



MISSION PERMANENTE DU ROYAUME DU BAHREÏN  
AUPRÈS DE L'OFFICE DES NATIONS UNIES  
GENÈVE/VIENNE



البعثة الدائمة لمملكة البحرين لدى الأمم المتحدة  
لجنة الأوسر للمخبرات  
جينييف/فيينا

Geneva, 15 July 2024.

18 (FD)

**The Permanent Mission of the Kingdom of Bahrain to the United Nations Office and other international organizations in Geneva** presents its compliments to **The Special Procedures Branch (OHCHR)**, and reference to the joint communication Ref AL BHR 2/2024.

Please find the Government of the Kingdom of Bahrain reply regarding the mention joint communication.

**The Permanent Mission of the Kingdom of Bahrain in Geneva** avails itself of this opportunity to renew **The Special Procedures Branch (OHCHR)** the assurance of its highest consideration.

The Special Procedures Branch OHCHR

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

### **Explanatory note**

At the outset, we should like to emphasize that the Kingdom of Bahrain attaches great importance and assigns high priority to protecting, promoting and ensuring respect for human rights, in keeping with our firm belief that those rights are the basis of stability, development and prosperity. In addition, we consider those rights to be a top priority of our domestic and foreign policies.

With regard to the joint communication dated 15 May 2024 from the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and without prejudice to the previous replies of the Kingdom of Bahrain on the subject, we should like to state the following:

First, we should like to draw attention to the royal pardon that His Majesty King Hamad bin Isa Al Khalifa granted to 1,584 inmates on the occasion of the silver jubilee of His Majesty's accession to the throne and as part of the Eid al-Fitr celebrations. The pardon, which covered individuals who had been convicted in relation to rioting and in criminal cases, including some who had been sentenced to long prison terms of up to life, was a reflection of His Majesty's strong desire to safeguard human and civil rights, honour the principles of justice and the rule of law, attend to the human and social conditions of inmates, and provide an opportunity for positive integration into society, with a view to promoting human rights values and principles. It is important to note that 65 per cent of those who had been convicted in cases involving rioting were covered by the royal pardon and released. Five of the persons referred to in the communication, namely, Jasim Mohamed Saeed Ahmed Ali Ajwaid, [REDACTED], Hassan Ali Abdullah Rashid Rashid, Salman Abbas Salman Hasan Al-Ismaeel and Hassan Ahmed Radhi Mohammed, are among the persons who were pardoned and released.

There are no so-called political prisoners in Bahrain. Individuals are convicted of crimes that pose a threat to public safety, not because of their political beliefs or affiliations. They serve their sentences on that basis, because no one should be deprived of his/her liberty by being imprisoned or detained for his/her political beliefs or the peaceful expression thereof. Moreover, fair trial principles are implemented in our judicial system, where the rule of law prevails in all procedures, and due process requirements, such as the presumption of innocence, public hearings, judicial independence and multiple levels of courts, are observed, in order to ensure fairness and transparency in all judicial proceedings. In addition, legal representation and access to lawyers in relation to all criminal offences is mandatory. It is also important to note that discrimination on the basis of religious belief does not exist in Bahrain, which is a country that is based on the principles of peaceful coexistence and acceptance of everyone, regardless of belief or orientation. In addition, ours is a very dynamic society, because our people come from different backgrounds.

Moreover, the criminal justice system is designed to uphold the principles of fairness, due process and the protection of individual rights. Arrests cannot be made without arrest warrants, credible evidence and reasonable grounds for suspicion. An arrest warrant is an essential prerequisite for the arrest of any individual, unless he/she is apprehended in flagrante delicto. Once arrested, detainees are immediately informed of the charges against them and given access to legal representation, and fair trial procedures are followed.

We strongly believe in the importance of accountability and the rule of law. In the event that any violation of the law occurs or is likely to occur as the result of a wrongful act committed by an individual, the individual responsible will be liable to legal consequences and held accountable for his/her actions, as the judicial system ensures that a thorough investigation is conducted. In addition, the mandates of the independent national redress mechanisms includes, inter alia, ensuring that human rights are safeguarded. Those mechanisms are responsible for monitoring prison conditions, investigating complaints and ensuring compliance with international human rights standards. Having these mechanisms in place ensures that any violation is promptly addressed and the necessary measures are taken. Those mechanisms play a critical role in maintaining transparency and accountability within the criminal justice system and provide a means for individuals to speak up and seek redress when necessary.

### **Arrest procedures**

At the international level, the efforts made by Bahrain to safeguard and promote the general rights and freedoms of citizens and ensure that they are respected are evidenced by the fact that Bahrain is a party to various international treaties, such as the International Covenant on Civil and Political Rights, and that the provisions of those treaties have

been incorporated into national law. Bahrain interprets paragraph 5 of article 9 of the Covenant, which provides that anyone who has been the victim of unlawful arrest or detention has an enforceable right to compensation, as being without prejudice to its right to determine the reasons for which such compensation may be paid and the rules for obtaining such compensation.

Articles 19 and 20 of the Constitution of the Kingdom of Bahrain establish constitutional guarantees that ensure full compliance with the standards contained in those articles. In addition, the Code of Criminal Procedure, chapter III, articles 82 to 166, establishes the procedures that the Public Prosecution Service must follow when investigating crimes. Those procedures are in line with the relevant international standards.

### **1. Hasan Ali Mushaima (480107491)**

On 28 November 2011, this inmate was placed in the Reform and Rehabilitation Centre in implementation of the life sentence handed down by the judicial authorities on the charges of attempting to overthrow the government, inciting hatred against the system of government, disseminating false news that undermines public security, is harmful to the public interest and calls for violence, and possessing publications or recording devices for the purpose of promoting regime change.

### **2. Abdullah Isa Abdulla Mahroos (650911652)**

On 28 November 2011, this inmate was placed in the Reform and Rehabilitation Centre in implementation of the life sentence handed down by the judicial authorities on the charges of attempting to overthrow the government, inciting hatred against the system of government, disseminating false news that undermines public security, is harmful to the public interest and calls for violence, communicating with a foreign country or communicating with a foreign country in order to carry out hostile acts against the country and insulting a public official.

### **3. Abdulwahab Husain Ali Ahmed Ismaeel (540044725)**

On 28 November 2011, this inmate was placed in the Reform and Rehabilitation Centre in implementation of the life sentence handed down by the judicial authorities on the charges of attempting to overthrow the government, inciting hatred against the system of government, calling for the overthrow or change of system of government, publicly calling for hatred of a group in order to disturb public order, communicating with a foreign country or communicating with a foreign country in order to carry out hostile acts against the country and possessing publications or recording devices for the purpose of promoting regime change.

### **4. Abduljalil Radhi Mansoor Maki Al-Muqdad (600715205)**

On 28 November 2011, this inmate was placed in the Reform and Rehabilitation Centre in implementation of the sentence of life imprisonment and a fine of 50 Bahraini dinars handed down by the judicial authorities on the charges of attempting to overthrow the government, inciting hatred against the system of government, joining a group or organization the purpose of which is to disrupt the law or attack rights and freedoms, communicating with an enemy State in relation to its war operations or harming the country's war operations, establishing or managing an association to overthrow or change the regime or promote the use of illegal methods, publicly calling for hatred of a group of people in order disturb public order and insulting a public official.

### **5. Abduljabbar Isa Abdulla Hasan Mohamed (011107740)**

On 22 November 2021, this person was apprehended and underwent a medical examination pursuant to an order dated 21 November 2021 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments. His questioning was recorded on 27 November 2021 in accordance with the applicable legal procedures and controls.

He was allowed to contact his family immediately upon being detained. On 22 November 2021, he made a call to his mother, followed by a call to his father on 24 November and another call to his mother on 28 November.

On 30 November 2021, he was referred to the Public Prosecution Service and examined by the forensic doctor based on a decision of the Public Prosecutor, and he was transferred to the Pretrial Detention Centre (Dry Dock) on 1 December 2021.

### **6. Fadhel Abbas Abdulla Hasan Mohamed (011105747)**

On 22 November 2021, this person was apprehended and underwent a medical examination at the Public Security clinic pursuant to an order dated 21 November 2021 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

On 30 November 2021, he was referred to the Public Prosecution Service and examined by the forensic doctor in accordance with the decision of the Public Prosecutor dated 1 December 2021. He was allowed to contact his family immediately upon being detained. On 22 November 2021, he made a call to his maternal uncle, followed by another call to his maternal uncle on 23 November and call to his father on 24 November. He was transferred to the Pretrial Detention Centre (Dry Dock) on 1 December 2021.

#### **7. Ahmed Abdulla Marhoon Rashed (880604018)**

On 22 November 2021, this person was apprehended and underwent a medical examination at the Public Security clinic pursuant to an order dated 21 November 2021 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

He was allowed to contact his family immediately upon being detained. On 22 November 2021, he made a call to his brother, followed by a call to his mother on 24 November.

On 27 November 2021, the competent security authorities recorded his questioning in accordance with the applicable legal procedures and controls, and he was referred to the Public Prosecution Service on 30 November.

On 1 December 2021, he was referred to the forensic doctor and then transferred to the Pretrial Detention Centre (Dry Dock).

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### **9. Mohamed A. Jabbar Mansoor Ali (010501738)**

On 22 November 2021, this person was apprehended and underwent a medical examination at the General Security clinic pursuant to an order dated 21 November 2021 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

He was allowed to contact his family immediately upon being detained. On 22 November 2021, he made a call to his mother, followed by two more calls to his mother, one on 24 November and another on 30 November.

On 28 November 2021, the competent security authorities recorded his questioning in accordance with the applicable legal procedures and controls.

On 1 December 2021, he was referred to the Public Prosecution Service.

On 2 December 2021, he was examined by the forensic doctor in accordance with the decision of the Public Prosecutor and then transferred to the Pretrial Detention Centre (Dry Dock).

#### **11. Faris Husain Habib Ahmed Salman (030901880)**

On 26 November 2021, this person was apprehended and underwent a medical examination at the Public Security clinic pursuant to an order dated 21 November 2021 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

He was allowed to contact his family immediately upon being detained. He called his father on 26 November 2021.

On 28 November 2021, the competent security authorities recorded his questioning in accordance with the applicable legal procedures and controls.

On 1 December 2021, he was referred to the Public Prosecution Service.

On 2 December 2021, he was examined by the forensic doctor in accordance with the decision of the Public Prosecutor. He was then transferred to the Pretrial Detention Centre (Dry Dock).

**11. Ammar Abdulghani Khamis Ebrahim Abdulla (990402975)**

On 29 June 2017, the competent security authorities received this person from the security centre after he had been apprehended in flagrante delicto, and he was examined at the Public Security clinic on that same day. He was allowed to contact his family (mother) on 30 June. His questioning was recorded on 30 June in accordance with the applicable legal procedures and controls.

On 2 July 2017, he was referred to the Public Prosecution Service and then he was examined by the forensic doctor. He was then transferred to the Pretrial Detention Centre (Dry Dock).

**12. Husain Ahmed Abdulla Ali (Al-Moamen) (900900873)**

On 13 March 2017, this person was apprehended and underwent a medical examination at the Public Security clinic, and then allowed to contact his family (mother) pursuant to an order dated 9 March 2017 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

On 18 March 2017, his questioning was recorded in accordance with the applicable legal procedures and controls, and he was referred to the Public Prosecution Service on 22 March.

**13. Yaser Ahmed Abdulla Ali Ahmed Ali (Al-Moamen) (921108419)**

On 13 March 2017, this person was apprehended and underwent a medical examination at the Public Security clinic, and then allowed to contact his family (father) pursuant to an order dated 9 March 2017 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

On 17 March 2017, his questioning was recorded in accordance with the applicable legal procedures and controls, and he was referred to the Public Prosecution Service on 22 March.

**14. Salman Abbas Salman Hasan Al-Ismaeel (960901760)**

On 20 December 2017, this person was apprehended and underwent a medical examination at the Public Security clinic pursuant to an order dated 8 December 2017 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

On 28 December 2017, his questioning was recorded in accordance with the applicable legal procedures and controls, and he was referred to the Public Prosecution Service on 4 January 2018.

**15. Mohamed Abduljalil Mahdi Jasim Abdulla (880903201)**

On 3 July 2016, this person was apprehended and underwent a medical examination at the Public Security clinic, and then allowed to contact his family (brother) pursuant to an order dated 2 July 2016 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

On 14 July 2016, his questioning was recorded in accordance with the applicable legal procedures and controls, and he was referred to the Public Prosecution Service on 18 July.

On 19 July 2016, he was examined by the forensic doctor and transferred to the Pretrial Detention Centre (Dry Dock) on 20 July.

**16. Hussain Ali Saleh Mahdi Ayyad (970804830)**

On 27 February 2017, this person was apprehended and underwent a medical examination at the Public Security clinic, and then allowed to contact his family (mother) pursuant to an order dated 26 February 2017 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

On 17 March 2017, his questioning was recorded in accordance with the applicable legal procedures and controls, and he was referred to the Public Prosecution Service on 20 March.

On 21 March 2017, he was examined by the forensic doctor and transferred to the Pretrial Detention Centre (Dry Dock) on that same day.

**17. Ahmed Jasim Saeed Mahdi Mohamed (931103991)**

On 17 March 2017, this person was apprehended and underwent a medical examination at the Public Security clinic, and then allowed to contact his family (father) pursuant to an order dated 9 March 2017 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments. On 18 March, his questioning was recorded in accordance with the applicable legal procedures and controls, and he was referred to the Public Prosecution Service on 22 March.

On 3 April 2017, he was examined by the forensic doctor and transferred to the Pretrial Detention Centre (Dry Dock) on 4 April.

**18. Hasan Ahmed Radhi Mohamed (Serhan) (920606946)**

On 23 February 2013, this person was apprehended on the basis of the decision to refer [the case] issued by First Superior Criminal Court on 21 January 2013.

On 25 February 2013, he underwent a medical examination at the Public Security clinic and was then transferred to the Pretrial Detention Centre (Dry Dock).

**19. Mohamed Abdalnabi Juma Ali Abdulla (960508384)**

On 29 August 2015, this person was apprehended and underwent a medical examination at the Public Security clinic pursuant to an order dated 29 August 2015 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

On 3 September 2015, his questioning was recorded in accordance with the applicable legal procedures and controls, and he was referred to the Public Prosecution Service on 6 September.

On 7 September 2015, he was examined by the forensic doctor and transferred to the Pretrial Detention Centre (Dry Dock) on that same day.

**20. Husain Ali Mohsen Ali Muhana (960302948):**

On 13 December 2017, this person was apprehended and then underwent an examination at the Public Security clinic pursuant to an order dated 8 December 2017 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments.

On 27 December 2017, his questioning was recorded in accordance with the applicable legal procedures and controls, and he was referred to the Public Prosecution Service on 4 January 2018. He was allowed to contact his family and exercise all his constitutionally and legally guaranteed rights.

**21. Sayed Mohamed Mostafa Isa Ahmed Mohamed (Al-Tublani) (991103068)**

On 31 October 2018, this person was apprehended and then underwent an examination at the Public Security clinic pursuant to a judgment against him that was handed down by the Fourth Superior Criminal Court on 29 September 2016. He was allowed to contact his family (sister) on 1 November 2018. He was transferred to the Reform and Rehabilitation Centre in implementation of the sentence issued against him.

**22. Husain Ali Ahmed Ali Ahmed Shaikh Husain (951107941)**

On 28 December 2018, this person was apprehended, underwent an examination at the Public Security clinic and was allowed to contact his family (mother) pursuant to a judgment against him that was handed down by the Fourth Superior Criminal Court on 29 November 2018. He was transferred to the Reform and Rehabilitation Centre in implementation of the sentence issued against him.

**23. Habib Ali Habib Jasim Mohamed AlFardan (860602966)**

On 12 May 2015, this person was apprehended pursuant to an order dated 11 May 2015 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments. He underwent an examination at the Public Security clinic and was allowed to contact his family (brother) on that same day.

On 16 May 2015, the competent security authorities recorded his questioning in accordance with the applicable legal procedures and controls.

On 18 May 2015, he was referred to the Public Prosecution Service, which ordered his pretrial detention on that same day.

**24. Jasim Mohamed Saeed Ahmed Ajwaid (970206186)**

On 22 February 2015, this person was apprehended pursuant to an order dated 23 October 2014 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism. On 22 February 2015, he underwent an examination at the Public Security clinic and was allowed to contact his family (maternal uncle). The competent authorities recorded his questioning on 23 February in accordance with the applicable legal procedures and controls. He was referred to the Public Prosecution Service on 25 February 2015, which ordered his pretrial detention (at the Dry Dock) on that same day.

25. [REDACTED]

**26. Ebrahim Yusuf Ali Ebrahim AlSamahiji (760905150)**

On 14 October 2015, this person was apprehended pursuant to an order dated 14 October 2015 that was issued in accordance with Act No. 58 (2006) on protecting society from acts of terrorism and its amendments. He underwent an examination at the Public Security clinic and was allowed to contact his wife on that same day. On 18 October, the relevant authorities recorded his questioning in accordance with the applicable legal procedures and controls, and he was referred to the Public Prosecution Service on 28 October. He was examined by a forensic doctor on 29 October.

In the light of the details that were provided here, as well as information that was provided previously, we should like to emphasize that members of the Public Security Forces operate within the framework of national laws that are consistent with the relevant international human rights instruments. All of the above-mentioned persons were arrested in accordance with the law. The applicable legal basis was made clear during the arrest process and they were allowed to contact their families and legal representatives. They were provided with healthcare services on an equal basis and without discrimination, and they enjoyed the basic guarantees that are set out in the Constitution and incorporated into several national laws.

It is a well-established policy that human freedom and dignity are among the core pillars that Bahrain strives to protect. That policy has become established doctrine among security personnel and is reaffirmed by Articles 19 (d) and 20 (d) of the Constitution and article 208 of the Penal Code of Bahrain. In that connection, we note that, in the event that a pretrial detainee or an inmate is subjected to ill-treatment, right to submit a complaint to the concerned authorities is guaranteed under both the Reform and Rehabilitation Institutions Act and its implementing regulations guarantee, as stipulated in article 30 of the implementing regulations.

In response to the assertion that some the individuals were subjected to discriminatory treatment on the basis of their religious beliefs, that is to say sectarian insults, including insults concerning Shiite religious figures, were directed at them, we should like to state the following:

Personnel employed in the various branches and departments of the security sector, including the staff of the centres operated by the General Directorate for Reform and Rehabilitation, are cognizant of the need to safeguard inmates' rights. They place special emphasis on upholding the principle of equality of rights, privileges and care for all inmates, and they strive to use all resources available to provide them with health, scientific, intellectual, religious, social and psychological care, in order to reform them and integrate them into society, regardless of their sect or religion. In that connection, article 5 of the Reform and Rehabilitation Institutions Act provides that rules set forth in the Act apply to inmates and pretrial detainees, as the case may be, without discrimination among them on grounds of sex, origin, language, religion or creed.

Also in that connection, we should like to draw attention to the culture of tolerance, coexistence and acceptance of others, which is a fundamental pillar of Bahraini society. Discrimination of any form, including religious discrimination, is not characteristic of Bahraini society. No form of racism is tolerated. We utilize the educational curriculum to promote the values of coexistence and acceptance of others, and it is well known in the region that Bahraini society adheres to these values.

## Healthcare

With regard to the allegations of denial of healthcare, the well-being and medical care of prisoners is of utmost importance to all the relevant authorities in the Kingdom, and our policies and practices reflect that commitment. It is important to note that the medical files of all inmates are under the control of the Ministry of Health, because it is the competent authority that works with detention centres in respect of all medical matters. Medical professionals are available at all times to meet the healthcare needs of residents and ensure that they receive appropriate treatment, medications and specialized care when necessary. Any allegations of deprivation of or inadequate medical treatment are taken very seriously.

They are thoroughly investigated by detention centre management and by national redress mechanisms, such as the National Institution for Human Rights and the Office of the Ombudsman.

Meeting the healthcare needs of all prisoners and inmates is the responsibility of government healthcare institutions, because they are obliged to provide inmates and pretrial detainees with medical care pursuant to Act No. 6 (2024) amending certain provisions of the Reform and Rehabilitation Institutions Act, which was promulgated as Act No. 18 (2014). The amendments affect articles 1, 28 and 30, and they include the addition of a definition to article 1. The amendments are summarized below:

- The responsibility of providing free healthcare to inmates and pretrial detainees is transferred from the Ministry of Health to government healthcare institutions, which work in coordination with centres. The Chair of the Supreme Health Council, in coordination with the minister, will issue a decision setting out the provisions that govern the foregoing (article 28).
- The amendment to article 30 provides that the centre's doctor must conduct periodic medical examinations of inmates and pretrial detainees and prescribe the treatment that they require. The doctor may refer inmates and pretrial detainees to public or private hospitals if medically necessary, in coordination with the relevant authorities. It also provides that the Chair of the Supreme Health Council, in coordination with the minister, will issue a decision setting out the provisions that govern the foregoing.
- The following definition was added to article 1 of the Reform and Rehabilitation Institutions Act:  
"Governmental healthcare organization": the healthcare organization affiliated with the Supreme Health Council.

This amendment is in accordance with the provisions of the Constitution and the international obligations of Bahrain, which strives, first and foremost, to follow best practices and penal policies from the psychological and social perspective for inmates and pretrial detainees and improve the healthcare provided to them, in order to reintegrate them into society and have a tangible effect on their families and relatives, in particular, and society, in general.

## Conclusion

Bahrain reaffirms its commitment to continue protecting and promoting human rights at the regional and international levels. Once again, we should like to state that we refute any claims to the contrary, and we should like to stress that perpetrators of human rights violations will be held fully accountable for their actions. Respecting human dignity and adhering to international standards are essential elements of the criminal justice system. Strict protocols are followed at the time of arrest in order to ensure that human dignity is protected. Those protocols require various things to be done, such as stating the reasons for arrest and that there is a right to legal representation. Other necessary measures are also taken in order to ensure that rights and freedoms are protected in accordance with national law and international standards. During the investigation process, fair and transparent procedures are followed when gathering evidence, and individuals have the opportunity to present their case and defend themselves against accusations. After a verdict has been handed down, individuals have the right to appeal against it and have resort to litigation at various levels in the presence of a lawyer and legal representation. Effective measures are taken to ensure the well-being and dignity of inmates after they have been placed in reform and rehabilitation centres. Detention facilities are regularly monitored to ensure compliance with international standards, including access to medical care and adequate living conditions, and to prevent any form of ill-treatment or torture. In addition to laws that protect those rights, national redress mechanisms also play a prominent role in this context by providing space for inmates and individuals to express themselves. Attached are two annexes that contain responses to the requests and complaints submitted by the above-mentioned individuals to the Office of the Ombudsman and the Special Investigation Unit.

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