

(Translated from Arabic)

**Permanent Mission of the Kingdom of Bahrain
to the United Nations
Geneva / Vienna**

I. National legislation

[not translated, as agreed with client]

II. Individual cases

1. Al-Wefaq Society

The judgment “to close the headquarters of the society, seize all its accounts and assets and make it pay costs”, and the judgment “to dissolve the Al-Wefaq Society, liquidate its assets, transfer them to the State treasury and make it pay costs” were both appealed in cassation. The appeal, which was registered under No. 10/2016/759/6 and consisted in a request to suspend the implementation of the judgment and set it aside, is still pending before the Court of Cassation. To date no sitting has been scheduled for its examination.

2. Ali al-Salman

The convicted party filed an appeal in cassation against the judgment of the Court of Appeal. His defence presented a memorandum setting forth the grounds for the appeal and the Court of Cassation, sitting on 17 October 2016, ruled to overturn the judgment and to send the case back to the Court of Appeal for reconsideration.

The Court of Appeal duly reconsidered the case in accordance with the law and, on 13 December 2013, it issued its judgment finding him guilty on the first charge and sentencing him on the first, second and third charges to an overall term of imprisonment of 7 years. Otherwise, the court upheld the appealed judgment imposing a sentence of 2 years’ detention on the fourth charge. Thus the Court found him guilty on all the charges against him and handed down a total sentence that amounted to 9 years of deprivation of liberty.

On 10 January 2017, the convicted party filed a second appeal in cassation against that judgment. On 3 April 2017, the Court of Cassation ruled to accept the appeal in its form and on its merits and to overturn the appealed judgment. It thus upheld the decision of the court of first instance, which had sentenced him to detention for a period of 4 years (not 9 years as stated in the joint communiqué).

Due legal procedures were followed during both the investigation and the trial, and due consideration was given to the legal safeguards envisaged by the law for the protection of suspects. His statements were freely given and he appointed a lawyer who was present during the interrogation and the trial and was able to examine the case file and to make requests and submissions. Furthermore, the accused party was allowed to contact his family and to receive visits while in detention.

The claim that he has been stripped of his citizenship is untrue. His citizenship has not in fact been withdrawn. We trust that the credibility of information sources be correctly verified and that any opinions related to the withdrawal of citizenship be reviewed as they have been announced through official media channels and are, therefore, no longer confidential.

3. Isa Qassim. (Please see the reply of the Kingdom of Bahrain to urgent appeal No. UA BHR 6/2017). Sitting on Sunday 21 May 2017, the fourth higher criminal court sentenced Issa Ahmad Qassim Abdullah and others to a term of detention of 1 year and to the payment of a fine amounting to 100,000 Bahraini dinars (BD) per head. The Court further ordered that the term of detention be suspended for three years from the date on which the sentence became definitive. The accused persons had been charged with the



acquisition and possession of money — the amount of which was determined by the investigations — and of knowingly concealing the nature and source of that money as resulting from the crime of collecting money without authorization. To that end, they carried out operations such as deposit, withdrawal, purchase, allocation and distribution in order to give the erroneous impression that the money had come from a legitimate source.

The money found in the possession of the first accused was seized as was that deposited in his accounts at the Future Bank, which amounted to BD 3,367,301. Two pieces of real estate, clearly delineated and described, belonging to the same accused were also seized.

Issa Ahmad Qassim Abdullah and others were also fined BD 1,000 each for having collected money for public use without obtaining authorization.

Although he was stripped of his citizenship under Decree No. 55 of 2016, as of 5 July 2017 no case has been brought against him for violation of the Residency Act.

4. *Jameel Kadhim*

Jameel Kadhim sought to interfere with the electoral process by making allegations via a tweet sent from his personal Twitter account in which he claimed that money had been paid to candidates. However, he failed to provide any evidence for that claim when requested to do so by the high electoral committee. He was charged with interfering with and undermining the freedom of elections by disseminating false statements with a view to affecting the outcome of the vote.

On 13 January 2015, he was sentenced by the courts to a term of detention of 6 months and to payment of a fine of BD 500. Having completed his sentence, he was released on 27 July 2015.

5. *Majeed Milad*

On a number of occasions in March 2013, Majeed Milad Ahmad al-Jazeeri engaged in disrespectful and insulting behaviour towards the leaders and symbols of the Kingdom of Bahrain. He propagated biased statements and rumours inciting hatred towards the Government and encouraging a change of the political system by force. He was charged with insulting the King.

He was interrogated then released having given guarantees regarding his place of residence. His lawyer was present during the interrogation.

The case is still being investigated.

6. *Wa'ad Society*

Monitoring the activities of the National Democratic Action Society (Wa'ad) since the implementation of Act No. 26 of 2005 on political associations, it was found that the Society committed serious violations as it persisted to act in a manner contrary to the principles of legal political activity. In fact, the Society systematically strove to challenge the legitimacy of the Constitution and to undermine the powers of the legislature, the executive and the judiciary, to the point that it publically incited terrorism and violence.

(a) The Society encouraged violence and terrorism, seeking to glamourize crime and lawlessness by describing as martyrs persons who had been sentenced to death following a fair trial. In fact, they were criminals who had organized a group that aimed to undermine the Constitution and prevent the institutions of State from carrying out their activities, using terrorism as the means to achieve their aims. They had also committed offences such as robbery, murder of police officers and destruction of public property, and they had obtained funds from a foreign terrorist organization.

(b) It undermined confidence in the judiciary of Bahrain by supporting a political organization that had been dissolved by court order and by supporting its former secretary-general, who had been convicted by the courts. One of its members also joined the central committee of that organization and became one of its leaders after having been convicted for offences such as encouraging the overthrow of the Government and insulting the

Bahraini army. That person is Ibrahim Sharif al-Sayyed, who has been sentenced by the courts to a prison term of 5 years.

(c) In a joint statement with another organization, it encouraged disrespect of the Constitution, challenging its legitimacy, refuting it and declaring it to be null and void.

By carrying out the aforementioned activities, the Society was in clear violation of Act No. 26 of 2005 on political associations, as amended by Act No. 34 of 2014, in particular articles 1, 2, 3 and 6.

Under article 23 of the above-mentioned Act, the Minister of Justice filed a lawsuit requesting a judgment on the issues set forth above, in support of which he attached a file containing 18 supporting documents.

The case was considered over a number of sittings. Finally, on 31 May 2017 the court ruled to reject the motion that article 23 of the Act on political associations, as amended by Act No. 34 of 2014, was unconstitutional, and to dissolve the Society, liquidate its assets, transfer them to the State treasury and make it pay costs.

The Society filed an appeal against the judgment, which is scheduled to be heard on 11 October 2017.

It should be noted that none of the members of the Society were tried for exercising their right to freedom of expression, as alleged in the joint communiqué.

7. *Nabeel Rajab*

On Monday 10 July 2017, the lower criminal court issued a judgment against Nabeel Rajab for spreading and propagating false statements and tendentious rumours about the internal situation of Bahrain, thereby harming the country's reputation and standing. He was sentenced to 2 years' detention.

The accused man, in the presence of his lawyer, had been interrogated and presented with the evidence against him. It was then ordered that he be held in pretrial detention pending further investigation before being referred for trial before the competent court. The case was heard in the presence of the accused man's lawyer who was allowed to conduct the defence while all legal safeguards were duly made available. The aforementioned judgment was then issued. It should be made clear that the charges against Nabeel Rajab are unrelated to his activities in the field of human rights and have no bearing on the right to freedom of opinion and expression; they are merely the application of the law which makes persons criminally responsible if they violate legislative norms, which in turn are consistent with international treaties. The convicted man has the right to file an appeal against the judgment before the court of appeal, just like any other accused person.

As regards the allegations about the accused's poor state of health and the absence of medical care, it should be pointed out that he is 53 years old and suffers from a number of chronic complaints. His condition is being monitored and he receives treatment from psychological and clinical consultants who belong to the health and social directorate of the Ministry of the Interior. He has been put on daily medication and has regular appointments with a consultant at the Royal Medical Services hospital.

8. *Khalid Abdulaal*

Case No. 2015/77768

On 22 June 2014, Khalid Abdulaal used his Twitter account to send tweets containing expressions that amount to offences punishable under article 216 of the 1976 Criminal Code. The tweets included injurious phrases directed against the Ministry of the Interior. In fact, they stated: "The director of public security forces is one of those fomenting the crisis in Bahrain by directing security agencies to tighten and intensify the clampdown on citizens and their neighbourhoods. Citizens and anyone else demanding their most basic rights are subjected to the severest forms of torture in torture dens, in order to extract false confessions in criminal investigations, with the full knowledge of the director of security. When the Government is unable to send delegations and ministers abroad, it sends the director of security as if he were an independent entity and the world were unaware of the crimes of the security forces in Bahrain. Some advice for the

Government: do not waste public money in sending out delegations and officials to polish up the image of Bahrain because the world already knows the full truth and has the evidence.” Khalid Abdulaal was charged with publically offending a governmental institution: the Ministry of the Interior. It was not possible to interrogate him as he was not in the Kingdom of Bahrain, but the necessary inquiries were conducted and it was determined that he was the owner of that Twitter account. On 8 June 2016, in the presence of the accused, the court sentenced him to a term of detention of 1 year on the charges against him imposing a monetary surety of BD 1,000 to suspend the implementation of the sentence. The sentence has not been implemented as he is outside the country.

Case No. 2014/115691

Using the Twitter account @MPKabdulaal, he published untruthful allegations against the Ministry of the Interior. Those allegations stated: “Before the Special Rapporteur on torture is allowed to visit, the security agencies begin their fictions and fabrications the aim of which is to give a distorted image of the peaceful movement in Bahrain.” Another stated: “There is nothing strange about the incident of the burnt-out jeep; it was preceded by numerous other fabricated incidents and many people have been wrongfully thrown into prison or unjustly convicted. Such mise en scène often take place #Bahrain”. There were also other statements of similar import. He was charged with publically offending and denigrating governmental institutions in Bahrain. Statements of witnesses to the incident were taken but it was not possible to interrogate the accused directly as he was out of the country. The case was referred to the criminal court.

On 26 May 2015, the first lower criminal court sentenced the accused man in his presence to a term of detention of 1 year. On 1 February 2016 in the presence of the accused, the second higher criminal court of appeal ruled, in absentia, to accept the appeal in its form and to reject it on its merits, upholding the appealed judgment. The sentence has not been implemented as he is outside the country.

9. *Fadhel Abbas*

Using social media, he published an article entitled: “The Al-Wahdawi Political Society condemns the aggression by the Gulf countries against Yemen, which it considers to be a violation of international law”. The article stated that actions undertaken by the Bahraini armed forces in the Republic of Yemen — in cooperation with other States and under the aegis of the Gulf Cooperation Council and the League of Arab States — are unlawful, constitute barefaced brutal aggression and have led to the deaths of children and the elderly. The article also encouraged resistance against Bahraini and Gulf armed forces. That was on 26 March 2015. He was charged with disseminating false information and rumours during time of war and spreading propaganda liable to have an adverse effect on the operations of the armed forces and to undermine morale. He was also charged with offending an allied State and its leaders.

He was referred to the fourth higher criminal court which, on 28 June 2015, in his presence, sentenced him to a term of imprisonment of 5 years and the confiscation of items that had been seized.

On 26 October 2016, the first higher criminal court of appeal ruled to accept the appeal in its form and on its merits and to amend the sentence to a term of imprisonment of 3 years, upholding the rest of the appealed judgment. The person concerned will complete his sentence on 25 March 2018.

10. *Maryam al-Khawaja*

Case No. 2014/129838

At around 1 a.m. on Saturday 30 August 2014, Maryam al-Khawaja arrived from Istanbul at Bahrain International Airport on Turkish Airlines flight No. TK1784. However, the computer of the immigration service brought up an order banning her from entering the country and she was told to return aboard the same aircraft. A number of attempts were made to convince her to return to the aircraft but she refused and was placed in a waiting room at the airport with a view to sending her back later the same day. While she was being informed that she was not allowed to enter the Kingdom of Bahrain, she used her mobile

phone to call her lawyer. Subsequently, while she was in the waiting room, she was requested by the security services to stop using the phone, at which she kicked a female police officer in the back then hit her over the head. She also scratched another female police officer in the hand while failing to comply with the order not to use her phone. The two police officers were sent to prepare a report on the injuries they had sustained while Maryam al-Khawaja was questioned in the presence of her lawyer but refused to respond. A sticking plaster was visible on her left hand; however, when questioned about it she also refused to respond just as she failed to answer when asked if she had any non-visible injuries. At the request of her lawyer she was again asked if she had any non-visible injuries, at which she stated that she had an injury on her right knee as well as pains in her shoulder and lower back. When asked about the causes, she refused to respond. She was held in preventive detention for 7 days pending investigation and the victims of the incident and witnesses were summoned and questioned. A request was made for any previous charge sheets against her and a forensic doctor was delegated by the Office of the Public Prosecution to examine her and seek any material evidence. She was charged with assaulting a public official.

On 1 December 2014, in the presence of the accused, the first higher criminal court sentenced her to a term of detention of 1 year. She did not serve the sentence.

Case No. 2013/145043

Maryam al-Khawaja defamed, insulted and spread false information about a number of officials of the Ministry of the Interior. She was charged with misuse of communications devices and is still under investigation.

It should be pointed out that she has not been charged in any terrorism-related case, as was stated in the joint communiqué. We would ask that the source of that information be reviewed and its credibility verified.

11. Ghada Jamsheer

The information in the joint communiqué concerning Ghada Jamsheer overlooks the truth of the matter as it fails to take account of the replies Bahrain has previously given in that regard. She served her sentence beginning on 15 August 2016 and was released on 12 December 2016, while the total amount of the fines she has paid amount to less than BD 250; in other words about US\$ 633, nowhere near the sum of US\$ 26,500 mentioned in the joint communiqué. There are no other cases pending against her.

We would ask that the source of the information be reviewed and its credibility verified.

12. Hussain Jawad

Hussain Jawad, a resident of the Sitrah region, acting without authorization, collected funds from natural and legal persons, both inside and outside Bahrain, in contravention of Decree Law No. 21 of 2013, which regulates the collection of money for public purposes. Inquires further revealed that he used the money to fund subversive groups, disorderly elements and persons wanted on terrorist charges, providing financial support for their illicit activities to undermine the security of Bahrain.

The case was referred to the fourth lower criminal court, which sentenced him to a term of detention of 2 years, imposing a monetary surety of BD 500 to suspend the implementation of the sentence.

As for his allegations of torture, during the course of the investigation the complainant and his wife were asked about the claim that he had been insulted at the time of his arrest then beaten during his interrogation in order to make him confess to the charges against him. He was examined by a forensic doctor and a psychiatrist but no traces of physical or mental aggression were discovered. The officers who carried out the arrest were also questioned and they denied the claims made by the complainant. The complaint was thus archived due to lack of evidence.

13. Mahmoud Abdul-Ridha al-Jazeeri

On 4 January 2016, he was questioned in case No. 2015/200514 in which the Office of the Public Prosecution charged him with belonging, with others, to a terrorist group that was planning to carry out terror activities in Bahrain. He also had contacts with a foreign State and with a foreign terrorist organization that carried out acts of aggression with the intention of damaging the country's national interests. At their request, he provided reports and information about the security situation in the country and the anti-Government movement. He also requested and accepted money from a foreign terrorist organization that works in the interests of a foreign State with the intention of carrying out activities harmful to national interests. The Office of the Public Prosecution ordered that he be detained pending investigation. The case is still before the courts.

III. Sentencing of individuals for taking part in peaceful assemblies

(a) Allegations concerning mass arrests in Duraz in the context of peaceful protests in the area around the house of Issa Qassim (please refer to the reply of Bahrain to urgent appeal No. BHR 6/2017)

1. *Maytham al-Salman*

The police reported that a large number of persons of both sexes had gathered without authorization near the house of Issa Qassim in Duraz. They were charged with unlawful assembly and disorderly conduct.

Maytham al-Salman was summoned and questioned about the charges against him. He was then held in detention pending appearance before the Office of the Public Prosecution. That appearance took place on 15 August 2016 after which he was released.

2. *Habib Abbas Muftah*

The police reported that a large number of persons of both sexes had gathered without authorization near the house of Issa Qassim in Duraz. They were charged with unlawful assembly and disorderly conduct.

Habib Abbas Muftah was arrested and brought before the Office of the Public Prosecution on 7 August 2016. He was questioned in the presence of his lawyer and his case was referred to the criminal courts where he was sentenced, in his presence, to a term of detention of 1 year. Subsequently the court of appeal, in the presence of the accused, ruled to accept his appeal in its form and on its merits and to amend the sentence to a term of detention of 6 months, upholding the rest of the appealed judgment. He is currently serving his sentence and is due to be released on 3 February 2018.

3. *Sayyed Majid al-Mashaal*

First case:

A number of persons, among them Sayyed Majid al-Mashaal, gathered without authorization in front of the house of Issa Ahmad Qassim in Duraz where they incited hatred against the governing regime. He was charged with unlawful assembly and disorderly conduct, and with inciting hatred against the regime.

He was arrested and brought before the Office of the Public Prosecution on 30 July 2016. He was questioned in the presence of his lawyer then held in detention pending further investigation. His case was referred to the criminal courts where he was sentenced, in his presence, to a term of detention of 2 years.

The court of appeal, in a sitting the accused did not attend, ruled to accept his appeal in its form and to reject it on its merits, upholding the appealed judgment. He is currently serving his sentence and is due to be released on 28 February 2019.

Second case:

A number of persons gathered in Duraz in front of the house of Issa Qassim in an unlawful and unauthorized assembly. Sayyed Majid al-Mashaal delivered an address to those present in which he incited hatred against the governing regime. He was charged with unlawful assembly and disorderly conduct.

He was arrested and brought before the Office of the Public Prosecution on 30 July 2016. He was questioned in the presence of his lawyer then held in detention pending further investigation. His case was referred to the criminal courts where he was sentenced, in his presence, to a term of detention of 1 year.

The court of appeal, in a sitting the accused did not attend, ruled to accept his appeal in its form and on its merits and to amend the sentence to a term of detention of 6 months. He will serve that sentence once he has completed the sentence passed against him in the first case.

4. *Aziz Hassan Salman Hassan (Sheikh Aziz al-Khadran)*

5. *Sayyed Yassin Qassim Mohammed al-Musawi*

These two men participated with others in an unlawful assembly in Duraz in front of the house of Issa Qassim. They were charged with participating, along with other unknown persons, in an assembly composed of more than five persons who were seeking to disturb public order and use violence.

They were questioned in the presence of their lawyers then held in detention pending further investigation. Their case was then referred to the criminal courts where, in their presence, they were each sentenced to a term of detention of 1 year.

The court of appeal, in the presence of the accused, ruled to accept their appeal in its form and to reject it on its merits, upholding the appealed judgment. They are currently serving their sentence and are due to be released on 9 August 2017.

6. *Taha al-Derazi*

First case:

Reports came in that an unauthorized gathering was taking place in Duraz, block 540, near the house of Issa Qassim, with the aim of committing offences and breaching security. Taha al-Derazi was charged with unlawful assembly and disorderly conduct.

He was arrested and brought before the Office of the Public Prosecution on 14 August 2016. He was questioned in the presence of his lawyer then held in detention pending further investigation. He was referred for trial before the criminal courts where he was sentenced, in his presence, to a term of detention of 6 months. A monetary surety of BD 100 was imposed to suspend the implementation of the sentence.

The court of appeal, in a sitting the accused did not attend, ruled to accept his appeal in its form and on its merits and to amend the sentence to a term of detention of 3 months. He is currently serving his sentence and is due to be released on 12 August 2017.

Second case:

Reports came in that a number of persons had gathered near the house of Issa Qassim. During that time a number of subversive activities took place including the closure of local streets. Taha al-Derazi was charged with unlawful assembly and disorderly conduct.

He was arrested and brought before the Office of the Public Prosecution on 14 August 2016. He was questioned in the presence of his lawyer then released. The case has been archived.

7. *Hani Ahmad al-Beladi*

Reports came in from the main operations room that an unauthorized gathering was taking place in Duraz, block 540, near the house of Issa Qassim, with the aim of committing offences and breaching security. Hani Ahmad al-Beladi was charged with unlawful assembly and disorderly conduct.

He was arrested and brought before the Office of the Public Prosecution on 14 August 2016. He was questioned then held in detention pending further investigation. The case was referred for trial before the criminal courts where he was sentenced, in his presence, to a term of detention of 6 months. A monetary surety of BD 100 was imposed to suspend the implementation of the sentence.

The court of appeal, in the presence of the accused, ruled to accept his appeal in its form and on its merits and to amend the sentence to a term of detention of 3 months.

8. *Ali Naji*

Reports came in concerning an assembly involving a group of persons acting outside the framework of the law. A number of them broke away in an unauthorized march carrying images of Issa Qassim and chanting political slogans near the house of Issa Qassim in Duraz, block 540, thereby blocking the flow of traffic. Ali Naji was charged with unlawful assembly and disorderly conduct.

He was arrested and brought before the Office of the Public Prosecution on 7 August 2016. He was questioned in the presence of his lawyer then held in detention pending further investigation. He was referred for trial before the criminal courts where he was sentenced, in his presence, to a term of detention of 1 year.

The court of appeal, in the presence of the accused, ruled to accept his appeal in its form and to reject it on its merits, upholding the appealed judgment. He is currently serving his sentence and is due to be released on 7 August 2017.

9. *Imad Ali Abdullah al-Shola*

Reports came in concerning an assembly involving a group of persons acting outside the framework of the law. A number of them broke away in an unauthorized march carrying images of Issa Qassim and chanting political slogans near the house of Issa Qassim in Duraz, block 540, thereby blocking the flow of traffic. Imad Ali Abdullah al-Shola was charged with unlawful assembly and disorderly conduct.

He was arrested and brought before the Office of the Public Prosecution on 7 August 2016. He was questioned in the presence of his lawyer then held in detention pending further investigation. He was referred for trial before the criminal courts where he was sentenced, in his presence, to a term of detention of 1 year.

The court of appeal, in the presence of the accused, ruled to accept his appeal in its form and to reject it on its merits, upholding the appealed judgment. He is currently serving his sentence and is due to be released on 9 August 2017.

10. *Munir al-Matouq**First case:*

Reports came in that Munir Abdel Rusul Rida al-Matouq had joined an unauthorized gathering outside the house of Issa Qassim in Duraz, block 540, where he incited hatred against the governing regime. He was charged with unlawful assembly and disorderly conduct.

A summons was sent and he duly appeared before the Office of the Public Prosecution on 25 June 2016. He was questioned in the presence of his lawyer then held in detention pending further investigation. The case was eventually archived.

Second case:

Reports came in concerning an assembly involving a group of persons acting outside the framework of the law. A number of them broke away in an unauthorized march carrying images of Issa Qassim and chanting political slogans near the house of Issa Qassim in Duraz, block 540, thereby blocking the flow of traffic. Munir al-Matouq was charged with unlawful assembly and disorderly conduct.

He was arrested and brought before the Office of the Public Prosecution on 7 August 2016. He was questioned in the presence of his lawyer then held in detention pending further investigation. The case was referred for trial before the criminal courts where the accused was sentenced, in his presence, to a term of detention of 1 year.

The court of appeal, in the presence of the accused, ruled to accept his appeal in its form and to reject it on its merits, upholding the appealed judgment. He is currently serving his sentence and is due to be released on 9 August 2017.

11. *Fadel al-Zaki*

First case:

Reports came in that a number of persons of both sexes had, without authorization, gathered in front of the house of Issa Qassim in Duraz. They organized an unauthorized march during which they shouted political slogans inciting hatred against the regime. Fadel al-Zaki was charged with unlawful assembly and disorderly conduct.

He was arrested in connection with the case and brought before the Office of the Public Prosecution on 7 August 2016. He was questioned then released. The case was referred for trial before the criminal courts where the accused was sentenced, in his presence, to a term of detention of 1 year.

The court of appeal, in the presence of the accused, ruled to accept his appeal in its form and on its merits and to amend the sentence to a term of detention of 6 months. He served his sentence and was released on 20 June 2017.

Second case:

Reports came in concerning an unauthorized assembly near the house of Issa Qassim in Duraz, block 540, street 40. The demonstrators were chanting political slogans and carrying images of Issa Ahmad Qassim, thereby blocking the flow of traffic in the street. Fadel al-Zaki was charged with unlawful assembly and disorderly conduct.

He was questioned in the presence of his lawyer then released. The case has been archived.

12. *Mohammed Jawad al-Shihabi*

First case:

Reports came in that 250 of persons of both sexes had, without authorization, gathered near the house of Issa Ahmad Qassim in Duraz. They organized an unauthorized march during which they shouted political slogans inciting hatred against the regime. Mohammed Jawad al-Shihabi was charged with unlawful assembly and disorderly conduct.

He was arrested in connection with the case and brought before the Office of the Public Prosecution on 7 August 2016. He was questioned then released. The case was referred for trial before the criminal courts where the accused was sentenced, in his presence, to a term of detention of 1 year.

The court of appeal, in the presence of the accused, ruled to accept his appeal in its form and on its merits and to amend the sentence to a term of detention of 6 months. He served his sentence and was released on 3 February 2017.

Second case:

Reports came in concerning an unauthorized assembly near the house of Issa Qassim in Duraz, block 540, street 40. The demonstrators were chanting political slogans and carrying images of Issa Ahmad Qassim, thereby blocking the flow of traffic in the street. Mohammed Jawad al-Shihabi was charged with unlawful assembly and disorderly conduct.

He was arrested in connection with another case and brought before the Office of the Public Prosecution. He was questioned in the presence of his lawyer then released. The case has been archived.

13. *Yasser Nasser*

An unlawful assembly composed of a number of persons had gathered in front of the house of Issa Qassim and was chanting political slogans. Yasser Nasser was charged with unlawful assembly and disorderly conduct.

He was arrested and brought before the Office of the Public Prosecution on 1 August 2016, where he was questioned. The case was then referred for trial before the criminal courts where the accused was sentenced, in his presence, to a term of detention of 1 year.

The court of appeal, in the presence of the accused, ruled to accept his appeal in its form and to reject it on its merits, upholding the appealed judgment. He is currently serving his sentence and is due to be released on 1 August 2017.

Excessive use of force in the context of peaceful protests in Duraz (please refer to the reply of Bahrain to urgent appeal No. BHR 6/2017)

1. Mustafa Ahmed Hamdan

He was hit in the head by a gunshot in the Duraz area on 26 January 2017. The Office of the Public Prosecution launched an investigation into the incident as soon as it was reported and an official from the Office went to the hospital to examine the body of the deceased, ordering a forensic doctor to undertake an examination in order to determine the nature, cause and date of death. The mother of the deceased was questioned and the police were ordered to undertake an inquiry into the incident.

The Office of the Public Prosecution determined that there were no grounds to launch a criminal case as the author of the incident remained unknown and it ordered the police to continue their inquiries into the identity of the perpetrator as the investigations had failed to identify him or her.

(b) Other individuals arrested for participating in peaceful assemblies

1. Abdulhadi al-Khawaja

This individual is 55 years old and suffers from [REDACTED]. However, he has rejected medical care and refused to attend an appointment with a specialist in chronic diseases on 5 June 2017. He also refused to attend an appointment with a consultant ophthalmologist at the Royal Medical Services hospital on 2 May 2017. He has appointments scheduled at a dermatological clinic on 15 October 2017 and with the ophthalmologist at the Royal Medical Services hospital on 24 August 2017.

At 9 a.m. on 11 April 2017, he began a hunger strike, although he continued to drink water. He was interviewed by the inmates' affairs officer, who advised him and sought to convince him to abandon the strike, and he received daily visits from a medical team who monitored his state of health, offering him advice and guidance and explaining the possible complications associated with hunger striking. The prison duty doctor was also sent to see him but Abdulhadi al-Khawaja refused to meet or speak with him. The doctor explained the possible consequences for his health if he persisted in his hunger strike and refused intravenous saline solutions. He broke his strike at 6 p.m. on 5 May 2017.

It is strange that a person who was convicted and imprisoned following a fair and transparent trial that arose from him having violated the Constitution, participated in a conspiracy to overthrow the governing regime by force and communicated with a foreign power, in addition to other charges, should be described as having been arrested for taking part in peaceful demonstrations, particularly given the extensive replies that Bahrain has already given in this regard.

2. Zainab al-Khawaja

The Office of the Public Prosecution referred Zainab Abdulhadi al-Khawaja to the criminal courts in five separate cases. In two of them she was charged with deliberate destruction after she destroyed a picture of His Majesty the King, which was hanging inside a police station. In another case she was charged with publically insulting the King when she produced a picture of His Majesty and tore it up inside the courtroom. In the fourth case she was charged with insulting and directing abuse at a public official and, in the final case, with unlawful assembly, disorderly conduct, participating in an unauthorized march and deliberately blocking the flow of traffic. All those cases were examined by the competent courts, which concluded that she was guilty on all counts.

Zainab al-Khawaja lodged an appeal against the judgment of the court of first instance. In three of the cases she failed to appear before the court of appeal which, in her absence, duly ruled that her right to appeal had lapsed. In the other two cases she did appear

before the court of appeal which, in one case ruled to reject the appeal and uphold the original sentence and, in the other, to admit the appeal and reduce the sentence.

As a result of the aforesaid judicial procedures, the overall sentence passed against Zainab al-Khawaja in the cases mentioned, taking account of the appeal, amounts to a term of detention of 3 years and 1 month and a fine of BD 3,000.

In order to implement that sentence, the police arrested the convicted person, Zainab al-Khawaja, on 14 March 2016. She was accompanied by her infant son, aged 1 and a half, whom she refused to give up to a relative, insisting that he remain with her. Thus, she and her child were taken to a special room for mothers located inside a detention centre for women.

The following day, 15 March 2016, she was transferred to a women's correctional institution where, in view of the fact that the Reform and Rehabilitation Institutions Act allows detained mothers to be accompanied by their children under specific rules and conditions, she and her child were placed in a special room for mothers. There she was treated in a manner appropriate to her circumstances and both she and her infant received all the care they needed.

It should be pointed out that article 33 of the Reform and Rehabilitation Institutions Act (Act No. 18 of 2014) states as follows: "The birth certificate of a child born inside a penal institution shall not indicate that he or she was born there. Children, whether born in the penal institution or before their mothers were admitted, may stay with their mothers in the institution until they reach the age of 2, although the institution may allow them to remain for three years if it believes that to be beneficial. Once the child reaches that age, or if the mother does not wish the child to remain with her during the set period, he or she is handed over to whoever has the right of custody under sharia and the law. If there is no one to care for the child, he or she is placed in a childcare institution and the mother is duly informed. Procedures whereby a mother may see her child are set forth in the implementing regulations." The fact that the convicted party is accompanied by her offspring is not an isolated case, there are three other similar cases involving female inmates and in all of them the institution provides mother and offspring with all their material and health-care requirements, enabling the incarcerated mothers to carry out their duties towards their children and fulfil their needs.

As soon as Zainab al-Khawaja was arrested she was given notification of the appeals judgments issued in absentia, according to which her right to appeal had lapsed as she had failed to appear before the court. She was informed that she did have the right to file an objection against that ruling; however, she refused to sign the declaration that she had received the notification and stated that she would not file an objection. That was noted in the official record.

Following a visit to the place of detention, officials from the Office of the Ombudsman reported that the convicted party, Zainab Abdulhadi al-Khawaja, was serving her sentence in the company of her young son aged 1 year and 4 months. Despite the fact that both mother and child were being provided with all the facilities and care they needed, they recommended that consideration be given to interrupting the sentence out of a concern about the psychological effects detention was having on her.

As a result, the Office of the Public Prosecution submitted the matter to the judge for the enforcement of sentences to take whatever decision he deemed appropriate in the light of the report of the Office of the Ombudsman. The judge for the enforcement of sentences duly ordered that the sentence against the convicted party, Zainab Abdulhadi al-Khawaja, be interrupted and that she be released, in view of her humanitarian situation and in the interests of her baby son. She was set at liberty on 31 May 2016.

Zainab Abdulhadi al-Khawaja has not submitted any complaint concerning harassment or death threats to any of the independent national mechanisms for the protection of human rights.

3. *Abduljalil al-Singace*

The health of Abduljalil al-Singace, who is 55 years old and suffers from [REDACTED], is constantly monitored in the prison clinic and by specialists at the Medical Services hospital. His last visit to the haematology clinic was on 12 June 2017 and he has an appointment to visit the neurology clinic on 20 July 2017. We should point out that he refused to attend a medical appointment with an otorhinolaryngology consultant, which had been scheduled for 17 May 2017 at the public security forces health centre. He receives regular medication in line with the prescription of his doctors.

Visits from the time of his imprisonment to the present

<i>Medical visits: prison clinic</i>	<i>Medical visits: military hospital</i>	<i>Family visits</i>	<i>Lawyers' visits</i>	<i>Embassy visits</i>	<i>Human rights organization: name and date of visit</i>
390	89	123	9	1	Office of the High Commissioner for Human Rights on 6 February 2012 and 1 May 2014

On 8 May 2014, he was visited by the secretary general of the Office of the Ombudsman and the director and deputy director of the Commission for the Rights of Prisoners and Detainees.

The inmate's hunger strike:

(a) A group of inmates in block 7, Abduljalil al-Singace among them, began a hunger strike on 18 February 2015. He interrupted his hunger strike on 25 February 2015;

(b) He again went on hunger strike from 22 March 2015 until 28 January 2016;

As a result he was transferred to the police clinic to receive the necessary care and he was kept under observation for a period of 10 months.

(c) An entry in the register of refusals to participate in external activities for 11 February 2013 shows that the inmate Abduljalil al-Singace did not wish to proceed to an eye examination. Hunger strikes can affect a person's vision and, at that time, he had been on his strike for more than 12 days;

(d) The database for case No. 2013/82212 shows that on 14 October 2012 a group of inmates, including Abduljalil al-Singace, announced their intention to go on hunger strike.

The special investigating unit has not received any complaints to the effect that Abduljalil al-Singace has been tortured while in prison. On 17 June 2013, the unit did receive a complaint that he had been denied medical care in prison. However, it visited the inmate in his place of detention on a number of occasions and he denied the truth of that claim.

4. *Naji Fateel*

When, on 14 May 2013, the special investigating unit questioned Naji Fateel about the circumstances of his arrest he claimed that he had been subjected to ill-treatment and beaten by the police in order to force him to make a confession. He was examined by a forensic doctor belonging to the special investigating unit.

When his case came before the courts, he claimed that he had suffered injuries. He was then summoned to the unit and asked about those injuries, which he had not mentioned when he was first questioned. The unit ordered that he be re-examined by the forensic doctor to determine the presence and possible causes of any injuries.

It emerged that no injuries were present, according to the report of the forensic doctor. The individual was also examined by a psychiatrist but he was not found to be suffering from any mental condition. Nonetheless the unit proceeded to question the officer who had arrested him and the officer who had interrogated him at the headquarters of the General Directorate of Criminal Investigation, both of whom denied the accusations against them.

The case was thus archived due to lack of evidence.

5. *Nazeeha Saeed*

Nazeeha Saeed is a former correspondent for the Monte Carlo Doualiya agency in Bahrain. Her press credentials expired on 31 March 2016 and, although working as a journalist without valid credentials constitutes an offence under the law, she continued her coverage of activities being carried out by the United States Navy in Bahrain. During that coverage she was recorded as stating that she was an accredited correspondent of Reuters when, in fact, her credentials had expired. She was charged with carrying out journalistic activity without obtaining the necessary authorization from the Information Affairs Authority.

In the course of its investigations, the Office of the Public Prosecution took a statement from the director of the Information Affairs Authority, which is part of the Ministry of Information, to the effect that Nazeeha Saeed had acted as a correspondent for Reuters news agency, Monte Carlo Doualiya and France 24 without having obtained accreditation from the Ministry of Information. Consequently, the journalist Nazeeha Saeed was summoned for questioning on Monday 4 July 2016 but failed to appear. She was summoned a second time on Tuesday 12 July 2016 in the presence of her lawyer. The case was referred to the criminal courts which, in the presence of her legal counsel, ordered her to pay a fine of BD 1,000.

She filed an appeal which is due to be examined at a first sitting on 18 July 2017.

As regards the allegation of torture, she submitted a report to the special investigating unit in which she claimed that the female police officer who arrested her had attacked and beaten her. The unit began investigating the complaint and eventually referred the accused officer before the competent criminal court on charges of insulting and causing bodily harm to a third party, requesting that she be punished under articles 75 (4), 92 (2), 339 (1) and (2) and 365 of the Criminal Code.

On 22 October 2012, the courts acquitted the accused officer on the charges against her. The special investigating unit lodged an appeal against that judgment and, on 23 June 2013, the court of appeal ruled to accept the appeal in its form and to reject it on its merits, upholding the appealed judgment.

Nazeeha Saeed also submitted another report to the special investigating unit concerning the same incident in which she claimed that other persons associated with the Ministry of the Interior had attacked and beaten her after her arrest. The unit also began investigating that complaint but ended up by archiving the case due to lack of evidence. In that connection, it is important to make it clear that the complainant's statements regarding the identity of the officials and police officers who attacked her were inconsistent, conflicting and contradictory. They were neither strong enough to uphold any charges nor of a degree sufficient for referring a case before the courts in the hope of a conviction.

(c) Reprisals for cooperation with the United Nations

The allegations that human rights defenders suffer harassment or reprisals as a consequence of their work with the Human Rights Council or the Office of the High Commissioner for Human Rights (OHCHR) are untrue.

The individuals who made those allegations are concealing the fact that the judicial proceedings taken against them arose from violations of the law and the commission of acts that are banned or criminalized under domestic legislation. Persons claiming to have suffered harm or a violation of their rights may submit a complaint to national monitoring and verification mechanisms such as, for example, the special investigating unit or the

Office of the Ombudsman. If those bodies find that there is a case to be answered, the matter is referred to the Bahraini judiciary, which is both transparent and independent.

It should be stressed once again that the various national monitoring and verification mechanisms, together with the domestic channels of redress, constitute an integrated system for the promotion and protection of human rights.

Thus, persons making such allegations have the right to submit their complaints to the aforementioned mechanisms and to go through the judicial procedures envisaged under the integrated system of redress, which is just and transparent.

I. Ebtisam al-Saegh

Ebtisam al-Saegh was charged with belonging to a terrorist group and participating in its activities; maintaining contacts with persons who operated in the interests of a foreign terrorist organization in order to carry out acts of terror against the Kingdom of Bahrain; accepting a gift from persons who operated in the interests of a foreign terrorist organization in order to carry out acts of terror against the Kingdom of Bahrain; collecting money and donating it to a group which she knew was responsible for acts of terror; publishing false information liable to damage national security and affect public order; and participating in an unlawful assembly with the aim of attacking public security forces, damaging public property and undermining national security.

She was questioned in the presence of her lawyer but denied the charges against her.

She made no claims to have been tortured when she was questioned. However, she did allege that she had been summoned to the police station of Muharraq in June and that she had been tortured there. The Office of the Public Prosecution decided to forward those allegations to the special investigating unit. The case is still under investigation.

IV. Worrying trends

Allegations concerning travel bans against a number of persons as a result of their cooperation with the United Nations

- The Kingdom of Bahrain, anxious to advance and promote human rights and freedoms, has ratified a number of international treaties, including the International Covenant on Civil and Political Rights in 2006. In its dealings with the persons mentioned above it has abided by the provisions of that Covenant, in particular article 12 (2) and (3), which state as follows: “(2) Everyone shall be free to leave any country, including his own. (3) The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others.”
- The right to travel is enshrined in the Constitution of Bahrain, article 19 (b) of which states: “No person shall be arrested, detained, imprisoned, searched or compelled to reside in a specific place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of movement be restricted, except in accordance with the law and under the supervision of the courts”.
- In this regard, domestic law is in line with international treaties, particularly the International Covenant on Civil and Political Rights, and reinforces the principles laid down in the Constitution. In fact, no one may be banned from travelling except in accordance with the law. The principal pieces of legislation regulating travel bans are the Code of Criminal Procedure (Act No. 46 of 2002) and the Code of Civil and Commercial Procedure (Act No. 12 of 1971). Under the law, travel bans may only be issued by the courts in the context of a judicial case either criminal or civil. Thus, any travel bans that have been imposed have been ordered by a judge.
- Legal procedures relating to the imposition of travel bans are examined by the competent courts on a case-by-case basis.
- Domestic law includes robust safeguards that promote the right of movement and travel, including provision for a system whereby a complaint against a travel ban

may be lodged through the courts. The aim of this is to uphold justice and protect rights.

Bahrain would like to make it clear that the legal system does not allow the executive to prevent a person from travelling. Bans are imposed by the judiciary in accordance with the Constitution and the law, and persons subject to a travel ban may themselves have recourse to the courts.

Deprivation of citizenship

This is not a measure that the Kingdom of Bahrain takes against a particular group of people or against human rights defenders. It is implemented, in accordance with the law, to maintain security and stability and to counter the threat of terrorism. Bahrain is concerned to ensure that its people can live in safety and it has, therefore, had to focus its policies on eliminating all the threats and dangers that menace the country's internal and external security, at the same time countering terrorist extremism and protecting the fundamental elements of society. This has induced the authorities to act to withdraw Bahraini citizenship for reasons set forth in the law. They include involvement in terrorist activities, harming national interests and security, acting in a manner inconsistent with the duty of allegiance to Bahrain, maintaining contacts with a foreign State or recruiting persons to perpetrate acts that threaten public order and security.

Legal measures taken to implement rulings withdrawing citizenship are in line with the obligations of Bahrain under international treaties, in particular the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The procedure for appealing against a decision to withdraw citizenship is outlined in the Bahraini Nationality Act.

A number of persons lost their citizenship following judgments pronounced against them by civilian criminal courts on charges of committing terrorist offences. Under Act No. 57 of 2006, which concerns the protection of society from acts of terrorism, if a person is convicted for such an offence, the court shall issue a sentence that shall include the deprivation of citizenship.

Individuals did not lose their citizenship until the sentences against them have become definitive, and following the approval of the King.

None of the persons deprived of citizenship were convicted for carrying out rights-related activity or for exercising their right to freedom of opinion and expression. They were all convicted under the Act that protects society from acts of terrorism.

The end of the moratorium on the death penalty

The death penalty is not per se forbidden under international law, although there are various broad-ranging restrictions and conditions on its use. It should be pointed out that the practice of Bahrain in this regard is in line with the Safeguards guaranteeing protection of the rights of those facing the death penalty contained in resolution 1984/50 of the Economic and Social Council on 25 May 1984. It states:

"1. In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences.

"2. Capital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby. Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane. Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts."

Those same norms are applied by the courts in the Kingdom of Bahrain. Defendants may also lodge an appeal before the Court of Cassation, which is the highest court of the

land. Moreover, they may present whatever requests and arguments they wish and the courts may only take account of legitimate evidence.

In that regard:

The Bahraini Code of Criminal Procedure — in part three, entitled “implementation of the death penalty” — includes the following articles:

Article 328

Once a sentence of death has become definitive, the case file is referred immediately to the King via the Minister of Justice.

The death penalty shall not be carried out without the approval of the King.

Article 329

The person condemned to death shall be held in prison under a warrant issued by the Office of the Public Prosecution using the form prescribed by the Minister of Justice until such time as the sentence is carried out.

Article 330

The relatives of the person condemned to death may visit him or her on the day appointed for the execution. The meeting shall take place at a site distant from the site of execution.

If the religion of the person condemned to death requires him or her to make a confession or to perform some other religious ritual before dying, action shall be taken to facilitate the visit of a religious minister, unless such action is not feasible.

Article 331

The death penalty shall be carried out inside the prison or at some other place not exposed to public view, at the written request of the Public Prosecutor to the director of the prison, in which it is stated that the requirements of article 328 have been fulfilled.

Article 332

The death penalty shall be carried out in the presence of the judge for the enforcement of sentences, a member of the Office of the Public Prosecution, a prison guard, the prison doctor or other doctor delegated by the Office of the Public Prosecution and the prison cleric. No one other than those persons may attend unless with the special permission of the Public Prosecutor. The lawyer of the condemned person shall always be allowed to attend if so requested.

At the site of execution and in the hearing of those present, the sentence of death shall be read out, including the charge for which the individual is to be executed. If the condemned person wishes to make a statement, the judge for the enforcement of sentences shall enter it into the record.

Once the death penalty has been carried out, the judge for the enforcement of sentences shall note as much in the record including the doctor's certification of death and the time it occurred.

Article 333

The death penalty may not be carried out on the official feast days of the religion of the condemned person.

Article 334

If the person condemned to death is a pregnant woman, the death penalty shall not be carried until three months after she has given birth.

Article 335

The State shall bear the expenses for burying the body of a person who has been executed unless the relatives request to be allowed to do so.

The burial shall take place without ceremony.

1. *Mohammed Ramadan and Husain Ali Moosa*

On 8 August 2016, the special investigating unit received a notification concerning Mohammed Ramadan Husain from the Office of the Ombudsman and, on 26 September 2016, a notification concerning Husain Ali Moosa. The unit duly launched its investigations into both matters and inquiries into the two cases are still ongoing. The outcome of the investigations will be announced as soon as they have been completed.

2. *Abbas al-Samea, Ali al-Singace and Sami Mushaima*

• *Sami Mirza Mushaima*

On 17 April 2014, the special investigating unit received a letter from the lawyer of Sami Mushaima stating that his client had been tortured by the police in order to make him confess. Later, on 8 June 2014, the unit also received a letter from the Office of the Ombudsman annexed to which was a complaint submitted by [REDACTED] stating that her husband's brother, Sami Mirza Mushaima, had suffered torture at the hands of the police. The two letters concerned the same matter. The unit launched its investigations, issuing a number of summonses to the complainant to learn more about the circumstances and background of the incident; however, he refused to attend. [REDACTED] was also summoned for questioning but likewise failed to appear. The report of the forensic doctor who examined the complainant did not contain evidence of any injuries consistent with the allegations. The arresting officers were questioned by the police but denied the allegations. Finally, the complaint was archived due to lack of evidence about the alleged incident.

• *Abbas Jamil al-Samea*

On 18 May 2014, the special investigating unit received a letter from the Office of the Ombudsman attached to which was a complaint submitted to the Office by Samira Abdullah Ahmad in which she stated that her son, Abbas al-Samea, had suffered torture at the hands of the police. The unit launched its investigations into the matter by questioning the complainant Abbas Jamil al-Samea. He claimed that he had been beaten by the police during the course of his arrest on 3 March 2014 and that he had subsequently been tortured in order to make him confess. An examination carried out by a forensic doctor gave no indication of any injuries consistent with the allegation and the complaint was archived due to lack of evidence about the alleged incident.

• *Ali Abdel Shahid al-Singace*

The special investigating unit received no complaint from this individual.

The implementation of military trials for civilians

The extension of military operations, both inside and outside the country, and the increasing threat of terrorism, which is a serious menace to the stability of the entire region, has meant that the jurisdiction of the military courts has also had to be extended. Since, under article 105 of the Constitution, such a step is permissible only if martial law is declared, that article was amended to allow the courts' jurisdiction to be extended by law and without having to have recourse to the declaration of martial law and the suspension of the Constitution. The extended jurisdiction means that illegal, armed militia groups can be brought to justice for the acts of violence they carry out against our nation.

Following the change to the Constitution, an amendment was introduced to the Military Courts Act giving those courts authority to examine the offences listed in the amendment, when committed deliberately by a person not otherwise subject to the provisions of the Act, either as principal offender or accomplice and either inside or outside the country. The point was raised that the wording of the law was overly broad. In fact, the text of the amendment, in particular article 17 ter, states as follows: "In an exception to the provisions of any other law, the Public Prosecutor may, with the approval of the military courts, refer before those courts any offences under the Act Protecting Society from Acts of Terrorism or any offence affecting external or internal State security under parts one and two of chapter 1 of the special section of the Criminal Code, and any other related offences." This provision, which regulates only the jurisdiction to examine those particular offences, is procedural not substantive in the sense that it is applied after a crime has taken

place according to the relevant articles in the Act Protecting Society from Acts of Terrorism or the special section of the Criminal Code. Firstly, an offence fulfilling the physical and moral conditions set forth in those laws must have taken place; then comes the role of the Public Prosecutor who — having gained the approval of the military courts to ensure that there is no adverse conflict of jurisdiction — may refer the offenders for trial before those courts. The issue, then, is one of redefining jurisdictions in order to try the perpetrators of certain offences and is unconnected to how those offences were committed. The offence is the same, irrespective of whether it is considered by the ordinary courts or the military courts. The amendment does not affect the definition of the offence and the basic jurisdiction for those offences remains with the ordinary courts unless the Public Prosecutor exceptionally decides to refer them to the military courts.

Military courts in Bahrain — which include a court of appeal and a court of cassation — hold their sittings in public. Moreover, all military judges are lawyers who also work as military judges and the same safeguards are applied in military tribunals as are applied in civilian courts.

Comments

- There are independent national mechanisms to receive complaints and allegations, in particular regarding ill-treatment and torture. Those mechanisms undertake to investigate the allegations and refer them to the courts. If the persons mentioned in the joint communiqué have submitted any complaint, we hope that you will provide us with the number and date of the complaint and inform us of its nature, in order to facilitate follow-up by those independent mechanisms.
- The information source used in the communiqué is unreliable and some of the information it contains is untrue. It is no secret that the laws of Bahrain guarantee the exercise of human rights as set forth in the National Action Charter and the Constitution, which are both consistent with the international human rights treaties to which Bahrain has acceded. There are a number of mechanisms to monitor and verify any violation of the human rights of any member of society and, if such a violation is found to have taken place, the case is referred to the Bahraini courts, which are independent and impartial. Monitoring and verification mechanisms, along with domestic channels of redress, constitute an integrated system for dealing with any allegations in that regard.

