

Intentional Disfigurement and Body Mutilation

Denys Montandon, MD

Plastic surgeons are sometimes faced with revolting situations when they must treat patients who have been intentionally mutilated.

Torture is prohibited under a number of international laws and most domestic laws. Since 1984, the *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UNCAT) has defined torture as consisting of the following 3 elements:

- The infliction of severe mental or physical pain or suffering.
- By or with the consent or acquiescence of the State authorities.
- For a specific purpose; namely, to obtain information or a confession, to punish, intimidate, or coerce, or for any reason based on discrimination of any kind.

Among the list of methods and sequellae of torture consigned by UNCAT asserts specifically the following items:

- Positional torture: suspension, forced positions, and twisting of limbs.
- Disfigurement and amputation of digits or limbs.

RECIPROCAL JUSTICE

Intentionally mutilating the face or body of a woman or man as a form of punishment or revenge is a practice that has taken place in every age and region of the world. The law of retaliation is at the base of several early codes of law, also variously called analogous, mirroring, or talionic. The essential feature of these punishments are “like for like,” as for example “an eye for an eye” and “a tooth for a tooth”: the offender shall suffer what he has inflicted. The notion of revenge is also integral to most criminal justice systems. This concept of reciprocal justice is already described in the Babylonian code of Hammurabi (1755–1750 BC),¹ which includes many harsh punishments, sometimes demanding the removal of the guilty party’s tongue, hands, breasts, eye or ear, and male castration. It can be found in several versets of the Ancient Testament, like in *Leviticus 24*: “And if a man cause a blemish in his neighbour; as he hath done, so shall it be done to him; breach for breach, eye for eye, tooth for tooth: as he hath caused a blemish in a man, so shall it be done to him again.” In *Exodus 21*: “If a man strives, and hurts a woman with child, so that her fruit depart from her (...) and if any mischief follows, then thou shalt give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe.” Or in *Deuteronomy 19*: “And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot.”

From the University of Geneva, Geneva, Switzerland.

Address correspondence and reprint requests to Denys Montandon, MD, 112 Florissant, Geneva CH 1206, Switzerland; E-mail: denys.montandon@bluewin.ch

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FACIAL MUTILATIONS

The resulting mutilation of the most extruding parts of the face (nose, ears, lips, tongue) affects mainly the individual’s appearance and personality, leading to an outcast of society.² Blinding, by piercing or degauging the eyes, is the supreme disfigurement, totally incapacitating the victim. Since ancient times, the laws in various countries established amputation of the nose and ears, as corporal punishment, for misdeeds such as adultery, or unfaithfulness, or to punish the prisoners after a battle. It was widespread, particularly in ancient Egypt, India, and the oriental countries. During the middle ages, facial mutilation, especially blinding, was a common method of punishment for criminals in the Byzantine Empire.^{3,4} It was also a way to disqualify a rival. Such tortures can be traced back to the 7th Century, becoming almost common practice from onwards. Historians have been able to record a series of judicial or revenge mutilations on several prominent personages and emperors, sometimes perpetrated upon the order of another family member (Fig. 1). The case of Justinian II who had his nose cut off when he was overthrown in 695 (Fig. 2) but was able to become Emperor again in 705, is unique. He was probably wearing a nasal epithesis, but the possibility that he underwent a nasal reconstruction has been investigated.⁵ Needless to say, the list of victims found by historians mentions only the most renowned individuals and doesn’t include the thousands of unknown conspirators or criminals who have probably undergone the same type of torture.

Potteries created by ancient Moche communities of north-coastal Peru during the first millennium CE display figurines with mutilations of the lips and nose. Based on these depictions, and because of the large number of ceramics showing clear cuts amputations that could only be achieved with the use of surgical instruments, a few archeologists concluded that these mutilations were imposed as punishment for various unlawful acts (Fig. 3).⁶

Judicial nasal amputation was also not uncommon during the Renaissance in Europe. In his book, *Quaestiones medicolegales*, the physician Paolo Zacchias (1584–1659) questioned the law and asked if one should allow a surgeon to reconstruct the nose of a criminal who had his nose cut off as a punishment. After debating the pro and the contra, he finally concludes that the law should not be opposed to a reconstructive rhinoplasty: “all the more since the extremely painful and lengthy operation (the arm flap) can be considered in itself as a punishment.”¹

In the modern era, if facial mutilations disappeared in most law codes, numerous cases of ear amputations and other mutilations were recorded in Africa during the slave period, particularly in Belgian Congo, in Iraq during the Saddam Hussein dictatorship, and during the civil wars in Liberia and Sierra Leone. Blinding a criminal was also reported in a few cases in Iran during the 21st century.

Today, the defacement of women is still practiced in connection with patriarchal values of authority and honor in many countries. Time magazine’s cover photograph in August 2010 of an Afghan woman, who had her nose amputated fueled debate about the “medieval” practices of the Taliban, whose local commander had instructed her husband to take her nose and



FIGURE 1. Blinding of Byzantine Emperor Leo Phocas (medieval manuscript).

ears. Acid or vitriol attacks on a woman's face for personal conflict regarding intimate relationships and sexual rejection, jealousy, revenge for refusal of sexual advances, proposals of marriage, and demands for dowry, are not uncommon. Case reports of acid attacks have been reported in most parts of the world during the last few years, mainly in Southeast Asia, but



FIGURE 3. Moshe ceramic with the amputated nose (San Diego Museum of Man).

also in Africa, the United States, and European countries. An *Acid Survivors Foundation* has been created in Bangladesh to stop violence and create opportunities for survivors to live a life with dignity. As it is often a motif of shame for the victims, a number of these attacks are not denounced to justice and are known only by the family.



FIGURE 2. The mutilation of Byzantine Emperor Justinian II (medieval manuscript).

LIMB AMPUTATIONS

The use of arm or leg amputation as punishment, mainly for thieves, was common in several law codes since antiquity.⁷ Under Islamic law,⁸ *hudud* punishment includes amputation of hands and feet for theft and robbery. The Quran does not define the offenses leading to amputation precisely: their definitions were elaborated in *fiqh* (Islamic jurisprudence). A *sariqa* (theft) crime can be established either by the confession of the thief him/herself once or twice or by the testimony of two male eyewitnesses. The punishment for *sariqa* is amputation of the right hand at the wrist, and, in the case of a second theft, the left foot at the ankle. In the case of further thefts, or if the second hand or foot is not fully usable, the thief is imprisoned until he repents. In the third offense, he loses his left hand, in the fourth case, his right foot. Cross-amputation is also one of the *hudud* punishments prescribed under Islamic jurisprudence and involves cutting off the right hand and left foot of the alleged transgressor. The procedure is in the Quran (*surah* 5: 33-34) which stipulates: "The punishment of those who wage war against Allah and His Messenger, and strive with might for mischief through the land is execution or crucifixion, or cutting of hands and feet from opposite sides, or exile from the land. As for the thief, male or female, cut off their hands and feet from opposite ends in recompense for what they have committed". The right hand is always amputated during the administration of the punishment regardless of whether the victim is right-handed or left-handed. This is because the Muslim faith decrees that the right hand should be used for clean purposes such as writing or eating, while the left is reserved for unclean tasks, such as cleaning following defecation. By removing the right hand as

part of the punishment, the victim is subsequently forced to use his or her “unclean” left hand for tasks such as eating, and this added humiliation, or indignity is regarded as part of the punishment. The amputation is usually carried out in a single session in public, without anesthetic and using a sword.

Although more rarely practiced, limb amputation remains in the legal framework of countries like Saudi Arabia, Yemen, Somalia, Mauritania, the Maldives, Brunei, Indonesia, Nigeria, Qatar, and Sudan. The Taliban, which seized power in Afghanistan, said it would resume judicial amputations, which it enforced when it ruled the country between 1996 and 2001. Overall, judicial amputations appear to be on the decline globally. Human Rights groups say that few cases have been recorded over the past decade or so, although they do not track the practice in the same way that they do for capital punishment, for example.

Amputations Following Handcuffing

Handcuffing a detainee is common and not considered as an act of torture. Entrapment neuropathies and fractures of the cuboid and radial styloid and cases of progressing ischemic monomelic neuropathy have been reported.⁹ A hand amputation following prolonged ischemia due to tight handcuffing led to a trial in Alabama in 2020.

However, as reported by the Israeli Journal Haaretz on April 2024, “routine” amputations following handcuff injuries of Palestinian detainees in Israel’s Sde Teiman army base was denounced by an Israeli doctor to the authorities of his country (<https://edition.cnn.com/2024/04/06/middleeast/doctor-israel-hospital-conditions-intl/index.html>). If confirmed, these mutilations cannot be considered as a common collateral effect of hands or legs cuffing, or as unwilling errors committed by the guardians in restraining the prisoners. Moreover, as described by several witnesses, the conditions of detention (inmates fed through straws, defecate in diapers and held in constant restraints), correspond to the definition of torture stipulated by UNCAT. On September 2024, the *Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, reported to the UN General Assembly: “Regarding the detention of Palestinians in Israeli military camps and detention facilities, the report found that thousands of child and adult detainees, many of whom were arbitrarily detained, have been subjected to widespread and systematic abuse, physical and psychological violence, and sexual and gender-based violence amounting to the war crime and crime against humanity of torture and the war crime of rape and other forms of sexual violence”.

DOCTORS AND TORTURE

The trial at Nuremberg in 1946 of Nazi physicians who committed human rights crimes, has clearly shown that doctors can be and should be accountable for collaborating with a torturous regime and using their knowledge to conduct criminal experiment or help torturing prisoners. In 1948, the World Medical Association (WMA) adopted the so-called *Declaration of Geneva* during its 2nd General Assembly. It builds on the principles of the *Hippocratic Oath* and is now known as its modern version:

- The physician shall not countenance, condone or participate in the practice of torture or other forms of cruel, inhuman or degrading procedures, whatever the offense of which the victim of such procedures is suspected, accused, or guilty, and whatever the victim’s beliefs or motives, and in all situations, including armed conflict and civil strife.
- The physician shall not use nor allow to be used, as far as he or she can, medical knowledge or skills, or health information specific to individuals, to facilitate or otherwise aid any interrogation, legal or illegal, of those individuals.
- The physician shall not be present during any procedure during which torture or any other form of cruel, inhuman, or degrading treatment is used or threatened.

According to Steven Miles,¹⁰ during the last decades, doctors have collaborated with torture on a number of occasions and have assisted with amputations and mutilations in several countries. As reported in the *Washington Post* on July 28, 2021: “German prosecutors charged a Syrian doctor living in Germany, alleging he committed numerous acts of torture in two military-run hospitals in Damascus and Homs. The alleged acts of brutality included hanging prisoners from the ceiling and beating them with sticks, igniting flammable liquid poured on prisoners’ injuries and abuse to prisoners’ genitals.” For Steven Miles, a doctor should never participate in a case of torture. Lepora and Millum, however, have questioned the ethical dilemma faced by physicians confronted with torturing patients.¹¹ They argue that in countries in which torture is common, doctors are frequently expected to assist with unethical acts that they are unable to prevent and are asked to use their medical knowledge in the interests of the prisoner being tortured. “If the state is going to amputate a limb as punishment, regardless of the international prohibitions, it is surely better for the victim that the amputation be performed in a surgical theater under anesthesia by a qualified surgeon, than without anesthetic in the public square by an untrained official”. The duty to avoid complicity in torture then comes into conflict with the doctor’s duty to care for patients. In any case, there is a general agreement that one ethical rule is not debatable, that is of condemning and denouncing all forms of tortures,¹² as this Israeli doctor did when he wrote to the authorities in his country about the conditions imposed to the Palestinians detainees in the Sde Teiman army base.

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