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Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Political Prisoners in Bahrain

Americans for Democracy & Human Rights in Bahrain Inc (ADHRB) welcomes this opportunity at the 46th session of the United Nations (UN) Human Rights Council (HRC) to draw attention to the ongoing mistreatment of political prisoners in Bahrain. Since the pro-democracy movement began in 2011, the Bahraini government has detained, forcibly disappeared, tortured, and killed a number of journalists, political opponents, religious figures, and human rights defenders that have been critical of the government. These grave violations of the human rights of political prisoners is also in direct violation of the Mandela Rules.

Background

In 2011, thousands of Bahrainis peacefully gathered to protest the lack of human rights and democracy within the country. Since then Bahraini government officials have engaged in an ongoing and systemic campaign of reprisals, intimidation, and torture against human rights defenders across the country. The government has resorted to means of arrest, torture, extrajudicial killing, and the imprisonment of human rights defenders, journalists, political opponents, and religious figures. As a result of this policy of reprisal, there are thousands of political prisoners currently detained in Bahrain. These wrongfully detained political prisoners were already subjected to abuses, torture, mistreatment, and lack of adequate access to medical care prior to the onset of the COVID-19 pandemic. However, the onset of the pandemic has greatly worsened their current situations and has made their immediate release of paramount importance.

In March 2020, the Bahraini Interior Ministry released 1,486 detainees for “humanitarian reasons” due to the COVID-19 pandemic, and granted approximately 900 of them royal pardon, while 585 were given non-custodial sentences. However, political prisoners only accounted for a mere 300 of those released, and none of them included any prominent political leaders or human rights defenders. Moreover, government officials have failed to take any concrete measures to prevent the spread of the virus within prisons, thereby exponentially increasing the risk of prisoners contracting COVID-19. This is of particular concern since Bahrain’s prisons were already criticized repeatedly by the UN due to their lack of adequate sanitation and severe mistreatment of prisoners. In a letter sent by eight UN Special Rapporteurs to the Bahraini government, the experts document a range of abuses perpetrated by prison staff, including medical negligence, religious discrimination, and harassment that are in violation of several international human rights treaties including the United Nations Standard Minimum Rules for the Treatment of Prisoners (UNSMRTP) – also known as the Nelson Mandela Rules.

For example, Bahrain’s primary prison, the Jaw Rehabilitation and Reform Center has over 2,000 recorded prisoners, and yet only has two staff physicians (one per shift), and no more than two or three medical staff on duty at a given time. Additionally, the doctors employed by prison authorities are general practitioners, there are no specialized staff, and a lack of diagnostic equipment such as X-ray machines. This is a deadly oversight given the current COVID-19 pandemic. Moreover, such medical negligence means that those with longstanding medical conditions often require transfers to outside medical facilities, which they are routinely denied.

In light of the above ADHRB will focus on the cases of Hasan Mushaima, Abdulhadi al-Khawaja, and Dr. Abdel-Jalil al-Singace, their mistreatment during detention, and the violations of the Mandela Rules that such mistreatment entails.

Hasan Mushaima

Hasan Mushaima is the leader of the political opposition in Bahrain, teacher, and the Secretary-General of the al-Haq Movement. Mushaima was a founding member of Al-Wefaq – the largest political opposition movement prior to its government dissolution – and

a leading figure in the 1994 uprising in Bahrain. Government officials arrested and sentenced Mushaima to life in prison in 2011 for his participation in the peaceful pro-democracy protests. As of 2021, Mushaima is 73 years old and has spent the past decade incarcerated. Mushaima is a lymphoma survivor and has diabetes. However, despite his medical condition, prison authorities have repeatedly denied him regular cancer screening and adequate medical care during his detention. Moreover, prison officials have forced Mushaima to attend health checks in humiliating shackles, which he has refused to wear, and which has further resulted in him being denied medical treatment.

Abdulhadi al-Khawaja

Abdulhadi al-Khawaja is a prominent Bahraini human rights defender. He is the founder and former president of the Bahrain Center for Human Rights (BCHR). Al-Khawaja was violently arrested by government officials in 2011 for his involvement in the pro-democracy movement and sentenced him to life in prison. During his detention, prison authorities subjected him to various reprisals, including torture, abuse, and having his belongings confiscated in prison. In November 2017, prison authorities also restricted his access to television, radio, and books.

Dr. Abduljalil al-Singace

Abduljalil al-Singace is a professor, mechanical engineer, blogger, and human rights activist. Al-Singace was sentenced to life in prison in 2011 for his participation in the pro-democracy movement. Despite al-Singace's long medical history of health issues, since 2013, Bahraini officials have routinely ignored his requests for medical attention despite his long-term poliomyelitis, which has left him paralyzed since childhood. During his incarceration, prison authorities have routinely subjected him to torture and sexual abuse. The systemic and cruel mistreatment that al-Singace has been subjected to has resulted in a significant deterioration of his health and has prompted him to go on several hunger strikes in protest.

Violations of the Nelson Mandela Rules

The three cases outlined above indicate several aspects of the Mandela Rules which have been clearly violated by the Bahraini Government in its treatment of political prisoners. Firstly, the torture and abuse experiences by the detained persons and the lack of accountability for such actions outlined above is in direct violation of Rules 1, 37, 39, 43 and 71 of the Mandela Rules. These rules prohibit the use of torture and other cruel and degrading treatment and mandate that investigations must be conducted by the relevant authorities if such abuses do occur.

Additionally, the lack of access to adequate medical care experienced by the detained human rights defenders, and the use of humiliating restraints such as shackles is in violation of Rules 5, 25.1, 27, 30, 31, 32, 33, 34, 35, 42, 46, 47, 48, and 49. Meanwhile, prison authorities' refusal to grant al-Khawaja access to television, radio, and books, is in violation of Rules 3, 4.2, 5, and 64. Lastly, the lack of sanitation and the inhumane housing conditions of Bahrain's prisons, poses a substantial health risk due to the ongoing pandemic and the already vulnerable health condition of these incarcerated individuals. These conditions of prisons in Bahrain are in violation of Rules 5, 13, 14, 15, 16, 17, 18, 19, and 21.

Indeed given the brief overview of the horrific conditions that political prisoners in Bahrain are subjected to, it may have been more prudent to outline the few Mandela Rules that the government has not violated. It is clear that the culture of impunity which characterizes the human rights crisis in Bahrain extends to its prison system. Moreover, this systemic culture of impunity is unlikely to improve without ongoing pressure from the international community, since the advent of a global pandemic has not had any effects on the government's mistreatment of imprisoned human rights defenders.

Conclusion and Recommendations

As a member of the UN HRC, it is imperative that Bahrain be held to high standards when it comes to its commitment to human rights. The cruel and inhumane prison conditions and treatment that political prisoners have been subjected to in Bahrain is not only in direct violation of international humanitarian law but also in direct violation of the Nelson Mandela Rules which govern the minimum standards of treatment of prisoners.

Therefore, ADHRB urges the Government of Bahrain to:

- Immediately drop all charges against human rights defenders targeted for their activism;
 - Release all political prisoners detained without charge or on the basis of false accusations;
 - Ensure the provision of adequate and necessary medical care for all prisoners;
 - Ensure that prisons meet the minimum standards of sanitation required;
 - Conduct independent and impartial investigations into allegations of mistreatment and torture, and hold those responsible to account;
 - End the systemic campaign of reprisals against human rights defenders; and,
 - Take immediate steps to end the culture of impunity in Bahrain.
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