

(Translated from Arabic)

Clarificatory memorandum

Reference is made to the joint communication from the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and girls. The communication – No. AL BHR 3/2019, dated 1 November 2019 – concerns allegations regarding ill-treatment and human rights violations in the reform and rehabilitation centres of the Kingdom of Bahrain. In particular, it concerned allegations of restrictions on the freedom to practise religious rites and on family visits against Hajar Mansoor and Medina Ali, and the imprisonment of Nabeel Rajab and the deterioration of his state of health. In that connection, please note the following:

I. Individual cases

- **Hajar Mansoor Hasan (██████████) – latest documents relating to medical appointments attached:**

The individual concerned was sentenced to a term of imprisonment of 3 years on charges of planting a dummy explosive device and is currently still being held in detention in the Reform and Rehabilitation Centre for Women in Isa Town.

- **Medina Ali Ahmad (██████████) – latest documents relating to medical appointments attached:**

The individual concerned was sentenced to a term of imprisonment of 3 years on charges of concealing a suspect. It should be pointed out that Bahrain is one of the leading States in the Arab world in the application of alternative penalties, which have been used successfully in a number of other countries. Such penalties are used to reform individuals who present little danger to society and are applied as an alternative to imprisonment with all its attendant psychological and social consequences. In fact, under Act No. 18 of 2017 on alternative penalties and measures, judges have the authority to hand down alternative penalties as a substitute for imprisonment and, on 15 December 2019, the judge for the enforcement of sentences approved the application of an alternative penalty and the person in question was released.

- **Nabeel Abdel Rusool Rajab (██████████):**

This individual is currently being held in detention at the Jau Reform and Rehabilitation Centre where he is serving a sentence of 5 years, which was passed against him in a case in which he was implicated.

Legal proceedings followed the same course as they do in all other cases in the country: the court listened to the statements of the witness for the prosecution, who had conducted the inquiries, and allowed the defendant to make his pleadings and present his defence. The court of first instance then handed down a sentence of 5 years' imprisonment against him, which was subsequently upheld by the Supreme Court of Appeal on 6 June 2018. On Monday 31 December 2018, the Court of Cassation rejected the appeal submitted by Nabeel Rajab against his 5-year sentence. At that point the sentence became definitive and cannot be appealed by ordinary channels.

The state of health of the individual concerned has been constantly monitored, as outlined below:



| <i>Date</i> | <i>Examination</i> |
|------------------|--|
| 3 December 2019 | He was examined by a general practitioner regarding [REDACTED] |
| 27 November 2019 | He was examined by a psychologist |
| 26 November 2019 | He was examined by a general practitioner who drew up a report on his state of health |
| 13 November 2019 | He was examined by a general practitioner who handed over medicines that had been brought in from outside the Reform and Rehabilitation Centre |
| 4 November 2019 | He was examined by a general practitioner who gave him a vaccination |
| 25 October 2019 | He was examined by a general practitioner regarding [REDACTED] |
| 19 October 2019 | He was sent to the [REDACTED] department of the Police Clinic |

In addition, he receives regular daily treatment for his thyroid, blood pressure and nerves.

II. Regarding the allegations contained in the joint communication

• Allegations concerning physical assault against Hajar Mansoor and Medina Ali on 16 September 2018:

With reference to the spaces made available to inmates to perform their religious rites, the General Directorate for Reform and Rehabilitation allows all inmates to fulfil their religious obligations at the due times, at their own desire and request, on condition that they do not undermine security and order, and that they follow the rules governing such practices.

On that basis, the Reform and Rehabilitation Centre for Women allows its inmates to practise their religious rites freely, according to the rules and regulations. At around 7.30 a.m. on 16 September 2018, the two individuals concerned and Najah Ahmad began creating a disturbance to object to the refusal on the part of their fellow inmates to participate in religious rites; this despite the fact they were inside their own cell (No. 16 of the Centre) and could have practised the rites there. They began hitting themselves loudly in order to attract attention and attempted to open the door of their cell, striking it so forcefully that the prison administration had to intervene. Hajar Mansoor attempted to leave the cell, clashed with prison staff and began screaming hysterically requiring her to be restrained in order to protect her own safety. This was done in accordance with article 60 of Act No. 18 of 2014 promulgating the Reform and Rehabilitation Institutions Act according to which steel restraints may be used on inmates or persons in provisional detention for a period not exceeding a week in the following cases: (a) Insurrection, disturbance, insubordination, serious assault or riot. She threw herself upon the ground and began pulling her hair in order to goad the police into mistreating her while, at the same time, Najah and Medina attempted to stop them from restraining Hajar Mansoor. After the two of them had been taken away to solitary confinement, Hajar Mansoor continued to kick the door of her cell. Subsequently, following a one-hour interview with the director of the Centre, they were returned to the cell. In addition, Hajar Mansoor was taken to the doctor for an examination of her injuries. It should be noted that the aforementioned persons were forbidden telephone calls for a period of one week, as a disciplinary penalty for having violated article 64 of Act No. 131 of 2015 promulgating the implementing regulations for the Reform and Rehabilitation Institutions Act. The article in questions reads: “The following actions constitute violations that merit a disciplinary penalty against inmates or persons in provisional detention: (a) Failure to obey orders and instructions; ... (f) Insurrection or insubordination.” Despite all this they were given books for the performance of their religious rites, which they were able to fulfil inside their own cell.

On 30 September 2018, representatives of the National Institution for Human Rights and the Office of the Ombudsman came to the Centre having received complaints regarding

an assault against the detainees in question. Having examined audiovisual recordings of the incident and interviewed the detainees themselves, they concluded that no assault had taken place.

- **Allegations concerning restricted access to telephone calls, limited free time outside cells for all inmates, the placement of a glass barrier between prisoners and their families during visits, denial of access to drinking water and conflicts between meal times and prayer times:**

Telephone calls: Under Act No. 18 of 2014 promulgating the Reform and Rehabilitation Institutions Act, all inmates are entitled to two telephone calls per week, for a period of 15 minutes each or a total of half an hour a week.

Limited free time outside cells for all inmates: The attached daily programme for inmates includes various activities during which they are allowed to spend time outside their cells. This includes time in the sun, sports, workshop activities, hairdressing, access to the library and computers, cooking and religious programmes, all run in cooperation with the Ministry of Justice, the Discover Islam Society and the Church. They are also able to practise religious rites and celebrate festivals etc. Moreover, a training programme for inmates has recently been launched in cooperation with Tamkeen and the Bahrain Women's Development Society.

Glass barrier in the visiting rooms: A glass partition was built in October 2017. This is part of the Centre's security measures and had no connection with Hajar Mansoor or Medina Ali.

Access to water: Water is available to inmates round the clock and as soon as they request it. It should be noted that, on 16 June 2019, Hajar Mansoor and Medina Ali took the water cooler on their corridor into their own cell in order to have it for themselves and to deny the other inmates access to water.

Conflict between meal times and prayer times: Care is taken to integrate the prayer times of all inmates with the times of the other activities in their daily programme.

- **Allegations concerning the state of health of Medina Ali (irregular menstruation and uterine bleeding):**

The state of health of this individual has been monitored by a female doctor at the clinic attached to the Centre. Her latest appointments were on 19 June 2019 at the obstetrics and gynaecology clinic of the Military Hospital, where she received the treatment she required, and on 18 November 2019 at the clinic attached to the Centre. She has now been released.

- **Allegations concerning the denial of medical care to Hajar Mansoor since August 2018:**

She was taken to the surgical clinic of the Military Hospital after she had discovered a lump in her breast. She underwent an MRI scan on 29 July 2018 and an ultrasound on 6 August 2018, and appointments at the surgical clinic were fixed for 23 September 2019. On 24 February 2019, she was informed of the results, which were negative; i.e., she did not have a breast tumour. In order to verify the results, more appointments were fixed for further tests on 3 July 2019. Finally, on 25 August 2019, she was taken to the Military Hospital and informed that the results of all her tests were normal and that the swelling she could feel was related to her menstrual cycle.

- **Allegations concerning a hunger strike by Hajar Mansoor in January 2019 to protest against a week-long ban on telephone calls:**

The individual concerned did not go on a hunger strike in January 2019. However, she did announce a hunger strike from 20 to 23 March 2018 claiming that, on Sunday 18 March 2018, she had suffered ill-treatment at the hands of certain members of staff of the Centre. Legal measures were taken, the competent authorities informed and she was taken to the clinic of the Centre then transferred to the Public Security Forces Hospital before being returned to the Centre on Saturday 24 March 2018. An investigation into the incident in question found that, on Sunday 18 March 2018, while making her way to the communications room to make a telephone call at 7.25 p.m., she asked a member of staff to allow her to divide the allotted time of 10 minutes in order to be able to make another call.

To that end, she asked the staff member to inform her of the time every two minutes. This, indeed, is what happened despite the fact that such a course of action is not allowed in the Centre and was admitted purely as an exception and in view of the circumstances of the inmate concerned. Moreover, surveillance camera footage shows that the inmate actually spoke on the telephone for 20 minutes rather than the legally permitted limit of 10 minutes, and the call finished at 7.45 p.m. During the course of the call, the individual appeared agitated and tense and, when she had finished, she turned to the member of staff on duty that day and asked her to replace the attendant in order to allow her to complete the remaining two minutes of her call because – she claimed – the attendant would not let her speak any longer and she (the inmate) had a family situation she needed to deal with. The staff member told her that she would not replace the attendant but that she could, if she wished, complete the remaining telephone time with the same attendant. The inmate then went back to the communications room and spoke for a further three minutes. This done, she began launching accusations and said she would report the women for their conduct, and she asked for that message to be conveyed to the director of the Centre.

On Thursday 22 March 2018, Medina Ali announced a hunger strike claiming that she had suffered ill-treatment at the hands of certain members of staff of the Centre. She also said that she was protesting against the treatment of Hajar (see above) as well as against the bodily search procedures followed in the Centre, which had been used on her following a visit on 19 March 2018. The necessary measures were taken and the competent authorities were informed. The inmate was taken to the clinic in the Centre then transferred to the Public Security Forces Hospital at midnight on Saturday 24 March 2018. She was then returned to the Centre at 3 a.m. on the same day after she had declared in writing, while in hospital, that she would discontinue her strike.

- **Allegations concerning an unexplained prohibition on telephone calls for Hajar Mansoor and Medina Ali between 27 February and 13 March 2019:**

A total of 14 inmates – including Hajar Mansoor and Medina Ali – were prohibited from making calls (just two calls) from 6 to 9 March 2019. This was because they had violated the provisions of Act No. 18 of 2014 promulgating the Reform and Rehabilitation Institutions Act by acts of insurrection, failure to obey orders, gathering with other inmates in a common area and refusing to comply with orders to return to their cells.

- **Allegations concerning a humiliating search in February 2019 following complaints against prison guards:**

On Thursday 22 March 2018, Medina Ali announced a hunger strike claiming that she had suffered ill-treatment at the hands of certain members of staff of the Centre. She also said that she was protesting against the treatment of Hajar Mansoor by a member of staff on 18 March 2018 as well as against the bodily search procedures followed in the Centre, which had been used on her following a visit on 19 March 2018. The necessary measures were taken and the competent authorities were informed. The inmate was taken to the clinic in the Centre then transferred to the Public Security Forces Hospital at midnight on Saturday 24 March 2018. She was then returned to the Centre at 3 a.m. on the same day after she had declared in writing, while in hospital, that she would discontinue her strike. The administration of the Centre undertakes searches in conformity with article 63 of Act No. 131 of 2015 promulgating the implementing regulations for the Reform and Rehabilitation Institutions Act, which reads: “The administration of the Centre may conduct personal searches on inmates or persons in provisional detention. It may also conduct searches on the places where inmates or persons in provisional detention are located, when they leave or return to the Centre or at any other time ...”.

- **Allegations that Hajar Mansoor and Medina Ali were allowed to see their families on 8 and 11 July 2019 for the first time since September 2018:**

These two inmates were granted all their family visits from the moment of their detention in the Centre until 13 September 2018. After that, no one came to visit them in protest at the presence of a transparent partition in the visiting rooms. On 5 June 2019, relatives of the two individuals concerned came to visit them (without the glass partition as a reward for good behaviour) and after that date the visits resumed. It should be noted that the last visit they received was on 26 July 2019 and that Hajar has received a total of 42 visits and Medina Ali a total of 30.

Note should also be taken of the fact that Hajar is able to make regular visits to her son, Sayed Nazar Naame Alwadaei, who is being held in the Reform and Rehabilitation Centre for Juveniles. To date, she has made 19 such visits, the most recent being on 8 September 2019.

• **Allegations that the two inmates were prevented from practising rites to commemorate Ashura and the rejection of their request for books on Ashura:**

In coordination with inmates wishing to practise the commemorative rites of Ashura, two groups were created and a separate area for them was allocated. This lasted for a period of five days, from 6 to 10 Muharram A.H. 1441, and they were given the books they needed to practise the rites. Moreover, on 6 and 9 September 2019, members of the National Institution for Human Rights visited the centre to see how the religious rites programme was being implemented and to interview inmates, specifically Hajar Mansoor and Medina Ali. However, the latter two declined to participate in the programme on the pretext that there was no prayer reader in the ground floor group and that they wished to join the group on the first floor where an inmate they liked – [REDACTED] – was doing the reading.

The following responses was given to the members of the National Institution for Human Rights:

- The division of the inmates into groups is one of the working mechanisms used in the Centre and is applied in all its programmes;
 - The inmate [REDACTED] is not a qualified reader; she is an ordinary inmate who had volunteered to read to her colleagues;
 - The group on the ground floor included two inmates – [REDACTED] and [REDACTED] – who were reading to their colleagues. Moreover, it would have been possible for Hajar and Medina to read themselves instead of inventing pretexts, creating problems and drawing attention.
- **Complaints against an official of the Criminal Investigation Directorate who allegedly screamed at Hajar Mansoor, tried to hit her and threatened her with prolonged imprisonment during the course of a visit to the Military Hospital on 16 September 2019:**

A member of staff of the Reform and Rehabilitation Centre for Women, who accompanied Hajar Mansoor on that occasion, reported that the latter had, without permission, attempted to approach and speak to a woman who was also then present in the hospital. A hospital guard had prevented her from doing so, in accordance with the hospital's own rules, but had not assaulted her in any way. The Director-General of the General Directorate for Reform and Rehabilitation has been informed of the inmate's complaint.

• **State of health of Hajar Mansoor and Medina Ali:**

Please find attached medical reports in regard of the two inmates, from the beginning of their detention in the Centre to the present.

It should be noted that the Ministry of the Interior, as represented by the Reform and Rehabilitation Centre, provides health care to all inmates. This begins from the moment of their arrival when they are examined by a specialist doctor who seeks to determine their state of health and to discover any illnesses they may be suffering. Inmates are informed of the results of all tests carried out by their treating physician, on the basis of which they are given the treatment they require. In addition, there is a clinic in the Centre, which works round the clock to provide medical services to all inmates and, when their state of health or the nature of their treatment so requires, inmates are referred to other State-run hospitals. The purpose of this is to ensure that persons deprived of liberty receive optimal health care.

The law grants inmates the right to submit complaints to the judicial authorities concerning ill-treatment, arbitrary detention and enforced disappearance. Furthermore the laws of Bahrain guarantee the rights of inmates and criminalize any form of torture or ill-treatment.

Lastly, oversight mechanisms in the Kingdom of Bahrain – i.e., the Office of the Ombudsman, the Prisoners and Detainees Rights Commission and the National Institution for Human Rights – undertake regular, periodic and repeated visits to reform and

rehabilitation centres and to places of provisional detention in order to ensure that no inmate or detainee is being subjected to torture or inhuman or degrading treatment. Inspections of prisons and detention centres follow international standards as well as the relevant norms enshrined in domestic laws and regulations.
