

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on freedom of religion or belief

REFERENCE:
UA BHR 12/2017

1 December 2017

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 33/30, 35/15, 33/9 and 31/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **serious deterioration in health of Ayatollah Sheikh Isa Qassim and restrictions on his access to medical care to the point that his life is endangered, and his continuing house arrest.**

Ayatollah Sheikh Isa Qassim has been the subject of two previous communications, UA BHR 5/2016 sent on 10 August 2016 and AL BHR 5/2017 sent on 22 May 2017. We welcome the two replies received to UA BHR 5/2016 on 13 September and 22 September 2016 and the reply to AL BHR 5/2017 received on 20 July 2017.

According to information previously received, Ayatollah Sheikh Isa Qassim is the highest Shia religious authority in Bahrain and often referred to as the spiritual leader of Al Wefaq. On 17 July 2016, Mr. Qassim was formally charged by the Public Prosecutor with money laundering and collecting funds illegally. On 20 June 2016, Mr. Qassim was stripped of his Bahraini citizenship.

According to new information received:

In May 2017, Mr. Qassim was sentenced *in absentia* to a one-year suspended sentence on charges of money laundering. These charges are directly related to the Shia religious practice of tithing called khums, in which money is given to clerics who redistribute the funds to religious, community, and charitable projects.

Mr. Qassim has been under *de facto* house arrest since May 2017. While he has not been sentenced to house arrest, there is a heavy police presence, including military vehicles with their engines operating, outside of his home at all times.

Mr. Qassim has not attempted to leave his home in fear that he may be arrested or deported. No one, including doctors or relatives are allowed to enter his house without permission.

Mr. Qassim suffers from [REDACTED] and [REDACTED]. He also suffered from [REDACTED] in December 2014 making it difficult for him to move and requiring continuous medical follow up. His personal doctors have been unable to visit him since June 21, 2016 and he has had restricted access to medications since 23 May 2017.

On 25 November 2017, tear gas was fired near the home of Mr. Qassim.

On 26 November 2017, Mr. Qassim suffered a sudden relapse in his health. He was [REDACTED].

His family members went to Budaiya police station to inform them of the health condition and that he needed to be examined by a doctor immediately. The administration of the Budaiya police station claimed that they did not have the authority to make a decision on this matter and that they would ask permission from higher authorities. The family waited in the police station for two-and-a-half hours. During this period Mr. Qassim suffered further complications in his health which almost killed him.

After two-and-a-half hours, the police station responded that one doctor may enter his house but he would be required to leave his identity card and would be searched before he entered and after he left. The family requested that two doctors be allowed to examine him to give a comprehensive examination.

Thirty minutes later (three hours from the point at which Mr. Qassim's family first went to the police), a doctor was able to enter the house and examine him. The doctor conducted initial tests and gave some urgent treatment to stop deterioration. His [REDACTED] and requires an urgent surgery but the house arrest has prevented Mr. Qassim from obtaining this treatment. The doctor decided that Mr. Qassim needed more medical attention and that he should be urgently transferred to the hospital and kept under constant medical observation.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern at the deterioration in Mr. Qassim's health and the limitations on his ability to access medical treatment to the point that his life is endangered. We urge your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and therefore to release Mr. Qassim from de facto house arrest and allow him to access necessary medical treatment.

We wish to recall articles 6, 9, 14 and 18 of the International Covenant on Civil and Political Rights (ICCPR). These stress the rights to life, freedom of religion or belief as well as the right not be deprived arbitrarily of liberty ratified by the Kingdom of Bahrain on 20 September 2006. Article 12 of the International Covenant on Economic, Social and Cultural Rights ratified by the Kingdom of Bahrain on 27 September 2007 that guarantees the universal right to health.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the abovementioned person in compliance with Bahrain's international human rights obligations and other relevant norms. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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 therefore be grateful for your observations on the following questions:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the steps taken to safeguard Mr. Qassim's right to life including through access to adequate medical care.
3. Please provide reasons why limitations are imposed on Mr. Qassim with regard to his right to access medical care of his choice, a situation that threatens his health and life.
4. Please provide information on the legal grounds for deprivation of liberty of Mr. Qassim and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.

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 intend to 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.

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 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.

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

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Dainius Pūras
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
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Ahmed Shaheed
Special Rapporteur on freedom of religion or belief