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The Permanent Mission of the kingdom of Bahrain to the United Nations and other international organizations in Geneva presents its compliments to the Secretariat of the **Special Procedures Branch**, and with reference to its Note Verbale AL BHR1/2024, dated 8 May 2024, concerning Hashem al -Wadaei, has the honor to attach herewith the response of the Kingdom of Bahrain.

The Permanent Mission of the kingdom of Bahrain to the United Nations and other international organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the **Special Procedures Branch** the assurances of its highest consideration.



Secretariat of the Special Procedures Branch

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Explanatory note
concerning Hashem al-Wadaei

Reference is made to the joint communication from the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 torture and other cruel, inhuman or degrading treatment or punishment. The communication contained a number of claims and allegations regarding the detention and ill-treatment of Hashem al-Wadaei.

The case against the Hashem Naame al-Wadaei (040200086)

Having received the report of an investigation which showed that the person in question had participated in a gathering on 2 February 2024, the Public Prosecution Service prepared a warrant for his arrest and for the search of his person and his residence. He was, in fact, arrested and, when his place of residence was searched, instruments were discovered that are used for acts of rioting and sabotage (masks, a gas mask, spray cans, shock protection equipment and a taser). The investigation showed that this individual had also participated in two other incidents.

The following measures were taken:

- The individual in question was brought before the Public Prosecution Service in relation to three cases

1. A gathering on 2 February 2024 in which 30 people of both sexes participated, in the area of Bu Quwah
2. A gathering on 20 October 2023, in which 1,000 people participated in an unauthorized march in the area of Diraz
3. A gathering accompanied by acts of arson and rioting on 26 October 2023, in which between 100 and 120 people participated in an unauthorized march and some of them set fire to containers, in the area of Sanabis.

- The charges levelled against him

1. Participating in a gathering for the purpose of committing offences and disrupting public order, which constitutes a crime under article 178 of Legislative Decree No. 15 of 1976 promulgating the Criminal Code, as amended.
2. Taking part in an unauthorized march, which constitutes a crime under Decree Law No. 18 of 1973 on public meetings, marches and rallies.

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- On 22 February 2024, the competent security authority enforced the arrest warrant issued by the Public Prosecution Service against the person in question, searched his place of residence and questioned him on the charges against him. His statements were taken down as evidence, and he was seen by a doctor at the Public Security Force clinic, as per normal procedure. He was granted the right to contact his family on the same day as his arrest, February 22.
 - He was referred to the Public Prosecution Service which, on 24 February 2024, decided to remand him in custody for 7 days in the cases in which he was implicated and to detain the items that had been seized. He was given another medical check-up then referred to the pretrial detention facility on the same day. His detention was later renewed for 30 days.
 - The accused person was questioned about all the aforementioned incidents and denied that he had committed any offence. The lawyer [REDACTED] was present with him. When asked about the evidence-gathering records, he acknowledged that he had participated in the second and third unauthorized marches but denied that he had taken part in the first. When confronted with the statements he had made at the evidence-gathering stage, he stated that it had been late and he had been asleep. He was questioned about the incident and he admitted that he had merely participated and that he had not read the report when signing it. He also averred that he had not been subjected to any threat or assault during his questioning and had acted of his own free will.
 - Once the precautionary measures and the investigations were completed, the individual in question was released on 31 March 2024.
 - However, a decision of the Public Prosecution Service to imprison him in relation to another case was enforced, for which he was released on 8 April 2023.
 - When the party in question was shown the taser – which had been sent for examination by the Department for Physical Evidence – he admitted that it belonged to him. It should be noted that tasers are illegal under Decree No. 90 of 2008, which concerns weapons the possession or carriage of which requires a licence. Furthermore, from the arrest and evidence-gathering, through the period of preventive detention and until release, the individual concerned was granted all the rights envisaged in the Constitution and other national legislation, in a manner consistent with international standards. While in detention, he was not subjected to any kind of ill-treatment mentioned in the communication. In fact, the authorities at the General Directorate for Reform and Rehabilitation remain firmly committed to complying with all provisions enshrined in the Constitution and the laws, which enjoin humane treatment for all detainees and inmates, on an equal basis and without discrimination.
 - The allegation made by the person concerned that the authorities arrested him and searched his dwelling without showing a judicial warrant is false and baseless. It is, in fact, the duty of law

enforcement officials to ensure that they have a valid arrest warrant, which they are required to show to the person being arrested. This was done in the present case, and the law enforcement officials carried out their duty as set forth in article 61 (1) of Decree-Law No. 46 promulgating the Code of Criminal Procedure, as amended, which states: “No person may be arrested or imprisoned except on instructions from the legally competent authorities. The person concerned must be treated in a manner that preserves human dignity and may not be subjected to physical or moral harm.”

Clarification in regard to the allegations contained in the communication

1. Regarding the allegation that the person in question was prevented from receiving or purchasing clean clothes and hygiene products, even from bathing, from his arrest on 22 February 2024 until 4 March 2024 (a period of 12 days)

All inmates and pretrial detainees, without discrimination, have the rights and duties stipulated in the Reform and Rehabilitation Institutions Act and its implementing regulations. No detainee is denied the right to make purchases, and all of them have the right to obtain a bank card from their relatives, which is consigned to them and thanks to which they are able to make purchases on an equal footing with all other inmates and pretrial detainees. It should be noted here that the individual in question did not have a cash deposit and did not receive a bank card until 4 March 2024, at which point he was able to make purchases under the established system.

For its part, the administration of the detention facility meets all the needs of pretrial detainees vis-à-vis health, hygiene, clothing and other necessities, as per the regulations of the facility and, specifically, article 41 of the implementing regulations of the Reform and Rehabilitation Institutions Act.

2. Regarding the allegation that his health has deteriorated

In addition to an initial medical examination carried out by the competent authority – as described above – the administration of the detention facility had the person in question transferred to receive the necessary medical treatment and medication. In this context, it is important to note that health care for pretrial detainees and inmates of correction and rehabilitation centres – following a legislative amendment assigning this task to a specialized health-care entity – is the responsibility of the Directorate for State-run Hospitals. The primary aim of the amendment – which is consistent with the Constitution and the international obligations of Bahrain – is to pursue best practices and optimal policies in all the country’s correction and rehabilitation centres, particularly on psychosocial matters, and to improve the health care provided to inmates and pretrial detainees, reintegrate them into society and have a positive impact on their families and relatives, and on society in general.

3. Regarding the allegation that he was deprived of contact with his family

	<i>Date</i>	<i>Time</i>	<i>Name of person and degree of kinship</i>
1	25 Feb. 2024	08:54	██████ (mother of the detainee)
2	26 Feb. 2024	12:19	██████ (mother of the detainee)
3	12 Mar. 2024	11:35	██████ (relative of the detainee)
4	24 Mar. 2024	11:25	██████ (relative of the detainee)
5	7 Apr. 2024	15:15	██████ (mother of the detainee)

An examination of the list of videocalls made by this individual demonstrates that he was able to enjoy his right to communicate with his family and relatives. Accordingly, the claim made in the communication that he was deprived of contact is untrue.

4. Regarding the allegation that he was subjected to ill-treatment at the Dry Dock Detention Centre

The allegations in the communication are false and completely divorced from reality. The administration of the detention facility takes every care to safeguard the dignity of inmates and to ensure that they are not subjected to any form of torture or cruel, inhuman or degrading treatment, in accordance with the facility's own rules and regulations.

In this context, Bahrain has acted to ensure that all citizens and residents are protected from torture or ill-treatment. The law also criminalizes abuse of authority on the part of any public official, in line with international human rights treaties, including the Convention against Torture.

Treating people well is one of the established policies of the authorities in Bahrain, a bulwark that underpins the doctrine followed by all law enforcement officials.

In this context, the right to submit complaints is guaranteed under the Reform and Rehabilitation Institutions Act and its implementing regulations. For inmates or pretrial detainees who wish to make an allegation to the authorities regarding a violation of their rights or an instance of ill-treatment, article 30 of the implementing regulations of the Act stipulates: "An inmate or pretrial detainee may submit a complaint to the judiciary or the security authorities of Bahrain, to the Office of the Ombudsman or to the director of the detention facility. The administration of the facility is to place complaints boxes of two kinds in visible locations inside the buildings that house inmates or pretrial detainees. One of the boxes is to be for complaints addressed to the Office of the Ombudsman, the other for complaints addressed to the judiciary, the security authorities or the director of the detention facility."

Bahrain has established a number of national redress mechanisms to monitor and protect human rights, including the Office of the Ombudsman, the Special Investigation Unit, the Commission for the Rights of Prisoners and Detainees, and the Internal Investigation Department of

the Ministry of the Interior. These are part of a system intended to prevent impunity. As is the case for other accused persons, the measures taken against this individual – arrest, detention, evidence-gathering, interrogation and investigation – are governed by procedures that those mechanism have a mandate to verify. Thus, anyone who alleges a violation of their rights or claims that they have been subjected to torture or ill-treatment has the right to submit a complaint to these mechanisms. Complaints are duly considered, studied and verified and, if it emerges that a criminal act has been committed, the perpetrators are punished.

National redress mechanisms

1. Office of the Ombudsman

The Office of the Ombudsman confirmed that it received allegations concerning ill-treatment during arrest and investigation from a number of organizations. As per its usual practice, the Office then immediately took steps to verify the allegations, to which end it went to see the individual concerned and took his statement. He stated that he had suffered ill-treatment during his arrest and interrogation. He also claimed to have made the allegation, in the company of his legal representative, before the Public Prosecution Service.

The Office of the Ombudsman then requested and examined all documents related to the incident in question. Since the allegation constitutes a suspicion of a criminal offence, it was necessary to inform the Public Prosecution Service, as per article 14 of Decree No. 27 of 2012. The Office of the Ombudsman thus informed the Special Investigation Unit about the complaint, attaching all information and documents in its possession.

2. Special Investigation Unit

On 14 March 2024, the Special Investigation Unit received a complaint from the Office of the Ombudsman in which it was alleged that the individual in question was beaten and insulted during his arrest. The Unit thus began investigating the incident, as follows:

- On 20 March 2024, the Unit took the statement of the person concerned, who claimed to have been beaten and insulted by the Public Security Forces at the time of his arrest and during his transfer to the Public Security clinic on 22 February 2024. He denied having suffered torture or ill-treatment while being questioned. He claimed to be feeling sad as a result of what he had gone through and asked to see a psychiatrist. At the same time, he refused to see a forensic doctor because he was not suffering from any injuries.
- He was taken to the Unit's own psychiatrist and, following an interview and examination, it was concluded that he was not suffering from any psychological effects

- Medical reports were requested from the Health and Social Affairs Department at the Ministry of the Interior and shown to the Unit's forensic doctor; however, they did not reveal the presence of any injuries.
- Inquiries at the relevant security department revealed that there was no security camera footage of the alleged incidents.
- A review of the criminal record of the individual in question showed that he had been charged in connection with three criminal cases, and an examination of those cases revealed that he had been questioned in the presence of his lawyer and had denied the charges against him. He also denied having been beaten or threatened during his questioning, and a check-up did not reveal any injuries.
- The Unit enclosed the police report into the alleged incidents.
- The complaint remains under investigation. Officers of the Public Security Forces who had dealings with the complainant are being questioned and all necessary investigative measures are being taken.

All bodies and institutions in Bahrain are committed to upholding the human rights enshrined in international treaties and to consolidating justice and the rule of law, based on the provisions of the Constitution, international treaties and agreements and national laws. This is done by following all requisite legal procedures, ensuring that all inmates are provided with health care and enabling them to communicate with their families and their lawyer, in accordance with the applicable procedures in this regard, without any discrimination on grounds of gender, origin, language, religion or belief.