

**Mandates of 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**

Ref.: AL BHR 3/2023  
(Please use this reference in your reply)

13 September 2023

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 and Special Rapporteur on the rights of persons with disabilities, pursuant to Human Rights Council resolutions 52/4, 51/8 and 53/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the continued detention of human rights defender, Mr. **Abduljalil Al-Singace**, as well as information on his decline in health. Similarly, we wish to alert you to the health condition of Mr. **Abdulahdi Al-Khawaja** while in detention. Furthermore, we wish to address our concerns at the ill-treatment of **Mr. Naji Fateel** while in prison.

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 also an active participant of the UN Human Rights Council, among other human rights mechanisms with which he engaged. He was first arrested in August 2010 on his return from a seminar on the human rights situation in Bahrain which he had attended in the United Kingdom, in the House of Lords. He was intercepted by authorities in Bahrain International Airport. Following his release without charge, Mr. Al-Singace was once again arbitrarily detained and forcibly disappeared for two months from March 2011, during which time he suffered torture during interrogation, which took place without the presence of his lawyer. He was sentenced to life imprisonment on grounds of terrorism in June 2011. Mr. Al-Singace's disability, which had meant he required the use of crutches, has evolved to the point that he is now a regular user of a wheelchair. Mr. Al-Singace also suffers from polio and sickle-cell anaemia which leaves him with chronic pain, numbness, dizziness and breathing difficulties.

The concerning state of Mr. Al-Singace's health, as well as the confiscation of his writing material in July 2021 while in incarceration, was the subject of our previous communication, sent to Your Excellency on 30 December 2021 (**AL BHR 5/2021**). We note with thanks that a reply was sent in response to this by Your Excellency's government on 7 March 2022. We, nonetheless, wish to reiterate our concern at the continuation of the violations perpetrated against Mr. Al-Singace.

More recently, the Working Group on Arbitrary Detention adopted Opinion No. 2/2023 concerning Mr. Abduljalil Al-Singace at its ninety-sixth session (27 March – 05 April 2023) (**A/HRC/WGAD/2023/2**) which pronounced that Mr. Al-Singace's detention is a direct result of his work in defence of human rights, namely his exercise of the freedoms of expression and of assembly. It was thus held to be arbitrary under four categories of violations. These findings highlight the

incompatibility of Mr. Al-Singace's continued detention under international law and underscore the need for his release.

This Opinion followed a communication sent to Your Excellency's government on 15 November 2022, to which a reply was received on 12 January 2023. In its opinion, the Working Group found the detention of Mr. Al-Singace to be arbitrary as per international law and requested, inter alia, that Mr. Al-Singace be released and be accorded an enforceable right to compensation and other reparations.

Mr. **Abdulahdi Al-Khawaja**, of dual Bahraini and Danish citizenship, is a human rights defender and former Protection Coordinator for the Middle East region at Front Line Defenders, as well as the former President of the Bahrain Centre for Human Rights (BCHR). He was also the winner of the 2022 Martin Ennals Award for Human Rights Defenders. As part of his work, he has advocated for political reform, namely greater participation by the Bahraini people, especially Shi'ite Muslims. He has also denounced breaches of human rights in the country and has liaised with the United Nations and other international bodies.

The situation of Mr. Al-Khawaja has been addressed in eleven communications sent to your Excellency's Government in the past, namely: **BHR 1/2023; BHR 2/2021; BHR 3/2012; BHR 18/2011; BHR 17/2011; BHR 9/2011; BHR 5/2011; BHR 4/2011; BHR 2/2009; BHR 2/2007; BHR 6/2005**. Additionally, the Working Group on Arbitrary Detention highlighted the injustice of Mr. Al-Khawaja's incarceration when it classified this detention as arbitrary in its Opinion adopted at its sixty-third session, between 30 April and 4 May 2012 (A/HRC/WGAD/2012/6). We acknowledge receipt of responses transmitted by your Excellency's Government regarding all the aforementioned communications on 17 April 2023; 28 June 2021; 30 December 2012; 21 December 2011; 23 September 2011; 8 June 2011; 7 June 2011; 26 April 2011; 1 April 2009; 15 February 2007 and 27 December 2005. We however regret his situation has not been addressed, given the following allegations.

Mr. **Naji Fateel** is a human rights defender and prominent blogger from Bahrain, as well as a board member of the non-governmental organisation "Bahrain Youth Society for Human Rights" (BYSHR). Prior to his incarceration, he actively participated in marches in which he campaigned for the importance of documenting human rights violations and he urged audiences to document human rights abuses.

Alleged violations against Mr. Fateel have been addressed in six previous communications sent by mandate holders to your Excellency's Government, namely: BHR 2/2021, BHR 7/2018, BHR 5/2017, BHR 10/2014, BHR 2/2013, BHR 2/2008 and BHR 1/2008. We appreciate your Excellency's Government's response to these communications on 15 September 2014/1 October 2014, 5 November 2013, 8 July 2013, 6 March 2009, 23 April 2008. Moreover, the Working Group on Arbitrary Detention, in their opinion issued on 12 April 2022 (A/HRC/WGAD/2022/65) confirmed that there was "no legal basis which justifies Mr. Fateel's arrest and detention. We regret that no reply has been given to BHR 2/2008. We acknowledge receipt of the responses received to these communications from your Excellency's Government. However, we remain concerned for the situation of Mr. Naji Fateel, particularly with regards to the serious allegations that he was tortured in detention.

According to the information received:

*The case of Mr. Abduljalil Al-Singace:*

Since 22 June 2011, Mr. Al-Singace has been serving life imprisonment, and has been detained at Ebrahim Khalil Kando Community Medical Centre under intensive police supervision. He continues to be denied the requisite medical treatment, including necessary examinations of his shoulder and head, and treatment for joints, sight, prostate, and tremors. Though an MRI scan was reportedly taken in October 2021, authorities have continuously refused to share the results of this with the human rights defender. Vital medical items, such as medical slippers, to prevent slipping in the bathroom, and a hot water bottle for pain relief, have also been denied to the human rights defender. According to reports which describe the conditions of the human rights defender's detention, Mr. Al-Singace has been held in a state of isolation likely amounting to solitary confinement. He spends excessive time in his room and has been prohibited from going outside.

As a consequence of these conditions, it is reported that Mr. Al-Singace has not received any sun exposure as part of his detention. Moreover, while prison authorities communicated to the Red Cross that the detainee was receiving sun exposure, it has since been reported that this statement is allegedly false.

Additionally, authorities continue to limit his access to information by banning English and Arabic newspapers and have reduced the number of permitted TV channels from 14 to just four.

These restrictions have also impacted on Mr. Al-Singace's ability to practice his religion, since this prohibition extends to TV channels that broadcast Shia religious rites and festivities. Moreover, the prison's restrictions on books associated with the holy month of Muharram undermined Mr. Al-Singace religious practice during this spiritual time. This has infringed upon his right to freedom of religion and belief.

Moreover, it is reported that Mr. Al-Singace continued to be deprived of his handwritten notebooks, which were taken by authorities on 9 April 2021 in accordance with article 64 (5) of the implementing regulations of the Reform and Rehabilitation Institution Act (No. 18) of 2014 in Bahrain. Although authorities have handed over Dr Al-Singace's passport to his family, they have retained possession of these research notebooks, which they claim are being kept in a safety deposit box.

On 23 June 2023, Mr. Abduljalil Al-Singace decided to suspend family visits and telephone calls in protest of the continued medical negligence and deprivation of treatment to which he has been subject.

It is reported that, while in prison, Mr. Al-Singace has been sustaining himself on multivitamin liquid supplements, tea with milk and sugar, water, and salts. Consequently, the blood sugar levels of the human rights defender are concerningly low.

On 7 August 2023, Dr Al-Singace was to be escorted to the physiotherapy space in Kanoo medical center in a wheelchair. However, he refused due to the presence of an armed guard who had been assigned to accompany him during his medical appointment.

On 9 August 2023, the authorities conceded to bring Mr. Al-Singace for physiotherapy without an armed guard. Reportedly, during the physiotherapy session, Mr. Al-Singace did not receive treatments such as ultrasound which he requires for his illnesses. It remains to be seen whether these will be provided in future sessions.

On 14 August, it was communicated that Dr Al-Singace is unable to walk or exercise properly because of his condition and his health remains unstable.

*The case of Mr. Abdulhadi Al-Khawaja:*

Mr. Abdulhadi Al-Khawaja was arrested in April 2011 after he peacefully protested for political reform in Bahrain. He was convicted inter alia of membership in a terrorist organization, contacting terrorist groups abroad and spreading false information for which he was sentenced to life imprisonment on 22 June 2011. He is currently serving this sentence in Jau prison.

On 12 August 2023, Mr. Al-Khawaja was reportedly taken to the prison clinic after experiencing strong heart palpitations. He was informed that his heart condition was not normal and required further treatment. He was taken by ambulance to the military hospital emergency room.

On being seen by the doctor there, Mr. Al-Khawaja was subsequently admitted to the Intensive Care Unit to receive an intravenous (IV) infusion or 'drip'. After two hours of receiving the IV drip, the heartbeat of the human rights defender improved, and he was escorted back to his prison cell.

On 14 August, Mr. Al-Khawaja informed his family that he that he was struggling to sustain much movement, including raising his arms above his head. He told family members that he spends most of his time lying down.

*The case of Mr. Naji Fateel:*

On 2 May 2013, Mr. Naji Fateel was arrested at his home in Bani Jamra, before being taken to the Criminal Investigation building where he was allegedly subjected to torture of such a severe nature that he had to be hospitalised as a result. This occurred as part of a reported incommunicado detention which lasted for three days.

On 22 May 2013, Mr. Fateel was sentenced to six months in prison by the Fourth Criminal Court for the offence of “establishment of a group for the purpose of disabling the Constitution”, stipulated in article 6 of the Terrorism Law No. 58 of 2006.

On 29 September 2013, Mr. Fateel was sentenced to 15 years in prison under article 6 of the Anti-Terrorism law. He is currently serving this sentence in Jau prison.

On 29 May 2014, the Appeals Court of Bahrain upheld this 15-year sentence against the human rights defender.

It is understood that Mr. Fateel faces multiple health concerns while in prison. Reportedly, though some of these issues require urgent medical attention, treatment has been denied to the human rights defender for several years.

Mr. Fateel also experiences pain from a metal rod that was placed in his leg in 2011, following an injury he suffered when he fell off a three-storey building while documenting a protest in 2011. This rod was due to be removed ten years ago. However, the neglect of this important surgery by prison authorities has resulted in chronic inflammation in Mr. Fateel's leg, making it difficult for him to walk.

Most recently, sometime following 9 August 2020, Mr. Fateel was allegedly transferred to solitary confinement. It is alleged that the human rights defender has been held in incommunicado detention since this time, given that he has been unable to contact his family. On 2 September 2019, the human rights defender was transferred to solitary confinement and was prohibited from receiving phone calls and visits from his family and lawyers.

This is not the first time Mr. Fateel has been subjected to solitary confinement.

Without wishing to prejudge the accuracy of the above-detailed information, we wish to reiterate our alarm at the deteriorating health condition of Mr. **Al-Singace**, resulting from the deprivation of treatment and medical negligence to which he has been subject. This appears to constitute part of a broader pattern; wherein human rights defenders are subjected to detention on account of their work in defence of human rights. This pattern of violations has been evidenced in other communications sent to Your Government such as in **AL BHR 1/2023**.

We also wish to express our alarm at the rapidly deteriorating health of Mr. **Al-Khawaja** as well as his ill treatment while in prison. We acknowledge that the motivation for his detention is rooted in his work in defence of human rights, namely the exercise of his rights to freedom of opinion and expression, to freedom of peaceful assembly and association, and to take part in the conduct of public affairs. Furthermore, we are concerned that in addition to his deteriorating health, Mr. Al-Khawaja's wellbeing is being negatively impacted by routine psychological pressure applied by the prison authorities. It is our concern that after spending 12 years unjustly imprisoned, Mr. Al-Khawaja is being further targeted in this way in order to push him towards a breaking point.

Moreover, we are alarmed at the ill treatment that Mr. **Naji Fateel** has allegedly suffered. These prison conditions undoubtedly contravene the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Of particular relevance here are Rule 36 which stipulates that discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody and Rule 37, which states that any form of involuntary separation from the general prison population, such as solitary confinement, isolation, segregation, special care units or restricted housing, whether as a disciplinary sanction or for the maintenance of order and security, including promulgating policies and procedures

governing the use and review of, admission to and release from any form of involuntary separation, must always be subject to authorisation by law. The latter would mean the most recent alleged separation of Mr. Fateel from other prisoners, is in disregard of international law.

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.

We are issuing this appeal in order to safeguard the rights of the abovementioned individuals from irreparable harm and without prejudicing any eventual legal determination.

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, as a matter of urgency, up-to-date information on the health of Mr. Al-Singace, Mr. Al-Khawaja, and Mr. Najj Fateel as well as the measures taken to ensure their access to appropriate and adequate medical care and treatment.
3. Please elaborate on how article 64(5) of the implementing regulations of the Reform and Rehabilitation Institution Act (no. 18) of 2014 in Bahrain, article 53(6) of Decree no. 15 of 1976 promulgating the Criminal Code and other laws which justify the seizure of Mr. Al-Singace's research materials are compliant with Bahrain's obligations under international human rights law.
4. Please provide detailed information concerning measures which are taken to prevent human rights violations being perpetrated by members of the prison authorities and security personnel against inmates, as well as any protective measures which may have been put in place to ensure the physical and psychological security and integrity of human rights defenders while in detention. If no measures were taken, please explain why not.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Matthew Gillett

Vice-Chair on communications of the Working Group on Arbitrary Detention

Gerard Quinn

Special Rapporteur on the rights of persons with disabilities

## 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", and rule 58, which states that "Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals", including "(a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and (b) By receiving visits."

We also refer to the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment and punishment as codified in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Bahrain acceded on 6 March 1998, and in article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded on 20 September 2006. We recall articles 7 and 12 of the CAT, which prescribe State parties' obligations to promptly and impartially investigate alleged acts of torture and to prosecute the perpetrators.

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).

We would like to recall that article 19 of the ICCPR guarantees the right to opinion and expression. In the general comment 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of opinion and expression, including inter alia ‘political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism’, subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination. Furthermore, an attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19.

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant.

We would like to recall article 20(1) of the Universal Declaration of Human Rights which states that “[e]veryone has the right to freedom of peaceful assembly and association”. We would further like to refer to article 21 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to freedom of peaceful assembly. Article 21 states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. Article 22 of the ICCPR protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. This means ensuring that the rights to freedom of peaceful

assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2(1) of the International Covenant on Civil and Political Rights) [see also ICCPR, art. 26].

We also wish to acknowledge that the right to freedom of religion or belief is one which is guaranteed by article 18 of the Universal Declaration of Human Rights (UDHR), article 18 of the International Covenant on Civil and Political Rights (ICCPR) and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

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.