

Mandates of 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

REFERENCE:
AL BHR 3/2019

1 November 2019

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on freedom of religion or belief; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women, its causes and consequences; and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 34/5, 42/22, 34/18, 33/9, 40/10, 34/19, 41/17 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the continued imprisonment and other human rights violations in prison, including restrictions on religious practices and family visits, against Ms. Hajar Mansoor Hasan, and her cellmate Ms. Medina Ali, as well as the continued imprisonment and deteriorating health of human rights defender Mr. Nabeel Rajab.

Ms. **Hajar Mansoor Hasan** is the mother-in-law of Mr. Sayed Ahmed Al-Wadaei, a well-known human rights defender who is currently outside the country. She has been the subject of two communications sent by Special Procedures mandate holders (BHR 4/2017 sent on 27 March 2017 and BHR 7/2018 sent on 17 January 2019). We thank your Excellency's Government for its responses received on 25 April 2017 and 12 March 2019, but regret that they do not address the legal basis for the ongoing detention of Ms. Mansoor Hasan.

In its Opinion No. 51/2018, the Working Group on Arbitrary Detention found the detention of Mr. Al-Wadaei's relatives, including Ms. Mansoor Hasan, to be arbitrary and in reprisal for Mr. Al-Wadaei's cooperation with the United Nations on human rights, and their family ties with him (A/HRC/WGAD/2018/51).

Ms. **Medina Ali** is Ms. Mansoor Hasan's cellmate. Prior to her arrest, she attended peaceful protests. Since her imprisonment, she has denounced human rights violations committed against female prisoners in Isa Town Prison.

Mr. **Nabeel Rajab** is the President of the Bahrain Center for Human Rights and a Founding Director of the Gulf Centre for Human Rights. Mr. Rajab has allegedly been in detention since 13 June 2016.

Mr. Rajab was the subject of Opinions No. 12/2013 and 13/2018 of the Working Group on Arbitrary Detention (A/HRC/WGAD/2013/12 and A/HRC/WGAD/2018/13). He was also the subject of fourteen previous communications (sent on 6 October 2004, case no. BHR 6/2004; 25 July 2005, case no. BHR 3/2005; 5 March 2010, case no. BHR 1/2010; 22 March 2011, case no. BHR 4/2011; 16 June 2011, case no. BHR 12/2011, 9 September 2011, case no. BHR 18/2011; 24 July 2012, case no. BHR 6/2012; 23 May 2013, case no. BHR 3/2013; 14 October 2014, case no. BHR 13/2014; 15 April 2015, case no. BHR 2/2015; 14 December 2015, case no. BHR 10/2015; 4 July 2016, case no. BHR 3/2016; 22 May 2017, case no. BHR 5/2017). The last communication was sent on 29 March 2018, case no. BHR 3/2018. We thank your Excellency's Government for the replies received, including the last substantive reply received on 25 April 2018 regarding BHR 3/2018. We remain, however, concerned about Mr. Rajab's continued imprisonment and deteriorating health.

The case of Ms. Mansoor Hasan was included in the 2018 and 2019 reports of the UN Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights (A/HRC/39/41, Annex I, para.5; A/HRC/42/30, Annex II, paras. 3-6). The deterioration of the detention and health conditions of Ms. Medina Ali was mentioned in the 2019 report (A/HRC/42/30, Annex II, para. 3). The case of Mr. Nabeel Rajab was included in the 2017, 2018 and 2019 reports of the UN Secretary-General (A/HRC/36/31, para. 23 and Annex I, para. 6; A/HCR/39/41, Annex II, para. 9; and A/HRC/42/30, Annex II, paras. 8-10). The Government responded in June 2019 that the individuals mentioned in the 2019 report of the UN Secretary-General were not subjected to reprisals for cooperating with the United Nations but rather responsible for criminal offences.

According to the new information received:

Ms. Mansoor Hasan and Ms. Ali

On 29 May 2017, Ms. Ali was arrested in Riffa city by approximately five masked, armed police officers in plain clothes while she was on her way to work. Her car was confiscated without a warrant. She was blindfolded and taken to the police cavalry station in Budaiya, where the officers reportedly physically assaulted her, including by hitting her head against a wall, and threatened her with rape. On the same day, Ms. Ali was transferred to the Criminal Investigation Directorate (CID) in Medina. Her family was not informed about her whereabouts. Ms. Ali was kept in a cold room for seven hours before being interrogated. During the interrogation, she was threatened with long-term detention. The CID officers also tried to force her to sign a prepared confession.

Ms. Ali was detained in CID custody and prevented from sleeping until the next morning.

On the next day, Ms. Ali was transferred to the Office of Public Prosecution. Her repeated requests to contact her lawyer and family were rejected. Ms. Ali was forced to sign a statement without being able to read it, following a threat by the Prosecutor that she would be returned to the CID. Later on the same day, she was transferred to Isa Town Prison.

On 21 February 2018, the Fourth High Criminal Court sentenced Ms. Ali to three years in prison on charges of “hiding a convicted criminal”, based on her forced confession. She was convicted *in absentia* despite being in state custody during the trial. On 26 September 2018, the Appeals Court upheld the ruling.

During the trial, Ms. Ali’s legal counsel requested a consultation with a forensic doctor in order to examine a head injury caused during her arrest. The request was reportedly not addressed by the Court.

On 11 September 2018, Ms. Ali’s case was highlighted in a debate at the UK Parliament focusing on human rights in Bahrain.

On 16 September 2018, Ms. Ali and Ms. Mansoor were reportedly physically assaulted by prison guards. After the assault, Ms. Ali was hit in the back by a high-ranking officer in an area with no CCTV cameras. Since this alleged incident, the prison authorities have restricted access to phone calls and free time outside the cells to all inmates. Moreover, a glass barrier has been put between prisoners and their relatives during visits. Prior to that, prisoners had been allowed up to nine hours outside their cells every day. Since September 2018, they have only been permitted an hour or two outside. In addition to those restrictions, prison authorities have reportedly denied inmates access to drinking water, sometimes for several hours. Moreover, the scheduled meal times conflict with prayer times, which forces inmates to choose between the two.

For over a year following her arrest, Ms. Ali suffered from irregular menstruation and uterine bleeding. Her repeated requests for a consultation with a specialist were rejected.

Since August 2018, prison authorities have reportedly not allowed Ms. Mansoor Hasan to receive adequate medical care. During that month, she underwent a mammogram to diagnose a lump in her breast. Due to the fear that the lump had grown in size and that it could be cancerous, Ms. Mansoor Hasan requested a follow-up doctor’s appointment several times but her requests were reportedly ignored by the prison authorities. In February 2019, her case was raised in the UK Parliament and media and on 24 February, she was taken for a medical examination. She was informed by the doctor that the lump in her breast was not cancerous, but she was denied access to the medical report by the prison

administration. Furthermore, the prison authorities rejected Ms. Mansoor Hasan's requests for further medical tests, despite the recommendations made by the doctor.

In January 2019, Ms. Mansoor Hasan went on a two-day hunger strike to protest the week-long ban on phone calls which she was subjected to after the publication of the aforementioned Opinion of the Working Group on Arbitrary Detention in reprisal for her engagement with the Working Group.

Between 27 February and 13 March 2019, Ms. Mansoor Hasan and Ms. Ali were not allowed to make phone calls, without explanation.

In February 2019, following their complaints against the prison guards, they were both reportedly subjected to a humiliating search.

On 25 February 2019, the Court of Cassation upheld the conviction of Ms. Mansoor Hasan. She has thus exhausted all legal remedies.

Bahraini Law no. 18 of 2017 allows for the granting of non-custodial alternative sentences, such as community service, house arrest, restitution, etc., to prisoners who meet certain criteria, namely those who have served at least half of their sentence, are "of good conduct", do not pose a security risk and have paid restitution or fees to the court, if they can afford it.

On 12 May 2019, Ms. Mansoor Hasan's family applied on her behalf for a non-custodial sentence to the Ministry of Justice. On 17 May, they received a text message informing them that the request had been rejected. No explanation was provided for that decision. During the same month, Ms. Ali's application for a non-custodial sentence was rejected as well.

On 8 and 11 July 2019, respectively, Ms. Ali and Ms. Mansoor Hasan were permitted to see their families for the first time since September 2018.

In mid-September 2019, the 2019 report of the UN Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights was made public and discussed at the 42nd session of the Human Rights Council. The cases of Ms. Mansoor Hasan and Ms. Ali were included in the report (A/HRC/42/30, Annex II, paras. 3-6).

Around those dates, both women were denied the right to participate in the commemorative Ashura rites with the other inmates. Their requests for Ashura books were rejected.

On 9 and 10 September 2019, the National Institute for Human Rights (NIHR) visited Isa Town Prison to inspect the access of prisoners to participation in religious rites, namely in the commemoration of Ashura. During an interview by

the NIHR delegates, Ms. Mansoor Hasan and Ms. Ali referred to restrictions placed by the prison authorities on their religious practices in prison and family visits, as well as other forms of targeting. The NIHR delegates reportedly dismissed the allegations made by the women. Further, the NIHR's vice president, Mr. [REDACTED], reportedly threatened Ms. Ali that she could go back to prison after her release if she talks to "anyone from abroad" about her experience in prison.

On 11 September 2019, the cases of Ms. Mansoor Hasan and Ms. Ali and the alleged human rights violations against them were raised at a side event organised by the Bahrain Institute for Rights and Democracy (BIRD) and Americans for Democracy & Human Rights in Bahrain (ADHRB) during the 42nd Session of the Human Rights Council. During the event, which was also broadcasted online, the organisations launched a report on the situation of female political prisoners in Bahrain, including Ms. Mansoor Hasan and Ms. Ali. .

On 12 September 2019, the NIHR issued a public statement where it asserted that "the freedom to practice the religious rites of all inmates is fully guaranteed, in a manner that does not harm the freedom and privacy of other inmates of other religions and sects, to ensure the security of the centers and the safety of all inmates." The NIHR also stated that the prisoners interviewed during the visits carried out by the NIHR were satisfied with the services provided by the prison authorities in relation to religious practices.

On 13 September 2019, the NIHR issued a public statement, which also appeared on the front page of *Akhbar AlKhaleej*, one of the largest media outlets in Bahrain. In the statement, NIHR denied all allegations made by the abovementioned organisations during the side event in Geneva and in their report, and questioned the organisations' credibility by stating that they "claim to be committed to defending human rights but are in fact driven by adverse political positions". NIHR also stated that the statements regularly published by these organisations are "misleading", include "fabricated information" and constitute human rights violations.

Around those dates, Ms. Mansoor Hasan and Ms. Ali were barred from communicating with other inmates and anyone who would attempt to communicate with them would be threatened with punishment.

On 16 September 2019, Ms. Mansoor Hasan attended a medical consultation in the B.D.F. Hospital. One of the Criminal Investigations Directorate (CID) officers reportedly screamed at her, tried to hit her in the face and threatened her with prolonged imprisonment. He further stated: "this is because of what you have been saying about the prison. I can do whatever I want right here in this place". When Ms. Mansoor Hasan reported the incident to the prison administration, she was told that she could not be protected from being beaten outside the prison facilities and that she should lodge a complaint at the Military Court. The same

CID officer had threatened Ms. Mansoor Hasan before. On 4 July 2019, she handed a letter to the prison administration addressed to the Military Court, requesting appropriate action against the officer in question. To date, no response has been provided.

Mr. Nabeel Rajab

On 31 December 2018, the Court of Cassation upheld Mr. Rajab's conviction and sentence of five years' imprisonment on charges of "spreading false rumours in time of war", "insulting public authorities" and "insulting a foreign country" in relation to Twitter posts about Bahrain's participation in Saudi Arabia's war on Yemen.

In recent months, Mr. Rajab's lawyers have appealed for an alternative non-custodial punishment for Mr. Rajab on several occasions. On 6 May 2019, the High Criminal Court rejected a motion submitted by his lawyers asking for an alternative punishment to the jail sentence. The ruling was appealed at Manama's High Court of Appeal. On 17 September 2019, the Court rejected Mr. Rajab's appeal to overturn previous court decisions and replace his prison sentences with a non-custodial form of punishment. The Court delegated the power to grant Mr. Rajab an alternative sentence to the Jaw Prison administration.

An alternative non-custodial sentence could be granted once Mr. Rajab has served half of his combined 7-year prison sentence. The prison administration has reportedly failed to take into account the six months that Mr. Rajab spent in detention before being transferred to prison, and has claimed that he will have served half of his sentence sometime in mid-2020.

In early October 2019, Mr. Rajab's legal counsel applied to the Prosecution for the recognition of the time served by Mr. Rajab in detention prior to being transferred to the Jaw Prison as part of his sentence. To date, the dispute has not been resolved.

Inmates convicted for different categories of offences are reportedly separated from each other in Jaw Prison. However, Mr. Rajab has been isolated from other imprisoned human rights defenders. He is kept in a cell with nine inmates convicted of prostitution crimes, most of them foreign nationals.

Two family visits, 30 minutes each are allowed per month. All visits are closely monitored by the prison authorities.

Delegations from the National Institute for Human Rights have visited Mr. Rajab in prison on several occasions, most recently on 12 September 2019. None of those visits has reportedly led to the improvement of the conditions Mr. Rajab is being held in, despite his complaints of being kept in an overcrowded cell and isolated from other prisoners from the same category.

Mr. Rajab's health has reportedly deteriorated while in prison. He suffers from sudden breathing difficulties, heart arrhythmia, prediabetes, chronic dermatological diseases, hypertension, and hypothyroidism. While he has access to general medical care, when he requires a consultation with a specialist doctor, it often takes several months for it to be arranged.

While we do not wish to prejudge the accuracy of these allegations, we wish to express serious concern at the conviction and continued imprisonment of Ms. Ali, following a trial that seemingly failed to respect due process guarantees.

Grave concern is also expressed at allegations of mistreatment of Ms. Mansoor Hasan, Ms. Ali and Mr. Rajab while in detention which may amount to torture or other cruel, inhuman or degrading treatment. As a result of their continued incarceration, further concern is expressed over the conditions of detention of the three individuals going forward and the impact on their physical and mental integrity. We are particularly concerned at these allegations in light of the determination of the Working Group on Arbitrary Detention in the above-mentioned Opinions that Ms. Hasan and Mr. Rajab should be released.

Our concerns in this case are heightened by the fact that the violations against Ms. Mansoor Hasan and Mr. Rajab are reported as continued acts of intimidation and reprisal for the cooperation of Mr. Rajab and Ms. Mansoor Hasan's son-in-law with the United Nations, its representatives and mechanisms in the field of human rights. Furthermore, we are concerned about the apparent link between the alleged recent violations against Ms. Mansoor Hasan and Ms. Ali, and the inclusion of their cases in the report published by BIRD and ADHRB in September 2019.

We are highly concerned about allegations of physical abuse and threats by officials, in particular by CID agents, against female prisoners, often used to obtain confessions during interrogations.

Concern is also expressed at the apparent lack of appropriate response by the NIHR to allegations of human rights violations in prisons. We are further concerned about the recent statement made by the NIHR which appears to be an attempt to delegitimize the work of human rights organisations denouncing human rights abuses in Bahraini prisons.

We reiterate our concerns at the targeting of human rights defenders and political activists for peacefully carrying out their human rights activities, as well as for legitimately exercising their rights to freedom of expression, freedom of association and freedom of peaceful assembly.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal and factual basis of the conviction and imprisonment of Ms. Medina Ali, along with information on how these are compatible with international human rights law. Please further provide information on what steps have been taken to ensure that fair trial guarantees have been afforded to Ms. Ali in line with international human rights standards.
3. Kindly indicate what measures have been taken to ensure adequate treatment of Ms. Hajar Mansoor Hasan, Ms. Medina Ali and Mr. Nabeel Rajab while in detention. Please also indicate the measures taken to investigate abuses perpetrated against Ms. Mansoor Hasan and Ms. Ali while in detention.
4. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to alleged physical abuse and threats against Ms. Mansoor Hasan and Ms. Ali committed by the Criminal Investigations Directorate officers. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide detailed information as to what efforts have been made to ensure the effective access of Ms. Mansoor Hasan, Ms. Ali and Mr. Rajab to all necessary and adequate medical assistance while in detention.
6. Kindly explain the rationale for rejecting requests made by Ms. Mansoor Hasan, Ms. Ali and Mr. Rajab for alternative non-custodial sentences.
7. Kindly explain the rationale for imposing restrictions on access to drinking water, religious practices, phone calls, time outside the cells, and for placing a glass barrier between prisoners and their relatives during family visits in the Isa Town Female Detention Centre. Please also explain how these are compatible with international human rights norms and standards.
8. Please indicate what measures have been taken to ensure the effectiveness and independence of the National Institute for Human Rights, in compliance with the Paris Principles.

9. Please provide information on the measures which have been put in place to ensure that human rights defenders and civil society organisations are able to cooperate with UN, its representatives and mechanisms in the field of human rights, including by disseminating information on all human rights and fundamental freedoms, without fear of reprisal.
10. Please indicate what measures have been taken to ensure that human rights defenders in Bahrain are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of travel restrictions, threats or acts of violence of any kind.

We would appreciate receiving a response within 60 days. Thereafter, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

In light of the allegations of possible acts of reprisals for cooperation with the United Nations in the field of human rights, we reserve the right to share this communication – and any response received from Your Excellency's Government - with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the senior United Nations official designated by the Secretary General to lead the efforts within the United Nations system to address this issue.

Please accept, Excellency, the assurances of our highest consideration.

Michel Forst
Special Rapporteur on the situation of human rights defenders

Leigh Toomey
Vice-Chair of the Working Group on Arbitrary Detention

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Dainius Puras
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

Meskerem Techane
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to articles 7, 9, 10, 12, 14, 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded on 20 September 2006, which prohibit torture and cruel, inhuman or degrading treatment and guarantee the rights to liberty and security of person, to be treated with humanity and respect for the inherent dignity of the human person, to due process, to freedom of religion or belief and to freedom of opinion and expression. In particular, we wish to remind your Excellency's Government that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the aim pursued.

We would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of *jus cogens*, and as reflected *inter alia*, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156. In this context, we would also like to draw the attention of your Excellency's Government to paragraph 1 of General Assembly Resolution 68/156, which "[c]ondemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment". We also refer to paragraph 28 of the General Assembly resolution 68/156 (2014) which emphasizes that conditions of detention must respect the dignity and human rights of persons deprived of their liberty and calls upon States to address and prevent detention conditions that amount to torture or cruel, inhuman or degrading treatment or punishment.

We would like to draw the attention of your Excellency's Government to Principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly on 9 December 1988 which states that, "A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world [...]". We would also like to draw your attention to the reviewed Standard Minimum Rules for the Treatment of Prisoners (as amended and adopted by the UN General Assembly on 5 November 2015 and renamed the "Mandela Rules") and in particular Rule 58 that provides that prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals by corresponding or by receiving visits.

We would also like to bring to your Excellency's Government's attention Human Rights Council resolution 12/16, which calls on States to recognise the exercise of the right to freedom of opinion and expression as one of the essential foundations of a democratic society. While noting that article 19, paragraph 3, of the ICCPR provides that the exercise of the right to freedom of opinion and expression carries with it special

duties and responsibilities, it calls on States to refrain from imposing restrictions that are not consistent with paragraph 3 of that article, including on discussion of government policies and political debate and reporting on human rights, government activities and corruption in government.

With regards to the right to health, article 12 of the International Covenant on Economic, Social and Cultural Rights, which Bahrain acceded to on 27 September 2007 establishes the obligation of States to refrain from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services. Furthermore, the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) establish States' responsibility to provide healthcare for prisoners. Inter alia, prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or civil hospitals (Rule 27.1) and clinical decisions in prisons may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff (Rule 27.2). Prisoners with special health-care needs shall be paid special attention (Rule 25), and all prisoners should receive continuity of medical treatment and care (Rule 24, (2)) and be granted access to their medical files upon request (Rule 26).

With regards to the alleged placement of Mr. Rajab in a cell with persons convicted for prostitution offences, we would like to refer your Excellency's Government to Rule 11c of the Mandela Rules which provides that "different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment."

With regards to the alleged restrictions on religious freedom in the Isa Town Female Detention Centre, we would like to refer your Excellency's Government to Rule 66 of the Mandela Rules which establishes that "every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and having in his or her possession the books of religious observance and instruction of his or her denomination." Similarly, Rule 66 of the Mandela Rules provides for the protection of the prisoner's right to satisfy the needs of his or her religious life. The Special Rapporteur on the situation of human rights defenders noted in his report to the Human Rights Council (A/HRC/40/60; para. 74) that women in forced confinement are at risk of "mistreatment, medical negligence, isolation, inhuman and degrading treatment and torture". The Special Rapporteur further expressed specific concern about the situation of women human rights defenders in Isa Town Detention Centre (A/HRC/40/60; para. 75).

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international

levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5 (c), which provides for the right to communicate with non-governmental or intergovernmental organizations;
- Article 6 (b) and c) which provide that everyone has the right, individually and in association with others to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- article 9, para 3 (a) which provides that everyone has the right, individually and in association with others, to “complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay”;
- Article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Regarding allegations indicating that the violations could be an act of intimidation and reprisals against those who cooperate with the UN in the field of human rights, we would like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21, and 42/28 reaffirming the right of everyone, individually or in association with other, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council urges States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies [as well as the issuance of appropriate guidance to national authorities] in order to promote a safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Council also urges States to ensure accountability for reprisals by providing access to remedies for victims, and preventing any recurrence. It calls on States to combat impunity by conducting prompt,

impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.

Finally, we would like to recall that according to the Paris Principles, National Human Rights Institutions are established by States for the specific purpose of advancing and defending human rights at the national level, and are acknowledged to be one of the most important means by which States bridge the implementation gap between their international human rights obligations and actual enjoyment of human rights on the ground. The Sub-Committee on Accreditation states in its General Observations of the Paris Principles, adopted on 21 February 2018, that “the establishment and strengthening of National Human Rights Institutions pursuant to the Paris Principles falls within the set of international human rights commitments made by States.” Therefore, it is the responsibility of the State to ensure that its National Human Rights Institution is compliant with the Paris Principles.