

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 situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE: UA
BHR 2/2015:

15 April 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 promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 25/2, 25/18, 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 arrest and detention of **Mr. Nabeel Rajab** following his documentation of torture and ill-treatment in Jaw Prison in Bahrain.

Mr. Rajab is the President of the Bahrain Center for Human Rights, the Deputy Secretary General of the International Federation for Human Rights, and a member of the advisory board for Human Rights Watch. Mr. Rajab was the subject of an urgent appeal by various thematic mandates on 14 October 2014 (BHR 13/2014).

According to the information received:

On 10 March 2015, prisoners at Jaw Prison were allegedly attacked by Bahraini security forces using rubber bullets, tear gas, and shotgun pellets, which led to the injuries of at least 500 prisoners. Furthermore, 10 prisoners were transferred to solitary confinement. Following the incident on 10 March 2015, Mr. Rajab documented the torture and ill-treatment of the detainees at the Jaw prison. He

also met with recently released prisoners from Jaw prison and had documented signs of physical abuse.

On 2 April 2015, at approximately 4.00 p.m., 10-20 police jeeps surrounded the home of Mr. Rajab in the village of Bani Jamra and requested him to step outside. He was then presented a summons issued by the General Directorate of Anti-corruption and Economic and Electronic Security under the Ministry of Interior. The summons was related to tweets that Mr. Rajab had made regarding the torture and ill treatment of prisoners at Jaw Prison.

Mr. Rajab was subsequently arrested by Bahraini security forces and taken to the Cyber Crime Unit at the Criminal Investigations Department. His family was allegedly not permitted to retain a copy of the summons. The day after his arrest, government security forces raided his house and confiscated all electronic equipment on the premises.

Following his arrest, the Ministry of Interior allegedly published a statement by the Director of the General Directorate of Anti-Corruption and Economic and Electronic Security saying that Mr. Rajab "had been captured after publishing information that would harm civil peace and insulting a statutory body in violation of the law, after the necessary legal procedures were satisfied."

It was later announced that Mr. Rajab would be charged with insulting a statutory body and spreading rumours during wartime. The first charge relates to the Mr. Rajab's documentation of torture at Jaw Prison, while the second charge relates to statements that he had made regarding civilian casualties during the GCC armed intervention in Yemen. If convicted, Mr. Rajab may face up to ten years in prison.

Grave concern is expressed regarding the torture, ill-treatment and solitary confinement of prisoners at the Jaw Prison. Further serious concerns are expressed at the arrest and detention of Mr. Rajab, as well as the raid of his residence and personal electronic equipment, that these might be linked to his peaceful and legitimate activities advocating for human rights in Bahrain, in particular his recent work reporting on the torture and ill-treatment of prisoners.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Rajab is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with 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) acceded by Bahrain on 20 September 2006.

We would further like to appeal to your Excellency's Government to take all necessary steps to ensure the rights to privacy and freedom of opinion and expression and of association, as recognized in articles 17 and 19 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), which Bahrain acceded 6 March 1998.

With regards to the alleged torture and ill-treatment as well as to the documentation, we wish to draw the attention of your Excellency's Government to article 13 of the CAT, which requires that steps be taken to ensure that victims and witnesses are protected against all ill-treatment or intimidation as a consequence of complaints or any evidence given, and to paragraph 3 (b) of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, also known as the Istanbul Protocol, which states that victims of torture, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any form of intimidation that may arise pursuant to the investigation (General Assembly resolution 55/89 of 4 December 2000, Doc. A/55/89, Annex). 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, 2, 6 and 12.

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 Mr. Rajab 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 Mr. Rajab 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 the alleged excessive use of force by security forces and further torture and ill-treatment of detainees at Jaw prison. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please 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 are intending 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's to clarify the issues 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

Michel Forst
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