forehead, and was shown on Iraqi television shortly after the sentence was carried out. At least two more people are known to be under sentence of hand amputation, although it is unknown if their sentences have yet been implemented.

Amnesty International has received reports of 14 individuals who have each had one ear severed since the introduction of Decree No. 115, 12 of whom were subjected to the procedure at the 'Adnan Khairallah Hospital in Baghdad on 26 September 1994. At least one of these men was also branded on the forehead. Press reports have appeared suggesting that up to 800 men may have had ears severed and their foreheads branded for desertion or draft evasion, but Amnesty International has not yet been able to verify these figures.

It is reported that those subjected to punitive amputation are being forced to pay a sum of 600 Iraqi dinars to pay for the anaesthetic used during the operation.

This is consistent with known Iraqi Government policy over executions, where it has been a longstanding and well-documented practice for the Iraqi authorities to demand payment from families for the bullets used to execute their relatives.

Coercion and detention of health professionals

It appears that punitive amputations are being carried out in hospitals and that health professionals are being forced to perform these operations. Decree No. 109, prescribing the branding on the forehead of convicted thieves, includes the following specific provisions:

2. *The branding will be carried out in the general hospital which performed the severing of the hand.*
3. *The general hospitals will provide the necessary medical*

Amputation and branding for theft

Pictures broadcast on Iraqi television news on 9 September 1994, showing 'Ali Ubaid Abed Ali, a 37-year old man convicted of theft of a television and 250 Iraqi dinars, shortly after having had his right hand amputated and his forehead branded. The newscast also featured pictures of the severed hand, apparently resting on surgical drapes.

and technical facilities to carry out branding.

International codes of medical ethics, including the Tokyo Declaration of the World Medical Association (1975) and the Principles of Medical Ethics of the United Nations (1982), prohibit the participation of doctors in inflicting cruel, inhuman or degrading punishment. The International Council of Nurses' statement Nurses and Torture (1989) adopts a similar position.

In accordance with their ethical duties, many Iraqi health professionals are opposed to performing punitive amputation and it is reported that after the introduction of the decree requiring the amputation of ears (No. 115), several hundred doctors planned a protest strike. The strike is said to have been called off after the Iraqi authorities threatened the doctors with imprisonment. Amnesty International knows of nine doctors who are reported to have been arrested within the last month for refusing to carry out punitive amputations.

The Iraqi Government under Saddam Hussein has a record of forcing doctors to perform unethical actions in accordance with its demands. As long ago as 1985 Amnesty International documented the case of an Iraqi physician who testified that he was forced to take blood from individuals without their consent in order to provide blood for transfusion at times of acute shortage during the Iran-Iraq war. For the same purpose, he was also compelled to collect blood from prisoners to the point of death through exsanguination. He was told that he would be jailed if he attempted to refuse (AI Index: MDE 14/02/85). Other doctors, both civilian and military, have testified to Amnesty International that they have been forced to falsify death certificates, concocting natural causes of death for prisoners who in fact were executed. They have also been forced to record false dates of birth for juveniles who have been executed despite the prohibition in Iraqi law of the execution of minors or of individuals over 18 who were minors at the time they committed a capital offence.

Conclusion

The amputations and branding introduced by the Iraqi Government are forms of cruel, inhuman and degrading punishment outlawed by the ICCPR. The Iraqi authorities are apparently forcing health professionals to carry out these procedures under threat of imprisonment, and are reported to have arrested nine doctors who refused to perform such operations. Amnesty International is calling on the Iraqi authorities immediately to release all doctors who have been arrested for refusing to carry out punitive amputations and branding. Amnesty International is calling on the Iraqi authorities to cease the practices of amputation and branding immediately, to rescind the decrees that institute them as judicial punishment, and to respect the internationally recognized ethical obligations of health professionals.

EXTERNAL

AI Index: MDE 14/13/94
Distrib: PG/SC

To: Medical professionals
From: Medical Office / Research Department - MDE
Date: 20 October 1994

MEDICAL LETTER WRITING ACTION

Amputations and branding Detention of health professionals

IRAQ

Theme keywords: ill-treatment/ethics

Summary

A series of recent decrees by the Iraqi Revolutionary Command Council has introduced amputations of hands and feet as judicial punishment for theft in Iraq, and severing of the external ear as punishment for draft evasion and military desertion. Branding of the forehead has also been introduced as a component of the punishment for these crimes. Amnesty International is aware of at least three instances of amputation of the right hand, and 14 instances of amputation of one ear, since these decrees were introduced, and two of these individuals are known to have been branded on the forehead. Reports indicate that many more amputations have taken place, although the true scale of amputations currently occurring in Iraq is unknown. It appears that these sentences are carried out in hospitals. Health professionals who planned to protest at being forced to perform such operations have reportedly been threatened with imprisonment. Nine doctors are reported to have been arrested for refusing to carry out these operations.

Recommended Actions

Letters from health professionals, preferably written in English or your own language, should:

- refer to Decrees 59, 109 and 115 of the Iraqi Revolutionary Command Council, which introduce amputations of hands and feet for theft, amputation of ears for draft evasion or military desertion, and branding of the forehead for both varieties of offences
- point out that there is no basis in Islamic Shari'a law for amputation of ears or for branding, and that all these punishments are forms of cruel, inhuman or degrading punishment

outlawed by Article 7 of the International Covenant on Civil and Political Rights (ICCPR)

- state that these amputations and brandings are known to have commenced and are apparently being carried out in hospitals
- point out that internationally accepted norms of medical ethics, including the World Medical Association's Declaration of Tokyo, the United Nations' Principles of Medical Ethics, and the International Council of Nurses' statement Nurses and Torture, prohibit health professionals from taking part in such cruel, inhuman or degrading punishments
- state that it is reported that health professionals who have protested at being forced to perform punitive amputations and brandings have been threatened with imprisonment, and that nine doctors who refused to carry out these operations are said to have been arrested
- call on the Iraqi Government immediately to release all health professionals arrested for refusing to carry out amputations or brandings
- call on the Iraqi Government to halt amputations and brandings immediately and to rescind the decrees that provide for such punishments
- call on the Iraqi Government to respect the ethical obligations of health professionals and to cease the practice of threatening health professionals who refuse to breach these obligations
- call on the Iraqi Medical Association publicly to state its opposition to punitive amputation and branding and to condemn the arrest of doctors and the coercion of health professionals to violate international norms of medical ethics

Strategy of the Action

Due to the UN sanctions currently in place against Iraq, postal services are extremely curtailed and appeals to the Iraqi authorities have to be sent via their diplomatic representatives abroad. Letters being addressed to the Iraqi authorities listed below should be sent care of the Iraqi diplomatic representative in your country.

However, experience has shown that appeals to the Iraqi authorities are often insufficient to generate an effect. For this action, we are also hoping to exert pressure by raising the issue with second governments who are in a position to influence the behaviour of the Iraqi authorities. The most influential governments for this purpose are those of the USA, UK, France and Germany.

Members of the medical network who are participating in this letterwriting action are asked to address at least one letter to the Iraqi authorities. In addition, they should write to a relevant member of their own government: members in the USA,

UK, France and Germany should write to the named official in their own country whose address is given below, members in other countries should write to their foreign minister. Members in countries of the European Union may also write to a European Parliament representative from their country who sits on the European Subcommittee for Human Rights.

We also wish to encourage the Iraqi Medical Association to raise its voice in protection of health professionals who are being faced with the impossible choice between carrying out punitive mutilations and arrest. Once again, letters must be sent via the Iraqi diplomatic representative in your country. However, we have also included the fax number of the Iraqi Medical Association, which can be dialled directly, and we are asking for **one fax from each medical group** to be sent. Members of the medical network who wish to participate in this aspect of the action should also write to the Arab Medical Union, which may be able to exert some influence on the Iraqi Medical Association.

Iraqi authorities (letters to be sent via the Iraqi diplomatic representative in your country)

President and Prime Minister

His Excellency
Saddam Hussein
President of the Republic
Presidential Palace
Karadat Mariam
Baghdad, Iraq
Your Excellency

Minister of Justice

Shabib Lazem al-Maliki
Ministry of Justice
Baghdad, Iraq
Your Excellency

Copies to the diplomatic representative of Iraq in your country and to :

Barzan al-Takriti
Mission Permanente de la Republique d'Iraq
auprès de l'Office des Nations Unies et des Institutions Spécialisées à Genève
28a, chemin du Petit-Saconnex
1209 Genève, Switzerland
Your Excellency

Iraqi Medical Association (letters to be sent via the Iraqi diplomatic representative in your country)

Dr Nayef al-Hassouni
President
Iraqi Medical Association

al-Maari Street
al-Mansour
Baghdad, Iraq
Fax: +964 884 0872

Arab Medical Union

The President
Union des Médecins Arabes
16, rue de Touraine
Belvédère
1082 Tunis
Tunisia

Second government authorities

France

Alain Juppé
Minister of Foreign Affairs
Ministry of Foreign Affairs
37 Quai d'Orsay

Germany

Dr Klaus Kinkel
Minister of Foreign Affairs
Adenaverallee 99-103
Postfach 1148
D-53113 Bonn

United Kingdom

Douglas Hogg
Minister of State for Foreign and Commonwealth Affairs
House of Commons
London SW1A 0AA

USA

Robert Pelletreau
Assistant Secretary for Near East Affairs
United States Department of State
Washington DC 20520

European Union

European Parliament members who sit on the Subcommittee for Human Rights:

Germany: Marlene Lenz (Chairwoman)
Kerin Junker
Claudio Roth

Greece: Paraskevas Avgerinos

Netherlands: Leonie van Bladol
Johanna Maij-Weggon
Jan William Bertens
Jan Kees Wiebenga

France: Bernard Kouchner
Bernard Stasi
Pierre Pradier

Italy: Achille Occhetto
Josep Verde I Aldea
Antonio Vitorino
Pierluigi Castagnetti
Ernesto Caccavale
Maria Adelaide Aglietta

United Kingdom: Gary Titley
James Moorhouse

Spain: José Antonio Escudero
Gerardo Fernandez-Albor
Carlos Carnero Gonzalez

The address for all European Parliament members is:

European Parliament
97-113 rue Belliard
B - 1047 Brussels
Belgium