

(Translated from Arabic)

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

Geneva, 9 May 2020
1L5-157 (he)

Memorandum

The information below has been provided in connection with letter No. AL/BHR2/2020 in which the Working Group (Special Rapporteur) on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism seek clarifications of allegations made in connection with a number of individuals.

At the outset, attention is drawn to the fact that, under the Constitution of Bahrain, any confession that is obtained under torture is deemed to be null and void and will not be taken into consideration by the courts. Article 19 (d) of the Constitution states: “No person shall be subjected to the use of physical or mental torture or any improper inducement or degrading treatment. The law shall determine the penalty to be imposed on the perpetrators of such acts. Any statement or confession that is proven to have been obtained by means of torture, an improper inducement or such treatment, or the threat thereof, shall be deemed null and void”. Article 20 (d) of the Constitution states that it is prohibited to subject an accused person to mental or physical assault or harm. It provides: “It is forbidden to inflict physical or mental harm upon an accused person.”

[REDACTED]

In case No 2019/300449, this person was charged with riotous conduct, planting dummy explosive devices, possession of incendiary materials, and arson. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings and rendered its decision on 31 October 2019, handing down a two-year prison sentence. He filed an appeal, which was heard by the appeal court over the course of several sittings. The court delivered its decision on 30 December 2019, confirming the admissibility of the appeal on the formal aspects, dismissing it on the merits and upholding the decision rendered at first instance. The defendant did not file an appeal for cassation.

Salah Sa'id Salih Ali al-Hamar

This individual appears in two distinct cases, as explained below.

1. In case No. 2015/200376, this man was charged with membership of a terrorist group and possession of incendiary or explosive devices. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings and rendered its decision on 29 March 2017, sentencing him to life imprisonment and forfeiture of Bahraini citizenship. He appealed, and the appeal court reviewed the case over the course of several sittings, rendering its decision on 29 October 2018. It confirmed the admissibility of the appeal on the formal aspects, but dismissed it on the merits, upholding the decision rendered at first instance. This man then filed an appeal with the Court of Cassation, which reviewed the case and rendered a decision on 25 February 2019, dismissing the appeal. Attention is drawn to the fact that, on 21 April 2019, His Majesty the King issued a royal order reinstating the citizenship rights of 551 convicted persons who had been sentenced to forfeiture of Bahraini citizenship. The royal order also applied to the citizenship status of Salah Sa'id Salih Ali Al-Hamar.



2. In case No. 159030/2014, this same individual was charged with attempted murder, riotous conduct and possession of incendiary or explosive devices. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings and rendered its decision on 23 November 2015, sentencing him to 15 years' imprisonment. He appealed, and the appeal court heard the case over the course of several sittings, rendering its decision on 25 September 2018. It confirmed the admissibility of the appeal on the form and reduced the sentence, on the merits, to 7 years' imprisonment. He then filed an appeal with the Court of Cassation, which reviewed the case and rendered a judgment on 5 June 2017 in which it quashed the decision and sent the appeal back to the competent court.

Ali Hasan Ali Ashur Ali

This man is implicated in several cases, as outlined below.

1. In case No. 111649/2012, he was charged with riotous conduct. He was prosecuted by the Office of the Public Prosecutor, which interviewed him, gathered evidence and sent the case to court. The court heard the case over the course of several sittings and rendered its decision on 31 December 2014, sentencing him to 6 months in prison. He did not file an appeal.

2. In case No. 12200/2015, he was charged with riotous conduct and possession of incendiary or explosive devices. The Office of the Public Prosecutor initiated a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings. It rendered its decision on 4 June 2015, sentencing him to 6 months' imprisonment. He appealed, and the appeal court is still examining the case.

3. In case No. 156216/2014, he was charged with riotous conduct and possession of incendiary or explosive devices. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings. It rendered its decision on 1 November 2011, sentencing him to 3 years' imprisonment. He appealed, and the appeal court heard the case over the course of several sittings, rendering its decision on 29 May 2016. It confirmed the admissibility of the appeal on the form and reduced the sentence to 2 years' imprisonment on the merits. He then filed an appeal with the Court of Cassation, which reviewed the case and rendered a decision dismissing the appeal on 15 May 2017.

4. In case No. 200079/2015, he was charged with riotous conduct and possession of incendiary or explosive devices. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings. It rendered its decision on 19 January 2017, sentencing him to 3 years' imprisonment. He appealed, and the appeal court heard the case over the course of several sittings, rendering its decision on 20 June 2017. It confirmed the admissibility of the appeal on the form and reduced the sentence to 2 years' imprisonment on the merits. He did not file an appeal for cassation.

5. In case No. 200306/2015, he was charged with riotous conduct, arson, manufacture and possession of incendiary or explosive devices, and possession and use of ammunition and weapons. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings. It rendered its decision on 26 June 2016, sentencing him to 7 years' imprisonment. He appealed, and the appeal court heard the case over the course of several sittings, rendering its decision on 27 February 2019. It confirmed the admissibility of the appeal on the form and reduced the sentence to 5 years' imprisonment on the merits. He did not file an appeal for cassation.

6. In case No. 72947/2015, he was charged with riotous conduct and possession of incendiary or explosive devices. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings. It rendered its decision on 29 October 2015, sentencing him to 3 years' imprisonment. He appealed, and the appeal court heard the case over the course of several sittings, rendering its decision on 27 December 2015. It confirmed

the admissibility of the appeal on the form and reduced the sentence to 1 year's imprisonment on the merits. He did not file an appeal for cassation.

7. In case No. 72873/2015, he was charged with riotous conduct and possession of incendiary or explosive devices. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings. The court rendered its decision on 30 May 2015, sentencing him to 7 years' imprisonment. He appealed, and the appeal court heard the case over the course of several sittings, rendering its decision on 15 October 2017. It confirmed the admissibility of the appeal on the form and reduced the sentence to 5 years' imprisonment on the merits. He did not file an appeal for cassation.

8. In case No. 31658/2015, he was charged with riotous conduct and possession of incendiary or explosive devices. The Office of the Public Prosecutor initiated a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings. It rendered its decision on 25 November 2015, sentencing him to 2 years' imprisonment. He appealed and the appeal court heard the case over the course of several sittings, rendering its decision on 17 February 2016. It confirmed the admissibility of the appeal on the form and reduced the sentence to 1 year's imprisonment on the merits. He did not file an appeal for cassation.

Sadiq Ja'far Isa Abdullah al-Abd

In case No. 58695/2018, this man was charged with harbouring and concealing an accused person. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings. It rendered its decision on 30 September 2018, sentencing him to 3 years' imprisonment. He appealed and the appeal court heard the appeal over the course of several sittings, rendering its decision on 28 January 2019. It confirmed the admissibility of the appeal on the form and dismissed it on the merits. He appealed for cassation, and the Court of Cassation rendered its decision on 4 May 2020, dismissing the appeal and upholding the previous court decision.

Majid Ahmad Habib Ahmad

In case No. 133426/2013, this man was charged with establishing and running a terrorist organization. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings. It rendered its decision on 17 July 2014, sentencing him to 15 years' imprisonment. He appealed, and the appeal court heard the appeal over the course of several sittings, rendering its decision on 29 January 2015. It confirmed the admissibility of the appeal on the form and dismissed it on the merits, upholding the decision rendered at first instance. He then filed an appeal for cassation, and the Court of Cassation rendered its decision on 26 December 2016, dismissing the appeal and upholding the previous court decision.

Hussein Ali Rada Ibrahim Khamis Barbar

In case No. 159030/2014, this man was charged with attempted murder, riotous conduct and possession of incendiary or explosive devices. The Office of the Public Prosecutor launched a prosecution case, interviewing him, gathering evidence and sending the case to court. The court heard the case over the course of several sittings. It rendered its decision on 23 November 2015, sentencing him to 15 years' imprisonment. He appealed, and the appeal court heard the case over the course of several sittings, rendering its decision on 25 September 2018. It confirmed the admissibility of the appeal on the form and reduced the sentence to 7 years' imprisonment on the merits. He did not file an appeal for cassation.

Ja'far Isa Abdullah Hasan al-Abd

Not identified.

Ali Abd al-Aziz Hussein

Not identified.

Inquiries were also made with the Special Investigations Unit and the Unit's reply can be found here below.

Ali Hasan Ali Ashur Ali: 961103230

On 13 January 2016, the Special Investigations Unit received a complaint from the mother of this man, alleging that her son had been ill-treated while he was being held in the custody facility. The Unit initiated an inquiry and issued several decisions for him to be brought from his place of custody to be questioned about the incident in detail. However, he refused to attend. A member of the Criminal Investigation Department in the Unit went to the place of detention to ask him why he would not attend, and he said he was ready to come at any time. He was summoned to several interviews but refused to attend. The Unit completed its investigations with an interview with the complainant and questioned members of the Criminal Investigation Department about what had happened. In the end, it was decided to shelve the case owing to a lack of evidence and failure by the accused to cooperate with the investigation. The Unit has not received any other complaints in connection with this person.

Hussein Ali Rida Ibrahim Khamis Barbar: 960700463

The Special Investigations Unit received a report on 9 November 2014 alleging that this person had been beaten up by a law enforcement officer. The Unit launched an investigation and questioned him about the incident, but he refused to talk about it and withdrew his complaint. He said that he had not been subjected to any kind of assault. The Unit nevertheless proceeded to question a member of the General Security forces who had been responsible for questioning the accused and that person denied the allegation. It called on the Criminal Investigation Department to look into the matter, and it was decided to shelve the case owing to a lack of evidence.

This man had been part of a group of prisoners who were allegedly beaten by security forces at a prison when the latter were trying to regain control following an outbreak of unrest and rioting among a large group of prisoners in 2015. The Unit completed its investigation into that incident and referred 13 members of the General Security forces for trial on criminal charges; 10 of them were convicted. The Unit has not received any other complaints in connection with this person.

Salah Sa'id Salih al-Hamar: 921107340

The Special Investigations Unit received a complaint on 24 August 2015 from this man's lawyer, indicating that his client had been beaten up by a law enforcement officer while he was being held at a custody facility. The Unit launched an investigation and questioned him about the incident in detail. It issued orders for a physical examination by a medical officer, who found no signs of any injuries consistent with the alleged assault. It also asked the Criminal Investigation Department to look into the matter and it questioned the law enforcement officers concerned. It decided to shelve the case due to a lack of evidence. The Unit has not received any other complaints in connection with this person.

The Unit has not received any complaints in connection with Ali Ibrahim Mohammed Amin Ibrahim al-Arab, Ja'far Isa Hasan al-Abd, Sadiq Ja'far Isa Abdallah Hasan al-Abd, Majid Ahmad Ahmad or Abd al-Aziz Hussein Ahmad.

In conclusion, it should be stressed that Bahrain is committed to upholding human rights. Through the Ministry of the Interior and the Prisons Department that the Ministry oversees, it ensures that all prisoners are afforded respect and humane treatment without discrimination and in line with human rights principles. Bahrain supports the promotion of these rights, the safeguarding of personal dignity, the protection of public and private rights and freedoms, and access to proper health care, regular family visits and phone calls, in keeping with the Constitution and national legislation, which are aligned with the relevant international standards, laws and treaties.

Prisoners and those in pretrial detention are entitled, under article 30 of the relevant regulation, to submit complaints to the judicial and police authorities in Bahrain and to the Office of the Ombudsman and the Director of Prisons. Prison administration facilities have two types of complaints box, displayed prominently in buildings, the first type for complaints

to the Office of the Ombudsman and the second for complaints to the judiciary and the police and to the Director of Prisons.
