

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on the human rights of migrants.**

REFERENCE: UA G/SO 218/2 G/SO 214 (3-3-16) G/SO 214 (106-10)  
BHR 7/2014

26 May 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 independence of judges and lawyers; and Special Rapporteur on the human rights of migrants pursuant to Human Rights Council resolutions 24/7, 17/2, and 17/12.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the allegations of arbitrary arrest and detention of Mr. Mudassir Ali and the risk that he may be summarily expelled from Bahrain to the United Arab Emirates.

According to the information received:

Mr. Mudassir Ali is a Pakistani national who holds the Central Population Registration No. [REDACTED]. He usually resides in Bahrain and works as Administrative Director of a company called [REDACTED] (also known as [REDACTED]), whose principal business is to establish private companies in Bahrain.

On 21 February 2011, Mr. Mudassir Ali was stopped by the Interpol Bahrain authorities at King Fahad Causeway while travelling to Saudi Arabia. The Interpol officers informed him that they were acting on an international arrest warrant against him, but did not produce it. They took him in custody for a few hours and confiscated his passport, which was eventually returned to him in June 2011.

On 18 July 2011, the immigration authorities arrested Mr. Mudassir Ali while he was at the Immigration and Passport Directorate of the Ministry of Interior in relation to his work and his trade license. The authorities claimed that he was wanted by Interpol for issuing fraudulent cheques in the United Arab Emirates

and handed him over to Interpol Bahrain. On 19 July 2011, he was brought to court which found him guilty of fraud, although he maintained that the cheques, as well as his signature on the cheques, were counterfeit. The court ordered his expulsion to the United Arab Emirates. However, he was not expelled but imprisoned in Hozel Job Prison from 18 July 2011 until 8 September 2011. Meanwhile, Mr. Mudassir Ali's family contacted Interpol's General Secretariat in France, which confirmed by letter that they had no case against him.

Mr. Ali complained about the incident to different governmental authorities, including the Ministry of Justice, Ministry of Interior, Prime Minister's Office and Attorney-General's Office for Justice, and sought access to his case file. However, the Bahraini authorities allegedly removed all records about his case from their files. Mr. Ali was reportedly threatened by email from an unknown person who advised him to stop his efforts and leave Bahrain, or he may face consequences. Nevertheless, he submitted a complaint to Prosecutor General against the Interpol Bahrain officials in July 2013.

On 18 August 2013, several men came to Mr. Ali's house while he was absent. They told his brother, Mr. [REDACTED], that they had an arrest warrant against Mr. Mudassir Ali. When Mr. [REDACTED] asked them to show him the warrant, they replied that it was at the police station and he could come with them to see it. Mr. [REDACTED] went to the police station by his own car. Upon arrival, he was arrested and taken into custody and threatened to force him to call Mr. Mudassir Ali and ask him to report to the police station. Mr. [REDACTED] refused to do so until he was shown the arrest warrant. The officers then called Mr. Mudassir Ali and informed him that they would not release his brother unless he reported to the police station. They also stated that they would file a case against Mr. Mudassir Ali. The next day, on 19 August 2013, officers from the Criminal Investigations Directorate ("CID") came to Mr. Mudassir Ali's office and arrested him on the spot.

On 23 September 2013, Mr. Mudassir Ali was presented before the Fourth Criminal Court on the charges of fraud and embezzlement. It was claimed that he had accepted an advance fee of 1,500 Bahrain Dinar from a client in order to assist him to form a company but that he did not fulfil his contractual obligation nor did he return the money to the client. Mr. Mudassir Ali denied the charges arguing that he accepted the advance fee in accordance with the contract and that the Bahrain Investment Centre rejected his client's application to form a company on the ground that the documents submitted were fraudulent. The Court found Mr. Mudassir Ali guilty of the charges and sentenced him to 6 months imprisonment and deportation to Pakistan. Upon appeal to the Third Criminal High Court, his sentence was reduced to three months imprisonment, although the deportation order was upheld. His appeal to the Supreme Court was rejected.

Mr. Mudassir Ali completed his three months sentence in Hozel Job Prison. However, he still remains in detention in that prison from the date of his arrest on

19 August 2013 to date, as the CID officers allegedly continue to bring new charges against him in order to keep him in detention. Mr. Mudassir Ali has not been informed of those charges and is reportedly at risk of being expelled from Bahrain to the United Arab Emirates.

On 22 May 2014, Mr. Mudassir Ali was brought before a judge by the Interpol Bahrain officials. The judge allegedly informed him that he had instructions from the Minister of Foreign Affairs to expel him to the United Arab Emirates in relation to the case against him in 2011. The judge reportedly told him that he would be expelled to the United Arab Emirates after seven days.

Serious concern is expressed at the alleged lack of clarity on the legal basis on which Mr. Mudassir Ali was imprisoned for over two months in 2011, as well as at his continued detention, notwithstanding the completion of his sentence, allegedly without informing him of the charges against him. Further concern is expressed at reports that he may be at risk of being summarily expelled to the United Arab Emirates.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Mr. Ali is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of his 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), as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR.

We wish to stress in this regard that the enjoyment of the rights guaranteed in the ICCPR is not limited to citizens of States parties but “must also be available to all individuals, regardless of nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party” (CCPR/C/21/Rev.1/Add. 13 (2004), para. 10). For a more detailed overview of the international human rights standards governing the detention of migrants, we would like to draw your attention to the Special Rapporteur on the human rights of migrants’ 2012 report to the Human Rights Council (A/HRC/20/24).

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 Mr. Mudassir Ali in compliance with the above international instruments. We would also welcome assurances that Mr. Ali is afforded the medical attention and treatment that he may need while in detention.

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 on the legal grounds for the arrest and detention of Mr. Ali from 18 July 2011 to 8 September 2011, and for his continued detention from 19 August 2013 to date. Please explain how such measures were compatible with Bahrain's legal obligations under the ICCPR.

3. Please provide details of the court proceedings which resulted in the conviction of Mr. Ali on 18 July 2011 and 23 September 2013. Please provide information as to how such proceedings were in compliance with the fair trial and procedural fairness standards stipulated in the ICCPR.

4. Please provide the details, and where available the results, of any investigation, judicial or other inquiries carried out in relation to the case of Mr. Mudassir Ali. If no inquiries have taken place, or if they have been inconclusive, please explain why.

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.

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

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

François Crépeau  
Special Rapporteur on the human rights of migrants