The New Movement for Physician Accountability for War Crimes

Steven H. Miles
Nuremburg Nazi Medicine Trial, 1946-1947

- 23 defendants
  - 7 death by hanging
  - 9 prison terms, 10 yrs to life,
  - 7 acquitted.
Torturing regimes need doctors.

- Devise means to minimize scars, including psychological and sexual torture as well as asphyxiation and electric shock.
- Keep alive those who are supposed to live.
- Conceal the cause of injury of those who are injured or die.

Half of torture survivors report seeing a physician overseeing their torture.
Court Martial (one) 1975
The First post-Nuremberg Case

► After the Greek junta fell, Dr. Dimitri Kofas, supervisor of torture:
  - Court martialed for dereliction of duty
  - Imprisoned
Physicians Sanctioned for War Crimes / Torture 1975-2010

Unboxed circles (UK, Guyana, Italy, Sri Lanka, Bangladesh, Pakistan) are 2011-2013. Additional cases are in progress.
A Separate Issue: MDs who are Senior Government Officials

Dr. C Bizimungu
Foreign Minister
Genocide

Dr. M Stakic
VP Munc Assembly
Genocide

Dr. B Simic
War Presidency
Crim ag Humanity

These physicians acted as senior government officials, not as clinicians.
Motivations

Amilcar Lobo
Brazilian, Psychiatrist

“man has used torture and assassination for thousands of years and permitted it as long as it is socially organized. It is but a moment from the Inquisition’s torture and murder of the Jews to the Nazi’s similar actions forty years ago. This is human nature; I am not ashamed to be part of it.”

- Lobo A. *A Hora do Lobo e a Hora do Carneiro* [The Hour of the Wolf and the Hour of the Sheep.]

No systematic information

- Denied knowingly participating.
- Patriotism.
- Orders/military duty.
- National emergency.
- Fear.
Types of Sanctioning Bodies

- Sanctioned N=57
  - 51, 78%
  - 2, 3%
  - 9, 14%
  - 3, 5%

- In Progress N=18

Medical Associations Precede Court Actions
(court involvement is often second action against an MD)
Important Differences

**Courts**

- **Crimes.**
  - Murder (incl. false death certificates)
  - Kidnapping
  - “Torture” rarely indicted because not codified.

- **Sanctions**
  - Damages to survivors
  - Revoke pensions
  - Imprisonment

**Medical Boards**

- **Ethics Violations:**
  - National codes
  - Declaration of Tokyo
  - Hippocratic Oath

- **Sanctions**
  - Censure
  - Suspend/Revoke licenses.

**Medical Staff Groups**

- **Ethics Violations:**

- **Sanctions**
  - Censure
  - Revoke Privileges.
Denouncing of Physicians

Camilo Azar Saba
Suspended for six months by the Medical Association for torture of prisoners at barracks of Centro Nacional de Información. Involved in case of Federico Santibanez.
Address: Alto Las Condes, ubicada en Avenida Kennedy 9001, piso 7, Mall Alto Las Condes.
Phone: 6366666
Governments Shelter Physicians who Abet Torture

► Enact amnesties for crimes committed under orders.
► Require military courts to screen cases.
► Block access to records, military testimony.
► Exempt military MDs from medical board’s sanctions.
  ▪ Establish government medical associations to supersede civilian medical societies.
  ▪ Let delicensed MDs work in military hospitals.
A Schematic History of Sanctions

- **Torturing regime**
  - Create new med assns
  - Employ sanctioned MDs
  - In gov hospitals

- **Political affinities**
  - Build support
    - for sanctions

- **Medical Associations**
  - Med Ethics Awakening

- **Civil society**
  - Resistance
    - Compile evidence

- **Courts**
  - Sanctions
    - Obstruct complaints
      - Amnesty, Pardons
      - Destroy Evidence
      - Intimidation

- **Med Assn Sanctions**
  - Courts
Few physicians are punished.

Argentina
200+ identified MDs.
8 Punished

Brazil
110 identified MDs.
22 Punished

Chile
80 identified MDs.
10 Punished
Stage IV: Systems for punishing MDs for abetting torture.
- Argentina, Brazil, Chile, Italy, Rwanda, Uruguay.

Stage III: Punished a symbolic physician.
- Greece, UK, South Africa, Sri Lanka, Guyana, Pakistan.

Stage II: Condemn MD complicity in principle but have not punished any complicit MDs.
- Egypt, US, Philippines, Venezuela, etc.

Stage I: Suppress discussion of MD complicity with torture.
- China, North Korea, etc.
Country Color Code:
- Green: Systematic punishment of doctors abetting torture.
- Gray: Token torture doctors are punished.
- Red: No Punishments for doctors abetting torture
- Black: Other
MDs Punished for Torture
Medicine and Torture

Doctors are essential to torturing regimes.

- help minimize scars,
- keep alive those who are supposed to live,
- conceal the cause of death of those who die.

Doctors are essential to resistance to torture.

- stewards of norms against prisoner abuse (Hippocratic Oath, Declaration of Tokyo).
- physicians and their assns are allied with civil dissent from torture.

Half of torture survivors report that a MD supervised the torture.
Slides available on request
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