

**Mandates 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**

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14 August 2014

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 rights to freedom of peaceful assembly and of association; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 24/5, 26/7, 22/8, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of **the arbitrary arrest, detention, and torture of nine Bahraini nationals (two of whom are minors), the forced disappearance of some of them, and the convictions after trials that did not meet international standards of fair trial and due process of five of them.**

Mr. **Husain Al Singace** (a financial auditor), Mr. **Elyas Al Mula**, Mr. **Sayed Mahmood Fadhel**, Mr. **Mohamad Ramadan** (an airport security guard), Mr. **Mohamed Al Farsani**, Mr. **Mohamed Bader Al Shaik**, and Mr. **Abbas Al Samia** (a teacher) are the seven adult men.

Mr. [REDACTED] (age 16, student) and Mr. [REDACTED] (9<sup>th</sup> grade student) are the two minors.

*In the case of Mr. Husain Al Singace*

According to information received:

At approximately 11:00 a.m. on 25 March 2011, forces purportedly belonging to the Ministry of the Interior forcibly entered Mr. Al Singace's home without a warrant and arrested him. It is alleged that Mr. Al Singace was forcibly disappeared for about two months. His family learned of his whereabouts on 29 May 2011. According to the source Mr. Al Singace was immediately subjected to torture, including being hung, beaten, insulted, electrocuted until he fainted with focus on his genitals and forced to crawl on the ground and bark. It is reported that Mr. Al Singace's skin became red and blue as a result of the torture, and that he was forced to stand or run in the sun after torture to lessen the discoloration of his skin. Reportedly, Mr. Al Singace's family could first visit him on 20 June 2011 and could see visible marks on his body resulting from torture.

According to the source, security forces took Mr. Al Singace to a military court where he was beaten with sticks, shoes and metal chairs in an attempt to force his confession, which he refused. Allegedly, the beatings continued and Mr. Al Singace suffered from hallucinations for several days. It is reported that Mr. Al Singace was charged with participation in an illegal gathering and beating of a police officer. However, because the two charges placed Mr. Al Singace in different locations at the same time, the prosecution dropped the accusation related to illegal gathering and kept that of beating of a police officer. Additionally, it is reported that during the trial a witness who claimed to have seen Mr. Al Singace beat the police officer was unable to correctly identify him, and that this was not taken into consideration by the court. According to the source Mr. Al Singace was charged with the beating of a police officer and sentenced to seven years in prison. Mr. Al Singace is currently detained in Jaw Prison serving this sentence.

*In the case of Mr. Elyas Al Mula*

According to information received:

At approximately 8:00 a.m. on 11 May 2012, forces from the Ministry of the Interior forcibly entered Mr. Al Mula's home and arrested him. It is reported that prior to the arrest Mr. Al Mula had spent a year in hiding after learning that Bahraini forces were looking for him, and had his home raided at least four times by Bahraini forces before his arrest. Mr. Al Mula was forcibly disappeared for about one week, after which time he was able to contact his family from the Criminal Investigative Directorate.

It is alleged that Mr. Al Mula was subjected to physical, psychological and verbal torture. Torture included food and water deprivation, being forced to stand most of the time, and being beaten on the head and private parts with sticks, pipes and

helmets. The authorities also allegedly refused to let Mr. Al Mula keep a removable splint meant to treat his leg, which he had broken prior to his arrest. As a result of his torture, Mr. Al Mula sustained injuries all over his body. Allegedly, Mr. Al Mula was forced to sign a confession under threat of continued torture, and was charged by the public prosecutor with criminal arson and attempted murder. After one week in the Criminal Investigative Directorate, Mr. Al Mula was sentenced to 15 years imprisonment, which was upheld by the appeals court. Mr. Al Mula is currently serving his sentence in Jaw Prison where he continues to face ill-treatment.

*In the case of Mr. Sayed Mahmood Fadhel*

According to the information received:

At approximately 2:00 a.m. on 24 January 2013, masked Bahraini security forces, and more than 15 police vehicles, surrounded and forcibly entered Mr. Fadhel's home without a warrant. It is reported that forces immediately began beating Mr. Fadhel, terrifying his children. The security forces allegedly transported Mr. Fadhel to the Criminal Investigative Directorate and tortured him for four days. It is reported that the public prosecutor himself directly inflicted torture to Mr. Fadhel on 26 January 2013. Mr. Fadhel was transported to the Airport Prison and placed in solitary confinement for about two months. According to the source, torture continued during his prolonged detention and included electrocuting his genitals, threatening to rape his wife and children, beating him with pipes and sticks, depriving him of food, forcing him to stand for over 15 hours at a time, burning him with cigarettes, and refusing to allow him to use the bathroom or pray.

It is reported that Mr. Fadhel's family was not able to visit until two weeks after his arrest, and could only communicate through glass for ten months. On 3 November 2013 Mr. Fadhel was accused by the public prosecutor of providing intelligence to Iran, joining an illegal organization and training for terrorist activity. It is alleged that Mr. Fadhel was forced to confess to these crimes as a result of torture and that he signed over 40 blank papers believed to have been used to fabricate his confession. Mr. Fadhel was sentenced to 15 years in prison. He is currently detained in Jaw Prison to serve his sentence.

*In the case of Mr. Mohamad Ramadan*

According to information received:

At approximately 1:30 a.m. on 20 March 2013, two Bahraini security officers approached Mr. Ramadan at the airport where he works and transported him to the

Criminal Investigative Directorate. After four days of not knowing his whereabouts, Mr. Ramadan's family filed complaints with the Bahrain National Institute for Human Rights and the Office of the Ombudsman. It is reported that Mr. Ramadan was tortured for four days until he agreed to make a false confession in order to end the torture. Torture continued until Mr. Ramadan fabricated the confession desired by the authorities. The acts of torture Mr. Ramadan was subjected to included being beaten, slapped and kicked on his entire body, with focus on his head and ears, and being verbally insulted. Allegedly, Mr. Ramadan received a phone call from an unknown person who admitted that the Government knew he was innocent but that his participation in marches and other activities made him a traitor.

According to the source, security officers brought Mr. Ramadan to the public prosecutor's office, where Mr. Ramadan asked the judge if he would like to hear the real story or the fake one. It is reported that the judge became very angry and removed Mr. Ramadan to a different courtroom with a different judge. Mr. Ramadan told this judge that he had been forced to sign a false confession. After this hearing, Mr. Ramadan was transported to Riffa Prison and was detained there for 13 days. He was again subjected to torture, which included being violently beaten, being tied with double belts, being painfully handcuffed, and being forced to listen to other prisoners being tortured. After ten days in Riffa Prison the torture ceased. Reportedly, Mr. Ramadan was charged with attempted murder and complicity in the "Al-Dair Explosion" – an alleged terrorist act in which a homemade bomb injured several police officers. He was sentenced to 15 years in prison and is currently detained serving his sentence in the Airport Prison.

*In the case of Mr. Mohamed Al Farsani*

According to information received:

On 8 July 2013, Bahraini security forces from the Ministry of the Interior raided the area near Mr. Al Farsani's home and eventually arrested him without a warrant. He was transported to the Criminal Investigative Directorate where he was tortured. The alleged acts of torture he was subjected to included being kicked and punched in the head, face and genitals, being sexually harassed and being threatened with electrocution or bringing in his wife if he refused to sign a pre-written confession. As a result, Mr. Al Farsani signed the confession papers. Reportedly, Mr. Al Farsani continues to feel pain, in particular in his genitals, resulting from these beatings.

According to the source, Mr. Al Farsani was forcibly disappeared for eight days, after which he was allowed a short phone call to his family to let them know he was detained in Dry Rock Detention Center. It is reported that the public

prosecutor charged Mr. Al Farsani with premeditated attempted murder, murder with intention, possession of explosives aiming to terrorize the safety of the people, possession of Molotov cocktails, and deliberately causing traffic jams and harming people's interests. It is alleged that the public prosecutor forced Mr. Al Farsani to sign his testimony without letting him read it. Mr. Al Farsani is currently detained in Dry Rock Detention Center and is awaiting his trial.

*In the case of Mr. Mohamed Bader Al Shaik*

According to information received:

On 2 February 2014, Mr. Al Shaik returned to Bahrain from a trip to Syria, was arrested by Bahraini police at the airport and was transported to the Criminal Investigative Directorate. It is reported that Mr. Al Shaik was detained and tortured there for five days. Torture allegedly included being forced to strip naked, being painfully handcuffed, being electrocuted in the [REDACTED], being hung, being deprived of water and sleep, being slapped, punched and kicked, being beaten with sticks and being stabbed in the hand with a sharp tool. According to the source, Mr. Al Shaik was able to personally identify his torturer at the Criminal Investigative Directorate. Allegedly, on one occasion Bahraini forces [REDACTED] assaulted Mr. Al Shaik, forcing [REDACTED]. Mr. Al Shaik fainted twice as a result of electrocution and was sent to the military hospital.

Reportedly, on the fifth day of his detention Mr. Al Shaik was taken to the public prosecutor and was refused access to a lawyer. It is alleged that Mr. Al Shaik was accused of having been trained in Syria and with the Hezbollah, of forming a new terrorist cell and training people to commit terrorist acts against Bahrain. He was also accused of being involved in the issue of cruise weapons, related to Syed Jaafar, because of a prior arrest in the 1990s. According to the source, Mr. Al Shaik was released on 17 April 2014 on bail, however it is reported that the Government maintains active charges against him pending a trial date that has not yet been set. It is reported that after his release, an Egyptian doctor confirmed that Mr. Al Shaik had been tortured. Additionally, after his release Mr. Al Shaik filed a complaint with the General Authority for grievances (Complaint No. 25/2014), and has been in contact with a Special Investigations Unit.

*In the case of Mr. Abbas Al Samia*

According to information received:

At approximately 11:00 p.m. on 3 March 2014, Bahraini security officers forcibly entered Mr. Al Samia's grandparents' home without a warrant and violently arrested and beat him, causing his face to swell. Reportedly, Mr. Al Samia was

forcibly disappeared for 20 days, after which time his family received a brief phone call alerting them that he was alive. Mr. Al Samia was transported to the Criminal Investigative Directorate, where it is alleged that for three days he suffered acts of torture, including being electrocuted, punched, beaten and forced into stress positions. The torture resulted in his fainting and it is reported that Mr. Al Samia was sent to the Bahrain Defense Force Al Qurain Hospital. According to the source, medical tests indicated severe internal bleeding, fractured vertebrae, a broken pelvis and low blood pressure, resulting in Mr. Al Samia's transfer to intensive care where he underwent surgery in order to stop the bleeding.

It is alleged that security forces forcibly removed Mr. Al Samia from the hospital one week after his operation, and against the consent of his doctor. Reportedly, torture then continued in order to force his false confession of murdering three police officers. Mr. Al Samia signed the confession document to prevent continued torture and later was forced to confess to the crime on video tape. After his confession, it is reported that Mr. Al Samia was placed in solitary confinement for an unknown length of time and was then transported to Jaw Prison. According to the source it was not until June 2014, three months after Mr. Al Samia's initial detention and after three hearings without legal representation, that his lawyer was allowed to contact him. His trial remains ongoing, with the next hearing scheduled for 16 August 2014. Allegedly, Mr. Al Samia requires additional medical treatment as a result of the injuries he sustained under torture, but Government officials have refused to provide such care. It is reported that the victim's family filed a complaint with the Bahrain National Institute for Human Rights (Complaint No. 2014-127) and the Office of the Ombudsman (Complaint No. 48.2014). Mr. Al Samia is currently detained in Jaw Prison.

*In the case of Mr. [REDACTED]*

According to information received:

The Ministry of the Interior arrested Mr. [REDACTED], a minor, on two occasions. According to the source, the first arrest took place after a peaceful march. Mr. [REDACTED] was taken to the Samaheej police station where he was allegedly beaten and charged by the public prosecutor with illegal gathering and attacking and damaging a police vehicle. It is alleged that the prosecutor presented no evidence for these charges. Mr. [REDACTED] was sentenced to two weeks detention in the Bahraini Juvenile Detention Center pending his hearing that was set for three months later. Mr. [REDACTED] was subsequently released under unknown conditions.

Reportedly, on 3 March 2014 security forces again arrested Mr. [REDACTED] in the street after a peaceful protest in Al Dair, after which his whereabouts were unknown for about four hours. According to the source, immediately upon arrest

Mr. [REDACTED] was beaten on the head. Reportedly, Mr. [REDACTED] falsely confessed out of fear of future torture and was released. The public prosecutor charged Mr. [REDACTED] with possessing Molotov cocktails, burning a bag, and illegal gathering. Mr. [REDACTED] was transferred to the juvenile center where he stayed for three months before the beginning of his trial. The court sentenced Mr. [REDACTED] to an additional six months in the juvenile centre. The court's judgement was reportedly based solely on testimony from a social worker at the detention centre that said Mr. [REDACTED] confessed to illegal gathering. According to the source, Mr. [REDACTED] family is concerned about the conditions of the detention centre; specifically they are concerned that Mr. [REDACTED] is held in close proximity with people charged with more severe crimes, such as murder and sexual violations, and that his mental and physical safety are in danger. Mr. [REDACTED] is currently detained at the Juvenile Detention Center.

*In the case of Mr. [REDACTED]*

According to information received:

Approximately between 8:30 p.m. and 9:15 p.m. on 24 April 2014, Bahraini police attacked the house where Mr. [REDACTED], a 16 year old minor, was having dinner and arrested him. A friend of Mr. [REDACTED] informed his father that he had been taken to Samaheej police station, however it is alleged that the police would not allow his father to see him. According to the source, the next day Mr. [REDACTED] was accused of criminal arson and sentenced by the public prosecutor to 45 days in detention, pending investigation.

Allegedly, Mr. [REDACTED] was transferred to Dry Rock Detention Center and was forced to hold Molotov cocktails in his hands so that police could take pictures of him. Additionally, it is reported that Bahraini police severely beat Mr. [REDACTED] with black sticks and pipes to force his confession. Mr. [REDACTED] sustained severe injuries all over his body and was not allowed to see a doctor for treatment. The Court reportedly postponed Mr. [REDACTED] hearing until 23 July 2014. Mr. [REDACTED] is currently awaiting his trial.

Grave concern is expressed at the allegations that the nine above mentioned individuals were arrested without a warrant and detained, some incommunicado or in solitary confinement, for various periods of time and were subject to torture and other ill-treatment, including for the purpose of extracting confessions. Additional concern is expressed that some of the above mentioned individuals were forcibly disappeared for different periods of time after their initial arrest. Moreover, serious concern is expressed that five of the above mentioned individuals are currently serving sentences ranging from six months to 15 years imprisonment as a result of trials that did not respect the most basic international standards of fair trial and due process, while three of them are

awaiting trial. Additional concern is expressed about the use of evidence obtained under torture by Bahraini courts. Moreover, particular concern is expressed regarding the physical and mental integrity of the above mentioned individuals who, with the exception of one, remain in detention. Further concern is expressed that the arrests of and torture against Mr. [REDACTED] and Mr. Ramadan are a result of their role in peaceful assemblies. Concern is also expressed that the charge of "terrorism" is used in order to punish Mr. Ramadan for the political beliefs and convictions he holds and to prevent him from pursuing political activities.

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.

The above allegations in regard to Mr. Husain Al Singace, Mr. Elyas Al Mula, Mr. Sayed Mahmood Fadhel, Mr. Mohamad Ramadan, Mr. Mohamed Al Farsani, Mr. Abbas Al Samia, Mr. [REDACTED] and Mr. [REDACTED] appear to be in contravention of their right not to be deprived arbitrarily of their liberty and 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. These allegations also seem to be in contravention of the Basic Principles on the Role of Lawyers, the Basic Principles on the Independence of the Judiciary, the Bangalore Principles of Judicial Conduct, and the Guidelines on the Role of Prosecutors. Furthermore, the cases of Mr. [REDACTED] and Mr. Ramadan seem to indicate a prima facie violation of the right of peaceful assembly as set forth in article 21 of the ICCPR.

Moreover, 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 article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and article 7 of the ICCPR. We would also like to remind your Excellency's Government, that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture or other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment. Moreover, article 15 of the CAT prohibits the use of any statement made as a result of torture as evidence in any proceedings. In this context, we would also like to recall paragraph 7c of Human Rights Council Resolution 16/23. In this context, we would like to draw the attention of your Excellency's Government to article 12 of the Convention Against Torture and other cruel, inhuman and degrading treatment or punishment (CAT), which requires the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, and article 7 of the CAT, which requires State parties to prosecute

suspected perpetrators of torture. In this context, we would also like to recall paragraph 7b of the Human Rights Council Resolution 16/23.

The allegations concerning Mr. Fadhel, Mr. Ramadan, Mr. Al Farsani, and Mr. Al Shaik appear to be in contravention with General Assembly resolution 68/178 and Human Rights Council resolution 25/7, which emphasize that States must adhere to international human rights while countering terrorism.

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 above-mentioned persons 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 confirming the legal grounds for the arrest and detention of Mr. Husain Al Singace, Mr. Elyas Al Mula, Mr. Sayed Mahmood Fadhel, Mr. Mohamad Ramadan, Mr. Mohamed Al Farsani, Mr. Abbas Al Samia, Mr. [REDACTED] and Mr. [REDACTED] and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.

3. Please provide the details of the judicial proceedings that led to the conviction and prison sentences of the five persons mentioned above 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 three persons mentioned above awaiting trial in detention and explain how they comply with international human rights standards for fair trial and due process.

4. Please provide detailed information, and where available, the results of any investigation, judicial or other inquiries carried out in relation to the nine persons mentioned above 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.

5. 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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