

Ombudsman Investigation of Concerns Relating to Mr. Hasan Mushaima

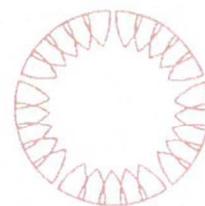
Following concerns raised by Non-governmental Organisations (NGOs) and widely expressed in social media about the conditions of detention and care of Mr. Hassan Mushaima, the Ombudsman initiated an investigation into Mr. Mushaima's:

- Access to medical care and treatment.
- Access to family visits.
- Access to books and reading materials and the alleged inappropriate removal of books from Mr. Mushaima's living accommodation.

The details of the Ombudsman investigation are as follows:

An Ombudsman investigator met with Mr. Mushaima at the Jau Rehabilitation Centre on 5 September 2018. In line with normal practice, the investigator ensured that the arrangements for the meeting afforded Mr. Mushaima privacy. Also in line with Ombudsman Office practice, the interview with Mr. Mushaima was recorded on CCTV.

The investigator also interviewed rehabilitation staff and examined records and healthcare records relevant to Mr. Mushaima.

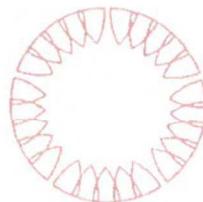


1. Access to Medical Care

It had been alleged that Mr. Mushaima was being prevented from accessing adequate and appropriate medical care and, at his meeting with the Ombudsman investigator, Mr. Mushaima said that it was the case that he had not been refused permission to attend medical appointments. The Ombudsman investigation independently established that it was the case that Mr. Mushaima had not been permitted to leave Jau Rehabilitation Centre to attend medical appointments in external hospitals.

The investigation established that rehabilitation centre policy requires all inmates leaving their residential buildings to attend the centre clinic and external hospital to be handcuffed and that Mr. Mushaima had been refused permission to attend appointments because he refused to be handcuffed. During his meeting with the Ombudsman investigator, Mr. Mushaima confirmed that he is not willing to be handcuffed in order to attend medical appointments.

In light of Mr. Mushaima's age and medical history, the Ombudsman Office requested the rehabilitation centre administration to, on an exceptional basis, permit Mr. Mushaima to attend an outside hospital consultation for a health check-up without being handcuffed. The rehabilitation centre administration responded cooperatively stating that, in all decisions about Mr. Mushaima, they were constantly reviewing their duty of care and that they would make the



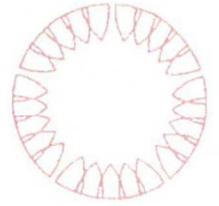
necessary arrangements to escort Mr. Mushaima to hospital, without requiring him to be handcuffed.

Mr. Mushaima subsequently confirmed to the Ombudsman investigator that he had attended his check- up at an external hospital, without being handcuffed. He stated, however, that he is continuing to refuse to attend his medical appointments in the rehabilitation centre clinic because of the requirement for inmates leaving their residential buildings to be handcuffed.

This was further discussed with the rehabilitation centre administration and assurances were received that, where an inmate refused to be handcuffed during escorts to other buildings, this would not prevent the provision of required healthcare services where there was an urgent need or medical emergency

2. Access to Family Visits

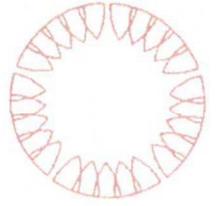
It had been alleged that Mr. Mushaima was not being permitted to attend family visits. At interview, Mr. Mushaima said that he is not permitted to attend family visits because he is not willing to be searched or handcuffed. Mr. Mushaima also said that he previously used to have visits for four hours each month but is now only offered visits for two hours each month. He said that he is not willing to attend any visits until he is again permitted to have four hours of visits each month.



Article no (17) of the Bahrain prison law and its executive regulations, and the related ministerial decree no (131) of 2015, regarding the inmates/ detainees visit rights states that each inmate has the right to have either two visits in the month for a maximum of one hour each visit or one visit every week lasting half an hour. The rehabilitation centre administration told the Ombudsman investigation that visit arrangements are now implemented in a way that is consistent with the regulations and is fair and equitable to all detainees and inmates. It was pointed out that giving some inmates more favourable visit arrangements than others has caused difficulties in the past as this is not seen to be just.

The Ombudsman investigator noted Mr. Mushaima's concern that he is required to undergo a search before attending visits. The Ombudsman has previously researched best international practice search arrangements and reviewed search procedures in Bahrain detention and rehabilitation centres. The review showed Bahrain search documented procedures to be culturally sensitive, proportionate and respectful of human dignity.

The prison administration stated that, in common with other jurisdictions, searches of inmates and their families attending visits are intended to ensure inmate, visitor and staff safety and prevent the transfer of illicit materials and substances.



3. Access to Books and Reading Materials

It had been alleged that Mr. Mushaima personal books and reading material had been taken from him.

At interview, Mr. Mushaima told the Ombudsman investigator that he used to have many books in his cell, but that all of them had been confiscated and given back to his son. The Ombudsman investigation found a record of all of the books previously held in Mr. Mushaima's cell.

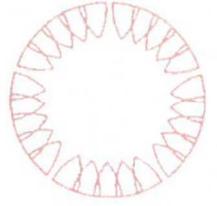
The investigation confirmed that the Bahrain Rehabilitation Centre Regulations and Jau Rehabilitation Centre policy permit each inmate to have the Quran, the Bible or another sacred text as well as two other books in their cell at any one time. These books can be regularly exchanged for new books and can be examined during cell searches. The investigation further established that, following a review of the rehabilitation centre operating and security arrangements, it was determined that the Prison Regulations relating to entitlements should be consistently applied to all inmates. As a result, books were removed from the cells of any inmates with more than the two permitted.

Mr. Mushaima told the Ombudsman investigator that he does not accept that he should only be permitted to have two books in his cell. He said that when he



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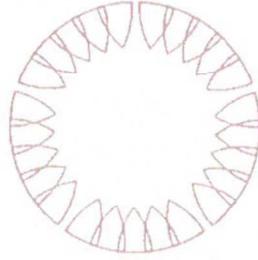
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requests new books, he wants to also be permitted to retain the books that he already has. The investigator explained that Mr. Mushaima's request is in breach of the Rehabilitation Centre Regulations and Prison Rules.

The investigator checked Mr. Mushaima's records and confirmed that that there is no outstanding request for Mr. Mushaima to exchange current books for new books. The rehabilitation centre assured the Ombudsman that it would cooperate with Mr. Mushaima to ensure that he can exchange his books as often as he wishes.

Based on the above findings, the Ombudsman Office completed its investigation into concerns relating to Mr. Mushaima.

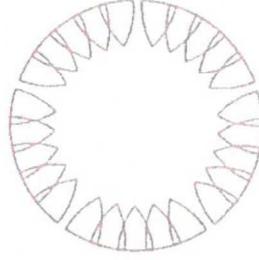


Ombudsman's Office response to an organization's inquiries regarding an inmate

The Ombudsman Office followed up on a statement issued by an international organization published on 11 September 2019 raising a number of allegations regarding the situation of the inmate Abduljalil Al-Singace. The allegations focused on "inhuman denial of urgent medical treatment" and that the "prison's administration informed him (the inmate) that they had 'changed their mind' and refused to allow him attending the medical appointment."

Out of its commitment to professionalism, objectivity and honesty, the Ombudsman Office wishes to clarify to the public the following:

- The Ombudsman Office has not received any complaint from the inmate regarding his recent denial of health care. On the contrary, whenever the Ombudsman Office attempted to interview him, the inmate refused to deal with the Office.
- The Ombudsman Office has reviewed Al Singace's medical records, which showed his health condition at the Reform and Rehabilitation Center and the diagnosis it on more than one occasion, as well as the prescribed medications to him and the treatment he receives, which confirmed the following:
 - The inmate is subject to continuous follow-up on his health condition at the medical clinic in the Reform and Rehabilitation Center and at the specialized clinics in the Royal Medical Services Hospital. The inmate's health condition is also followed up by the General Security Medical Clinic where 258 medical appointments were scheduled for him which he refused to attend a number of them.
 - The inmate's health is continuously followed-up with at the medical clinic at the Jau Reform and Rehabilitation Center, where he was examined during the month of August 2019 until 10 September 2019 seven times.
 - On 26 and 27 August, the inmate said that he suffers from chest pain in the left and right sides. He was given an electrocardiogram (ECG) and various medical examinations which were normal. Furthermore, to increase his reassurance, he was transferred to the Royal Medical Services Hospital in the Cardiology Clinic. The inmate was not diagnosed with any heart disease in the past.



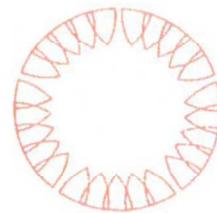
– On 2 September 2019, the inmate refused to go to his medical appointment to follow up on his health and the doctor treating him requested a new transfer to the Cardiology Clinic in order to provide more assurance on his condition.

– As a result of his examination at the medical clinic in Reform and Rehabilitation Center on September 10 2019, it was confirmed that the inmate does not suffer of any chest pain and that his heart and circulatory system, respiratory system, digestive system, and the nervous system are functioning normally. An ECG was done on the inmate and the results were normal.

– In general, the medical report confirmed that the inmate's health is stable and appropriate treatment is provided regularly.

• The Ombudsman Office asked the Reform and Rehabilitation Center's administration regarding the reason of which the inmate did not attend his referred medical appointment at an external hospital. In response, the Center's administration stated that the inmate refused to attend in protest to being handcuffed while he was transferred out of the Center, which is the usual procedure followed with all inmates. In addition, the Center's administration added that the inmate's position is against the policy and regulations of the Reform and Rehabilitation Center which stipulates that all inmates are handcuffed before they are allowed to transfer from one building to another within the Center except in cases of emergency or urgent situations.

• With regard to the organization's demand for the immediate and unconditional release of the said inmate, as well as the so-called "other prisoners of conscience", the Ombudsman Office is surprised by this approach, especially as it is not relevant to the core subject of the organization's statement, which is health care provided to the inmate. Moreover, this constitutes a clear interference in the work of the Judicial Authority, an independent authority in the Kingdom of Bahrain.



➤ **Mr. Elyas Faisal Maki Ebrahim Ismael Al Mulla**

After reviewing its records, The Ombudsman Office found that it received 11 assistant requests submitted by Mrs. Al Mulla on behalf of her son Mr. Elyas since 2015, where most of them focused on Mr. Elyas' medical care.

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

Assistance Requests in relation to ██████████ Cancer:

The Ombudsman Office reviewed its records and found that a number of assistant requests were submitted on behalf of Mr. Elyas regarding his tumor. When investigating each case, the Ombudsman Office contacted the Center's administration, requested and reviewed his medical reports and appointment records.

With regards to the tumor, the Ombudsman investigator found that the tumor was removed in 2017 and Mr. Elyas has been receiving his treatment since then in addition to having follow-up appointments were scheduled for him.

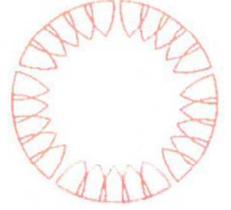
Requests in relation to Mr. Elyas's Health condition:

The Ombudsman Office received requests from Mr. Elyas's mother requesting to obtain a copy of her son's medical reports related to his health condition. The Ombudsman Office contacted the Rehabilitation Center regarding the request as it stated that medical reports should be requested from and provided by the external hospital where Mr. Elyas was admitted and treated. The requests were settled and the complainant was updated with the outcome.



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Assistance Requests in relation to other health issues:

The Ombudsman investigator opened an investigation as he contacted the Center's administration, requested and examined the medical reports related to the arm fracture and the appointment records.

The investigation found that Mr. Elyas has fractured his arm, then he was immediately transferred to the prison clinic where he underwent an x-ray, then he was transferred to the Salmaniya Hospital and examined by an Orthopedic doctor who decided April 12, 2019, to go through a surgery to stabilize the fracture.

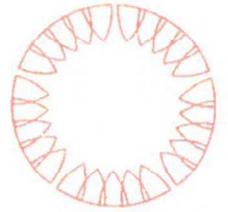
In addition, the Ombudsman investigator met with Mr. Elyas where he stated that he has been continuously receiving his treatment and has a follow-up appointment where scheduled for him.

Phone Calls:

With regards to the allegation that Mr. Elyas was denied access to phone calls, the Ombudsman Office reviewed its records and found that the Ombudsman Office did not receive any complaints with that regard by or on behalf of Mr. Elyas.

Requests for release:

Mr. Elyas's mother submitted a number of requests asking for her son Mr. Elyas to be released due to his health situation as he suffered from a tumor. The Ombudsman Office responded that this request is not within the Office's remit.



➤ **Mr. Hassan Mushaima**

The Ombudsman Office had initiated an investigation into a number of allegation and concerns raised in the social media by international organizations related to the detention conditions and care of Mr. Hasan Mushaima. The Ombudsman Office had issued a statement that detailed the investigation and its findings. Please find the attachment.

➤ **Mr. Hussain Abdulaziz Ali Hussain Mohamed**

The Ombudsman Office reviewed its records and found that there are a number of assistant requests submitted by and on behalf of Mr. Hussain.

Following the receipt of the concerns related to Mr. Husain, the relevant directorate in the Ombudsman Office commenced its investigation into the mentioned allegations and requests. The Ombudsman investigator went to Jau Reform and Rehabilitation center to interview Mr. Husain, the interview took place in the Ombudsman's independent office away from the prison staff to ensure privacy.

The Ombudsman investigator also contacted the Center's medical clinic, requested and examined all relevant medical records which detailed his medical history and health condition since his committal to the Reform and Rehabilitation Center at Jau.

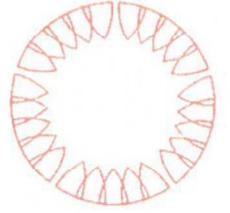
The entries and medical reports showed that Mr. Husain suffered from a visual impairment long time ago before his imprisonment and he underwent a surgery 12 years ago as he lost sight in his left eye.

In April 2018, Mr. Husain underwent a surgery in Salmaniya Medical Complex to address his retinal detachment of his right eye and the necessary medication was prescribed.



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Records also showed that Mr. Husain had already attended his follow up appointments with the Ophthalmology Specialist in outside hospitals.

In March 2019 Mr. Husain was admitted to the hospital where a follow-up operation to remove the silicon in his eye was conducted in the Ophthalmology Clinic at the Salmaniya Medical.

The investigator ensured that Mr. Husain has a number of appointments scheduled for him at the Salmaniya Medical Complex to follow up on the progress of his operation and his health condition have assessed to be stable and not been assessed to constitute chronic diseases.

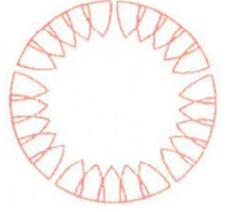
➤ **Mr. Sayed Kadhem Abbas Hashem Ali**

Referring to the Ombudsman records, it was found that the Ombudsman Office received two assistant requests submitted by his family on behalf of Mr. Sayed Kadhem's related to his medical care.

In May 2018, a request was submitted on behalf of Mr. Sayed Kadhem stating that he is suffering from severe pain in the head and is not receiving treatment and as a result he was not able to attend his court hearing in April 2018. The Ombudsman Office contacted the Center's administration where it was found that Mr. Sayed Kadhem was admitted to the BDF hospital since June 2018 to receive his treatment as he was diagnosed with a tumor in his head.

In September 2015, the Ombudsman Office received a request on behalf of Mr. Sayed Kadhem stating that he is suffering from severe headache and that his face and nose are swollen. After contacting the Center's administration and reviewing his medical records, the Ombudsman Office found that the inmate transferred to the General Security Hospital and underwent an x-ray of his nose. The records even show that he was admitted to the BDF hospital and received the necessary treatment.

Mr. Sayed Kadhem was released due to his health condition.



➤ **Mr. Abduljalil Al-Singace:**

The Ombudsman Office followed up on a statement issued by an international organization published on 11 September 2019 raising a number of allegations regarding the situation of the inmate Abduljalil Al-Singace. The allegations focused on “inhuman denial of urgent medical treatment” and that the “prison’s administration informed him (the inmate) that they had ‘changed their mind’ and refused to allow him attending the medical appointment.

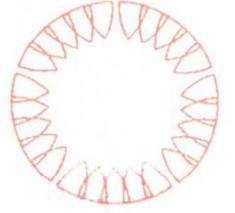
The Ombudsman Office had issued a statement that detailed the investigation and its findings.

Please find attachment (2).

➤ **Mr. Mohamed Hameed Abdulla Hasan Al Daqqaq**

Referring to its records, the Ombudsman Office found that it received one complaint and a number assistant requests on his behalf by his family related to the allegations presented.

The Ombudsman Office received four requests on behalf of Mr. Mohamed by his family members related to his health condition as he suffers a [REDACTED] disease, and requesting him to attend his medical appointments and receive the appropriate medications. The Ombudsman Office contacted the Center’s clinic and requested related medical records. After reviewing the collected information, the Ombudsman Office found that Mr. Mohamed is receiving the necessary treatment and medication. The Ombudsman investigator even found that Mr. Mohammed has attended nine medical appointments in January 2019 and has follow-up appointments scheduled for him.



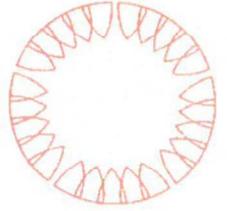
In relation to Mr. Mohammed's solitary confinement admission, the Ombudsman Office received a complaint in April 2019 on behalf of Mr. Mohammed alleging that he was admitted at solitary confinement after being verbally assaulted by members of the Center. The Ombudsman Office commenced its investigation where Mr. Mohamed was interviewed at the Ombudsman independent office at the Center in addition to those involved in the matter. The Ombudsman investigator also contacted the Center's administration where they stated that a disciplinary sanction was issued against him due to his behaviour.

➤ **Mr. Mohamed Mirza Ali Moosa**

The Ombudsman Office received a number of complaints and assistant requests regarding various issues related to Mr. Moosa as he serves his sentences at the Jau Reform and Rehabilitation Center.

Allegations of mistreatment:

With regards to the allegation of torture, Mr. Moosa submitted a complain, alleging that he was physically assaulted by members of the police in 2011 while being transferred to the Reform and Rehabilitation Center. The Ombudsman investigator relocated to the Ombudsman's independent office at the Center and interviewed Mr. Moosa. As the incident had happened in 2011, which make it difficult to collect the relevant evidences and CCTVs due to the long time and based on the primary outcomes of the investigation, the Ombudsman Office referred the complaint to the Special Investigation Unit as it may constitute a criminal offence.



Another two complaints were submitted to the Ombudsman Office by Mr. Moosa's wife in 2017 and 2019, alleging that he was mistreated by the prison staff in different occasions, the Ombudsman Office commenced its investigation as the investigator went to interview Mr. Moosa, the witnesses and the prison staff in its independent office at the Reform and Rehabilitation Center.

The Ombudsman Office referred both complaints to the Security Courts and the complainant was notified with the findings.

Requests related to health issues:

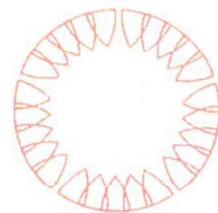
The Ombudsman Office had received a number of assistance requests from Mr. Moosa or on his behalf asking for treatment for different health issues.

The Ombudsman Office investigated each request as the investigator went to the Rehabilitation Center to meet Mr. Moosa and take his statement, the investigator also contacted the Center's administration and requested his medical reports. The investigation found that he already receives the adequate treatment prescribed by the dentist, Optometrist and Orthopedic.

Moreover, records shows that his family were allowed to access some medication to him.

➤ Mr. Ali Mahdi Abdulhusain Mohamed Alaiwi

The Ombudsman Office received a request submitted by Mr. Alaiwi's family in February 2019 requesting a special visit as the family alleged that Mr. Alaiwi suffers from ██████████ illnesses and refuses to meet them during visitation. The Ombudsman Office contacted the Center's administration where they stated that the family had already submitted a request to the center regarding the same issue which will be looked at and arrange for it. The complainant was updated with the findings.



➤ **Mr. Habib Ali Habib Mohamed Hasan Mubarak**

The Ombudsman Office did not receive any requests for assistance or complaints from or on behalf of Mr. Habib Mubarak regarding any of the above-mentioned allegations.

➤ **Mr. Khalil Ibrahim Al-Saffar**

The Ombudsman Office did not receive any requests for assistance or complaints from or on behalf of Mr. Khalil Ibrahim Al-Saffar regarding any of the above-mentioned allegations.