Department of Health Law, Bioethics & Human Rights
Boston University School of Public Health

GLOBAL LAWYERS AND PHYSICIANS

2013 - 2014

Annual Report

FORENSIC MEDICAL EVALUATION GROUP

The Boston University Forensic Medical Evaluation Group (FMEG) is a service for asylum seekers and others requiring documentation of prior ill treatment. This innovative program is part of the Department of Medicine, the School of Public Health and Global Lawyers and Physicians (GLP). It was cofounded in 2012 and is co-directed by Sondra Crosby and Elizabeth Rourke. FMEG offers evaluation and documentation of physical and psychological evidence of torture and abuse in a supportive and collaborative environment while working closely with attorneys. In addition to performing medical evaluations, FMEG is actively involved in academic work, including scholarly publications and advancing the field of torture documentation. FMEG teaches students (medical, law, and public health), medical residents, physicians, lawyers, and judges.

BOSTON MEDICAL CENTER REFUGEE AND IMMIGRANT HEALTH PROGRAM

Since 1996, the Refugee and Immigrant Health Program, a joint project of Boston Medical Center, the Department of Medicine at Boston University's School of Medicine, Global Lawyers and Physicians, and the Department of Health Law, Bioethics & Human Rights at Boston University's School of Public Health, has actively cared for the medical, psychological, legal, and social needs of more than 500 clients each year. Clients hail from 57 countries and live in and around Boston. It is a multidisciplinary center that provides services for refugees and survivors of torture and related trauma. The program provides

primary health care, mental health services, referrals for medical specialties, neuro-psychiatric evaluation, dental evaluations of persons in detention, physical therapy, referral and consultation for legal services, social services, English classes, creative therapies, and vocational rehabilitation. The program also offers a clothing bank, access to the BMC Food Pantry, and ethnic community support groups.

PROJECT ON MEDICINE AND THE HOLOCAUST

The Project on Medicine and the Holocaust is an international center involved in the research, teaching, service and advocacy of contemporary and historical issues arising from the role of medicine in the Holocaust. The Project was founded by Professor Michael A. Grodin, M.D. and represents the culmination of over 25 years of Professor Grodin's scholarship, service, education and advocacy. The Project is being expanded to encompass an international group of scholars, experts and institutional partners. We aim to foster the development of the Project mission through a collaborative network that builds on the potential of modern information technology as well as personal collaboration and scholarly exchange. Ongoing research topics include: Medical and psychological care for survivors, Medicine in the Shadow of the Holocaust: The Relevance of the Holocaust for Contemporary Medicine and Public Health, the Psychological of Resilience and Resistors, of Rescuers and Bystanders, and of Perpetrators, Jewish Physicians and their Function in the Ghettos and Camps, and the Role of Physicians, Nurses and Public Health Professionals during the Holocaust

MEDICAL CARE AND ETHICS AT GUANTANAMO

This year GLP partnered with The Constitution Project to sponsor a conference on the Medical Care and Medical Ethics at Guantanamo, to identify, analyze, and propose solutions to structural and other obstacles that impede physicians' ability to deliver quality ethical medical care to detainees at the Guantanamo Bay detention facility.

Featured speakers included Scott A. Allen, M.D., FACP, David Annas, M.D., MPH, Thomas E. Beam, M.D., Ronald R. Blanck, DO, MACP, LTG (Ret) U.S. Army, Joseph J. Fins, M.D., M.A.C.P., Virginia L. Hood, M.D., Robert S. Lawrence, M.D., Jeremy A. Lazarus, M.D., John P. May, M.D., FACP, Jeffrey L. Metzner, M.D., Steven H. Miles, M.D., Professor Vivienne Nathanson, Marc Sageman, M.D., PhD, Albert J. Shimkus, Jr., Hans Wolff, M.D., MPH, as well as conference organizers Sondra S. Crosby, M.D. George J. Annas, J.D.

M.P.H., Gerald E. Thomson, M.D. Stephen N. Xenakis, M.D. Brigadier General (Ret.), U.S. Army.

Stephen N. Xenakis, Albert J. Shimkus, Vivienne Nathanson, Marc Sageman, Virginia Hood, Joseph J. Fins and Ronald R. Blanck

The topics discussed at the conference included the cases of Tarek El Sawah, who was denied proper medical care and whose medical conditions were exploited and Adnan Farhan Abd al Latif Ala'Dini, whose suicide highlights the neglectful medical practices at Guantanamo, as well as the waves of hunger strikes and unethical force feeding of detainees in 2002 and 2005. The conference concluded with panelists charting a new path forward, where medical duty and doctor autonomy are supported, rather than supplanted, by military procedure.

ABD AL RAHIM AL NASHIRI TRIAL

Dr. Crosby provided testimony on the medical condition and treatment of Guantanamo detainee Abd al Rahim al Nashiri. At issue in the case is the medical malpractice of Guantanamo Bay's military doctors, and lack of treatment of Mr. Al Nashiri for the trauma he suffered prior to arrival at Camp 7: "I believe that Mr. al Nashiri has suffered torture — physical, psychological, and sexual torture"

COLLABORATIONS

Health and Human Rights Caucus

The Health and Human Rights Caucus at the Boston University School of Public Health is a student-led organization that dedicates its efforts to exploring and supporting health and human rights concerns through education, collaboration, and action in the local, national, and global milieu. Students in the HHRC work together to identify, discuss, and help raise awareness of human rights issues in our community and world.The HHRC is a very hands-on and interactive group; each semester its members choose from among the important issues of the day, and focus their energy on those they feel are most deserving of exploration, understanding, action, and aid.

Amicus Briefs

The Global Lawyers and Physicians website provides copies of its Amicus briefs. They can be found at
http://www.globallawyersandphysicians.org/amicus-brief

4th International Seminar in Health Law and Bioethics

The seminar, titled “Health Law and Bioethics in an Aging Society” addressed a range of topics relating to the legal issues of geriatric care, end of life care, and health in later life and featured presentations from Ricardo Perlingeiro, Andre den Exter, Christopher Newdick, Ana Alexandre Fernandes, João V. Codeiro, Paula Lobato de Faria, Wendy Mariner, and Luis Baptista (moderator). University of Reading, UK. July 25th 2013

George Annas, Paula Lobato de Faria Wendy Mariner and Christopher Newdick
Organizers of the 4th International Seminar in Health Law and Bioethics

COURSES

Health and Human Rights at Boston University

For the past fifteen years George Annas and Michael Grodin have taight a Health and Human Rights course at the Boston University School of Public Health. The Textbook used for the Course is *Health and Human Rights in a Changing World*, edited by Prof. Annas and Dr. Grodin along with Daniel Tarantola and Sofia Gruskin. This course is offered to both undergraduate and graduate students. The current course syllabus is posted at http://www.globallawyersandphysicians.org/educational-resources Comments are welcome.

GLP IN THE NEWS

George Annas

George Annas wrote last year in the New England Journal of Medicine that the forced feeding of a person who is able to decide for himself “is not the practice of medicine; it is aggravated assault.” ***Al Jazeera***, Israel and US: Common strategies to control political prisoners, June 2, 2014.

http://www.aljazeera.com/indepth/opinion/2014/06/israel-us-common-strategies-cont-20146275539316595.html

The President could, of course, order the end to force-feeding at Guantanamo. Since he has not (and since the military physicians at Guantanamo have not taken medical ethics seriously), it is now up to Judge Kessler." George Annas on the role Judge Gladys Kessler has as after almost 10 years of force-feeding at Guantanamo it is finally in front of a federal district judge. ***Just Security***, Guest Post: Force Feeding at Guantanamo and Judge Gladys Kessler, May 29, 2014. http://justsecurity.org/11030/force-feeding-guantanamo-judge-gladys-kessler/

"The commander should no more be able to tell a doctor how to practice medicine than he can tell a JAG [Judge Advocate General] officer how to practice law," said George Annas. ***National Journal***, Medical Associations Push to Stop Force-Feeding of Hunger Strikers at Guantanamo, December 2, 2013. http://www.nationaljournal.com/health-care/medical-associations-push-to-stop-force-feeding-of-hunger-strikers-at-guantanamo-20131202

George Annas has been a fierce critic of force-feeding prisoners. Still, he defends the military doctors who must make this choice. "They're not bad doctors," he told Healthline. "They don't get the respect that they deserve." ***Healthline*** News, Doctors Debate Force-Feeding Striking Prisoners, July 15, 2013. http://www.healthline.com/health-news/policy-doctors-debate-how-to-react-to-hunger-strikes-071513

[Granting doctors broad legal immunity for their work during disasters] is neither necessary nor wise. Doctors are already judged according to the resources available and the circumstances […] The standard of care is what "a reasonable physician would do in that disaster, not in a fully equipped O.R. in New York." And the last message we should want crisis workers to receive is that anything goes. ***The New Yorker***, The Moral Dilemmas of Doctors During Disaster, September 13, 2013. http://www.newyorker.com/online/blogs/elements/2013/09/the-moral-dilemmas-of-doctors-during-disaster.html

"You have to make sure parents understand what you're asking them to do. The primary thing is you're giving up your right to a physician who makes decisions based on what he or she thinks is in the best interest of your child rather than flipping a coin." George Annas agrees that [that parents should be told that if their infants are in the study, they will not get the individualized care

tailored for their situation]. ***NPR – Shots***, Another Study Of Preemies Blasted Over Ethical Concerns, August 23, 2013. http://www.npr.org/blogs/health/2013/08/23/214800726/another-study-of-preemies-blasted-over-ethical-concerns

George Annas stopped short of condemning the study. "It would be unethical if you didn't try to get consent," he says. "If you can't, I'm comfortable if it's done very publicly, if it's been reviewed by experts and ethicists, if it's a very important research problem that can't be answered any other way." ***Providence Journal***, Felice J. Freyer: Brain injury study tries to balance ethics, research, August 3, 2013. http://www.providencejournal.com/breaking-news/content/20130803-felice-j.-freyer-brain-injury-study-tries-to-balance-ethics-research.ece

Leonard Glantz

Leonard Glantz said CTE tests in the living should be billed as experimental and that participants should understand they are research subjects, not patients. ***NPR***, Ex-Players Fear Dementia Based On Unproven Tests, February 3, 2014. http://www.bu.edu/sph/2014/02/03/npr-org/ (Article has since been taken down from NPR)

"People see this is as a parent's rights issue, but we fail to see this is a child's rights issue," said Leonard Glantz. "The person of importance and focus is the child." ***Associated Press***, Forced chemo: Should court overrule Amish parents?, August 31, 2013. http://www.bu.edu/news/2013/08/31/forced-chemo-should-court-overrule-amish-parents/

Michael Grodin

Age is also an important aspect to consider when examining the experiences of survivors. At this point, most survivors that are left were children during the Holocaust and would have had different experiences than their parents. "What constitutes historical truth is a problem in its own right," Grodin said in an interview at the Elie Wiesel Center for Judaic Studies at Boston University. "What I would argue is if you interview a survivor, you become a witness. As you go on it becomes more problematic to chronicle and witness." ***Boston University News Service***, Commentary: Telling History in the Future, March 4, 2014. http://bunewsservice.com/telling-history-in-the-future/

Speaking to BU Professor Michael Grodin revealed a different side of Wiesel. "I think most people associate him with the Holocaust, which I think is understandable but unfortunate," Grodin said. "It doesn't capture who he is as

a person." Grodin said Wiesel always responds to letters and phone calls from others who suffered through brutal treatment in the concentration camps. "He's a pretty serious guy, but, you know, he has these moments where he opens up and he's transported back to Romania and the old country," Grodin said. "When you start to sing songs, particularly in Yiddish, you can start to see he lights up. And he takes himself back to that place. He's a child again, an adolescent." ***90.9 WBUR***, A 'Messenger To Mankind,' Elie Wiesel Continues His Fight Against Indifference, February 10, 2014.
http://www.wbur.org/2014/02/10/elie-wiesel-visionaries

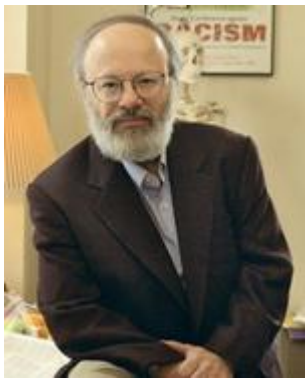
Sondra Crosby
"Guantanamo Bay does not have the capacity for sophisticated medical care necessary to treat patients ... who have or will develop chronic health conditions as the detainee population continues to age. This is an alarming problem, not just for detainees and the military, but for our medical profession as a whole." Co-written by Sondra Crosby, ***The Hill***, Doctors say medical transfer provision necessary in Defense bill, December 9, 2013.
http://thehill.com/blogs/ballot-box/192344-doctors-say-medical-transfer-provision-necessary-in-defense-bill

Sondra Crosby at Guantanamo

SELECTED PRESENTATIONS

George Annas
"The Misuse of Public Health Research to Inform National Policy and Achieve National Security Goals." Medicine and Public Health Association, Boston University, Boston. January 23, 2014.

"From Medical Atrocities in the Death Camps to Disaster Bioethics" University of Oslo, Centre for Medical Ethics, Oslo. May 22, 2014.



"Protecting Genetic Privacy: Essential or Exceptional" Medical Confidentiality and Privacy: Past Present and Future. Centre for Medical Humanities, Glasgow. April 25, 2014.

Michael Grodin
"Jewish Medical Resistance in the Ghettos and Camps during the Holocaust" Boston University, Boston, MA, November 5, 2014.

Michael Grodin and George Annas "Public Policy and Healthcare as a Fundamental Right in an Advanced Democracy" Spotlight Symposium Series, New Rep Theater, Watertown MA, September 8, 2014.

SELECTED PUBLICATIONS

George Annas
George Annas, "Crimes against the human species ('type II crimes against humanity' explained). in Britta van beers, Luigi Corrias Wouter Werner ed.,

Humanity Across International Law and Biolaw. Cambridge: Cambridge University Press, 2014, 115-132.

Annas, George J., and Sherman Elias. "23andMe and the FDA." New England Journal of Medicine 370.11 (2014): 985-988.

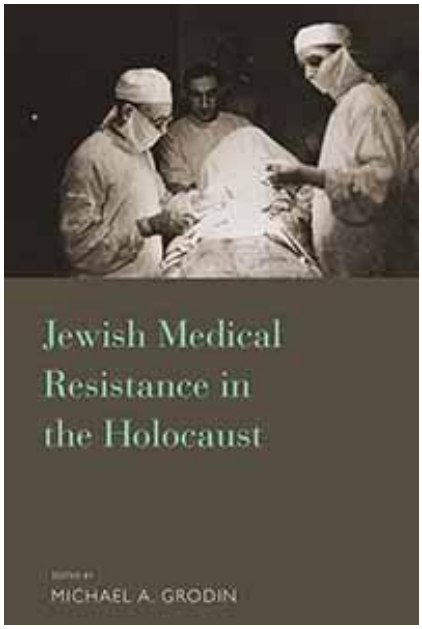
Annas, George J., and Catherine L. Annas. "Legally Blind: The Therapeutic Illusion in the SUPPORT Study of Extremely Premature Infants." Journal of Contemporary Health Law & Policy 30.1 (2013): 1-36.

Annas, George J. "Purple Dinosaurs and Victim Consent to Research in Disasters." in Disaster Bioethics: Normative Issues When Nothing is Normal. Springer Netherlands, 2014. 129-141.

Sondra Crosby
Crosby, Sondra S.“Primary Care Management of Non-English-Speaking Refugees Who Have Experienced Trauma: A Clinical Review,” JAMA. 2013; 310(5):519-28

Crosby, Sondra S. "Not Every Food Refuser Is a Hunger Striker." The American Journal of Bioethics 14.7 (2014): 47-48.

Michael Grodin
Michael Grodin. Jewish Medical Resistance in the Holocaust. New York Oxford: Berghahn Books, 2014.



CONTACT INFORMATION

Global Lawyers and Physicians
Department of Health Law, Bioethics & Human Rights
Boston University School of Public Health
715 Albany Street
Boston, MA 02118

Phone: 617-638-4626
Fax: 617-414-1464
http://www.globallawyersandphysicians.org