

(Translated from Arabic)

Clarificatory memorandum

Reference is made to the joint communication from the Working Group on Arbitrary Detention, the Special Rapporteur on the rights of persons with disabilities, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the situation of human rights defenders, which contains allegations regarding serious violations against a number of inmates in the Jau Reform and Rehabilitation Centre, including claims that they were deprived of access to the medical care they needed. In that connection, please note the following:

1. Mohamed Hameed Abdulla Hasan AlDaqqaq (911103724)

An examination revealed that Mohamed Hameed Abdulla Hasan AlDaqqaq is implicated in 10 cases related to the following charges:

- (a) Assembling with a view to committing crimes or undermining security;
 - (b) Committing arson;
 - (c) Assembling with a view to committing crimes or undermining security;
 - (d) Assembling with a view to committing crimes or undermining security and participating – despite warnings from the security services – in a meeting or march for which no prior notification had been given or which had been forbidden by decree;
 - (e) Assembling with a view to committing crimes or undermining security and fabricating and possessing incendiary or explosive devices;
 - (f) Committing arson; assembling with a view to committing crimes or undermining security; attacking a public official; and fabricating and possessing incendiary devices.
- (a) In case No. 07201502033, he was sentenced to a term of imprisonment of 3 months;
 - (b) In case No. 0720136819, he was sentenced to a term of imprisonment of 5 years, which was reduced by the Court of Appeal to a term of 3 years;
 - (c) In case No. 07201305954, he was sentenced to a term of imprisonment of 5 years;
 - (d) In case No. 07201305957, he was sentenced to a term of imprisonment of 5 years;
 - (e) In case No. 07201403623, he was sentenced to a term of imprisonment of 6 months;
 - (f) In case No. 07201406769, he was sentenced to a term of imprisonment of 3 months, which was suspended upon payment of a surty of 100 Bahraini dinars (BD);
 - (g) In case No. 07201310515, he was sentenced to a term of imprisonment of 1 year, which was suspended upon payment of a surety of BD 200;
 - (h) In case No. 07201302125, he was sentenced to a term of imprisonment of 5 years.

The person concerned was arrested at 9 a.m. on 8 July 2015 on the grounds of being implicated in the above-mentioned terror cases.

He is currently serving the sentences passed against him in the Jau Reform and Rehabilitation Centre.



The special investigating unit has not received any complaints regarding this individual.

The state of health of the person concerned

The inmate Mohamed Hameed Abdulla Hasan AlDaqqaq (ID No. 911103724) underwent a check-up on 20 October 2019 at the clinic in the Jau Reform and Rehabilitation Centre. It has been ascertained that he does not have diabetes or high blood pressure but that he does suffer from occasional nasal congestion and that he has [REDACTED] anaemia. Furthermore, the inmate himself reported that he only has one kidney. This is all set forth in the medical report.

The individual concerned has undergone follow-up visits at the Salmaniya Medical Complex where he receives regular treatment and is monitored by his treating physician.

2. Husain Abdulaziz Ali Husain (950604062)

Charges:

- (a) Committing arson;
- (b) Assembly and riot;
- (c) Possessing incendiary and explosive devices.

The requisite legal steps were taken, including the questioning of the person concerned, after which the case was referred to the competent court under the number 2015/200216. Following a number of sittings, the court of first instance sentenced him to a term of imprisonment of 10 years. His appeal was heard by the Supreme Court of Appeal, which reduced the sentence to a term of imprisonment of 5 years.

The special investigating unit has not received any complaints regarding this individual.

The state of health of the person concerned

The inmate Husain Abdulaziz Ali (ID No. 950604062) underwent a clinical check-up on 14 March 2019. It has been ascertained that he is in a good state of health and that his vital signs are stable. He has suffered from poor vision for an extended period and, more than 12 years ago, he underwent a surgical operation and is unable to see out his left eye. An operation to remove silicone oil from his eye was carried out at the Salmaniya Medical Complex on 18 March 2019. He continues to receive regular health care and the necessary treatment.

3. Sayed Kadhem Abbas Hashem (950505803)

Charges:

- (a) Committing arson;
- (b) Assembly and riot;
- (c) Possessing incendiary and explosive devices.

The requisite legal steps were taken, after which the case was referred to the competent court under the number 2015/200353. Following a number of sittings, the court of first instance sentenced him to a term of imprisonment of 10 years. His appeal was heard by the Supreme Court of Appeal, which reduced the sentence to a term of imprisonment of 5 years.

The special investigating unit has not received any complaints in respect of the allegations regarding this individual.

The state of health of the person concerned

The inmate Sayed Kadhem Abbas Hashem Ali (ID No. 950505803) was released on 30 July 2018. It should be noted that the Ministry of the Interior takes great pains to provide health and psychological care to inmates in reform and rehabilitation centres. To that end, it undertakes comprehensive medical tests on an individual basis, looking into all the physical and mental health conditions, or chronic diseases, that inmates might suffer and providing

the necessary medication. In addition, specialized medical staff is on hand to ensure that the health and psychosocial care services on offer meet international standards.

4. Ali Mahdi Abdulhusain Mohamad (960306242)

Charges:

- (a) Committing arson;
- (b) Assembly and riot;
- (c) Possessing incendiary and explosive devices;
- (d) Deliberately endangering means of private transport.

The requisite legal steps were taken, after which the case was referred to the competent court under the number 2013/109590. Following a number of sittings, the court sentenced him to a term of imprisonment of 3 years.

The special investigating unit has not received any complaints in respect of the allegations regarding this individual.

5. Habib Ali Habib Mohamed

Charges:

- (a) Committing arson.

The requisite legal steps were taken, after which the case was referred to the competent court under the number 2015/200048. Following a number of sittings, the court sentenced him to a term of imprisonment of 10 years.

The special investigating unit has not received any complaints regarding this individual.

The state of health of the person concerned

The inmate Habib Ali Habib Mohamed (ID No. 860707393) underwent a clinical check-up on 20 October 2019. It has been ascertained that he is in a good state of health and that his vital signs are normal. He receives regular medical care and he has, at his own request, been taken to a dental clinic.

6. Khalil Ibrahim Ali Husain al-Saffar (960208186)

Charges:

- (a) Belonging to a terrorist group;
- (b) Planting dummy explosive devices in pursuit of a terror-related goal;
- (c) Committing arson in pursuit of a terror-related goal;
- (d) Assembly and riot in pursuit of a terror-related goal;
- (e) Causing an explosion for the purpose of alarming security officials.

The requisite legal steps were taken, after which the case was referred to the competent court under the number 200427. Following a number of sittings, the court sentenced him to a term of imprisonment of 15 years.

The special investigating unit has not received any complaints regarding this individual.

The state of health of the person concerned

The inmate Khalil Ibrahim Ali al-Saffar (ID No. 960208186) underwent a check-up on 20 October 2019 at the clinic in the Jau Reform and Rehabilitation Centre. According to the medical report, he had been involved in an accident in 2014 and had undergone a surgical operation to his skull in the Salmaniya Medical Complex. Nonetheless, the medical report confirmed that the inmate enjoys good health and is fully cognizant of place, time and other people. All his organs – his heart and his respiratory, nervous, digestive and circulatory systems – are functioning normally, and he is not undergoing any form of

treatment for a chronic condition. An appointment has been made for him at the eye clinic of the Salmaniya Medical Complex.

7. Mohamed Merza Ali Moosa

The incident as recounted by the victim, a law enforcement official, was as follows: On 14 March 2011, while travelling to his place of work at the Khamis police station in his own private vehicle, he received a telephone call from the station informing him of the presence of a number of malefactors who had assembled in the vicinity of the station itself. The victim then contacted three of his colleagues telling them to go to their place of work and, while he was making his own way there, a group of people – among them Mohamed Merza Ali Moosa – blocked his way. The group gathered around him and began beating him with metal bars and wooden planks. They then abducted him and detained him in the Salmaniya Medical Complex for a full day. The victim was discovered the following day and treated for his injuries. Following the incident, the victim's statement was taken down on 14 March 2011, and the accused person was then arrested and his statement was taken on 16 March 2011. The Office of the Public Prosecution then ordered that the accused person be held in detention for a period of 60 days, beginning on 26 March 2011, and referred the victim for a forensic medical examination. The medical report, drafted by specialist doctors, confirmed that the victim had suffered a number of injuries to his head, face, limbs and back, which had been inflicted by the accused persons using blunt instruments to compromise the victim's physical integrity. Moreover, the injuries he had suffered had not then healed and it was deemed that they would require further examination. The victim was also examined by a number of other medical bodies and reports were drafted concerning the injuries he had suffered during his abduction and confinement.

Charges:

- (a) Abduction and detention of a law enforcement official while the latter was making his way to his place of work;
- (b) Participating in an assembly with a view to undermining public security, as per articles 107, 178, 357 (1) (2) (3) and (6) and 358 (1) to (3) of the Criminal Code and articles 1, 2 (1) and 3 (4) of Act No. 58 of 2006 on the Protection of Society from Acts of Terrorism.

The case was referred to the competent court and, following a number of sittings, which took place in the presence of the defendant, on 19 May 2011, he was found guilty on the charges against him and sentenced to a term of imprisonment of 20 years. His appeal was heard by the Supreme Court of Appeal, which reduced the sentence to a term of imprisonment of 15 years.

Complaints regarding Mohamed Merza Ali Moosa with the special investigating unit

The special investigating unit did not receive any complaints in respect of the allegations regarding this individual. However, it should be noted he was one of the victims of an incident wherein a number of inmates in the Reform and Rehabilitation Centre claimed that they had suffered beatings at the hands of the security forces. The incident in question occurred in 2015 while security forces were attempting to quell rioting in the Centre that involved a large number of inmates. Following its investigations into the incident, the unit levelled charges against 13 members of the public security forces, who were duly referred for criminal trial and 10 of them found guilty by the courts.

The state of health of the person concerned

Medical tests have showed that the inmate Mohamed Merza Ali Moosa (ID No. 730901670) enjoys good health, that he is fully cognizant and that his vital signs are stable. His state of health is monitored with visits to specialist clinics in the Salmaniya Medical Complex, where he has had the following appointments:

- (a) Dermatological clinic on 11 November 2019;
- (b) Eye clinic on 12 December 2019.

8. Elyas Faisal AlMulla

Charges:

- (a) Attempted murder;
- (b) Committing arson;
- (c) Possessing explosives and arms;
- (d) Assembling with a view to committing crimes;
- (e) Attacking public officials.

The requisite legal steps were taken, after which the case was referred to the competent court. Following a number of sittings, the court sentenced him to a term of imprisonment of 15 years. His appeal was heard by the Supreme Court of Appeal, which ruled to admit the appeal in its form but to reject it on its merits and upheld the original sentence.

The special investigating unit has not received any complaints regarding this individual.

The state of health of the person concerned

The inmate Elyas Faisal Maki AlMulla (ID No. 910209138) underwent a clinical check-up on 17 October 2019. It has been ascertained that he is in very good condition and that his vital signs are stable. He receives regular medical care. On 9 May 2015, he underwent an operation to remove a tumour, which was followed by eight rounds of chemotherapy accompanied by the usual side effects associated with such treatment. Endoscopic examinations of his upper and lower digestive tract, accompanied by a biopsy, were performed on 9 May 2017, and a magnetic resonance imaging (MRI) examination was done on 1 January 2019. He suffered an injury on 27 March 2019 in the wake of which, on 12 April 2019, an operation was performed to insert metal pins into his left forearm. His state of health is monitored regularly and he makes regular visits to the oncology clinic and the gastrointestinal clinic of the Salmaniya Medical Complex and the King Hamad University Hospital. He made eight clinical visits between 2 April and 22 May 2019.

9. Hassan Mushaima and Abduljalil Al-Singace

The special investigating unit has not received any complaints regarding these two individuals.

It should be noted that the special investigating unit did receive a complaint, on 17 June 2013, to the effect that Hassan Mushaima and Abduljalil Al-Singace had been deprived of medical care in the Reform and Rehabilitation Centre. However, having visited them a number of times in their place of confinement to question them about the details, it emerged that they rejected the complaint.

The state of health of Hassan Mushaima

The inmate Hassan Ali Mushaima (ID No. 480107491) underwent a clinical check-up on 20 October 2019. He suffers from a number of chronic illnesses and receives regular medical care. However, he sometimes declines to attend medical appointments at specialist clinics in the Bahrain Royal Medical Services Hospital, the Public Security Forces Health Centre or the clinic of the Reform and Rehabilitation Centre. He underwent a PET scan on 27 August 2018, which revealed no new developments, and the results of all his tests, which he undergoes on average every six months at the King Hamad University Hospital, have been normal. The last time he underwent tests in relation to his illness was on 21 October 2019.

His state of health is monitored by specialist doctors at the Public Security Forces Health Centre where he made a total of 48 visits between 2011 and April 2019. During the same period, he also made a total of 53 visits to the Bahrain Royal Medical Services Hospital.

The state of health of Abduljalil Abdulla Youssef Al-Singace

According to the attached medical report issued by the Directorate of Health and Social Affairs, the inmate Abduljalil Abdulla Youssef Al-Singace (ID No. 620120932) is in a good and stable state of health. He suffers from a number of illnesses for which he receives regular treatment although he sometimes declines to attend medical appointments adducing grounds of administrative or security procedures. He refused to undertake clinical visits 17 times during the course of 2018. His state of health continues to be monitored in the Jau Reform and Rehabilitation Centre where he was examined 37 times between 22 January 2018 and 25 November 2018.
