

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Ref.: AL BHR 4/2021
(Please use this reference in your reply)

15 November 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights of persons with disabilities and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, pursuant to Human Rights Council resolutions 43/16, 44/10 and 42/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the deteriorating health of imprisoned human rights defender Abduljalil Al-Singace.**

Mr. **Abduljalil Al-Singace** was the Director and Spokesperson of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy. He was arrested in August 2010 at Bahrain International Airport after returning from participating in a seminar on the human rights situation in Bahrain at the UK House of Lords. After being released without charge, Mr. Al-Singace was arrested again in March 2011, and allegedly disappeared for approximately two months. It is alleged that during his disappearance, Mr. Al-Singace was subjected to various forms of ill-treatment. He was sentenced to life imprisonment on multiple terrorism and State security charges in June 2011. While at liberty, Mr. Al-Singace actively engaged with the UN Human Rights Council as well as other UN human rights mechanisms. Mr. Al-Singace has a disability that required the use of crutches, but now requires a wheelchair.

Since 2010, Mr. Al-Singace has been the subject of several communications by Special Procedures mandate holders, including most recently AL BHR 2/2021, addressed to your Excellency's Government on 3 May 2021, in relation to the long-term detention of five human rights defenders in Bahrain and related allegations of torture, ill-treatment and poor conditions of detention, and lack of 'reasonable accommodation'. Mr. Al-Singace reportedly suffers the effects of polio and sickle-cell anemia. We appreciate the response received from your Excellency's Government to this communication, which is currently undergoing translation.

The case of Mr. Al-Singace was included in the 2021, 2012 and 2011 reports of the Secretary-General on cooperation with the UN in the field of human rights for various allegations of acts of reprisal due to his engagement with several UN mechanisms, including the Universal Periodic Review and the treaty bodies. In connection to the 2021 report of the Secretary-General, the Government responded providing detailed information on his health status indicating that his is regularly monitored both by general practitioner and specialized doctors (A/HRC/48/28, Annex II, para. 8).

According to the new information received:

On 8 July 2021, Mr. Al-Singace informed his family that he would begin a hunger strike in protest against ill-treatment he had been subjected to in Jau Prison and the alleged confiscation of papers on linguistic diversity in Bahrain, that Mr. Al-Singace had written over the course of four years in prison.

On 18 July 2021, Mr. Al-Singace, who suffers from diabetes, along with other medical conditions, and who usually uses crutches, was transferred to Al-Kalaa Hospital having lost over eight kilograms since the beginning of his hunger strike. He was kept at the hospital for approximately one week, before being transferred to Ebrahim Khalil Kando Community Medical Centre, where he has remained since.

Since his transfer to Ebrahim Khalil Kando Community Medical Centre, Mr. Al-Singace has been experiencing vertigo and muscular pains. He has been unable to stand and now requires a wheelchair to move about, rather than using his crutches. As of 25 October 2021, he had lost 20 kilograms, with his health deteriorating greatly.

Without wishing to prejudge the accuracy of the information received, we wish to express our concern as to the deteriorating health of Mr. Al-Singace, as well as to the alleged arbitrary confiscation of his research work. More broadly, we wish to express our continuing concern as to the detention of Mr. Al-Singace, which, as expressed in previous communications addressed to your Excellency's Government, appears to be solely based on his legitimate advocacy for the respect and protection of human rights in Bahrain.

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 as to the factual and legal basis for the alleged confiscation of Mr. Al-Singace's research materials and the refusal of their return. Please explain how these measures comply with Bahrain's obligations under international human rights law.
3. Please provide detailed information as to the measures taken to ensure Mr. Al-Singace's access to healthcare and to adequate medical treatment due to his medical conditions and in particular since the commencement of his hunger strike.

We would appreciate receiving a response within 60 days. Past this delay, 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.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Gerard Quinn
Special Rapporteur on the rights of persons with disabilities

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Economic, Social and Cultural Rights, to which the Kingdom of Bahrain acceded on 27 September 2007.

In particular, we would like to recall the obligations of your Excellency's Government under articles 12 and 15, which guarantee, respectively, the right of all persons to the enjoyment of the highest attainable standard of physical and mental health, and the right of all persons to take part in cultural life. The Committee on Economic, Social and Cultural Rights, in its General Comment No. 14 (2000) on the right to the highest attainable standard of health has affirmed that the obligation of State parties to respect the right to health includes a duty to refrain from denying or limiting access to medical care for all persons, including prisoners or detainees.

In connection with this, we would like to refer to rules 24 to 35 of the UN Minimum Rules for the Treatment of Prisoners (the “Mandela Rules”), adopted unanimously by the UN General Assembly (A/RES/70/175) in December 2015, which provide that healthcare for prisoners is a State responsibility. In particular, rule 27 establishes that States have the responsibility to provide prompt access to medical attention in urgent cases, and to transfer prisoners who require specialized treatment to specialized institutions or civilian hospitals. We would also like to underscore rule 1, which states that “All persons shall be treated with respect due to their inherent dignity and value as human beings”.

Furthermore, we would like to refer to the Convention on the Rights of Persons with Disabilities, ratified by Bahrain on 22 September 2011. In particular, we would like to stress articles 5 (equal treatment including an obligation to provide ‘reasonable accommodation’), 14 (right to liberty and security of persons), 16 (freedom from exploitation, violence and abuse), 17 (protection of the integrity of the person) and 25 (health) of the Convention. These provisions provide, respectively, that any person with a disability deprived of his/her liberty should be provided with ‘reasonable accommodation’ in places of detention, that persons with disabilities have the right to respect for their physical and mental integrity on an equal basis with others, even in and perhaps especially in places of detention, and that State Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability.

Furthermore, we wish to refer to Human Rights Council resolution 24/24 which calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights; and Human Rights Council resolution 22/6, which provides for the right to “unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms”.

Moreover, the 2015 report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/30/29), pursuant to Human Rights Council resolution 12/2 (A/HRC/30/29) reiterates the Secretary-General's firm position that "any act of intimidation or reprisal against individuals or groups for their engagement with the United Nations, its mechanisms and representatives in the field of human rights is completely unacceptable and must be halted, immediately and unconditionally" (para. 47).

In paragraph 23 of its General Comment No. 34 (2011) on the right to freedom of expression under the International Covenant on Civil and Political Rights, the Human Rights Committee has recognized that those "persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports", are "frequently subjected to threats, intimidation and attacks because of their activities." The Committee has urged States parties to protect against attacks aimed at silencing those exercising their right to freedom of expression.

We also refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We also wish to refer 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, article 1, which states that everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, and article 2, which provides that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice. We would also like to make specific reference to article 12 of the Declaration, which states that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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.

Finally, we would like to refer to the report of the UN Special Rapporteur on the situation of human rights defenders, concerning the long-term detention of human rights defenders (A/76/143), wherein she called for the immediate and unconditional release of all human rights defenders currently held in detention.