

# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*

**Promoting human rights by protecting those who defend them**

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Thursday, January 21, 2016

Shaikh Hamad bin 'Issa Al Khalifa  
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Office of His Majesty the King  
P.O. Box 555, Rifa'a Palace,  
Al-Manama, Kingdom of Bahrain

Dr. Ali Fadhul Al-Buainain  
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Prince Khalifa bin Salman al-Khalifa  
Prime Minister  
Kingdom of Bahrain  
Al-Manama, Kingdom of Bahrain

Dear Excellency, Prime Minister and Attorney General:

## **Re: Dr. Abduljalil al-Singace – Need for Immediate Medical Attention in a Private Hospital**

Lawyers Rights Watch Canada (LRWC) requests that Dr. Abduljalil al-Singace be immediately:

1. transported to a civilian hospital chosen by him or his family, for the care and treatment necessary to save his life, and
2. released from prison.

Earlier request by LRWC and many other human rights organizations for Dr. al-Singace's release and access to proper medical treatment have been ignored. On 28 August 2015, 42 international human rights organizations including LRWC called on Bahrain authorities to ensure that Dr. al-Singace was immediately released from prison and given full access to appropriate medical treatment without condition. The situation was urgent as Dr. al-Singace had been on a hunger strike for 161 days to protest the unjust collective punishment, humiliation and torture of Jau prison inmates following a 10 March uprising against appalling prison conditions. On 5 October 2015, NGOs again joined to call for the release of Dr. al-Singace.

Dr. al-Singace must be transferred immediately out of the Qalaa military hospital where he has been held since he collapsed on 30 March 2015 to a civilian hospital chosen by him or his family. It is only at a reputable civilian hospital that Dr. al-Singace can benefit from the best treatment available, delivered under conditions considered medically optimal. The conditions imposed by the military hospital have further compromised his health and cannot be considered medically advisable for a frail patient. Dr. al-Singace is essentially kept in solitary confinement: contact with other patients is denied, telephone calls are monitored and interrupted and visits

with family are not regularly allowed. The military hospital authorities have denied his request for a physical checkup by his hematologist at Salmaniya Medical Complex and refuse access to hygiene products.

Bahrain is a party to the International Covenant on Civil and Political Rights and must comply with the Convention's requirements. Although the International Covenant on Civil and Political Rights (ICCPR) does not expressly provide for a right to health care, the United Nations Human Rights Committee's (HR Committee) has determined<sup>1</sup> that state parties, such as Bahrain, must ensure adequate (i.e., appropriate and timely) medical care for all detainees to ensure:

- the right to life under Article 6;
- freedom from torture or cruel, inhuman or degrading treatment and punishment under Article 7; and
- the humane treatment of prisoners in accordance with Article 10.

These provisions of the ICCPR compel Bahrain to provide access to the most appropriate medical treatment in accordance with current professional standards.

The HR Committee has also stated that "the State party by arresting and detaining individuals takes the responsibility to care for their life." Further, the State has a duty to be proactive in providing adequate medical care. The HR Committee has stated that it is "incumbent on States to ensure the right of life of detainees, and not incumbent on the latter to request protection."<sup>2</sup>

The conditions of Dr. al-Singace's imprisonment and the treatment he has received at both Jau prison and the military hospital have caused serious deterioration of his health and have prevented improvement. He is now gravely ill and in urgent need of highly competent medical care delivered under conditions considered medically advisable. Bahrain authorities must act quickly to ensure that Dr. al-Singace receives proper medical treatment at a civilian hospital of his choice.

Dr. al-Singace has been on a hunger strike, taking only liquids, since 21 March 2015. Hunger strikes have been used as a protest of last resort by the weak against the strong, going back at least to ancient Rome and India. UN officials have tacitly condoned hunger strikes, calling them "a non-violent form of protest used by individuals who have exhausted other forms of protest to highlight the seriousness of their situations".

In 2006, the World Medical Association declared that when treating hunger strikers, medical professionals were bound to prevent coercion or maltreatment of detainees and that hunger strikers should not be given treatment that they had refused.

Dr. al-Singace must be admired for peacefully protesting treatment of prisoners that he believes is wrong and constitutes violations of their internationally protected rights. We suggest that Bahrain authorities seek to remedy the mistreatment of Jau prisoner to which Dr. al-Singace objects. After adequate remedial measures are taken, we assume Dr. al-Singace would

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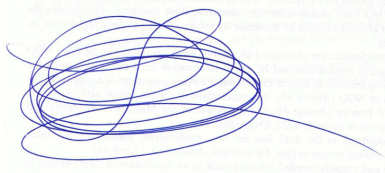
<sup>1</sup> See HR Committee 'Concluding Observations' and decisions on the following cases: Georgia (2002) UN Doc A/57/40 vol I 53 para 78(7); *Pinto v. Trinidad and Tobago* (Communication No. 232/1987) Report of the Human Rights Committee vol 2 UN Doc A/45/40 p. 69 para 12.7; *Kelly v. Jamaica* (2 April 1991) UN Doc CCPR/C/41/D/253/1987 para 5.7; Portugal (2003) UN Doc A/58/40 vol I 56 para 83(11); Cambodia (1999) UN Doc A/54/40 vol I 57 para 306; Congo (2000) UN Doc A/55/40 vol I 43 para 282; Mongolia (2000) UN Doc A/55/40 vol I 49 para 332; Syrian Arab Republic (2001) UN Doc A/56/40 vol I 70 para 81(13).

<sup>2</sup> *Lantsova v. Russian Federation* (26 March 2002) UN Doc CCPR/C/74/763/1997 para 9.2.

voluntarily end his hunger strike. In the meantime, he must be transferred to a civilian hospital of his choice so that he can receive the treatment recommended by his own medical specialists.

LRWC looks forward to receiving news that Dr. al-Singace has been transferred to a civilian hospital and his sentence suspended.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Gail Davidson', written over a light blue grid background.

Gail Davidson, Executive Director, LRWC

Copied to:

Mr. David Kaye

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

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