

**Mandates of Working Group on Arbitrary Detention; 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 torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA  
BHR 3/2015

13 May 2015

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 24/6, 26/7, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged **arbitrary arrests, charges, detention, torture and sentencing of 39 minors**.

The minors are all boys and were aged between 10 years old and 17 years old at the time of their charge or arrest. The names of the 39 minors, as well as their exact ages at arrest or charge and sentences of imprisonment, where available and relevant, are **listed in the Annex attached below**.

Mr. [REDACTED] and Mr. [REDACTED] were the subject of an urgent appeal, dated 14 August 2014 (see A/HRC/28/85, case no. BHR 11/2014) and sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. We acknowledge receipt of the responses of your Excellency's Government, dated 26 September 2014 and 21 October

2014, but we nevertheless remain concerned by the allegations described in the urgent appeal.

According to the information received:

Since 23 July 2012, 35 minors have been arrested without a warrant. The four minors who were not arrested have been accused by the authorities of being members of a terrorist cell and remain in hiding, fearful of arrest. Over half of the minors were arrested at their family home, or the home of a family member or friend, that was raided by armed security personnel, sometimes in large numbers and in the early hours of the morning. These cases represent the persecution of the individual minors by security forces for arrest and detention. In one case since 2010, security personnel reportedly raided the family home of a particular minor over 50 times prior to his arrest. It is also alleged that during the arrest of a different minor, he was beaten by security forces in front of his family at their home. In several other cases, minors were arrested in their neighbourhood, including whilst playing football, buying groceries or in a coffee shop.

Many of these minors were arrested due to their proximity to a protest taking place nearby. In two separate instances, three minors were arrested from a vehicle; two whilst travelling between Bahrain and Saudi Arabia, and the other was arrested at gunpoint in a car in Bahrain after having spent several years of his childhood living in hiding, fearful of arrest. During a protest, two minors were chased by masked and armed security personnel and one minor was shot in the stomach.

Most of the minors arrested from their family home were then transported to the premises of the Criminal Investigations Directorate. Minors arrested in other circumstances were mostly transported to a police station and a few minors were taken directly to Dry Dock Prison. Most of the minors were first held in incommunicado detention, without access to a lawyer or their families for several days. Some of the minors were forcibly disappeared after their arrest. Their families were not informed of their fate or whereabouts for several days, nor did they have access to a lawyer. All of the forcibly disappeared minors have since been in contact with their families.

After their arrest, all of the detained minors were subjected to beatings, many of them targeting their face and genitals, with punches and kicks, as well as various instruments including police batons, hose pipes, helmets and sticks. It is alleged that this indicates a systemic practice of beating the minors listed below on their arrest and initial detention. As a result of beatings targeting the face, one minor reported he had suffocated and many families reported apparent marks of torture on the faces and hands of the minors, as well as bleeding and broken noses, visible when they later visited them in detention.

Most of the minors were also subjected to verbal abuse. Several reportedly suffered psychological abuse, humiliation and torture, including being forced to stand naked or in their underwear, blindfolded and handcuffed for long periods of time, lasting up to several days, deprived of food, water, sleep and access to a toilet, as well as being prevented from praying. During the month of Ramadan some minors were prevented from praying and accessing a toilet, causing them to break their fast. It is further reported that some minors were sexually abused and others were threatened with rape. Several minors were electrocuted on all areas of their bodies and a few minors were burnt with cigarettes. Three persons were held in solitary confinement for periods of up to 10 days, and one child was subjected to solitary confinement on five separate occasions. In two separate cases, minors were hung and beaten on their hands and feet in the so-called "falaqa" position. In two further instances, two minors were shown a Molotov cocktail and accused of related crimes. In one of these cases, the minor was then videotaped holding a Molotov cocktail. It is alleged that all of the above acts of torture and ill-treatment were carried out by security personnel for the purpose of coercing the minors to sign forced confessions to various crimes.

In all instances, with one known exception, the minors were coerced to confess to these crimes. In one case, a local newspaper published a photograph of the child, whilst his interrogation was ongoing, and accused him of arson. Throughout the arrest, initial detention, interrogation and confession of the 35 detained minors, none of them had access to a lawyer.

Following their forced confessions, the minors detained at the Criminal Investigations Directorate or a police station were transferred to Dry Dock Prison or Jaw Prison, both of which are adult detention centres run by the Ministry of Interior. Only three of the minors were detained in the Juvenile Prison as they are under the age of 15 years old, which is the legal age of criminal responsibility under the national criminal code. Accordingly, all but three of the minors have been charged with criminal offences. The charges filed against the minors include planning to execute acts of terrorism, namely attacking the Saudi Embassy, murder and attempted murder, attacking the police, illegal gathering, rioting, Molotov cocktail possession, violence, throwing stones and arson. Many of these charges have been brought under anti-terrorism legislation. At least 13 of the minors were ordered by the Public Prosecutor to remain in detention for up to 60 days, in most cases without access to a lawyer.

Approximately half of the minors have subsequently been sentenced by a criminal court. Several of these minors were sentenced in absentia. Two minors were sentenced to life imprisonment, which was reduced to 15 years on appeal. Another child was sentenced to 43 years imprisonment. Most of the other minors have been sentenced to 10 years imprisonment. They have been found guilty based on

the forced confessions reportedly extracted under torture and other ill-treatment as well as witness testimonies. In the ongoing trial of one minor, the prosecutor's witnesses include two Ministry of Interior employees.

The minors who have not been sentenced remain in pre-trial detention awaiting trial, in many cases for periods that extend far beyond the Public Prosecutor's order of detention. Two minors have been released; one of them was arrested when he was 10 years old and released by royal pardon approximately one year later and the other was released after a court found him innocent.

To date, 30 of the minors remain deprived of their liberty in Dry Dock Prison or Jaw Prison and three minors are detained in the Juvenile Prison. It is reported that in Dry Dock Prison and Jaw Prison, there are not enough beds for all of the prisoners, including in the minors building, the food is poor and prisoners are unwillingly shaven. Further, it is reported that prisoners detained in both Jaw Prison and Dry Dock Prison face ongoing ill-treatment and torture, without access to education or adequate medical care, including Messrs. [REDACTED]

[REDACTED], who are persons with disabilities and have medical conditions respectively. Also, during Ramadan, individuals who performed the call to prayer were ordered to stop, beaten and subjected to solitary confinement.

Allegedly, in February 2015, the juvenile section and one other building at Jaw Prison were raided with police dogs. The detainees were beaten with batons and pepper sprayed. Since 10 March 2015, the general situation in Jaw Prison has allegedly deteriorated further, following protests by detainees at the assault of a female relative visiting an inmate by security personnel at the prison, as well as her detention and that of two other family members. In response to the protests, security personnel used tear gas and fired shotguns inside the prison cells, including those of the minors. They beat prisoners with punches, kicks and batons focusing on their heads and genitals. It is reported that over 1,000 detainees, including minors, were injured in the violence. Detainees reportedly had marks of severe burns caused by the tear gas and sound grenades, as well as injuries to their backs and legs, as well as concussion and broken fingers, hands and wrists. Some detainees suffocated as a result of the tear gas and have since vomited blood. Detainees were also reportedly thrown on top of each other in corridors and security personnel jumped on them. Detainees were deprived of food for over 24 hours, restricted from using the toilet, causing them to urinate in bottles or on themselves, and prevented from their religious practices, including prayers. On 11 March 2015, when the detainees were given a meal, they were simultaneously beaten and verbally abused. On 12 March 2015, security personnel allegedly forced detainees on to the ground, beat them and forcibly shaved their heads and beards. It is reported that some prisoners were tortured, humiliated and ill-treated in front of other detainees to set "an example of them".

Subsequently, all of the prisoners have been detained in tents without air conditioning, which are organised and segregated based on the religious belief of detainees, while the buildings are restored from the clashes. It is reported that the detainees continue to be beaten, spat on, forced to kiss the shoes of security personnel, made to run at night and wallow in water poured on the ground. The detainees are also forced to chant nationalist and patriotic slogans. Several individuals were forcibly removed from their detention buildings and their fate and whereabouts are allegedly unknown. Others are being held in solitary confinement. Many detained individuals, including Mr. [REDACTED], have been prevented from contacting their family and receiving them for visits indefinitely. Mr. [REDACTED] has reportedly injured his back and legs.

The families of several detained minors have made complaints to the Bahrain's National Institute for Human Rights and the Bahraini Ombudsman regarding many of the different alleged human rights violations described above without any meaningful response. Thirty three of the minors remain deprived of their liberty to date, two minors have been released and four minors remain in hiding fearful of arrest.

Grave concern is expressed at the allegations that the 39 minors listed below were arbitrarily arrested and/or charged, in particular with regard to the cases where violence was used, including the shooting and beating of the minors. Serious concern is also expressed regarding the physical and mental integrity of 35 of the 39 minors were detained, in particular in light of information alleging that some of them were held in incommunicado detention and solitary confinement for periods of time and that all of them were subjected to torture and other ill-treatment, including for the purpose of extracting confessions. Particular concern is expressed regarding the conditions of detention of the minors held in Jaw Prison, reportedly without access to their families or lawyers who are subject to ongoing ill-treatment and torture.

Moreover, serious concern is expressed that the minors currently serving sentences, ranging from six months to 43 years imprisonment, were convicted as a result of trials that did not seem to respect basic international standards of fair trial and due process, including the prohibition of the use of evidence obtained under torture in court proceedings. Finally, serious concern is expressed regarding the lack of access to medical care for those injured in detention, as well as Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED], who require medical care for their respective disabilities and medical conditions (listed in the annex).

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international

norms and standards that are applicable to the issues brought forth by the situation described above.

While we do not wish to express an opinion on whether or not the deprivation of liberty of 35 minors is arbitrary, the above allegations appear to be in contravention of the right not to be arbitrarily deprived of one's liberty and the right to fair proceedings before an independent and impartial tribunal, as set forth in articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR) that Bahrain acceded to on 20 September 2006, as well as articles 37(b) and 40 of the Convention on the Rights of the Child (CRC) ratified by Bahrain on 13 February 1992. These allegations also seem to be in contravention of the UN Basic Principles on the Role of Lawyers, the UN Basic Principles on the Independence of the Judiciary, the Bangalore Principles of Judicial Conduct and the UN Guidelines on the Role of Prosecutors.

We would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Bahrain acceded to 6 March 1998, as well as of article 15 of the CAT, which provides that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings.

Moreover, we would like to draw to the attention of your Excellency's Government the fact that the Committee against Torture and the Human Rights Committee consistently have found that conditions of detention can amount to inhuman and degrading treatment.

In addition, the Human Rights Council and the Special Rapporteurs on torture have determined that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and, in itself, constitute a form of such treatment.

With regards to the alleged failure to separate minors from adult prisoners, we wish to draw to the attention of your Excellency's Government to Rule 8(d) of the Standard Minimum Rules for the Treatment of Prisoners, which provides that young prisoners shall be kept separate from adults (approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977).

We would also like to draw the attention of your Excellency's Government to Principle 15 of the UN Basic Principles on the Use of Force and Firearms by Law Officials, which provides that law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is

threatened (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990).

Regarding access to medical treatment in detention, we would like to refer your Excellency's Government to General Comment 14 of the Committee on Economic, Social and Cultural Rights, which relates to the implementation of the obligations under the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which Bahrain acceded to on 27 September 2007. The General Comment underlines the obligation of States to *respect* the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services. (GC CESCR 14, Para.34)

We also deem it pertinent to refer to Principle 9 of the Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, according to which all prisoners should have access to the health services available in the country without discrimination on the grounds of their legal situation. Moreover, Rules 22(2) and 25(1) of the Standard Minimum Rules for the Treatment of Prisoners establish the responsibility of the authorities to ensure access to specialized medical treatment, including through transfer to specialized institutions or to civil hospitals, for those prisoners who require it.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the minors listed below in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of the 35 detained minors and how these measures are compatible with international human rights norms and standards, including those listed above.
3. Please explain the motives behind the decision to place some of the minors in solitary confinement, as well in detention with adults, and how this comply with the international human rights norms and standards, including those listed above.

4. Please provide information about the medical attention provided to those injured in détention, as well as the medical care provided to those with disabilities and particular medical conditions.
5. Please provide details of the judicial proceedings that led to the conviction and prison sentences of some of the concerned minors and explain how they comply with international human rights standards for fair trial and due process. Please also provide details on the status of judicial proceedings against the minors awaiting trial in detention and explain how they comply with international human rights standards of fair trial and due process.
6. Please provide detailed information, and where available, the results of any investigation, judicial or other inquiries carried out in relation to the 35 minors who are in detention and the allegations that they were tortured and forced to confess against their wills. If no inquiries have taken place, or if they have been inconclusive, please explain why.
7. In the event that the investigations confirm that the allegations are correct, please provide detailed information of any accountability measure taken against any officer found to be responsible for the alleged violations.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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treatment or punishment

Annex

1. Mr. [REDACTED], 15 years old at the time of arrest. Remains in detention awaiting trial.
2. Mr. [REDACTED], 16 years old at the time of arrest, sentenced to 10 years imprisonment. Decision upheld on appeal. Remains in detention.
3. Mr. [REDACTED], 17 years old at the time of arrest, sentenced to 3 years and 6 months imprisonment. Additional charges pending. Remains in detention.
4. Mr. [REDACTED], 14 years old. Remains in detention awaiting trial.
5. Mr. [REDACTED], 15 years old at the time of arrest. Released on 30 December 2014.
6. Mr. [REDACTED], 16 years old at the time of arrest. Remains in detention awaiting trial.
7. Mr. [REDACTED], 15 years old at the time of arrest, sentenced to 10 years imprisonment. Sentence upheld on appeal. Remains in detention.
8. Mr. [REDACTED], 15 years old at the time of arrest, sentenced to 15 years imprisonment and 6,000 Bahraini Dinars (approximately 1,600 US Dollars). Sentence upheld on appeal. Remains in detention.
9. Mr. [REDACTED], 16 years old at the time of arrest. Remains in detention awaiting trial.
10. Mr. [REDACTED], 10 years old at the time of arrest. Released and pardoned in late 2014.
11. Mr. [REDACTED], 16 years old at the time of arrest, sentenced to 10 years imprisonment. Remains in detention.

12. Mr. [REDACTED], 15 years old at the time of arrest. Remains in detention awaiting trial.
13. Mr. [REDACTED], 17 years old at the time of arrest, sentenced to 51 years imprisonment. Sentence reduced to 40 years imprisonment on appeal. Remains in detention.
14. Mr. [REDACTED], 15 years old at the time of arrest, sentenced to 3 years imprisonment. Remains in detention.
15. Mr. [REDACTED], 15 years old at the time of arrest, sentenced to 6 months imprisonment. Remains in detention.
16. Mr. [REDACTED] 17 years old at the time of arrest, sentenced to life imprisonment. Sentence reduced to 15 years imprisonment on appeal. Remains in detention.
17. Mr. [REDACTED], 15 years old at the time of arrest, sentenced to life imprisonment. Sentence reduced to 15 years imprisonment on appeal. Remains in detention.
18. Mr. [REDACTED] 16 years old at the time of arrest. Remains in detention awaiting trial.
19. Mr. [REDACTED], 15 years old at the time of arrest. Remains in detention awaiting trial.
20. Mr. [REDACTED] 12 years old at the time of arrest, sentenced to 1 year under observation. Remains in detention.
21. Mr. [REDACTED] 16 years old at the time of arrest. Remains in detention awaiting trial.
22. Mr. [REDACTED], 17 years old at the time of arrest. Remains in detention awaiting trial.
23. Mr. [REDACTED] 16 years old at the time of arrest. Remains in detention awaiting trial. He suffers from Marfan syndrome and a heart condition.

24. Mr. [REDACTED], 16 years old, sentenced to 10 years imprisonment. Remains in detention.
25. Mr. [REDACTED], 15 years old at the time of arrest, sentenced to 10 years imprisonment. Remains in detention.
26. Mr. [REDACTED], 17 years old at the time of arrest, sentenced to 6 years imprisonment. Remains in detention.
27. Mr. [REDACTED], 16 years old at the time of arrest. Remains in detention awaiting trial. He has severe hearing impediments in both ears and severe speech impediments.
28. Mr. [REDACTED], 16 years old at the time of arrest. Remains in detention awaiting trial. He suffers from a deformity in his legs that makes it difficult for him to walk.
29. Mr. [REDACTED], 17 years old at the time of arrest. Remains in detention awaiting trial.
30. Mr. [REDACTED], 15 years old at the time of charging. Remains in detention awaiting trial.
31. Mr. [REDACTED], 17 years old at the time of charging. Remains in detention awaiting trial.
32. Mr. [REDACTED], 17 years old at the time of charging. Remains in hiding.
33. Mr. [REDACTED], 15 years old at the time of arrest. Remains in detention awaiting trial.
34. Mr. [REDACTED], 16 years old at the time of charging. Sentenced in absentia and remains in hiding.
35. Mr. [REDACTED], 15 years old at the time of charging. Remains in hiding.
36. Mr. [REDACTED], 17 years old at the time of charging. Remains in hiding.

37. Mr. [REDACTED], 17 years old at the time of charging. Remains in detention awaiting trial.
38. Mr. [REDACTED] 17 years old at the time of charging. Remains in detention awaiting trial.
39. Mr. [REDACTED] 17 years old, sentenced for unknown period of time. Remains in detention.

