

AFFIDAVIT OF
VINCENT JAMES IACOPINO MD, PhD
IN SUPPORT OF MR. KEMAL MEHINOVIC

MEDICAL EVALUATION

I VINCENT JAMES IACOPINO, M.D., Ph.D., hereby declare as follows:

1. I am a specialist in internal medicine and have extensive experience in the diagnosis and treatment of people who have survived torture and other forms of physical and psychological abuse.
2. I received a Bachelor of Science Degree from Villanova University in 1979. In 1980, I received a Master of Science Degree in Physiology from Georgetown University. Thereafter, I received a Ph.D. from Georgetown University, and my M.D. from the Georgetown University School of Medicine in 1985.
3. My internship and residency in internal medicine was at the University of Minnesota Hospitals and Clinics and was from July 1985 to June 1986 and April 1987 to April 1989.
4. I was the Chief Resident at the VA Medical Center in Minneapolis, Minnesota, from June 1989 to June 1990.
5. From July 1991 to July 1993, I was a Clinical Scholar with the Robert Wood Johnson Clinical Scholars Program at Stanford University and the University of California, San Francisco, and Attending Physician at the VA Medical Center in Palo Alto.
6. My honors and awards have included: a Certificate of Commendation for Volunteer Efforts to Aid Refugees, State of Minnesota, Governor's Office, 1989; an Upjohn Achievement Award for Outstanding Research and Scholarship, 1985; and a Joseph Collins Foundation scholarship for Academic Achievement and Proficiency in the Arts and Letters, 1984, 1985.
7. I am currently licensed by the State of California as an M.D. and Board Certified in internal medicine by the American Board of Internal Medicine.
8. My present positions include: Senior Medical Consultant for Physicians for Human Rights (PHR), Boston, Massachusetts, an organization that brings the scientific knowledge and skills of the medical sciences to the investigation and prevention of violations of international human rights and humanitarian law, and Instructor in "Health and Human Rights" at University of California, Berkeley, School of Public Health. During the past eight years working with PHR, I participated in the investigation and documentation of human rights violations in many countries including: Albania and Macedonia (4/99), Afghanistan (5/98), South Africa (3/97 and 7/97), Turkey (6/95 and 6/97) Kashmir India (10/92), Punjab India (10/92) and Thailand (5/92). In the course of this work, I evaluated medical evidence of torture more than several hundred individuals.
9. Between 1991 and July 1997, I was Medical Director of Survivors International, San Francisco, California, an organization that provides medical and psychological care to survivors of torture from around the world. Through this work, I have examined and participated in the care of more than 100 survivors of torture. Presently, I am a member of the Board of Directors of Survivors International.
10. I have qualified as a medical expert in US Immigration Courts regarding assessment of physical and psychological consequences of torture on more than 100 occasions. Also, I have qualified in US Immigration Courts on numerous occasions to testify on human rights conditions in counties where I have conducted human rights investigations.
11. During the past three years, I have been the International Coordinator of a project to develop a Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol). More than 75 forensic doctors, physicians, psychologists, human rights monitors, and lawyers representing 40 organizations and institutions from 15 countries contributed the 100-page

Manual. On August 9 1999, the Manual was formally submitted to the High Commissioner for Human Rights for publication and distribution.

12. I have qualified as a medical expert in U.S., Canadian and British Immigration Courts regarding assessment of physical and psychological consequences of torture on many occasions.
13. I currently serve on the Editorial Board of the Western Journal of Medicine and the Journal of Immigrant Health.
14. In addition to basic science and clinical publications, I am author of several human rights publications including:

Iacopino V, Özkaliççi Ö, Schlar C. The Istanbul Protocol: International Standards for the Effective Investigation and Documentation of Torture and Ill Treatment. *The Lancet*, September 25, 1999; pp. 1117.

Iacopino V, et al. Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol). Submitted to the United Nations High Commissioner on Human Rights on August 9 1999 for future publication as a United Nations document.

Iacopino V, Waldman RJ. Editorial: War and Health, From Solferino to Kosovo – The Evolving Role of Physicians. *JAMA*. August 4, 1999; 282(5):479-481.

Frank M, Bauer HM, Fincanci Korur S, Arican N, Iacopino V. Virginity Examinations in Turkey: The Role of Forensic Physicians in Controlling Female Sexuality. *JAMA*. August 4, 1999; 282(5):485-490.

Heisler M, Rasekh Z, Iacopino V. Health and Human Rights of Adolescent Girls in Afghanistan. *Journal of the American Medical Women's Association*. 1999; 1999; 54(3):

Iacopino V, Frank MW, Keller AS, Fink SL, Pallin DJ, Waldman RJ, et al. War Crimes in Kosovo: A Population-Based Assessment of Human Rights Violations Against Kosovar Albanians. Boston, MA: Physicians for Human Rights; August, 1999.

Iacopino V. Mental Health of Women in Afghanistan [letter]. *JAMA*. 1999; 281(3):231.

Sirkin S, Iacopino V, Grodin M, and Danieli Y. The Role of Health Professionals in Protecting and Promoting Human Rights: A Paradigm for Professional Responsibility. In Danieli Y, Stamatopoulou E, Dias CJ, eds. *The Universal Declaration of Human Rights: Fifty Years and Beyond*. Amityville, NY: Baywood Publishing Co. 1999:357-369.

Iacopino V, Rasekh Z. Education, A Human Rights Imperative: The Case of Afghanistan. *Health and Human Rights*. 1998; 3(2):98-108.

Iacopino V, Rasekh Z, Ely Yamin A, Burkhalter H, Atkinson H, Heisler M. The Taliban's War on Women: A Health and Human Rights Crisis in Afghanistan. *Physicians for Human Rights*. September, 1998.

Rasekh Z, Bauer H, Manos M, Iacopino V. Women's Health and Human Rights in Afghanistan. *JAMA*. 1998; 280(5):449-455.

The Consortium for Health and Human Rights. Health and human rights, a call to action: the 50th anniversary of the Universal Declaration of Human Rights. *JAMA*. 1998; 280(5):462-464.

Chapman AR, Rubenstein LS, Iacopino V, Geiger J, Bloche G, Hatch J, Lawrence R, Nichols B and Secundy M. Human Rights and Health: The Legacy of Apartheid. Washington, DC. American Association for the Advancement of Science; 1998: 1-217.

Iacopino V. Treatment of Survivors of Political Torture: Commentary. *The Journal of Ambulatory Care Management*. 1998; 21(2):5-13.

Iacopino V. Social Justice Equals Public Health. *The Wall Street Journal*. December 19, 1996.

Iacopino V. Turkish Physicians Coerced to Conceal Systematic Torture. *The Lancet*. 348, November 30, 1996.

Weinstein, H., Dansky, L. and Iacopino V. Torture and War Trauma in Primary Care Practice. *The Western Journal of Medicine*. 1996; 156(3):112-118.

Iacopino V, Heisler M, Pishever S, and Kirschner RH. Turkiye’de Gozalti Sonrasi Yapilan Tibbi Muayenelerde Iskence Kanitlarinin Yanlis Sunulmasi ve Gozardi Edilmesine Hekimlerin Katilimi. *Turk Psikiyatri Dergisi*

Iacopino V, Heisler M, Pishever S, and Kirschner RH. Physician Complicity in Misrepresentation and Omission of Medical Evidence in Post-Detention Medical Examinations in Turkey. *JAMA*. 1996; 276:396-402.

Iacopino V, Rosoff, R, and Heisler M. Torture in Turkey and Its Unwilling Accomplices. *Physicians for Human Rights*. August, 1996

Iacopino V. *Physicians for Human Rights: Promoting Health by Protecting Human Rights*. San Francisco Medicine, October 1995.

Iacopino V. Human Rights: Health Concerns for the Twenty-First Century. In: Majumdar SK, Rosenfeld LM, Nash DB, Audet AM, Editors. *Medicine and Health Care Into the Twenty-First Century*. Philadelphia: Pennsylvania Academy of Science. 1995:376-392.

Gossman P, Iacopino, V. Dead Silence: The Legacy of Human Rights Abuses in Punjab. *Physicians for Human Rights and Human Rights Watch*. May, 1994.

Gossman P, Iacopino, V. The Human Rights Crisis in Kashmir: A Pattern of Impunity. *Physicians for Human Rights and Human Rights Watch*. June, 1993.

Iacopino V, Gossman P. Rape in Kashmir: A Crime of War. *Physicians for Human Rights and Human Rights Watch*. May, 1993.

Gossman P, Iacopino V. Crackdown in Kashmir: torture of detainees and assaults on the medical community. *Physicians for Human Rights and Human Rights Watch*. January, 1993.

Iacopino V, Jones S. Thailand, Bloody May: Excessive Use of Lethal Force in Bangkok, The Events of May 17-21 1992. *Physicians for Human Rights and Human Rights Watch*. October, 1992.

Elias C, Iacopino V. Medicine in Cambodian Refugee Camps [letter]. *Annals of Internal Medicine*. 1987; 106(3): 482.

15. I have conducted more than 70 human rights presentations in the past ten years, many of which focus specifically on the medical and psychological consequences of torture.

BACKGROUND

16. On 11/10/98, I conducted a detailed, 2-hour interview of Mr. Kemal Mehinovic. Dr. Joseph Hess MD was present as an observer. The interview and examination was completed following a second, 2-hour interview and examination on 8/13/99. Mr. Mehinovic is a 43 year-old married man originally from Bosanski Samac, Bosnia. He completed 12 years of education and became a baker. He stated that he was not politically active and did not serve in the military. He has two children ages 20 and 17. He arrived in the US on 7/14/95.

MEDICAL HISTORY PRIOR TO ARREST

17. Mr. Mehinovic's medical history is not significant for any major illness, trauma or surgery prior to his arrest and torture. He has about a 22-pack-year smoking history.

TORTURE EXPERIENCES

18. On May 27 1992, Mr. Mehinovic was detained by Bosnian Serb Police. The police came to his house and told him that he needed to go to the police station and provide some information. Once he arrived at the police station in Bosanski Samac, the police began beating him in the waiting room. He was beaten with hard rubber truncheons, baseball bats and metal pipes to his all parts of his body, including his back, head, chest, abdomen and extremities. He fell to the ground and was kicked. For the first 4 days, he was kept alone in an admission cell, then was moved to a group cell for the next two months. During this period of detention, Kemal was beaten several hours each day as described above. Subsequently, in mid-July, he was moved to the The Bosanski Samac Territorial Defense (TO warehouse) where he remained until November 1992. During this time, the beatings were less frequent (1-2 times/week) as there were more men (approximately 180) at the warehouse facility. During beatings, police made remarks about their intention to "kill all Bosnian Muslims" and that there was "no need for Muslims to exist." On 3 or 4 occasions the beatings resulted in loss of consciousness; it is not clear whether this was associated with specific head trauma. Two of the perpetrators that participated in Mr. Mehinovic's torture were Nicola Vukovich (his brother-in-law worked in Kemal's bakery) and Seven Tedorovic (also know to Mr. Mehinovic). Some of the specific accounts of torture related by Mr. Mehinovic are as follows:

- a) Left Facial Trauma: Kemal was kicked in the face by Nicola. This caused intense pain and swelling, so much so that Kemal was unable to open his mouth to eat for about 10 days.
 - b) Once, Kemal's right index finger was struck, on end, by Steven Todorovic with the butt of a gun and resulted in dislocation of the finger. His cellmates later helped to reduce the dislocation.
 - c) Genital Trauma: Two police accompanied Kemal to the toilet. When Kemal spread his legs to urinate, he was kicked in the testicles. One of police said Kemal, "You don't need this anymore."
 - d) Mock Executions: With about 30 detainees in a room, Serb police would place a gun on a table and spin it. Then they would fire at the person that the gun was pointing to. Kemal witnessed two executions in this way. Once Steven Todorovic shot near Kemal and said: "You are lucky this time, but not next time."
 - e) Witnessing Torture and Executions: Kemal and other detainees were often forced to watch others being beaten and tortured. In addition, he heard the sounds of detainees screaming throughout the period of detention. Kemal also , saw the police beat a man and then shoot him after they released him.
 - f) Sexual Assault of Men: The police frequently (2-3 times weekly) assembled all the detainees (20-30 in the police station and about 180 at the TO warehouse) and forced the men to perform sex acts, such as oral sex, with the other detainees looking on. Kemal recalls Nicola laughing during these acts.
 - g) Sexual Assault of Women: During cleaning duty, Kemal saw 2 women raped by 6-7 police at the police station. Nicola was there slapping and swearing at the women.
 - h) Asphyxiation: Several times when Mr. Mehinovic was punched in the abdomen, the perpetrators covered Kemal's nose and mouth to prevent him from breathing.
 - i) Dental Trauma: Police used pliers to forcibly extract one of Kemal's right upper molars. The tooth was broken in the process. This was very painful.
 - j) On one occasion, Kemal's hands were tied to the bars of a window while he was beaten. He collapsed and consequently was partially suspended by his wrists for approximately 1 hour. He noted mild abrasions on his wrists that lasted several days.
 - k) On another occasion, he was partially suspended upside-down by one foot. During this time, the sole of his foot was exposed and beaten. After this he was forced to run.
 - l) Humiliations: While he was initially detained at the police station, Kemal was forced to lick blood off the walls.
19. Cell Conditions: At the police station in Bosanski Samac there were about 20 men in a group cell about 15 feet x 15 feet in size. It was so crowded, the detainees slept sitting up. Those who were injured more were given priority for laying down on the concrete floor. Kemal was infected with head lice and exposed to rats. Toilet facilities were restricted to one visit per day. The detainees were given about one liter of water daily for drinking and were fed bread, jam, pork grease and tea. Mr. Mehinovic lost between 50 and 75lbs during the first 6-7 months of detention.

20. Acute Physical Symptoms Following Torture:

- a) Dislocation of Right Index Finger: Kemal accurately described lateral dislocation of the 2nd right digit at the metacarpophalangeal joint (where the finger meets the hand). This was associated with swelling and echymosis (bruising) that lasted 2-3 weeks.
- b) Chest Trauma: After being struck with a baseball to the chest, Kemal suffered severe pain and swelling over his chest wall. The swelling several weeks and extensive bruising persisted for approximately 2 months. Initially, during the time he experienced severe pain, he also noted shortness of breath. There was no symptom of hemoptysis (coughing up blood).
- c) Left Facial Trauma: For about 10 days Kemal could only drink fluids from a straw. Later he ate bread softened in tea. He experienced pain with eating for 2-3 months.
- d) Dental Injuries: After being kicked in the face, one bicuspid on the bottom right and 2 left upper molars were loosened by the trauma and later fell out. Forced extraction with pliers of the right upper molar resulted in a painful broken crown.
- e) Genitourinary Symptoms: After being kicked in the testicles, Kemal experienced severe pain and swelling, as well as blood in his urine. These symptoms lasted more than one month.

Note: Mr. Mehinovic did not receive any medical care for these problems during detention.

21. Chronic Physical Symptoms and Disabilities:

- a) Chronic Pain: Mr. Mehinovic periodically experiences pain in the anterior chest wall bilaterally, right index finger and left side of his face, especially when the weather is cold or rainy.
- b) Headaches: Mr. Mehinovic suffers from headaches located at the back of his head; these occur with stress and improve with the use of aspirin or Tylenol.
- c) Kidney Problem: symptoms of nocturia and dribbling were noted over the past several years. These symptoms are most likely due to an enlarged prostate, unrelated to his torture experiences. He was advised to seek medical attention.

22. In November 1992, Mr. Mehinovic was transferred to Batkovic concentration camp a work camp where he was forced to dig trenches, do agriculture work, etc. He remained there until he was transferred to a military base where he was "court-marshaled." In October 1994, he was released in a prisoner exchange.

PHYSICAL EXAMINATION

23. Mr. Mehinovic was a moderately overweight and healthy in appearance. His vital signs were normal. Examination was within normal limits with the following exceptions:

- 1) Teeth (SEE ATTACHED DRAWING): Two Left upper molars (#s 14 and 15) and one lower bicuspid (#20) were missing and reportedly fell out after being kicked in the face. A broken crown was noted in one of the right upper molars (#2). The appearance was consistent with the alleged trauma of forced removal with pliers. Other missing teeth were noted as well: #s 3, 4, 19, 30 and 31, reportedly due to gum disease and tooth decay.
- 2) A 3cm x 1cm firm raised (0.5cm) mass was palpated on the posterior occiput (back of the head). This is highly consistent with callous formation (bone deposition) from a healed fracture of the skull or calcification of a soft tissue injury. SEE ATTACHED DRAWING.
- 3) Hyperpigmented scars were noted on the anterior shins bilaterally and were attributed to old football injuries. There was a 1.5cm laceration-type scar noted on the right index finger that was also reported to be unrelated to the torture experiences. SEE ATTACHED DRAWINGS.

DIAGNOSTIC IMAGING

24. PA and Lateral Chest (SEE ATTACHED REPORT, University of Utah, Dept. of Radiology 9/17/99; PA and Lateral Chest): "The spine shows multiple compressions throughout nearly all the vertebral bodies, and ribs are deformed from the healing of previous fractures."

25. Facial Bone X-Rays (SEE ATTACHED REPORT, University of Utah, Dept. of Radiology 9/17/99; Facial Bone Films): No sign of fracture noted with this mode of diagnostic imaging.

IMPRESSION

26. To date, I have conducted several hundred interviews with survivors of torture in the San Francisco Bay Area and on human rights investigations in India, Turkey, Albanian and Macedonia. In addition, I have provided medical treatment and or conducted asylum evaluations for approximately 10 Bosnian refugees in the past 5 years. On numerous occasions, I have qualified as an expert on the medical consequences of torture.
27. My assessment is that Mr. Kemal Mehinovic demonstrates historical and physical evidence of the abuse he alleges.
28. Historical Evidence: The historical information presented in Mr. Mehinovic's testimony is entirely consistent with what I would expect given the methods of torture alleged. Mr. Mehinovic's description of the acute wounds and injuries that he experienced (i.e. bruises following beatings, trauma to the left face, rib fractures, dislocation of the right index finger, trauma to the genitals, and wrist abrasions associated with suspension), and the subsequent healing processes accurately reflect what I would expect given the methods of torture alleged. For example, the pain, swelling, shortness of breath and bruising following blunt trauma to the chest reflects a highly accurate description of the rib fractures that subsequently have been confirmed by x-ray. Regarding the constellation of symptoms reported in association with blunt trauma to the left face, these symptoms suggest a fracture of the maxilla (upper jaw). Plain x-rays of the face can show evidence of such fractures, but often a CAT (computerized axial tomography) scan is needed to demonstrate this. A CAT scan was not obtained due to its high cost. Again, in the case of the right finger dislocation and trauma to the genitals, Mr. Mehinovic's descriptions of acute and chronic symptoms are entirely consistent with the torture alleged. It is worth noting that without medical knowledge of human anatomy and pathophysiology, most individuals would not be able to provide such accurate historical information. Furthermore, the story that was related is consistent with other torture survivors that I have examined. For example, it is common for perpetrators to kick a male victim's genitals and, at the same time, tell the victim that he will no longer be able to procreate or function normally.
29. Physical Evidence: Mr. Mehinovic has several physical findings that are highly consistent with his allegations of abuse. First, he has radiographic evidence of multiple, old rib fractures (and vertebral compression fractures) that strongly corroborate Mr. Mehinovic's allegations of repeated blunt trauma to the chest, often with hard objects such as metal pipes and baseball bats. Second, examination of his teeth demonstrated several missing teeth and a broken crown consistent with his allegation of a forced tooth extraction and teeth falling out after being kicked in the face. Third, he had a 3cm x 1cm raised mass on the back of his head that is consistent with previous blunt trauma. This injury is most likely due to a healed skull fracture or calcification of a soft tissue injury. That he was unaware of this injury until my examination may be due to its location (not visible to him) and/of loss of consciousness at the time of the injury.
30. Based on my knowledge of methods of torture and their physical effects, and an understanding of specific regional practices of torture in Bosnia, is my judgment that Mr. Mehinovic's allegations of torture are highly consistent with and supported by the historical and physical evidence presented above. Mr. Mehinovic continues to suffer physical sequelae of his abuse.
31. I declare under penalty of perjury, pursuant to the laws of the United States, that the foregoing is true and correct and that this affidavit was executed of 9/30/99 at Henderson, Nevada.
32. I received compensation in the amount of \$481.00 (including airfare to Salt Lake City) for this medical evaluation.

Vincent Iacopino, M.D., Ph.D.

Date