



PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

May 14, 2024

Ramin Fatehi
City of Norfolk Commonwealth's Attorney
Via e-mail: Ramin.Fatehi@norfolk.gov

Dear Mr. Fatehi:

I'm writing to alert you to new information PETA has received regarding apparent cruelty to animals at Eastern Virginia Medical School (EVMS). As detailed in the attached appendix, we have learned that EVMS personnel, including professor Gerald Pepe, treated female olive baboons—who were used in repeated cesarean-section experiments—in a manner that appears to constitute ill-treatment; the deprivation of shelter necessary to prevent animals from self-harm, deterioration from stress and barren conditions, and harm from cage mates or neighboring animals; and the deprivation of emergency veterinary treatment¹ to alleviate suffering or prevent further disease progression.² Of the six baboons named in this correspondence, EVMS killed five when they were no longer of use to the facility, and the sixth died of health complications after losing almost one third of her body weight in sixteen months and, nonetheless, being subjected to a major survival surgery—specifically, a cesarean section.

The conduct described in the appendix demonstrates EVMS' longstanding, willful disregard of the wellbeing of animals within its custody and for whom it receives public funds.

Thank you for your attention to this information regarding EVMS' apparent failures to provide animals at its facility with adequate care. I can be reached at DaphnaN@peta.org and look forward to hearing from you.

Sincerely,

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¹ See Va. Code § 3.2-6570.

² See *id.* § 3.2-6500.

APPENDIX

EVMS subjected five female baboons to a total of 17 cesarean sections within the past 9 years—10 within the past 5 years.

Between 2014 and 2023, Pepe subjected five female olive baboons—Alissa, Jemma, Juju, Tara, and Toya—to carrying a combined total of twenty-five pregnancies,³ and he performed a combined total of seventeen cesarean sections on those animals.⁴

- Alissa (also identified as #07105):
 - Born on April 11, 2005, and shipped to EVMS on October 12, 2020
 - Two C-sections at EVMS (12/29/2021 and 3/29/2023—the baby was killed each time); she’d previously had four live births and one abortion or stillbirth at a different facility
- Jemma (also identified as #26876):
 - Born on June 29, 2005, and shipped to EVMS on October 19, 2011
 - Three C-sections at EVMS (4/18/2019, 1/10/2020, 6/17/2021—at least one of the babies was killed), in addition to a 2017 live birth
 - After her second C-section, she was found with vaginal bleeding and “somewhat hunched.”⁵
- Juju (also identified as #28768):
 - Born on March 26, 2007, and shipped to EVMS on February 21, 2012
 - Six C-sections at EVMS (11/10/2014, 10/13/2015, 3/27/2017, 7/22/2019, 4/15/2021, 3/4/2022—one baby was found dead in utero, one baby was taken away at birth, and the remaining four were killed)
 - Juju was killed the same day as her final C-section⁶—her sixth and last under EVMS’ protocol for these experiments.
- Tara (also identified as #26741):
 - Born on June 1, 2005, and shipped to EVMS on October 19, 2011
 - Four C-sections (9/20/16, 8/28/17, 3/20/20, 1/11/23) and a total of seven pregnancies—including two abortions or stillbirths and one live birth—at EVMS in under eight years (one infant was kept alive after the first C-section, one was found dead the day after live birth, and it is unknown what happened to the remaining infants)
- Toya (also identified as #27320):
 - Born on October 24, 2005, and shipped to EVMS on October 19, 2011

³ According to a years-long reproduction study of baboons in their natural habitat, mothers take at least a one-year break to raise their babies before becoming pregnant again, as “[i]nfants are completely dependent on their mothers for almost a year.” Jeanne Altmann et al., *Life history context of reproductive aging in a wild primate model*, Ann N Y Acad Sci., 2010 Aug; 1204: 127–138, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3399114/>.

⁴ Pepe has subjected female baboons to pregnancy experiments for more than forty years.

⁵ EVMS’ records on Jemma, p. 55, available at <https://ladyfreethinker.org/wp-content/uploads/2023/10/Talamo-FOIA-Responsive-documents-18AUG2023-compressed.pdf> (hereinafter, “Jemma”).

⁶ EVMS’ records on Juju, p. 21, available at <https://www.peta.org/wp-content/uploads/2024/05/juju-28768-vet-records.pdf> (hereinafter, “Juju”).

- Two C-sections (2/11/16—to remove a dead baby—and 2/7/23) and a total of six pregnancies, including three live births and one abortion or stillbirth, in seven years at EVMS

In addition, EVMS intended to use a sixth baboon in C-section experiments, Cookie (also identified as #03105), who was born in 2005 and shipped to EVMS in 2020. She had no pregnancies at EVMS but carried seven pregnancies to live births and had four abortions or stillbirths at a previous facility. As detailed below, all six of these baboons have either died or been killed by EVMS in just over the past two years—and four were killed just in the past few months.

While the Animal Welfare Act (AWA) allows experimenters to perform multiple major survival surgeries (MMSS) on a single animal, the surgeries must be scientifically justified in writing by the experimenter or have obtained prior authorization—an MMSS exception—from the USDA.⁷ After a routine inspection on September 14, 2021, the USDA cited EVMS for a critical AWA violation because EVMS subjected Jemma, Juju, and Tara to three cesarean sections each⁸ without having obtained the USDA’s approval.⁹ EVMS appealed the citation, but its appeal was denied because Pepe had not provided scientific justification for the MMSS.¹⁰ EVMS subsequently requested an MMSS exception for Alissa, Cookie, Jemma, Tara, and Toya and “future females” in order to allow it to perform up to six C-sections on each of the baboons.¹¹ USDA personnel expressed concerns about the pain such procedures would cause the animals and doubt about the purported scientific utility of the procedures.¹² However, in June 2022, the USDA’s then-deputy administrator, Dr. Betty Goldentyer,¹³ granted EVMS its requested exception, allowing the facility to perform up to six cesarean sections on each baboon, dependent upon EVMS’ satisfaction of certain conditions—including that the experiments would be in accordance with EVMS’ experimental protocol.¹⁴ After a May 2, 2023 inspection of EVMS, the USDA cited it for a repeat violation of the AWA for failing to follow its own protocol,¹⁵ and, on May 16, 2023, the USDA revoked EVMS’ MMSS exception.¹⁶ In response to EVMS’ protests, the USDA stated on July 7, 2023 that the “exception was withdrawn based on the observations of the inspectors, including the agency’s nonhuman primate specialist,” and the USDA refused to reissue EVMS an exception.¹⁷

⁷ 9 C.F.R. § 2.31(d)(x).

⁸ Juju had been subjected to five C-sections at EVMS by this time.

⁹ USDA Inspection Report, Sept. 15, 2021, available at https://www.peta.org/wp-content/uploads/2023/10/EVMS_2021-09-14_USDA-APHIS_IR-1.pdf.

¹⁰ Letter, USDA to EVMS, Oct. 19, 2021, available at <https://www.peta.org/wp-content/uploads/2024/02/2021-10-19-usda-letter-denying-evms-citation-appeal.pdf>.

¹¹ <https://www.peta.org/wp-content/uploads/2023/12/2021-12-20-evms-letter-to-aphis.pdf>; <https://www.peta.org/wp-content/uploads/2023/12/2022-01-31-evms-letter-to-aphis.pdf>. It appears that EVMS made a misrepresentation to the USDA in its request. EVMS stated that baboons purchased for the project would be “research naïve,” but records PETA has obtained show that Alissa and Cookie were made to carry a combined total of *sixteen* pregnancies and were used in experiments prior to arriving at EVMS.

¹² Email, USDA to National Institutes of Health, Feb. 24, 2022, available at <https://www.peta.org/wp-content/uploads/2023/12/2022-02-24-aphis-letter-to-olaw.pdf>.

¹³ Dr. Goldentyer [unexpectedly retired after being called to testify](#) before a grand jury regarding the USDA’s stunning failure to take meaningful corrective action against the company Envigo, which bred beagles for experimentation in Cumberland, Virginia, despite issuing it more than seventy citations over the course of ten months.

¹⁴ The sixth C-section performed on Juju by Pepe was after the USDA’s AWA citation in note 9, *supra*, and before the USDA granted EVMS an MMSS exception.

¹⁵ USDA Inspection Report, June 9, 2023, available at <https://www.peta.org/wp-content/uploads/2023/10/EVMS-2023-05-02-USDA-APHIS-IR-1-repeat-noncritical-NCI-1.pdf>.

¹⁶ <https://www.peta.org/wp-content/uploads/2024/01/2023-05-16-aphis-approval-withdrawal.pdf>.

¹⁷ Letter, USDA to EVMS, July 7, 2023, available at <https://www.peta.org/wp-content/uploads/2024/01/2023-07-07-aphis-answers-evms-questions.pdf>.

Alissa died circa March 29, 2023, after her second C-section (her seventh pregnancy in just twelve years).¹⁸ The necropsy showed that she had advanced cardiomyopathy, aspiration pneumonia from an earlier event, and “Coal Miner’s Lung.”¹⁹ Unable to continue subjecting the other aged baboons²⁰ to repeated cesarean sections, Pepe and EVMS chose to kill Juju in 2022 after her sixth C-section and to kill Jemma and Toya on February 13, 2024 and Cookie and Tara on March 21, 2024²¹—even though PETA, after learning of Alissa’s death, had secured placement for those four remaining baboons with an accredited primate sanctuary and had expressed this offer to EVMS on March 14, 2024 (not knowing that Jemma and Toya had already been killed). EVMS never responded to PETA’s offer.

By subjecting the baboons to repeated cesarean sections without requisite federal authorization to do so, Pepe and other EVMS personnel appear to have ill-treated the animals and inflicted intentional inhumane pain not in connection with bona fide experimentation.²²

EVMS deprived the baboons of necessary care.

In addition to forcing Alissa, Jemma, Juju, Tara, and Toya to undergo multiple pregnancies and the pain and trauma of repeated C-sections, EVMS could not bother to provide these animals with care necessary to provide for their most fundamental wellbeing. Of note, for the most part, the animals’ health conditions are simply notated in minimal detail in biannual physical examinations; there is a blatant lack of records demonstrating meaningful steps by EVMS to address the animals’ deterioration. EVMS’ inhumane treatment of these baboons is part of a long history: The video available [here](#)²³ was obtained by PETA via a FOIA request and shows additional female baboons (subjected to Pepe’s experiments) displaying stereotypies indicating profound psychological distress.²⁴

Until her death at EVMS, Jemma endured fights with cage mates, partial amputations of injured fingers, genital tears, and dental problems. In an apparent effort to cope with the stressors of her existence, she resorted to self-harming behaviors, including pulling out her hair and biting at the cage bars. In the past five years, EVMS’ records on Jemma show that she had trauma to two fingers in 2019, with the fingernail missing from one and the bone exposed on another, which required partial amputation.²⁵ By 2022, she was missing the tips of four fingers on her left hand and the tip of one toe on her right foot.²⁶ She was repeatedly noted as having alopecia, which EVMS acknowledged to be from “overgrooming.”²⁷ She also was repeatedly noted to have “bad,” broken

¹⁸ EVMS’ records on Alissa, p. 32, available at <https://www.peta.org/wp-content/uploads/2024/02/foia-response-peta-07105-vet-records-alissa-26-jan-2024.pdf> (hereinafter, “Alissa”).

¹⁹ *Id.* at 34-35.

²⁰ According to Born Free USA, the lifespan of baboons is typically 20-30 years. Baboons, <https://www.bornfreeusa.org/species/baboons/> (last visited May 8, 2024).

²¹ Death records obtained from EVMS, available at <https://www.peta.org/wp-content/uploads/2024/04/evms-disposition-records-combined.pdf>.

²² See Va. Code § 3.2-6570.

²³ <https://www.youtube.com/watch?v=ynXnSYWlmCO&t=23s>

²⁴ PETA can provide the complete video records obtained from EVMS.

²⁵ Jemma, *supra* note 5, p. 3.

²⁶ *Id.* at 65.

²⁷ *Id.* at 65, 63, 7, 6, 70, 73.

or chipped teeth.²⁸ Her last dental was on July 21, 2021,²⁹ and it does not appear that the broken tooth was ever treated. She was also recorded as “thin” multiple times in the past five years.³⁰ In 2021, Jemma was “found down” with “salivation.”³¹ There is no indication that EVMS took action to diagnose or remedy her situation or improve the conditions of her confinement. Even the USDA cited EVMS for this incident after finding “no records indicating treatment was provided as outlined in the protocol. The only entry is from the attending veterinarian (AV) stating that she was found unresponsive at 6 am but by the time the AV arrived she had consumed some apples and was up and quiet, alert, and responsive.”³²

In just the twenty months preceding her death, Juju was repeatedly noted as having a “thin coat” or alopecia on her arms and shoulder,³³ she was missing both a toe and a finger,³⁴ which was amputated in 2018³⁵; and she suffered an unexplained injury to her hand.³⁶

Tara’s records reveal significant dental problems yearly. On July 22, 2020, both upper canines were noted as “chipped”³⁷; on July 20, 2021, EVMS’ notes state “silver teeth/bar biting, small gum abrasion”³⁸; on July 19, 2022, EVMS’ notes state “missing both upper canines, stains on teeth from bar biting.”³⁹ However, with the exception of a July 22, 2020 dental,⁴⁰ there is no indication that her severe dental issues were addressed. Nor is there any indication that EVMS took any action to alleviate the stresses of her confinement that likely caused, or at a minimum contributed to, both the bar biting and the overgrooming to her arm that staff noted in December 2022.⁴¹

Toya’s records likewise show severe, long-term dental problems that likely caused her pain—but the records contain no indication she received pain medications for these issues. In July 2020, EVMS noted that Toya’s “[t]eeth [were] worn, and damage [was] evident”⁴² and that “[a]ll remaining teeth [were] worn down,” with the root of one tooth exposed and an apparent dead nerve in another; a dental was performed.⁴³ In July 2021, a fractured tooth was noted, and a second—and final—dental was performed.⁴⁴ In July 2022, her “[m]olars [were] ground flat to gums.”⁴⁵ In July 2023, she had “[s]ignificant wear [with] possible pulp exposure” on multiple teeth.⁴⁶ In 2023, an appointment with a veterinary dentist was delayed during Toya’s pregnancy and then, when she was

²⁸ *Id.* at 6, 65, 63, 60.

²⁹ *Id.* at 1, 28.

³⁰ *Id.* at 73, 7, 6.

³¹ *Id.* at 28.

³² USDA Inspection Report, June 9, 2023, *supra* note 15.

³³ Juju, *supra* note 6, pp. 90, 87, 21, 86.

³⁴ *Id.* at 86.

³⁵ *Id.* at 7.

³⁶ *Id.* at 3.

³⁷ EVMS’ records on Tara, p. 102, available at <https://www.peta.org/wp-content/uploads/2024/02/foia-response-peta-tara-26741-records-29-jan-2024.pdf> (hereinafter, “Tara”).

³⁸ *Id.* at 99.

³⁹ *Id.* at 94.

⁴⁰ *Id.* at 102.

⁴¹ *Id.* at 4. Staff noted they were “unable to think why” she might be overgrooming, other than that she was pregnant. *Id.* She was given hydrocortisone cream once a day for 5-7 days. *Id.*

⁴² EVMS’ records on Toya, p. 99, available at <https://www.peta.org/wp-content/uploads/2024/02/foia-response-peta-27320-toya-records-26-jan-2024.pdf> (hereinafter, “Toya”).

⁴³ *Id.* at 97.

⁴⁴ *Id.* at 93.

⁴⁵ *Id.* at 88.

⁴⁶ *Id.* at 16.

no longer pregnant, delayed further while Pepe decided whether to keep experimenting on her⁴⁷; as of her death in February 2024, there is no indication that the dental appointment was scheduled. As with Tara, there are no indications that EVMS took any steps to improve the confinement conditions that likely caused or contributed to Toya’s ongoing dental damage. Toya also suffered finger trauma—a “large laceration” with bone “completely exposed and transected [at the] joint,” leading to partial amputation. EVMS stated the cause of the injury was “new neighbor/cage partially paired fight.”⁴⁸

Absent from the records PETA has obtained is any information about how EVMS paired or introduced any of the baboons, took steps to check compatibility, or provided an environment conducive to peaceable social housing. In addition to the finger traumas identified above, the baboons suffered other serious injuries from other baboons—who were likely also inadequately confined. On February 17, 2021, Alissa “was placed [with] breeder.” That afternoon, personnel “[f]ound blood on cage.” She sustained “a 30 cm laceration extending from shoulder to shoulder. Muscles over scapula onto [left] side had lacerations and deep pocket noted on that area.” It was noted that wounds were “shaved, cleaned, & sutured” internally,” plus “staples & glue use externally.”⁴⁹ No recheck was noted until February 19, and no pain medication was noted until February 22. Also on February 22, it was noted that some of the wounds were infected,⁵⁰ but there were no additional notes for another thirteen days. Alissa’s weight began to decline after her arrival at EVMS, for a total decline of thirty percent by the time she died sixteen months later.⁵¹ EVMS’ notes contain no indications that personnel made any efforts to figure out or address her weight loss. Her last recorded weight was on January 24, 2023, but it is unknown to what extent the pregnancy that she was carrying at that time accounted for some of the weight.⁵²

Similarly, the records contain scant information regarding any enrichment or other efforts to provide the baboons with a stimulating, species-appropriate environment or to alleviate the deleterious effects of stressors imposed on them.⁵³ The records suggest that the baboons were subjected to near-constant isolation⁵⁴ and, as described above and below, engaged in stereotypic self-harming behaviors likely as a result of their barren existence and the stress and terror caused by continually being subjected to various procedures. Although Jemma was approved to be in a purported enrichment program, her participation was intermittent at best.⁵⁵ She received puzzle feeders for a short time only after experiencing a significant weight loss and resuming her self-harming behaviors when her son, Boo, was taken away from her eight months after his birth.⁵⁶ During the eight months when she was allowed to raise her son, Jemma was observed exhibiting “very good maternal behavior,” and her records lacked the usual notes detailing self-trauma.⁵⁷

⁴⁷ *Id.* at 19.

⁴⁸ *Id.* at 21.

⁴⁹ Alissa, *supra* note 18, p. 43.

⁵⁰ *Id.* at 42.

⁵¹ *Compare id.* at 81 *with id.* at 74.

⁵² *Id.* at 69.

⁵³ EVMS opined that a *peanut allergy* might have been the cause of Jemma’s years of self-harm—but ruled it out when she had no adverse reaction to eating peanuts. Jemma, *supra* note 5, pp. 7-8. Other than this disproven supposition and guessing that her overgrooming was idiopathic, *id.* at 8, Jemma’s records lack any mention of efforts by EVMS to get to the root of and actually alleviate her self-harming behaviors or chronic alopecia. EVMS displayed a pattern of ignorance as to the cause of multiple baboons’ self-injurious behavior. *See, e.g.,* note 41, *supra*.

⁵⁴ The baboons’ records have sporadic mention of partial pairing, then, after repeated injuries or fights, notes regarding socialization are absent.

⁵⁵ Jemma, *supra* note 5, pp. 18, 31, 9, 8.

⁵⁶ *Id.* at 9, 8.

⁵⁷ *Id.* at 10.

The conduct described above appears to demonstrate that Pepe and other EVMS personnel deprived the baboons both of shelter necessary to prevent self-harm, deterioration from stress and barren conditions, and harm from their cage mates or neighboring animals and of emergency veterinary treatment⁵⁸ to alleviate suffering or prevent further disease progression.⁵⁹

The above-described incidents within the past five years⁶⁰ are far from isolated; on the contrary, they are part of EVMS' longstanding pattern of confining baboons in conditions that harmed both their psychological and physical wellbeing. For example, in 2015, Tara and/or baboon(s) paired with her suffered amputated fingers and "aggression,"⁶¹ and, in 2016, Tara was found to have calluses or ulcers on her genitals, which EVMS described as possibly having been caused by stress-induced herpes.⁶² Between 2013 and 2018, there are numerous notations in Toya's records that she had injuries to her hands and fingers,⁶³ experienced incompatibility issues with cage mates or neighboring animals—including resulting in injuries or inhibited eating,⁶⁴ and suffered severe dental problems,⁶⁵ including that her teeth, as far back as at least 2015, were "severely worn down due to bar biting."⁶⁶ Between 2011 and 2019, Jemma's records contain numerous notations of injuries to multiple body parts (some resulting in amputation of fingers)⁶⁷; alopecia and overgrooming⁶⁸; dental damage, including from "cage wear"⁶⁹; self-harm⁷⁰; and fights with other baboons.⁷¹ Juju was found to have "excessive hair loss" as far back as 2013, and her overgrooming was noted repeatedly.⁷² Although EVMS detected a potential cardiac issue with Juju, a cardiac follow-up apparently was not done for another two years; in the meantime, EVMS sedated her, performed tests on her, and subjected her to her first two C-sections.⁷³ As with the other baboons, she experienced problems with cage mates, resulting in "undereating"⁷⁴; dental problems, including from "cage wear"⁷⁵; and injuries, including from self-trauma or a cage mate.⁷⁶ And, as noted above, [video records PETA obtained from EVMS](#)⁷⁷ show the psychological distress suffered by additional baboons—not named in this correspondence—as a result of their confinement at EVMS.

⁵⁸ See Va. Code § 3.2-6570.

⁵⁹ See *id.* § 3.2-6500.

⁶⁰ See *id.* § 19.2-8.

⁶¹ Tara, *supra* note 37, p.19.

⁶² *Id.* at 16.

⁶³ Toya, *supra* note 42, pp. 126, 37, 36, 30.

⁶⁴ *Id.* at 37, 36, 31, 30.

⁶⁵ *Id.* at 35, 79, 116, 115, 109.

⁶⁶ *Id.* at 118.

⁶⁷ Jemma, *supra* note 5, pp. 100, 21, 96, 94, 18, 92, 17, 88, 86, 14, 83, 12, 81, 77, 29, 9.

⁶⁸ *Id.* at 100, 98, 21, 94, 92, 91, 88, 15.

⁶⁹ *Id.* at 98, 96, 94, 91, 89, 88, 85, 81, 77.

⁷⁰ *Id.* at 21, 8, 29, 9, 8.

⁷¹ *Id.* at 18, 14, 12.

⁷² Juju, *supra* note 6, pp. 118, 116, 114, 113, 110, 108, 104.

⁷³ *Id.* at 13.

⁷⁴ *Id.*

⁷⁵ *Id.* at 108, 104.

⁷⁶ *Id.* at 97, 7, 6, 5.

⁷⁷ <https://www.youtube.com/watch?v=ynXnSYWlmCQ&t=23s>