

EXTERNAL

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FURTHER INFORMATION ON MEDICAL CONCERN

(See MDE 31/09/92 - 28 December 1992)

**'Ali 'Abdul-Fattah Hashim
YEMEN**

Amnesty International has learned that 'Ali 'Abdul-Fattah Hashim, who was arrested on a charge of apostasy in April 1992, has been released from prison into the care of his brother. However, the charge of apostasy (rejection or denial of religious faith), which carries a sentence of death, has not been dropped and his release was reportedly made conditional upon his brother agreeing that he would, as guardian, be responsible for 'Ali 'Abdul-Fattah Hashim's actions.

Background

'Ali 'Abdul-Fattah Hashim, who is aged 41, was born in Madagascar and moved with his family to the former Yemen Arab Republic¹, his country of origin, in the 1960s. He has been arrested on a number of occasions for political reasons; his first brief arrest being in 1981 when he was active in student politics. He was next arrested in 1983 after returning from a visit to Aden, then capital of South Yemen, and was held for eight months, the first four of which were spent in solitary confinement. During the latter four months of his imprisonment he was subjected to continuous beatings and physical torture and was exposed to severe psychological torture.

On his release in 1984 he resumed his studies, but after graduating from Sana'a University he was refused a "certificate of good conduct" from the security forces and was thus unable to obtain state employment. In February 1986 he was again arrested by military intelligence and on this occasion was held for two months in a coffin-like box, shackled hand and foot. The reason for this arrest appeared to be a leaflet produced by himself and some of his political associates criticising both factions of the Yemeni Socialist Party in the PDRY over events in January 1986 when armed conflict between the different factions resulted in hundreds of deaths.

In April 1986 following his release 'Ali 'Abdul-Fattah Hashim was given a "certificate of good conduct" by the security forces and began teaching Arabic at a high school in Sana'a. However, he suffered harassment during his teaching years and in late 1991/early 1992 was asked to leave the school. Concomitantly there was an attack on him led by an Islamic newspaper because he was seen as a non-believer. Soon after this, he stopped eating and isolated himself for five months, remaining

¹In 1990 the Yemen Arab Republic (YAR: North Yemen) and the People's Democratic Republic of Yemen (PDRY: South Yemen) unified. The Unity Agreement stipulated that during the transition period, the legal systems of the YAR and PDRY would remain separate until common laws were promulgated. To date, no common code of criminal procedure or penal code has been promulgated.

at home until his arrest. On 17 April 1992 he was arrested by security officers and charged with apostasy after a private law suit was brought against him. He was referred to the Public Prosecutor for Sana'a where he was particularly questioned about his religious beliefs and was then transferred to Sana'a Central Prison. In August 1992 he was admitted to the psychiatry department of al-Thawra Hospital in Sana'a where he remained for four days before being discharged with a diagnosis of "depressive illness and paranoid ideas". (He had previously been hospitalized in al-Thawra department of psychiatry in May 1991 at which time his medical report on discharge noted "Patient has been advised to have complete rest for one month and to follow treatment since his condition is chronic. He should not be subjected to psychological stress.")

In October 1992 after a number of court sessions during which some of his high school students were brought to testify against him, the judge decided to refer him to a medical panel to assess his mental state and he was returned to Sana'a Central Prison where he remained in unhygienic conditions, refusing medical treatment and in a vulnerable state.

In late June 1995 'Ali 'Abdul-Fattah Hashim was released into the care of his brother on the orders of the Prosecutor General. There has, however, been no judicial resolution of his case and the charge of apostasy has apparently not been dropped. His release was made conditional on his brother agreeing to act as 'Ali 'Abdul-Fattah Hashim's guardian and take responsibility for his actions.

Amnesty International is appealing to the Yemeni authorities to drop the charge of apostasy.

INTERNAL

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To: Medical professionals
From: Medical Office / Research Department - Middle East
Date: 4 August 1993

LIMITED FOLLOW-UP TO MEDICAL LETTER WRITING ACTION

(See MDC 31/09/92 - 28 December 1992)

**'Ali 'Abdul-Fattah Hashim
Yemen**

Keywords

Theme: mental illness/ death penalty/ POC

Summary

In June 1993 'Ali 'Abdul-Fattah Hashim, who was arrested on a charge of apostasy in April 1992, was released from prison into the care of his brother. The charge of apostasy, which carries a sentence of death, has reportedly not been dropped. Please see the details attached.

Recommended Actions

A maximum of 3 letters per medical group are requested to the addresses given below:

- welcoming the release of 'Ali 'Abdul-Fattah Hashim from Sana'a Central Prison in June 1993;
- expressing concern that the charge of apostasy brought against him in 1992 - a charge carrying a sentence of death in Yemen - has reportedly not been dropped;
- urging that the charge is dropped and that 'Ali 'Abdul-Fattah Hashim is allowed to seek any medical care he may require without further undue distress.

Addresses

His Excellency
General 'Ali 'Abdullah Salih
Chairman of the Presidential Council
Sana'a
Republic of Yemen

His Excellency
'Ali Salim al-Bidh
Vice-President of the Presidential Council
Sana'a
Republic of Yemen

His Excellency
Yahya Muhammad al-Mutawakkil
Minister of the Interior
Ministry of the Interior

Copies

Please send copies of your letters to one or more of the following addresses:

His Excellency
Muhammad Salem Ba-Sandwa
Minister of Foreign Affairs
Ministry of Foreign Affairs
Sana'a
Republic of Yemen

His Excellency
'Abdullah Ahmad Ghanem
Minister of Justice
Ministry of Justice
Sana'a
Republic of Yemen

His Excellency
'Abdo Salam Khalaf Karman
Minister of Legal Affairs
Ministry of Legal Affairs
PO Box 1292
Sana'a
Republic of Yemen

The diplomatic representative of Yemen in your own country.