

EXTERNAL

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To: Medical professionals
From: Medical Office / Research Department - Middle East
Date: 28 December 1992

MEDICAL LETTER WRITING ACTION

'Ali 'Abdul-Fattah Hashim
Yemen

Keywords

Theme: mental illness / death penalty / POC

Summary

'Ali 'Abdul-Fattah Hashim is currently held in Sana'a Central Prison under a charge of apostasy (rejection or denial of the faith). If convicted he could face the death penalty. In August 1992 he was admitted to hospital with depressive illness and was diagnosed as suffering a serious mental disorder. He was prescribed a range of anti-psychotic medication. In a previous period in hospital he had been recommended to avoid any psychological stress and his condition was described as chronic. Amnesty International regards 'Ali Hashim as a prisoner of conscience and is urging his release.

Recommended Actions

Letters from medical professionals, preferably written in Arabic, English, otherwise your own language, should be sent to the addresses below:

- expressing concern at the risk of the death sentence being imposed on 'Ali 'Abdul-Fattah Hashim for the peaceful expression of his personal beliefs;
- noting that he has a history of serious mental illness and seeking assurances that he is being treated humanely;
- urging that 'Ali 'Abdul-Fattah Hashim be released and allowed to seek whatever medical care he requires.

Addresses

His Excellency
General 'Ali 'Abdullah Salh
President 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
Colonel Ghalib Mutaher al-Qamish
Minister of Interior and Security
Ministry of Interior and Security
Sana'a
Republic of Yemen

Copies

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

His Excellency
Dr 'Abdul-Karim 'Ali al-Iryani
Minister of Foreign Affairs
Ministry of Foreign Affairs
Sana'a
Republic of Yemen

His Excellency
Isma'il Ahmad al-Wazir
Minister of Legal Affairs
Ministry of Legal Affairs
Sana'a
Republic of Yemen

His Excellency
'Abdul-Wasi' Sallam
Minister of Justice
Ministry of Justice
Sana'a
Republic of Yemen

The Secretary General
General Union of Doctors
Sana'a
Republic of Yemen

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MEDICAL CONCERN

'Ali 'Abdul-Fattah Hashim
Yemen

'Ali 'Abdul-Fattah Hashim is a 40-year-old writer and teacher currently held in Sana'a Central Prison on a charge of apostasy - a charge carrying a sentence of death in Yemen¹. He was arrested on 17 April 1992 by security officers after a private law suit was brought against him. He had been hospitalized for four weeks in May and June 1991 and was again medically examined in August 1992. The first medical report noted that his condition was chronic and recommended rest, absence of psychological stress and continued treatment, and the second diagnosed "depressive illness with paranoid ideas". He was prescribed neuroleptic medication. Amnesty International regards 'Ali Hashim as a prisoner of conscience and is urging his immediate release.

Background

'Ali 'Abdul-Fattah Hashim was born in Madagascar in 1952 of a Malagasy mother and a Yemeni father. His parents moved to the former Yemen Arab Republic (YAR) in the 1960s. 'Ali Hashim became active in student politics and was first arrested for a short time in 1981 while a student at Sana'a University. He was released uncharged.

In 1983, he visited Aden; shortly after returning, he was again arrested for political reasons. He was first held at the National Security Detention Centre in Hadda in the suburbs of Sana'a. He was held in solitary confinement during the four months he spent there. He was then transferred to Qasr al-Basha'ir where he was held for a further four months. During this period he was beaten continuously and subjected to *ta'liq* (also known as "Kentucky chicken": suspension for a prolonged period from a metal bar inserted between knees and arms while his wrists were tied together during which he was beaten on the legs, back and head). He was also exposed to severe psychological torture in the form of recordings of screaming and the sounds of torture.

He was released in 1984 and resumed his studies. In 1985 he graduated from Sana'a University with a degree in Arabic language. However, he was refused a "certificate of good conduct" from the security service and as a result could not obtain state employment. At the end of February 1986 he was again arrested by military intelligence. He was held in the detention

¹ When the Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (PDRY: South Yemen) unified in 1990, the Unity Agreement of May 1990 stipulated that during the transition period (to end by April 1993) the legal systems of the YAR and PDRY would remain separate until common laws were promulgated. To date, no common criminal or penal code has been promulgated.

centre in al-Bawnigga outside Sana'a for two months in a coffin-like box. This container had a lid which opened over the upper trunk and head. He was shackled hand and foot and was not permitted access to toilet or hygiene facilities. He later said that the worst aspect of this treatment was the moment, after feeding periods, when the lid was closed.

The reason for his arrest appeared to be a leaflet produced by himself and some of his political comrades criticising both factions of the Yemeni Socialist Party in the PDRY over the events of January 1986 when armed conflict between the different factions resulted in hundreds of deaths.

In April 1986 following his release he was given a "certificate of good conduct" by the security service and began teaching Arabic at al-Sha'ab High School in Sana'a. Soon after unification of the YAR and PDRY on 22 May 1990, he was transferred to Khaled ibn al-Walid High School in Sana'a. There he suffered harassment and at the end of 1991 or beginning of 1992 he was asked to leave the school. There was an attack on him led by an Islamic newspaper because he was seen as a non-believer.

Soon after, in early 1992, he stopped eating and isolated himself. For five months he hardly ate and stayed home until his arrest in April 1992. His weight fell from 90 to 60 kilograms. On 17 April he was arrested by security officers after a private law suit was brought against him. He was taken to al-Judayri police station, held for a few hours and then taken to the prosecutor's office where he was interviewed by the Public Prosecutor for Sana'a. He was particularly questioned about his religious beliefs and, after a four hour interrogation, he was taken to the Sana'a Central Prison where he remained until he was briefly hospitalised in August 1992. In the first half of September he was taken to the Sana'a Court of First Instance. He refused to participate in proceedings, refused a lawyer and would not speak during the hearing. Despite his stand, 10 lawyers volunteered to offer their support.

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

Medical examinations

Between 10 May and 6 June 1991 'Ali Hashim was hospitalised. On discharge his medical report, signed by the head of the psychiatry department of al-Thawra Hospital in Sana'a, 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 August 1992 he was again admitted to the same hospital in Sana'a suffering from depression. After four days he was discharged with a diagnosis of "depressive illness and paranoid ideas" and with a range of sedative and neuroleptic medication.

Current situation

'Ali Hashim is held at Sana'a Central prison; he is the only Yemeni in a large cell containing 15-20 foreign nationals of whom he is highly suspicious. He claims to be regularly beaten by fellow prisoners which he believes occurs at the behest of the prison administration. He is unkempt and has only recently recommenced eating prison meals in limited amounts because of his belief that the food is poisoned. He is not taking any medication because of his mistrust of others and his disbelief that he requires medication. A medical commission has been appointed to examine 'Ali

Hashim and the results of this examination will be considered by the court some time in the first quarter of 1995. The judge then has the option of passing sentence, ordering his removal to a psychiatric hospital or discharging him.

Amnesty International believes that the charge of apostasy is in breach of internationally-recognized rights to freedom of religious belief and the organization is urging that 'Ali 'Abdul-Fattah Hashim be freed unconditionally and given access to any medical treatment he might require.