

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 freedom of religion or belief; and the Special Rapporteur on the situation of human rights defenders

REFERENCE: UA
BHR 9/2015:

27 November 2015

Excellency,

We have the honour to address you in our capacity as First Vice-Chair 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; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 22/20, 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 **alleged arbitrary detention and prosecution of Sheikh Ali al Salman for the expression of his political views and opinions**.

Sheikh Ali al Salman is the Secretary General of the main opposition party in Bahrain, Al-Wefaq National Islamic Society, and a well-known religious figure in the country.

Sheikh Al Salman was previously the subject of a joint urgent appeal sent on 16 January 2015 (see A/HRC/29/50, case no. BHR 1/2015). We acknowledge receipt of your Excellency's Government received on 12 February 2015.

Sheikh Al Salman was also the subject of opinion No. 23/2015 of the Working Group on Arbitrary Detention issued on 2 September 2015 and shared with your Excellency's Government on 17 September 2015 (A/HRC/WGAD/2015/23). In its opinion, the Working Group concluded that Sheikh Al Salman's rights to freedom of religion or belief, freedom of opinion and expression, freedom of peaceful assembly and

association and the right to take part in government, under articles 18, 19, 20 and 21 of the Universal Declaration of Human Rights and articles 18, 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights were violated. Also, the Working Group concluded that the breaches of articles 9, 10 and 11 of the Universal Declaration of Human Rights and articles 9 and 14 of the Covenant in the case of Sheikh Ali al Salman are of such gravity as to give his deprivation of liberty an arbitrary character (paragraphs 32 and 34 of the opinion). Those conclusions were reached by the members of the Working Group following a thorough investigation of the information submitted by both parties to the case, namely the source and your Excellency's Government, in accordance with the Working Group's Methods of Work (A/HRC/30/69). Based on that, the Working Group found that the deprivation of liberty of Sheikh Al Salman is arbitrary and requested your Excellency's Government to release him immediately.

According to the information received:

In 1994, Sheikh Ali al Salman was reportedly arrested, tortured and detained for months without trial. He was deported and forced to live in exile for over 15 years, after which he returned to Bahrain. From 2011 to 2014, Sheikh Al Salman was arrested and interrogated at least four times in Bahrain.

On 26 December 2014, Sheikh Al Salman was re-elected as the Secretary General of the Al-Wefaq National Islamic Society and two days later, on 28 December 2014, he was arrested and detained. It is alleged that his arrest and detention was a result of his re-election as Secretary General. On 5 January 2015, he was charged with, inter alia, inciting a change of regime by non-peaceful means; inciting hatred of a segment of society against another; inciting others to break the law; and insulting the Ministry of Interior. Sheikh Al Salman was interrogated about speeches and interviews he had previously given, for periods of up to 13 hours at a time.

Sheikh Al Salman was tried on the charges mentioned above. The trial did not meet standards of due process because the court refused to consider some of the evidence presented by the defence, including recordings of Sheikh Al Salman's speeches, and the prosecution issued several public statements, allegedly including false information that resulted in hostile reporting by the local media. On 16 June 2015, Sheikh Al Salman was found guilty of inciting a change of regime by non-peaceful means; inciting hatred of a segment of society against another; inciting others to break the law; and insulting the Ministry of Interior. He was sentenced for four years imprisonment.

An appeal hearing was scheduled for 15 September 2015. However, the hearing has been rescheduled several times, reportedly, because Sheikh Al Salman and several judges were not present at the scheduled hearings. The appeal hearing is

now due to take place on 14 December 2015. Sheikh Al Salman remains in detention.

We are expressing grave concern at the continued arbitrary detention of Sheikh Ali al Salman and the several postponements of his appeal hearing on grounds that appear frivolous. Additional serious concern is expressed regarding allegations that he is being detained for the exercise of his right to freedom of expression and opinion because of his political opinions; his political leadership of Al-Wefaq National Islamic Society; his identification with the Shi'a religious group; and his position as a well-known religious figure. Further concern is expressed at allegations that his conviction is an attempt to prevent him from his position as leader of Al-Wefaq National Islamic Society.

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 these issues brought forth by the situation described above.

We would like to remind your Excellency's Government of the rights to freedom of thought, conscience, religion, belief, opinion and expression, and freedom of association as contained in articles 18, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR) ratified by the Kingdom of Bahrain on 20 September 2006 and article 19 of the Universal Declaration of Human Rights (UDHR). We also wish to refer your Excellency's Government 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, 2 and 6.

We would also like to remind your Excellency's Government of Human Rights Council Resolution 12/16, which refers to the right to freedom of thought, conscience or religion as intrinsically linked to the right to freedom of opinion and expression and calls on States to take all necessary measures to put an end to violations of these rights and to create conditions to prevent their recurrence.

We are also referring to the Opinion of the Working Group on Arbitrary Detention (ref. A/HRC/WGAD/2015/23) shared with your Excellency's Government on 17 September 2015, which found that the deprivation of liberty of Sheikh Al Salman as arbitrary and recommending to your Excellency's Government to release him immediately. We are concerned that this important Opinion, which has thoroughly reviewed the detention of this person, has not been complied with to date.

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 Sheikh Al Salman and call for his immediate release, 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 about the measures your Excellency's Government has undertaken to implement the Opinion of the Working Group, in particular, in regards to its call to release Sheikh Al Salman immediately, and to accord him with an enforceable right to compensation in accordance with article 9, paragraph 5, of the ICCPR.
3. Please indicate what measures have been taken to ensure that individuals with dissenting political or religious views are able to exercise their rights to freedom of thought, conscience religion or belief and opinion and expression, and to work in a safe and enabling environment without fear of harassment and criminalization, in compliance with international norms and standards as stated.

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.

In view of the seriousness of the allegations, we may publicly express our concerns, 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.

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.

José Guevara
First Vice-Chair of the Working Group on Arbitrary Detention

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