

Mandates of 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 situation of human rights defenders

REFERENCE: UA
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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 promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the arrest and detention of Ms. Maryam Al-Khawaja**.

Ms. Maryam Al-Khawaja is the co-director of the Gulf Centre for Human Rights. She is also the daughter of the former president and co-founder of the Bahrain Centre for Human Rights (BCHR), Mr. Abdulhadi Abdulla Hubail al-Khawaja, who has been detained since 2011.

The case of Mr. Abdulhadi Abdulla Hubail al-Khawaja was the subject of 14 previous communications by Special Procedures since 2005 (Cases BHR 6/2005, 2/2007, 3/2008, 1/2009, 2/2009, 5/2010, 1/2011, 4/2011, 5/2011, 9/2011, 17/2011, 18/2011, 3/2012, and 8/2012). Mr. Abdulhadi Abdulla Hubail al-Khawaja was also the subject of two press releases of Special Procedures mandate holders on 13 April 2012 and 23 August 2012. We are grateful to your Excellency's Government for its replies. However, we remain concern about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and of association as well as of those who monitor such fundamental freedoms in Bahrain, including prominent human rights defenders.

According to the information received:

On 30 August 2014, Ms. Maryam Al-Khawaja was detained at the Bahrain airport while travelling to visit her father in prison. Allegedly, she was stopped at the airport because her Bahraini passport had expired, although she was traveling with her Danish passport. She was later transferred to Isa Town women's prison and is detained for seven days on charges of assaulting a police officer pending investigation by the Public Prosecution. Allegedly, her Danish passport was confiscated and she has been denied access to a lawyer.

It is believed that these charges relate to the Bahrain Centre for Human Rights "Wanted for Justice" campaign in which they named alleged human rights violators in the country.

While we do not wish to prejudge the accuracy of these allegations, we are expressing grave concern concerning the arrest and detention of Ms. Maryam Al-Khawaja and that this might be related to her peaceful and legitimate right to advocate for human rights in Bahrain. Concern is also expressed regarding the allegations that Ms. Al-Khawaja has been denied access to a lawyer while in detention.

While we do not wish to express an opinion on whether or not the detention of Ms. Maryam Al-Khawaja is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR).

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1 and 2.

Furthermore, the reported arrest and detention of Ms. Maryam Al-Khawaja seem to indicate a prima facie violation of the rights to freedom of opinion and expression and to freedom of association as set forth in articles 19 and 22 of the ICCPR.

The full texts of the human rights instruments and standards recalled above are available on 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 Ms. Maryam Al-Khawaja 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 Ms. Al-Khawaja 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, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please kindly indicate what measures have been taken to ensure that human rights defenders in Bahrain are able to carry out their legitimate work in a safe and enabling environment without fear of criminalization.

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.

We intend to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue in question.

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.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

David Kaye
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Michel Forst
Special Rapporteur on the situation of human rights defenders