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The Permanent Mission of the Kingdom of Bahrain to United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR), and would like to refer to the joint urgent appeal, AL BHR7/2018, dated January 17, 2019, sent by the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on Freedom of religion or belief; and the Working Group in the issue of discrimination against women in law and in practice, on the allegations received concerning threats, including death and rape threats, travel restrictions and other human rights violations against two human rights defenders.

In this regard, the Mission has the honour to enclose herewith an explanatory note, received from the competent authority in the Government of the Kingdom of Bahrain on the aforementioned joint urgent appeal, in Arabic language.

The Permanent Mission of the Kingdom of Bahrain avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

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Explanatory Memorandum

In reference to letter ref. AL BHR 7/2018, dated on 17 January 2019 addressed by the working group on Arbitrary Detention; Special Rapporteur on extrajudicial summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on freedom of religion or belief; and working group on the issue of discrimination against women in law and practice in connection to the received concerns, human rights violations and other allegations against:

1. Ebtisam Abdul Hussain Al Sayegh
2. Zainab Abdulla Salman Khamees
3. Hajer Mansoor Ali

Following are the observations of the office of Ombudsman regarding the above-mentioned cases, in accordance to its mandate provided to it by the Royal Decree No (27) of 2012 Concerning the Independent Ombudsman for the Ministry of Interior as amended by Decree No (35) of 2013.

- **Ebtisam Abdul Hussain Al Sayegh**

Referring to the Ombudsman records, it was found that the Ombudsman Office had received and investigated the two complaints which were submitted by her husband on her behalf.

The first complaint was in July 2017 raising allegations that Ms. Ebtisam Al Sayegh was arrested without providing an arrest warrant. The Ombudsman Office found that the same complaint was submitted to the NSA and was already investigated; **accordingly, the case was closed.**

The second case was an assistance request submitted by Ms. Ebtisam's husband which was related to her living conditions while being detained in Woman's Correction and Rehabilitation Center. **The case was closed due to settlement.**

- **Zainab Abdulla Salman Khamees**

Based on the given name, the Ombudsman Office did not receive any requests for assistance or complaints by the name of Ms. Zainab Khamees regarding any of the above-mentioned allegations.

- **Hajer Mansoor Ali.**

The Ombudsman Office had received a number of complaints and assistance requests on behalf of Ms. Mansoor since August 2017 raising different allegations.

The Ombudsman Office opened an investigation into all the received allegations and responded to the complainant with the findings of its investigations.

Kindly, find the Ombudsman Office responses to Ms. Mansoor's son in law in relation to the findings of the Ombudsman's investigations into the allegations made by Ms. Mansoor as follows:

An Ombudsman investigator met with Ms. Hajer Mansoor at the Isa Town Women Reform and Rehabilitation Centre on 30 September 2018. In line with normal practice, the investigator ensured that the arrangements for the meeting afforded Ms. Mansoor privacy. Also in line with Ombudsman Office practice, the interview with Ms. Mansoor was recorded on CCTV.

The investigator interviewed rehabilitation centre staff, examined centre records and medical records relevant to Ms. Mansoor and secured, extensive CCTV camera footage. The CCTV footage was subsequently examined and analysed by female investigators.

The findings of the Ombudsman investigation are as follows.

1. The allegation that Ms. Hajer was banned from participating in Ashura commemorative rites.

At her interview with the Ombudsman's Investigator on 30 September 2018, Ms. Hajer stated that she submitted a request asking to join with other inmates commemorating Ashura, but that the request was refused.

The Ombudsman Investigator raised this allegation with the center's management. The director of the center said that, in line with the provisions of the Bahrain Rehabilitation Law and Regulations, this decision was taken to ensure good order and the safety and well-being of all inmates. The director said that Ms. Hajer's request was asked to commemorate Ashura in her own cell, along with her two cellmates. **CCTV shows Ms. Hajer and her two cellmates carrying out commemorative rights in their cell.**

2. Allegation that Ms. Hajer was repeatedly refused access to Ashura religious books.

The investigation established that, after the rehabilitation center spoke with Ms. Hajer and her cell mates, one of Ms. Hajer's cell mates was permitted to go to the library to fetch books, owned by her, that the three women wanted for Ashura commemorations. It was then found that the books were not those needed. The women were asked to list the books they wanted and told that they would be able to contact family members to ask for the books. **At the interview, Ms. Hajer confirmed that this was true.**

3. Allegation that Ms. Hajer was physically assaulted and beaten.

At interview Ms. Hajer was asked about the allegation that she had been physically assaulted and beaten. Ms. Hajer said that the allegation that she had been hit and beaten related to a quarrel and struggle with staff. She said that she was resisting staff who were trying to apply handcuffs and that two members of staff had each grabbed one of her hands, forced her to the floor and that one policewoman had kept a knee on her chest. She said also that she did not know why she was hit or by whom but that, in the chaos, she might have hit a female police officer without realizing it.

Asked about allegations that she had been tortured, Ms. Hajer said that this related to mental torture because of the removal of an MP3 player from her cell. She said that the MP3 player belonged to the detention center but that she had been permitted to keep it in her cell as a privilege.

Ms. Hajer and her cellmates reside in a large cell in a modern detention center with open bars at the front. CCTV outside the cell gives full visibility of the door area and much of the inside of the cell.

CCTV shows that, on the evening of 17 September 2018, following Ashura commemorations, Ms. Hajer and her two cellmates appear to become very frustrated that they cannot leave their cell. They are seen to make repeated efforts to open the cell sliding door, at one point using a broom.

At 19.37, Ms. Hajer starts shouting very loudly and banging repeatedly on the cell door bars with her fists. A policewoman can be seen to arrive at 19.38 and speak with Ms. Hajer and her cellmates, trying to calm them down. At interview, center staff said they were concerned about the impact of the loud banging and shouting on other inmates.

After the policewoman leaves, the banging and shouting continues with Ms. Hajer using her shoes. At 19.52, three policewomen arrive at the cell, followed by the center director at 19.53. The cell sliding door is then opened and the director speaks with Ms. Hajer and indicates that she is going to enter the cell and sit down with Ms. Hajer and her cellmates to talk with them. She asks the policewomen present to close the door behind her.

As the director tries to enter the cell, Ms. Hajer and her cellmates can be seen to push past her and the three policewomen outside the cell. The police women try to stop the three inmates and a scramble ensues.

The efforts of the director and three policewomen can be clearly seen to be proportionate and directed at stopping the three women. No one is hit or beaten and the director can be seen to try and reason with Ms. Hajer and calm her down, without success. Ms. Hajer is seen to be struggling, lashing out and screaming loudly throughout the incident and

staff trying to apply handcuffs to restrain her, experience great difficulty. Each hand is handcuffed because staff are unable to apply one set of handcuffs to both hands. **Ms. Hajer's feet are not, as alleged, cuffed.**

Ms. Hajer continues to struggle and scream and she and her two cellmates are escorted to a segregation cell. Ms. Hajer screams, shouts and refuses to walk for staff. Her two cellmates walk calmly. The three women are taken into the same empty cell in the segregation wing. The cell has open bars at the front and the three women can be seen to sit on a bed.

4. Allegation that Ms. Hajer was kept in isolation for two hours.

Following the relocation of Ms. Hajer and her cellmates to the cell in the segregation wing, the police staff and director exit the cell and close the door behind them. Ms. Hajer and her two cellmates sit on a bed in the cell. They continue to shout and bang their feet and the director and staff return to the cell. The door is opened and the director enters the cell and sends staff away. She then sits on a chair and talks with the three women for two hours, with the cell door remaining open throughout. At the end of the two hours, the women are escorted back to their cell, without any difficulty.

Following the incident on the 17 September 2018 Ms. Hajer was, in line with rehabilitation center policy for the legal use of force, Ms. Hajer was taken to the center clinic. Medical records were examined by the Ombudsman investigator and show that the doctor who saw Ms. Hajer recorded that she had bruises on her forearms. Ms. Hajer was not, as alleged, hospitalized. It is unclear from CCTV whether the bruises were sustained when Ms. Hajer was banging her cell door; during attempts to apply handcuffs or during the scuffle. No other actions that could cause bruising were observed.

5. Allegation that Ms. Hajer was refused permission to make phone calls for two weeks.

The investigation established that, as a result of the incident on 17 September 2018, a disciplinary sanction was imposed on Ms. Hajer. This was fully documented.

Bahrain prison law and its executive regulations permit cancellation of phone calls for a period of not more than thirteen days as a disciplinary sanction. Records show that Ms. Hajer was told that three phone calls scheduled to take place between 18 September and 24 September would be cancelled. In the event, the investigation established that Ms. Hajer was permitted to make the third of these calls and spoke with her family on 24 September 2018.

It was alleged that Ms. Hajer was not permitted to make phone calls so that her bruises would not be seen and it is to note that inmates have no access to video calls, so this could not have been the case.

In addition to the allegations above, you raise concerns in your letter about reprisals, harassment and discriminatory measures affecting Ms. Hajer and we hope that the information provided above will reassure you. You refer also to Ms. Hajer only leaving her cell for one hour each day. It is, in fact, the case that Ms. Hajer and all other inmates at Isa Town are out of cell for a minimum of eight hours and 45 minutes each day. Ms. Hajer has two cell mates and has contact with other inmates at activities.

With regards to the alleged harassment by a member of staff. Ms. Hajer explained at interview that her main concern is that the staff member, requires her and other inmates to remain behind a barrier until called, when visiting the staff office. Whilst other staff members may operate a more flexible approach to this rule, you will appreciate that the staff member is perfectly entitled to make this request.

You also allege in your complaint that the director called the women "crazy in a demeaning manner. This abuse was seemingly to deride the religious faith of these women, an act which is strictly prohibited." It is to note that this was not seen on CCTV and that the director first arrived on the scene when Ms. Hajer had completed her Ashura commemorations and was shouting loudly and banging very loudly. It was this situation that the director was seen to try and address.

Finally, the Ombudsman was made aware yesterday (17 October) that Ms. Hajer and her two cell mates had commenced a hunger strike and had been transferred to the rehabilitation centre clinic for 24 hour supervision and care. In line with normal practice, an Ombudsman investigator visited the three women. The women told the investigator that they would end their hunger strike if they could be moved to another room. They said that this request was because one of the inmates did not wish to sleep on the top bunk provided and was sleeping on the floor.

The investigator established that the inmate in question had been offered the opportunity to transfer to another room with an available bed, but had refused preferring to remain with Ms. Hajer and her other cell mate. In a wish to be helpful, the director told the investigator said that she would arrange for the bed in the other cell to be moved into the room shared with Ms. Hajer.

6. Allegations related to health care concern:

Following the receipt of concerns about Ms. Mansoor's health condition, an Ombudsman investigator, in line with normal practice, met with Ms. Mansoor at the Women's Reform and Rehabilitation Centre. The meeting arrangements afforded Ms. Mansoor privacy away from staff members.

Ms. Mansoor was asked about the concerns and allegations raised in relation to her health and a statement was taken. [REDACTED]

[REDACTED] moreover she alleged that she was denied receiving the adequate medical care and attending her medical appointments.

After the interview, the investigator requested and examined all medical records for Ms. Mansoor. **The reports show that Ms. Mansoor has been receiving medical attention for her health concerns, from the time of her arrest.** [REDACTED]

Since the beginning of 2018, the entries on Ms. Mansoor medical records show that she has attended consultations at the Isa Town Rehabilitation medical clinic 21 times where her last was on 7 May 2018.

Routine laboratory tests were ordered on 8 March 2018 and again 22 March 2018. All of the tests recorded results within the normal indicators.

On 13 March 2018, the clinic's orthopedic surgeon and fractures consultant in an outside hospital examined Ms. Hajer, [REDACTED]
[REDACTED]
[REDACTED]

A follow up appointment with the same consultant was arranged for 14 June 2018, where the consultant ensured that her status is normal.

Another follow up appointment with the G.Surgery consultant at Breast Clinic was arranged for 1 July 2018, while the Ombudsman investigator did not receive its medical report yet.

During the investigation, the Ombudsman's investigator requested CCTV recordings from the Woman's Reform and Rehabilitation Centre, which was examined by a female investigator to check that Ms. Hajer's access to activities was compliant with regulations.

In light of all the evidence examined, the investigation concluded that, Ms. Mansoor health is being regularly and appropriately monitored. Appropriate preventative steps are being taken in response to her reported back pain and the mass in the chest.

As no evidence of misconduct by any MOI personnel was found, the Ombudsman Office has closed the case. In light of the care currently being provided to Ms. Mansoor, no recommendations are being made at this time.

7. The cancellation of a visit on 5 July 2018, after Ms. Mansoor's family, including her elderly mother, had already arrived at the prison.

Following receipt of your e-mails, an Ombudsman investigator went to Isa Town Rehabilitation Centre to meet Ms. Mansoor on 26 July 2018. Ms. Mansoor's medical reports, visits record; phone calls record and CCTV of the building where Ms. Mansoor's accommodation is located were all requested and examined. Interviews were carried out with Isa Town Rehabilitation Centre staff.

Ms. Mansoor was not available at the time of the investigator's arrival at the Rehabilitation Centre as she was visiting her son in the Dry Dock Detention Centre.

The investigator examined Ms. Mansoor's visits record and established that Ms. Mansoor had been taken to Dry Dock to visit her son [REDACTED] nine times between May 2017 and July 2018.

The investigator also established that Ms. Mansoor has regular family visits at Isa Town Rehabilitation Centre. Her last family visit was on 26 July 2018.

The investigator did manage to meet with Ms. Mansoor on 26 July and asked her about the allegations concerning the cancellation of a family visit on 5 July 2018. **Ms. Mansoor said that, during the routine regular search of her and other inmates' cells on 5 July 2018, she and two other inmates objected to the way that the search was carried out. A particular problem arose because one of the other inmates had moved into Ms. Mansoor's cell, without the permission of the prison administration. This caused significant disruption.**

This incident took place at the time that Ms. Mansoor's family arrived for their scheduled visit. Ms. Mansoor said that, due to this incident, the prison authorities decided to postpone the visit that day. She said that she asked staff to inform her family that she had been taken for a medical appointment and not to tell them the actual reason for the cancellation.

It is to note that this action was taken to be helpful and respect Ms. Mansoor's wishes.

It is a matter of great regret that the visit cancellation caused inconvenience and disappointment to Ms. Mansoor's family, particularly her elderly mother. It is, however the case, that what occurred was a serious breach of the detention center rules and regulations. The rules exist to maintain good order. The investigation confirmed that the head of the detention center has full authority to cancel a visit where there has been a serious breach of a prison rule related to security and safety.

"It was alleged that Ms. Mansoor had been told that she would be held in solitary confinement. The investigation established that Ms. Mansoor was warned that she could be held in solitary confinement for the serious breach of prison rules. Ms. Mansoor confirmed that this was not implemented.