

PUBLIC

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Further Information on 28/08 (MDE 19/001/2008, 29 January 2008) Health concern

**LIBYA Fathi el-Jahmi (m), aged 66**

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Fathi el-Jahmi is receiving medical treatment, according to a statement issued on 6 February 2008 by the Gaddafi Development Foundation (GDF), an organization headed by Saif al-Islam al-Gaddafi (son of Libyan leader Mu'ammar al-Gaddafi), but Amnesty International remains concerned about whether the care is adequate to treat his deteriorating state of health. Fathi el-Jahmi suffers from diabetes, high blood pressure and coronary artery disease. Amnesty International is further concerned by the GDF's announcement that he has been declared "mentally unstable".

Refuting claims that Fathi el-Jahmi was seriously ill and in need of urgent medical care, the statement from the GDF says that "during the period of the trial proceedings against him, he resided in a house and was provided with full medical care throughout this period". It went on to say that a court had determined that Fathi el-Jahmi was "mentally unstable" and that, as a result, he was transferred to the Tripoli Medical Centre, where he has remained since the verdict was issued. It claims to be keeping Fathi el-Jahmi's mental and medical condition under review and confirms that one member of his family has recently been allowed to visit him on several occasions. The statement however, does not specify what form of treatment or what medication Fathi el-Jahmi is receiving.

The GDF has failed to explain how the court determined that Fathi el-Jahmi was "mentally unstable" and whether medical expertise had been used to reach this diagnosis. In this regard, Amnesty International has two key concerns. The first is raised by the apparently vague nature of the diagnosis and the fact that a previous claim by the authorities that Fathi el-Jahmi was suffering from mental illness was contradicted by independent medical experts. In May 2005 the head of Libya's Internal Security Agency Colonel Tohamy Khaled, told a delegation from Human Rights Watch that Fathi el-Jahmi was "mentally deranged." By contrast the last publicly available report on Fathi el-Jahmi's health, published the same month by Physicians for Human Rights and the International Federation of Health and Human Rights Organisations, noted that he remained "mentally strong and that his will is unbroken". The second concern is that any deterioration in Fathi el-Jahmi's mental, as well as physical, health may be due to the conditions in which he has been held, particularly because he appears to have been detained in solitary confinement for much of the period since his arrest on 26 March 2004.

The statement from the GDF is, however, the first indication that Fathi el-Jahmi has been tried and sentenced. The court at which, the trial was conducted and the charges on which he was tried, found guilty and sentenced still remain unknown. The statement also omits details of his detention and whether the "house" where he was previously held was an Internal Security Agency facility. There is also uncertainty regarding Fathi el-Jahmi's current legal status and whether he is in custodial detention at the Tripoli Medical Centre.

### **Background Information**

Amnesty International believes that Fathi el-Jahmi is 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 his contact with US diplomats before his arrest and to his outspoken interviews in March 2004 with satellite news channels, including Dubai-based Al Arabiya and US-based Al Hurra. His health is deteriorating, and without proper treatment his life may be in grave danger.

Fathi el-Jahmi was previously detained between 2002 and 2004 for peacefully expressing his political views. For further details, 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:**

- noting the statement by the Gaddafi Development Foundation that Fathi el-Jahmi is receiving medical care, but urging the authorities to ensure that it is adequate and delivered by professionals with the relevant expertise, including by allowing an independent medical assessment of his condition;
- requesting clarification of the current legal status of Fathi el-Jahmi, along with details of the trial and sentence against him;
- urging the authorities to ensure that any court decision issued against him was made available to him, that he has been granted the right to appeal and that he has access to a defence lawyer of his choosing;
- calling for Fathi el-Jahmi to be allowed regular visits by his family;
- reiterating that he appears to have been detained solely for acts which involved the non-violent exercise of his right to freedom of expression, and that he is therefore a prisoner of conscience who should be released immediately and unconditionally.

**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

**Email:** secretary@aladel.gov.ly

**Fax:** +218 21 4805427

**Salutation:** Your Excellency

**COPIES TO:**

The Gaddafi Development Foundation

Saif al-Islam al-Gaddafi

President, The Gaddafi Development Foundation

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Tripoli, Great Socialist People's Libyan Arab Jamahiriya

**Email:** info@gaddaficharity.org

and to diplomatic representatives of Libya accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 20 March 2008.