

(Translated from Arabic)

Explanatory note
concerning allegations of the arbitrary detention of four individuals

Further to the previous report sent by the Kingdom of Bahrain in response to the joint communication by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 50/17, 43/4 and 43/16, concerning allegations of the arbitrary detention of four individuals for their participation in protests against the Abraham Accords, we would like to report on the cases of Yusuf Ahmed Hasan Kadhem (001000292), [REDACTED], [REDACTED] Sayed Ali Mustafa Majid Maki (031209076) and others not mentioned in the communication.

The aforementioned individuals are accused of having participated in a public gathering of more than five persons with the intention of committing crimes and disturbing public security and possessing and acquiring flammable or explosive devices with the intention of using them to endanger people's lives and public and private property. Some of them were charged with an additional charge related to the manufacture of flammable devices with the intention of using them to endanger people's lives and public and private property. During questioning by the Public Prosecution Service, each of the individuals confessed to committing the acts under investigation together with the other suspects, and none of them alleged that they had been subjected to torture or ill-treatment during the investigation period.

The statements of the accused were heard, and the Public Prosecution Service gathered evidence, including the report of the criminal investigation laboratory on the testing of seized items, which showed that the human cells collected from the seized items belonged to the individuals in question. The Public Prosecution Service referred the case to the competent court, which heard the case over several sessions, during which all the defendants were provided with all legal safeguards, in the presence of their lawyers.

At a hearing on 31 May 2022, the First High Criminal Court sentenced [REDACTED], Sayed Ali Mustafa and [REDACTED] to 1 year in prison, fined each of them 500 dinars on the charges of association and ordered that a report showing the progress achieved by the individuals must be submitted by the Correction and Rehabilitation Centre after half of the sentence has been served. The competent court also sentenced Yusuf Ahmed Hasan Kadhem to 1 year in prison on charges of association, with confiscation of seized items. The four individuals appealed the judgments, and the Supreme Court of Appeal decided on 30 November 2022 to admit the men's appeals, with the exception of Yusuf Ahmed Hasan Kadhem's appeal, in form and in substance, and amended their sentence to a 3-month prison term, otherwise upholding the appealed judgment.

A review of the complaint records of the Special Investigation Unit showed that no complaints were submitted to the Unit by the individuals in question.