



Geneva, 10 November 2023

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The Permanent Mission of the Kingdom of Bahrain to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and would like to refer to the communiqué received from the Special Rapporteur on the situation of human rights defenders, the Working Group on arbitrary detention, and the Special Rapporteur on the rights of persons with disabilities, issued on 13 September 2023.

In this regard, the Permanent Mission of the Kingdom of Bahrain would like attach hereto the explanatory note sent from the Ministry of Foreign Affairs.

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

**Office of the United Nations High Commissioner for Human Rights
Email: ohchrh-registry@un.org**



**Explanatory Note****Regarding Abdul Hadi Al Khawaja, Abdul Jalil Al Singace and Naji Fateel****• Introduction:**

With reference to the communiqué received from the Special Rapporteur on the Detention situation of human rights defenders, the Working Group on Arbitrary, and the Special Rapporteur on the rights of persons with disabilities, issued on 13 Singace Abdulhadi -September 2023 regarding allegations concerning Abduljalil Al Khawaja and Naji Fateel-Al; In addition to all the replies which the Kingdom of mentioned -Bahrain previously submitted to the Working Group and the above Special Rapporteurs, which contain information and data on those mentioned, we wish to additionally submit the following:

• Extra Information about the individuals:**Special Investigation Unit:****1. Abdul Jalil Al Singace**

- The Special Investigation Unit began investigating the allegation that the aforementioned was subjected to torture to make him confess, as one of the members of the unit visited the aforementioned in prison, several times, as of 23/10/2012, to inquire about the details of the allegation of torture, but Al Singace refused to make any statements before the unit, although the unit had informed him of the nature of its work and its independence from any party conducting investigation or trial procedures with him, and that it is entrusted with investigating the validity of these allegations to prevent torture or ill-treatment.

It is worth mentioning that the aforementioned was arrested while he was inside his home, in implementation of the judicial arrest warrant issued on 16/03/2011. During his interrogation by the prosecution, he claimed that he had been physically assaulted during his arrest and detention during the period from 17 to 29 March 2011. The prosecution ordered that the aforementioned be presented to a forensic doctor in the Department of Physical Evidence of the Public Prosecution, and it was proven by medical examination that he did not suffer from any signs of injury or any indication that he had been beaten.

The aforementioned pleaded before the Competent Court the invalidity of his confession, stating that it was a result of material and moral coercion, and the Supreme Court of Appeal – to which the case was referred under the ruling of the

Court of Cassation for a new ruling – called him to hear his sayings and testimony on 29/05/2012 and he stated that he was arrested on 17/03/2011 without a judicial order, and was subjected to torture and ill-treatment, and concluded that he will not attend his next trial sessions, and these allegations were considered before five different courts and put before nineteen judges, and it was found that, due to the arrest and search procedures for the aforementioned being correct and sound, based on the judicial arrest warrant issued on 16/03/2011, and that the confession was not tainted by any defect and there was no coercion that led to it, the aforementioned claim could not be backed up with any concrete evidence, and therefore the unit ordered to close the case.

- On 04/10/2022, the Special Investigation Unit received from the Attorney General's Office a complaint from Amnesty International including allegations that the aforementioned was subjected to torture and ill-treatment during the execution of his sentence at the Jaw Correction and Rehabilitation Center, without details on how or when he was subjected to such alleged torture and ill treatment, and the complaint also included allegations that the aforementioned did not receive the necessary medical care and that he went on hunger strike due to the confiscation of his notebooks.

The Unit began its procedures in the complaint in question, whereby they headed to to the health centre where the aforementioned person receives the necessary medical care, and it was found that he is staying in one of the private medical rooms, and when he was approached for his testimony to be heard, herefused to y statements before the Unit, despite the fact that the Unit had informed make an him of the nature of its work and its independence from any party conducting investigation or trial proceedings with him, and that it was entrusted with such allegations in accordance with national and investigating the veracity of treatment-international legal obligations to prevent torture or ill. The Unit closed the case due to the allegations not being supported by any evidence.

2. Abdulhadi Al Khawaja

The Special Investigation Unit has begun an investigation into the allegations that the aforementioned was subjected to torture and ill-treatment during his arrest, and by taking action it has been determined that the injuries sustained by the aforementioned person are related to his statements, and are the result of the use of physical force by members of the public security forces during his arrest at his daughter's house, for resisting them and refusing to comply with the judicial arrest warrant issued against him.

security forces informed him of their status and the legal arrest. After the public warrant issued against him, he refused to comply with the arrest warrant and resisted them by trying to assault them, which led them to use physical force with him to which he injured his jaw as a result of his control, as a result of falling to the ground in the process, after which all necessary medical measures were taken to mitigate the injury as possible, in accordance with the provisions of the law. During the prosecution, he claimed that during the arrest he had been interrogated, beaten and kicked, however he did not claim to have been tortured to confess. The prosecution ordered that the aforementioned be presented to a forensic doctor in the name of the Public Prosecution, who proved that his Department of Physical Evidence injury had occurred from a collision with a solid object on the date of his arrest. The aforementioned claimed before the competent court that his confession was invalid because it was a result of physical and moral coercion and the Supreme Court, to which the case was referred under the ruling of the Court of Appeal, enabled the aforementioned to speak at the session of Cassation for a new ruling on 2012/05/22 and he stated that he had been subjected to torture and ill-treatment. Having considered these allegations were made before five different courts and were brought before nineteen judges, and no judgment relied on the aforementioned confession, The unit was therefore closed the case.

Furthermore, The Special Investigation Unit moved to the aforementioned in his prison several times starting from 23/05/2013 to ask him about the details of the treatment, but he refused to make any statements -allegations of torture and ill-treatment. In spite of the fact that the unit had informed him of the nature of its work and its independence from any party that conducts investigation or trial procedures with him, and that it is entrusted with investigating the validity of these allegations in accordance with national and international legal obligations to prevent torture or ill-treatment. Thus, the unit had no choice but to close the case.

3. Naji Fateel

On 14/05/2013, the unit received from the Public Prosecution a complaint from the aforementioned - during his interrogation in the investigations - that he was tortured to make him confess, and on the same date, one of the members of the unit moved to the dry dock arrest and questioned him, and he testified that he was subjected to physical torture inside the Criminal Investigation Department with the intention of getting him to confess, and by re-questioning him on 02/07/2013

after claiming before the court that he suffers from back injuries as a result of his torture at the Criminal Investigation Department to get him to confess, he testified that he learned of these injuries after being asked about the investigations. The unit, and by presenting him to the forensic doctor of the unit, proved that the aforementioned does not suffer from any injuries indicating criminal violence, resistance or cohesion, and it was also presented to the psychiatrist of the unit, and it was proven that he did not suffer from any psychological disorders, and the investigations did not reach any information or evidence regarding the allegations of the mentioned, however, the unit questioned the arresting officer and the officer who began to question the aforementioned in the building of the General Department of Criminal Investigation and Evidence and they both denied the charges against them, and thus the Unit closed the case on the basis that the statements of the aforementioned were not supported by any other evidence.

On 21/11/2018, the unit received from the Public Prosecution a letter referred by the Center of Correction and Rehabilitation stating that the aforementioned inmate was on hunger strike, and by asking him directly on the same day by a member of the unit, he stated that he wanted a reconsideration to be made to the sentences issued against him, and referred to his complaint previously submitted treatment, so -to the unit, and did not claim that he was subjected to torture or ill the unit closed the case.

- **Updates on health condition:**

- 1. **Abdul Jalil Al Singace**

- The mentioned suffers from [REDACTED]
- He was admitted to Ebrahim K. Kanoo Health Center on July 30, 2021, and his condition is currently stable and is under the supervision of a specialized and integrated medical team.
- The patient's condition was evaluated and the effects of his voluntary hunger strike were studied. Although the person does not eat any solid foods, it is well hydrated and hydrated through intravenous solution, which provides him with adequate nutrition.
- He is strong and has shown no signs of weakness or pale thinness since his admission to the health centre until now. However, blood tests showed that he suffers from a mild case of neutrophilia deficiency, but it should be noted that he has been suffering from this condition for a long time. He also reported no history of illness that would increase his susceptibility to infections.

- The aforementioned was subjected to blood tests to confirm whether he had any diseases in the blood and the results were negative, i.e. there are no diseases and his condition is within the normal range.
- In addition to the specialized medical team concerned with his care and care, the patient received visits and other medical consultations from other specialists as follows:
 - On March 20, 2022, he received a review by a consultant urologist, due to his suffering from symptoms of weakness in the urinary system, pain during urination and frequent night urination. His general medical examination showed that vital functions, specifically in the kidneys, were within the normal range, as were the results of the urine test, where no abnormal results were recorded. [REDACTED]
 - He was also seen by a consultant and orthopedic surgeon, on the same date, to examine his left shoulder and received an injection prescribed by the consultant, and the MRI scans previously performed for the aforementioned were requested at King Hamad University Hospital.
 - On August 21, 2023 he was reviewed by another orthopedic consultant, to examine his left shoulder and was injected with an injection prescribed by the consultant, advising him to put ice on his shoulder and take a non-steroidal anti-inflammatory, as well as physiotherapy.
 - In addition, he continues his appointments to the eye outpatient clinics, since he complains of blurred vision and requests for new prescription glasses.
- The physical and mental health condition of the aforementioned is stable, he breathes normally, and his blood pressure is within its normal range, and his physiotherapy program has started.

Current medications he is taking: [REDACTED]

patient does From a medical point of view, apart from the voluntary hunger strike the outside and can receive treatment o ,not need to receive treatment at a medical center .up appointments-the medical center through follow

2. **Abdulahdi Al Khawaja**

- He has a medical history of high blood lipid levels [REDACTED] and receives the necessary treatment regularly without any complaints.
- He was suffering from low vision and was followed up at the Royal Medical Services Hospital.
- On August 28, 2023, the aforementioned had an appointment in the cardiology department, but he refused to go, and on the same day he went to the clinic of the Correction and Rehabilitation Center complaining of a rapid heartbeat, and therefore he was transferred to the emergency department of the hospital for further examinations.
- Vital signs in the clinic (blood pressure 107/77, heart rate 65 per minute, oxygen saturation 99% on normal breathing)
- In the emergency department, he was diagnosed with a ventricular tachycardia, and he was returned to normal state using adenosine, and his vital signs were as follows: blood pressure 99/68, heart rate 58 per minute, respiratory rate 17 per minute, and the electrical reading of the heart was normal, he was prescribed the necessary treatment (Concor 5 mg daily) and arranged with a follow-up appointment in the hospital after one month.
- Current medications he is taking: [REDACTED]
- was to the Correction and Rehabilitation Center clinic the last visit ,Prior to that on August 11, 2023, where he complained of rapid heartbeat and dizziness, and Royal Medical the emergency department at the was immediately transferred to examined and provided with the necessary where he was ,Services Hospital treatment until his health condition stabilized.

3. **Naji Fateel**

- He has a history of [REDACTED] and is receiving the necessary treatment.
- The internist follows up on his chronic medical condition and performs his routine examinations with a weekly evaluation, and the doctor also takes routine blood samples from the aforementioned every 3-6 months depending on his clinical condition.
- He also suffers from a known case of gastroesophageal reflux disease and was evaluated by a gastroenterologist at Salmaniya Medical Complex in 2021 who advised to continue taking a certain treatment - prescribed by the specialist - for a long time.

- He had previously had vision problems and was referred to the ophthalmology department at Salmaniya Medical Complex.
- In 2018, the aforementioned was examined by an ENT specialist at the health clinic at the Ministry of Interior because he was suffering from headache, blockage in the right ear and snoring, and after evaluation, he was advised to perform a nasal septum correction and laser turpene resection. The patient was also referred to the ENT Department at Salmaniya Medical Complex on June 19, 2023, for examination due to hearing loss in the left ear.
- The aforementioned was referred to the orthopedic department at Salmaniya Medical Complex on June 19, 2023, due to his complaint of chronic pain in the left ankle, and the necessary tests were performed, and the necessary treatment was prescribed for him.
- Current medications taken: [REDACTED]
- The physical and mental state of health is stable.

Papers written and smuggled by Abdul Jalil Al Singace from the Reform and Rehabilitation Centre:

- The above-mentioned attempted to smuggle illegally a collection of papers that was written by him while serving his sentence inside the center, through one of the inmates released during July 2021, and it was seized by a law enforcement officer during the inspection.
- Abdul Jalil Al-Singace, committed a violation as per the Executive Regulations of the Law of the Reform and Rehabilitation Center No. (18) of 2014, by entering and directing letters illegally. Although the letters have been seized, the decision to dispose of these letters is pending, depending on the decision of the competent authority.

That being said, the confiscation of the papers of the aforementioned was a result of a breach of national legislation (referred to above) which prohibits smuggling as such, and thus the act of confiscating is legal and lawful. It is important to note that the Kingdom of Bahrain protects the exercise of the right of freedom of expression, and such right shall only be restricted in the event of which it will hinder the public order and safety and wellbeing of the society, such as those containing, but not limited to, hate speech, discriminatory phrases, incitement language, leading to chaos. Otherwise, every person, prisoners included, have the right to express their

opinions whether in writing or vocally, given that the laws and regulations are respected.

- **Measures taken to prevent human rights violations being perpetrated by members of the prison authorities and security personnel against inmates:**

As previously explained, in addition to the protection of rights guaranteed by the Constitution the National Action Charter and other national legislation, no one will be treated, tortured or otherwise subjected to ill, inhuman or degrading treatment. Independent mechanisms have been established in the field of protection, respect, and based on the reform approach of His Majesty the King. Such mechanisms are the National Institution for Human Rights, the Ombudsman, the Prisoners and Detainees Rights Commission, and the Special Investigation Unit.

Details on the above:

Special Investigation Unit:

Pursuant to article 12 of Decree-Law No. 4 of 1998 on the accession of the Kingdom of Bahrain to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, according to which the Kingdom ensures that its competent authorities conduct a prompt and impartial investigation whenever there are reasonable grounds to believe that an act of torture has been committed in any place under its jurisdiction, and the Kingdom's commitment to the International Principles for the Effective Investigation and Documentation of Torture and the legal obligations to prevent torture, which recommends that the State ensure that investigations are conducted through an investigative body independent of any institution, entity or person that is the subject of investigation; the establishment of the Special Investigation Unit was the main pillar of this, as an independent judicial body within the judicial system in the Kingdom, and represents the main guarantee for the protection of human rights in the criminal justice system, and is considered unique regionally, being one of the few agencies in the world that investigates such allegations.

The Special Investigation Unit was established by Attorney General's Decree No. 8 of 2012 with the competence to investigate allegations of torture, abuse, and cruel treatment, determine criminal responsibility against government officials in these incidents, including those in leadership positions, under the principle of command responsibility, and bring officials to criminal trial, as well as referral to the competent administrative authority if the unit's investigations conclude that. The

unit carries out at all times the work entrusted to it in accordance with the provisions of the law, judicial instructions, codes of conduct and professionalism, and international conventions and protocols, such as of the Istanbul Protocol for the Investigation and Documentation of Cases of Torture.

Ombudsman:

Examination of complaints filed against employees of the Ministry of Interior:

- 1) Exercise its role related to examining complaints against employees of the Ministry of Interior independently and impartially.
- 2) Protect privacy and safety of the parties.
- 3) Access to places, information, data and documents ensuring an independent and fair investigation.
- 4) employee of the Ministry of Interior Ensure accountability in the event that any commits a sinful act due to, on the occasion of, or during performing his duty

Prisoners and Detainees Rights Commission:

Make announced and unannounced visits to ensure:

- 1) Legality of filing.
- 2) No inmates were mistreated.
- 3) Make recommendations that contribute to improving and developing the living conditions of inmates and detainees.