

Forensic Psychiatric Examination Report

(I) Particular of the Case

Date of Examination: 11 October 2022

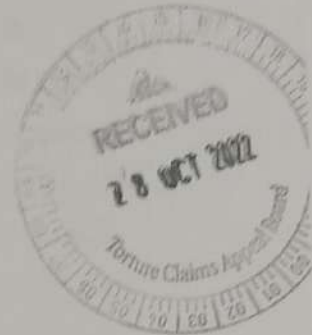
Venue of Examination: Tuen Mun Mental Health Centre,
Castle Peak Hospital, Tuen Mun, Hong Kong

Date of Report: 21 October 2022

Subject of Examination: EL BOURICHI Adil

Sex: Male

Recognizance Form Serial no.: RBCL / 1010 / 19 (CZ)



Purpose of Examination: Psychiatric assessment and preparation of psychiatric report related to an appeal on his Non-refoulement Claim

Examining Doctor: Dr. LIU Ching-yung, Amy, Consultant, Department of Forensic Psychiatry, Castle Peak Hospital, Hospital Authority, HKSAR. Qualification; Bachelor of Medicine & Bachelor of Surgery (The Chinese University of Hong Kong) (2001), Fellow of Hong Kong College of Psychiatrists (2009), Fellow of Hong Kong Academy of Medicine (Psychiatry) (2009), Specialist in Psychiatry

Consent for forensic psychiatric examination signed by the subject Mr. EL BOURICHI Adil

Documents available for perusal:

Outpatient records under electronic patient record (ePR) of Hospital Authority was retrieved with the consent of Mr. Debagama.

(II) Background information

Adil is a single unemployed financially supported by the ISS for rent and food vouchers. He is living in a rented room in To Kwa Wan currently. He was born in Sidi Kacem in Morocco, ranking younger of 2 siblings with an elder sister 3 years senior to him. Being raised by his parents, he had normal early development milestones, studied up to tertiary level in Morocco and obtained a Bachelor

Degree in Computer Sciences from the University of Sidi Mohammed at the age of 22. He worked as a software developer in a French Company for a year till 2001. As illustrated below in the psychiatric history, he had some conflicts with supervisors at the French Company and was fired. He briefly worked in a bank and again was fired. He remained laid-off for 2 years, before reportedly studying in the University of Kyushu in Japan in 2004. He claimed that he got the scholarship from the University and partial financial support from his father. He reportedly completed the master and doctorate studies in Computer Studies by 2009. He returned to his home town Kenitra, Morocco to work as an Assistant Professor at Ibn Tofail University in 2011. He reportedly was able to sustain the employment for 3 years, before he went to work as a visiting researcher at the University of Central Florida in 2014 and as a software developer at a computer company until 2017. He went to Hawaii for a year, where he reportedly worked as a programmer. He left Hawaii in 2018, went to Malaysia for around 9 months. He arrived in Hong Kong November 2018. He applied for non-refoulement claim in April 2019. He did not have the first hearing yet. He reportedly drank around 2 to 3 beers every 2 weeks. He denied using illicit drug. He enjoyed good past physical health. He denied having any forensic record.

(III) Psychiatric History and Allegations of Torture and Ill-treatment

Adil has a view that the Moroccan government being corrupted all along. He supported his view by these observations. He reported that the Moroccan government was responsible for half of the salaries of first year worker (trainees) for all companies. He believed that was the way how the King "bribed" the companies in order to make them support him. When challenged by the undersigned that this might be the way how the government encouraged training, he said that this scheme could be renewed multiple times. When being challenged that this was a mismanagement rather than bribery or corruption, he partially agreed and said "it's still stupid".

In mid-2000, at that French Company, he said "the system would fall and I would rule the Country" and he was later fired. Adil believed the secret police recorded the video as there was a camera set-up behind the manager. Adil said he felt depressed in 2002 and he related it to the persecution by the government in some "unknown way".

In November 2011, Adil said his girlfriend who worked for the secret police, gave him some "magical food", which infused a spirit into his body. He supported this

belief by the observation of "seeing a different person in his eyes" when he looked in the mirror. He believed that was the persecution from the government, resulting from his statement to overturn it and rule the country. He also believed they put something called "magical glue" into his food. He said this was a very high technology, which even the most sophisticated machine could not detect it. He said the government aimed to "weaken" him by making him sick, painful at stomach, and to vomit whenever he had caffeine. He participated in a mass protest against the release of a pedophile, who was an CIA agent with Iraqi origin and Spanish passport, who was originally sentenced to serve 30 years of imprisonment, for raping 11 children in Morocco. Adil said he soon took the leading role in the protest. Due to this, the government made a 5 threatening phone calls in 2013 to 2014, which he believed to be from the government, to rape his mother.

Adil said that he first saw psychiatrist in Morocco in 2011. Without telling him the diagnosis, he said the psychiatrist gave him Prozac, i.e. a kind of antidepressant, and medication for treatment of anxiety. He stopped seeing the psychiatrist after 2 to 3 months. He was known to psychiatric service again in 2015 and 2017, when he reportedly was admitted to mental hospitals for 2 weeks and 1 week respectively for suicidal ideation. For the episode in 2015 he had idea to shoot himself but he was stopped from buying a handgun as he did not have the license. For the episode in 2017, he wanted to overdose himself with nicotine and cut his wrist. Adil said he felt better after the inpatient treatment in both episodes, and he stopped follow-up after a few months.

Regarding the symptoms, Adil said that he had quite pervasive feeling of being persecuted by the government from 2011 to October 2021, by infusing the spirit inside his body via the "magical food". He said he fought the "ghost" in October 2021 in a dream, and it was dead. Thus after that, he was no longer affected. He denied hearing any non-existing voices. Apart from the persecution, he reported episodes of depressed mood and suicidal ideation, which last happened in 2019, and episodes of racing thoughts with many plans, which last happened in 2021.

Adil said he could not return to Morocco anymore due to the persecution. He last contacted his family in 2017 and did not want to contact them anymore as they were too passive. He never contacted the consulate.

(IV) Mental State Examination

Adil is a large body-build man with shoulder-length curly hair. He is cooperative on the whole despite eager to express himself. Over-friendliness is spotted but his mood is not overtly elated. He speaks relevantly and coherently. There is no hallucination elicited. Delusion of persecution is elicited as above. There is no active suicidal or aggressive idea.

(V) Psychiatric Opinions and Recommendations

Mr. EL BOURICHI is impressed to be suffering from psychosis. The differential diagnoses include schizoaffective disorder and bipolar affective disorder with mood congruent psychotic symptom.

Referral letter has been issued to him for booking an outpatient psychiatric appointment. He is recommended to book it as soon as possible.

I believe optimal treatment would be necessary for Mr. EL BOURICHI would be necessary, given that some of his allegations of persecution might be directly related to his psychotic illness. In view of this, he is highly recommended to attend psychiatric outpatient clinic for assessment and treatment. In case he starts treatment in the future, the Torture Claims Appeal Board /Non-refoulement Claims Petition Office is recommended to follow-up on the progress of treatment by obtaining updated report from the treating psychiatrist.

I declare that the above report is true to the best of my knowledge and belief.



Dr. LIU Ching Yung, Amy
Consultant

Department of Forensic Psychiatry
Castle Peak Hospital

Forensic Psychiatric Examination Report

(I) Particular of the Case

Subject of Examination: EL BOURICHI Adil

Sex: Male

Recognizance Form Serial no.: RBCL / 1010 / 19 (CZ)

Date of examination: 11 October 2022, Tuen Mun Mental Health Centre

Purpose of Examination: Psychiatric assessment and preparation of psychiatric report related to an appeal on his Non-refoulement Claim ("the assessment")

Date of first psychiatric report: 21 October 2022

Examining Doctor: Dr. LIU Ching-yung, Amy, Consultant, Department of Forensic Psychiatry, Castle Peak Hospital, Hospital Authority, HKSAR.

Qualifications of examining doctor:

MBChB (CUHK) (2001); FHKCPsych (2009); FHKAM(Psych) (2009);

Specialist in Psychiatry

Consent for forensic psychiatric examination signed by the subject Mr. EL BOURICHI Adil

(II) Supplementary psychiatric report

This is the supplementary psychiatric report compiled on the assessment of Mr. EL BOURICHI carried out on 11 October 2022. The first report dated 21 October 2022 had already been submitted.

Two letters from the Torture Claims Appeal Board/ Non-refoulement Claims Petition Office ("the Board") had been received dated 31 August 2022 and 15 December 2022.

The undersigned would like to make an amendment on the report dated 21 October 2022. The information under "documents available for perusal" under Part I was irrelevant to the case and should be removed.

This report would focus in addressing in the questions raised in the letter dated 15

December 2022 after the submission of the first psychiatric report. For the details on background information, psychiatric history, allegations of torture and ill-treatment, mental state examination, psychiatric opinion and recommendations, please refer to the first psychiatric report.

(III) Nature of psychiatric assessment for purpose of non-refoulement claim

For clarification purpose, the undersigned would like to explain to the board that, the assessment carried out by the undersigned on 11 October 2022 was independent, cross-sectional psychiatric interview, followed by compilation of a psychiatric report.

The main purpose of the psychiatric assessment was to provide the psychiatric report for the hearing by the Board. Other than those documents provided alongside with the request letter(s), the attending psychiatrist has NO right of access to any medical records of the appellant.

After the assessment, if the assessing psychiatrist believes psychiatric follow-up, treatment, or even admission is necessary, respectively arrangement would be made in the best interest of the appellant, according to the degree of urgency.

In the case of Mr. EL BOURICHI, the undersigned had provided him with the referral letter to book an outpatient psychiatric appointment and he was recommended to book it as soon as possible.

Similarly, the undersigned has NO right to access his medical records to ascertain whether he has or has not book the appointment, or the progress of the treatment, if any.

Unless the appellant has active risk of suicide, violence or self-neglect, compulsory treatment could not be enforced.

(IV) Whether or not appellant is undergoing treatment for his psychiatric conditions at present stage and, if so, the status of such treatment

The above question is stated in the second last paragraph of the request letter dated 15 December 2022. As illustrated in part III of this report, the undersigned has no right of access to any medical record to address the question.

It is also the reason why the undersigned had made the suggestion in Part V of my first report that "the Torture Claims Appeal Board /Non-refoulement Claims Petition Office is recommended to follow-up on the progress of treatment by obtaining updated report from the treating psychiatrist."

The undersigned is NOT the "treating psychiatrist" and in order to follow-up on the progress of treatment, the Board would likely need to obtain a psychiatric report from the treating psychiatrist, if any, through the appellant.

(V) Whether the appellant is "incapable, by reason of his mental incapacity, to manage or administer his affairs"

Under Mental Health Ordinance (MHO) Cap 136 Section 2, mentally incapacitated person (MIP) is defined as:

- (a) for the purposes of Part II, a person who is incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (b) for all other purposes, a patient or a mentally handicapped person, as the case may be;

For MHO Part II, i.e. (a) above, a higher level of disability, usually resulting from a relatively irreversible condition or untreatable condition, such as dementia or mental retardation, would be necessary to conclude someone to be an MIP.

For all other purposes, i.e. (b) above, any person suffering or appearing to be suffering from mental disorder would be regarded as MIP.

Psychosis is a potentially treatable and reversible condition, and also a mental disorder.

Mr. EL BOURICHI is regarded NOT a MIP under MHO Part II, i.e. (a) above, but he is regarded to be an MIP under (b).

According to the High Court Rules Cap 4A Order 80, MIP is defined as "a mentally disordered person or a mentally handicapped person (within the meaning of the Mental Health Ordinance (Cap. 136)) who, by reason of mental disorder or mental handicap, as the case may be, is incapable of managing and administering his property and affairs", which is similar to definition of (a) above. Therefore, Mr. EL BOURICHI is not regarded an MIP under definition of the High Court Rules Cap 4A Order 80.

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(VI) The relationship between the allegations of persecution and the psychotic illness

Please refer to Part III of the first psychiatric report dated 21 October 2022.

A delusion is a false, unshakable belief, that is out of keeping with the patient's social and cultural background, and not amenable to change in light of conflicting evidence.

Delusion is one of the core symptoms of Psychosis, or Psychotic Disorder.

Mr. EL BOURICH reported that his girlfriend gave him some "magical food" which infused a spirit into his body, someone from government put something called "magical glue" with a very high technology into his food, to weaken him by making him sick and painful. These allegations of being persecuted, are opined to be delusions.

(VII) The extent to which such as condition might have impacted on his ability to meaningfully participate in the hearing of his matter held on 18 August 2022

It is difficult to retrospectively and accurately ascertain the extent of impact of the psychotic illness on his hearing on 18 August 2022. From the assessment of Mr. EL BOURICH on 11 October 2022, he was cooperative with relevant and coherent speech. From this observation, he was estimated to be able follow the proceedings at the hearing.

On the other hand, as illustrated above, some of his allegations of persecution are opined to be directly related to the psychotic illness, i.e. some of the allegations are believed to be delusions and false beliefs.

It can therefore be postulated that, the hearing would be impacted to greater extent, whenever it involved more discussion on the allegations of persecution, which were believed to be closely related to the psychotic illness.

Given this context, the undersigned believe it would be better for the Board to decide the extent of impact on his ability to meaningfully participate in the hearing on 18 August 2022, as the Board would know better how much the discussion of delusional-like beliefs was made at the hearing.

Having said that, the undersigned believed treatment of the psychotic illness, to optimize the mental condition of Mr. EL BOURICHI, would be most important. Because, only by doing this, could help us seeing the clear picture of allegations of persecution, without the interference of the psychotic illness.

As mentioned before, the undersigned has no right of access into information on his progress of treatment, and the intervention by the Board might be necessary.

I declare that the above report is true to the best of my knowledge and belief.



Dr. LIU Ching Yung, Amy
Consultant
Department of Forensic Psychiatry
Castle Peak Hospital