



**AFFIDAVIT OF
KENNETH F. WOERTHWEIN, M.D.**

In the Matter of the Application
For Asylum of Sameh Khouzam (A#75 795 693)

KENNETH F. WOERTHWEIN, M.D., being duly sworn, deposes and says:

1. I am an American physician licensed in the State of Pennsylvania, currently working as a physician at Yorktowne Family Medicine in York, Pennsylvania, as a member of the York Health System Medical Group of York, Pennsylvania. I am trained and board certified in Family Practice, with added qualifications in Geriatrics.
2. I earned a Bachelor's Degree in Liberal Arts from Princeton University in Princeton, New Jersey; a Master's Degree in Anatomy from the University of Illinois in Chicago, Illinois; and I am a graduate of the University of Illinois School of Medicine in Chicago, Illinois, graduating in 1970. My internship and subsequent residency in Family Practice were obtained and completed at York Hospital, York, Pennsylvania.
3. Since completing my clinical training, I have practiced in the city of York, Pennsylvania. I have maintained an interest in medical human rights. From 1971 through 1974, I was the lead physician of the Community Health Center of York, which serves lower economic individuals in the inner city of York and in the distant rural areas of York County. Since 1976, my partner and I have maintained a practice in the inner city of York, providing care to a significant number of lower economic patients. During my practice, I have been asked on a number of occasions to document incidents of abuse, particularly abuse to children. I am a member of the York branch of *Doctors Of The World*, who perform physical exams on individuals held at York County Prison who are seeking asylum. I am also a member of *Amnesty International*.
4. At the request of Mr. Khouzam's legal representative, Irwin Barowitz, Esq., I conducted a physical exam on **SAMEH KHOUZAM** in order to evaluate the physical condition of Mr. Khouzam in view of his allegations that he was physically abused and tortured by officials at various detention centers in Egypt.
5. Prior to my interview and examination, I reviewed the asylum pre-screening interview which was provided to me by Mr. Khouzam's legal representative.
6. On Wednesday evening, October 6, 1999, I visited Mr. Khouzam at the York County Prison, interviewed him, and conducted a clinical evaluation. No interpreter was needed

since he spoke fluent English. I was accompanied by Kathleen Lucas, who is a member of the local branch of *Amnesty International*.

7. Mr. Khouzam's Human Rights clinical intake history is rather lengthy, and I will make reference only to the areas in which he alleges physical abuse and torture. Mr. Khouzam states that he is 31 years of age, and that when he was a young teenager he suffered traumatic injuries to his right foot. Between 1984 and 1986, he had two surgical operations performed on his right foot. He subsequently has pain in that foot and limps on that foot as well. These original foot problems were not caused by torture, but they were exacerbated by torture he later suffered, which will be referred to later on. He states that in 1994 he was abducted from his place of work and taken into a room at an unknown destination where he was physically abused. He was punched and kicked repeatedly all over his body and the right side of his face, which caused bruising to the right side of the face. They also forced a hose into his rectum, which caused a great deal of pain as well as bleeding. He finally went to the Ain Shams Specialized Hospital, where he was seen by Dr. Tawfik, who stated that he would need surgery. At that time Mr. Khouzam did not believe that he needed surgery, so he left the hospital and returned home. He tried some over-the-counter medication, which did not help. He went to a second hospital for another opinion, where Dr. Abuzeid also recommended surgery. Mr. Khouzam states that a repair of an anal fissure was performed in August, 1994. Since that time, he has had some degree of constipation and discomfort whenever he has a bowel movement.
8. In the Summer of 1995 after he had finished work and went to his car, he was surrounded by four men who physically assaulted him. They stabbed him with a narrow tipped instrument, which he thought might have been a screwdriver. He suffered an injury to the lower abdominal wall. He went to the Cairo Medical Center where a doctor told him that stitches would not be needed. The wound was cleaned and when healed, left a scar. This injury has not caused him any subsequent problems.
9. Later in the summer, Mr. Khouzam began to notice sparkles and white lights in his right eye, and he felt like there was a pushing sensation in his eye. This sensation would come and go, and lasted into the Spring of 1996, when he finally sought medical treatment for this. He does state that he has had a "weak" right eye since childhood. He has used a contact lens in the right eye since he was 14 years of age, which has improved his vision. He finally went to see Dr. Hamza, an ophthalmologist, who stated that Mr. Khouzam had "seven holes in his right retina that would require laser surgery". This surgery was performed in May of 1996. He no longer has flashes or other abnormalities of his vision in the right eye, although the vision continues to be somewhat poor and requires use of a contact lens.
10. In August of 1996, Mr. Khouzam was taken to a local police station, and was once again physically assaulted. While he was there, a window in the room was pushed open towards him. He said that when he saw the window coming towards his face, he put his right hand up to protect himself, and his hand went through the window. His hand began to bleed severely. The wound was wrapped in a cloth and he was taken to a local doctor.

Five stitches were required to close the wound in the top of the hand. Ten days later he had the stitches removed. His hand was swollen at that time because his wound had been wrapped very tightly. He continued to have pain in his right hand, so after several more days he went to El Galaa Hospital, a military hospital. X-rays were taken, and it was discovered that he had pieces of glass in his hand. He eventually underwent surgery and glass removed from both the palm and the dorsum of his hand, where the original laceration had occurred.

11. In the summer of 1997, Mr. Khouzam was once again attacked while sitting in his car. He did not suffer any injuries, since he remained in his car.
12. In either late 1997 or early 1998, after he had returned to Egypt, he was again physically beaten while being detained by the Egyptian FBI Branch, and he was stomped on top of his right foot, which caused a great deal of pain. This was the foot that had been previously treated surgically in 1984 and 1986. He subsequently went to the El Hayat Medical Center and received treatment, with arthroscopic surgery performed in January, 1998. Since that time, he has had continued pain in the right foot and occasionally limps on it. He requires shoe inserts as well as wrapping with an ACE bandage to relieve his pain.
13. Later in 1998, he was again physically assaulted by the Egyptian FBI. He was hit and punched about his body and face. He was also handcuffed, and a man forced his knee into Mr. Khouzam's back while another man held his cuffed hands in an outstretched position above his head. They again attempted to insert a type of hose into his rectum, but because of extreme pain this was not successfully done, and he again began to bleed from the rectal area.
14. Later during that interrogation, Mr. Khouzam was struck by a woman with a large vase. He blocked the blow with his right arm, suffering a severe laceration to his right fourth and fifth fingers. He was taken to a local hospital, which was the Cairo Medical Center, where he was told he would have to have surgery performed by a specialist because the tendon had been cut. While he was at the hospital, Mr. Khouzam escaped through a bathroom window and fled once again to the United States. Once in the United States, he requested asylum, and was taken to the Varick Street Detention Center, where eventually he had hand surgery performed on February 11, 1999. He was instructed to have physical therapy after the surgery, and was given an exercise ball as well. However, the physician at the Varick Street facility did not approve the physical therapy. He subsequently does not have full movement of the right fifth finger.
15. The patient states that since being detained in various INS detention centers, he has had nightmares and trouble sleeping, but his symptoms have improved greatly since he is now receiving active support for his case, and he is becoming involved in the care of other detainees as well.
16. The patient states that he suffered an injury to his right forearm from a glass injury when he was 10 years of age. This required suturing, and was not the result of torture.

17. On physical examination, Mr. Khouzam stated that his height is 6'4". He initially weighed 280 lbs. when he came to the United States. He now weighs approximately 210 lbs. Examination of his skin revealed a 1.5 x 2 cm scar on the ventral surface of his right forearm. There is also a 1 x 10 mm transverse scar over the base of the right fifth metacarpal on the dorsum of the right hand. There is a 1 x 20 mm scar on the ventral surface of the right wrist, at the base of the hypothenar eminence. There was a 1 x 20 mm scar that was somewhat irregular in shape over the lateral surface of the right fifth finger. This finger was permanently flexed at about a 30 degree flexion, with inability to fully extend this finger. There is also decreased sensation along the lateral surface of this fifth finger. There was a 5 x 10 mm scar on the abdominal wall, midway between the umbilicus and the symphysis pubis. Examination of the right foot revealed a 2 x 40 mm scar over the dorsum of the foot. Medial to this was a 3 x 60 mm scar, and medial to this over the inner side of the right foot was an 8 mm stellate scar. There were two small arthroscopic scars over the medial and lateral border of the foot, just distal to the ankle bones. There was a chronic deformity of the right foot, particularly over the medial surface, indicating previous trauma. There were some varicosities about the right ankle as well. The anal exam revealed increased anal tone, with hyperesthesia. During the examination of the anal area, I was unable to insert my finger into the anal canal due to the pain associated with this examination. I saw no other gross abnormalities of the anal area. The remainder of the general physical examination was entirely normal. His affect was normal. At present, he was not suffering from any evidence of post-traumatic stress disorder.
18. I did review his medical record from his detention at York County Prison. He is presently on Zantac, 150 mm, twice daily, and Peri-Colace. He continues to suffer from some abdominal pain and gas. The Zantac is not helping this. Apparently the Peri-Colace does help his bowel movements. He did have a laboratory profile drawn on 9/29/99, including what appears to be a hepatitis profile, CBC, basic metabolic panel and TSH. Those results are not yet available. Mr. Khouzam was seen in consultation by a local orthopaedic surgeon on 5/27/99. He complained of shoulder pain and right foot pain. X-rays of the right shoulder were normal. X-rays of the right foot showed degenerative changes, as well as avascular necrosis of the tarsal navicular bone, with evidence of previous gross and arthroscopic surgery to that area. The x-ray also showed diminished joint space of the bones of the foot. The diagnoses were rotator cuff tendinitis of the shoulders, and degenerative arthritis of the right foot and pes planus. Motrin and arch supports were prescribed.
19. Based upon my examination, I assess that MR. SAMEH KHOUZAM has multiple medical scars, which are consistent with the story of torture that he recounts. The scar on the low abdominal wall, the right fifth finger scar as well as finger deformity, the scar over the right fifth metacarpal, the scar over the ventral surface of the base of the right wrist, and the arthroscopic scars of his right foot, as well as the physical findings on the anal exam are all consistent with his recounting of torture and physical abuse. The eye symptoms he recounted are consistent with a retinal tear or detachment. This may or may not have been due to torture, for these symptoms could have arisen spontaneously.

particularly since Mr. Khouzam has had chronically poor vision in that right eye. Funduscopic examination of his right eye revealed no abnormalities, which is not uncommon following the laser surgery that he received. There was also no gross decrease in peripheral field of vision or reading skills with his right eye on my examination.

20. The fact that Mr. Khouzam voluntarily related that the scar on the ventral surface of his right forearm was not related to torture, and the initial injuries and scar to his right foot were not related to torture persuades me that he is telling me the truth.

21. I would be willing to further explain my assessment if requested to do so.

Kenneth F. Woerthwein
KENNETH F. WOERTHWEIN, M.D.

COMMONWEALTH OF PENNSYLVANIA :
: COUNTY OF YORK :

ON THIS, the 18th day of October, 1999, before me, a Notary Public for said County and Commonwealth, personally appeared KENNETH F. WOERTHWEIN, M.D., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within affidavit and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereby set my hand and official seal.

Barbara E. Spurlock

Notary Public

