

PUBLIC

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Further Information on UA 28/08 (MDE 19/001/2008, 29 January 2008) and follow-up (MDE 19/002/2008, 7 February 2008) – Health concern

LIBYA Fathi el-Jahmi (m), aged 66, prisoner of conscience

Prisoner of conscience Fathi el-Jahmi is still gravely ill, despite the fact that he is now receiving better medical care.

On 13 March Fathi el-Jahmi was visited at Tripoli Medical Centre, where he is still confined, by a delegation from two international human rights NGOs, Physicians for Human Rights and Human Rights Watch. A doctor from Physicians for Human Rights carried out an independent medical examination, which confirmed that Fathi el-Jahmi suffers from heart disease, high blood pressure and diabetes. The doctor's report concluded that his condition is stable and that he could be adequately treated as a hospital outpatient, so there is no medical justification for him to remain confined to the Tripoli Medical Centre.

The medical examination determined that Fathi el-Jahmi is still at risk of having a heart attack and is in urgent need of a cardiac catheterization. This is a procedure which involves passing a tube into one side of the heart to obtain diagnostic information about the heart or its blood vessels. It is an invasive procedure to which Fathi el-Jahmi has been unwilling to consent, as he is not confident in the staff at Tripoli Medical Centre, who, until three months ago, were not attentive to his medical needs. Fathi el-Jahmi is also in need of a biopsy to determine whether he has prostate cancer. Contrary to the finding of the court which tried him in 2006, the medical examination found no indication that he is suffering from delusional speech or thought disorder, and that his speech and presentation is clear and logical.

Two days before this examination, the Gaddafi International Charity and Development Foundation, which is headed by Saif al-Islam al-Gaddafi, son of Libyan leader Colonel Mu'ammarr al-Gaddafi, had reported that Fathi el-Jahmi had been released and "was now in the care of his family." In fact he remains in state custody at the Tripoli Medical Centre, where he has been held for the last eight months. Security officers continue to supervise him and were present outside his room. In addition his family are kept under close surveillance and his passport has not been returned.

Fathi el-Jahmi was arrested on 26 March 2004 and was detained at an undisclosed location, reportedly a special facility of the Internal Security Agency on the outskirts of Tripoli. His trial on vaguely worded charges which included "providing information to employees of a foreign state causing harm to the interests of the country" and "scheming with a foreign state in peacetime" began in July 2005 behind closed doors. He refused to be represented by a court-appointed lawyer. In September 2006 the court found him to be mentally unfit and consigned him to a psychiatric hospital. He reportedly remained there until he was moved to the Tripoli Medical Centre in July 2007.

Fathi el-Jahmi told Physicians for Human Rights and Human Rights Watch that in the three years that he has been detained, he has often been held in solitary confinement, denied visits by his family and allowed only occasional access to a doctor despite his poor health. However, he said that in January 2008 his health care improved and family visits resumed for the first time since August 2006.

Amnesty International considers Fathi el-Jahmi to be a prisoner of conscience, detained solely for the non-violent exercise of his right to freedom of expression. The charges against him appear to relate to contact he is alleged to have had with US diplomats and to arise from interviews he gave to satellite news channels in

March 2004 in which he criticized the Libyan authorities. He was previously detained as a prisoner of conscience from 2002 to 2004 for peacefully expressing his political views. For more information, see AI report *Libya: Time to make human rights a reality* (AI Index: MDE 19/002/2004), April 2004

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, English or your own language:

- welcoming the fact that Fathi el-Jahmi has been receiving medical treatment after a long period of neglect but stressing that he should be allowed to seek medical treatment of his own choice in Libya or elsewhere;
- calling on the authorities to release Fathi el-Jahmi immediately and unconditionally;
- urging the authorities to return his passport to him and ensure that he suffers no restrictions on his freedom of movement if he wishes to seek treatment abroad;
- urging the authorities to ensure that Fathi el-Jahmi's family are not subjected to any harassment;
- asking the authorities to make public the decision against Fathi el-Jahmi that was issued in 2006 by a court in a closed session.

APPEALS TO:

Head of State

Colonel Mu'ammar al-Gaddafi

Office of the Leader of the Revolution, Tripoli, Great Socialist People's Libyan Arab Jamahiriya

Email: info@algathafi.org

Salutation: **Your Excellency**

Justice Minister

Mustafa Abdeljalil

Secretary of the General People's Committee for Justice,

Secretariat of the General People's Committee for Justice

Tripoli, Great Socialist People's Libyan Arab Jamahiriya

Fax: **+218 21 4805427**

Salutation: **Your Excellency**

COPIES TO: diplomatic representatives of Libya accredited to your country.

The Gaddafi International Charity and Development Foundation

Saif al-Islam al-Gaddafi

President, The Gaddafi International Charity and Development Foundation

El Fatah Tower, 5th Floor B No. 57, PO Box 1101

Tripoli, Great Socialist People's Libyan Arab Jamahiriya

Email: info@gaddaficharity.org

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 14 May 2008.