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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 Chair-Rapporteur 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; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24)
BHR 18/2011

9 September 2011

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; 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 General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/4, 15/2116/5 and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the arrests, detention, harassment and stigmatisation against human rights defenders and their relatives.

Messrs. **Hasan Abbas Al-Omran; Ibrahim Sharif; Abduljalil Al Singace; Abduljalil Mansoor Makk; Abdulhadi Alkhawaja; Abdulhadi Alkhawaja; Saeed Abdulnabi Shebab and Akeel Ahmed Al Mafoodh** were the subject of a previous communication dated 5 August 2011, sent by 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; 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. The Special Rapporteurs regret that to date no response has been transmitted by your Excellency's Government.

Mr. Al Singace has also been the subject of several urgent appeals dated 20 August 2010, 15 September 2010 and 22 March 2011 sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; 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; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteurs acknowledge receipt of responses transmitted by your Excellency's Government to these communications on 26 April 2011 and 12 October 2010.

Mr. Alkhawaja, former Protection Coordinator of Front Line, the International Foundation for the Protection of Human Rights Defenders, as well as the former President of the Bahrain Centre for Human Rights (BCHR), has also been the subject of a number of communications sent to your Excellency's Government dated 20 May 2011, 12 April 2011, 22 March 2011, 19 February 2009, 2 February 2007 and 14 December 2005. The Special Rapporteurs acknowledge receipt of responses transmitted by your Excellency's Government regarding the aforementioned communications on 8 June 2011, 7 June 2011, 26 April 2011, 1 April 2009, 15 February 2007 and 27 December 2005 respectively.

Mr. Nabeel Rajab, President of the Bahrain Centre for Human Rights and Vice-President of the International Federation for Human Rights, has also been the subject of several communications dated 6 October 2004, 25 July 2005, 5 March 2010, 22 March 2011 and 16 June 2011 sent by 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; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. We acknowledge receipt of responses transmitted by your Excellency's Government regarding the aforementioned communications on 13 October 2004, 25 October 2005, 27 October 2010, 26 April 2011 and 2 September 2011 respectively.

According to the information received:

Mr. **Mahdi Abu Deeb** is the President of the Bahraini Teacher's Association (BTA) which called upon teachers to strike after the pro-democracy protests in February 2011. On 6 April 2011, Mr. Abu Deeb was allegedly arrested by security forces and was subjected to ill-treatment during the first couple of weeks of his detention. He has been charged with "calling for and inciting the overthrow and hatred of the ruling system, processing anti-political pamphlets, spreading malicious and fabricated news and taking part in illegal gatherings." Mr. Abu Deeb reportedly appeared several times before the military court on June 2011, and pleaded not guilty to all charges against him. Due to the issuance of the royal

decree on 29 June 2011, his case has since been transferred to the civilian court. He currently remains in detention pending the hearing which is expected to be scheduled for a date in September.

On 8 June 2011, the wife of human rights activist Mr. Hasan Abbas Al-Omran, Ms. **Adeela Ali Naser**, was prevented by airport authorities from travelling on summer holidays with her three children; no reason for this action was provided. Previously she had been reportedly dismissed from her employment in April 2011, and on 19 May 2011, her house was allegedly raided by security forces. The next day, she was summoned for interrogation to the criminal investigations department, which lasted several hours. It is alleged that although she has not engaged in any political activities she has been subjected to harassment as a result of her husband's speaking to the media regarding human rights abuses taking place in Bahrain. On 22 June 2011, Mr. Al-Omran was sentenced in absentia to 15 years imprisonment.

On 31 May 2011, **Ms. Farida Ismail**, the wife of the Secretary General of the National Democratic Party, Mr. Ibrahim Sharif sentenced to five years in prison on 22 June 2011, was reportedly dismissed from her position at the Ministry of Education without recourse to the normal proceedings of going through an investigative committee.

According to information received, the relatives of Mr. Abduljalil Al Singace, Director and Spokesperson of the Human Rights Bureau of the Haq Movement for Civil Liberties and Democracy, have also been subject to intimidation and harassment. On 25 May 2011, the daughter-in-law of Mr. Al Singace, Ms. **Zahra Rashid Sawr** was arrested along with other teachers at the Al-Qairawan governmental school and was taken to a police station in the town of Hamad. She was detained from around 10:00 a.m. until 7:30 p.m. During this period she was allegedly beaten, forced to take off her clothes and insulted for being married to the son of Mr. Al Singace. On 23 June 2011, she was dismissed from her employment as a teacher.

On 11 May 2011, at approximately 4:00 p.m., Mr. **Hassan Abduljalil Al Singace**, son of Mr. Al Singace, was allegedly arrested in the presence of his colleagues at the bank in which he works. He was questioned about the activities of his father, brother and sister before being released at around 2:00 a.m. the next day.

On 10 April 2011, Mr. Singace's daughter, Ms. **Zahra Abduljalil Al Singace** was summoned to the Ministry of the Interior for interrogation. It is reported that she was held in the financial and internet crimes section from 9:00 a.m. to 7:30 p.m., during which time she was asked questions about her father's activities and was reportedly forced to sign a document saying that she would not talk to any

foreign media. On 18 May 2011, she was dismissed from her employment at a private school.

On 24 March 2011, it is reported that Mr. Al Singace's son, Mr. **Hussein Abduljalil Al Singace** was arrested and detained. It is alleged that during his first days in the criminal investigations division detention centre, he was subjected to ill treatment, including being beaten and electric shocks. He was then transferred to the prison of Asri where he was allegedly subjected to ill-treatment on a daily basis. He was then transferred to the prison of Dry Dock before being brought before a military trial. It is reported that at the martial court building he was beaten in an attempt to obtain false confessions from him. It is reported that over the course of his detention he has been subjected to insults particularly relating to the activities of his father. According to information received, he is still in detention and has not yet been sentenced.

On 20 May 2011, the son of Mr. Abduljalil Al Moqdad, a human rights defender who was sentenced to life imprisonment on 22 June 2011, was arrested along with four others at a house located in the town of Bilad AlQadeem. Despite the fact that he is 16 years old, he is being held at the adult detention centre of Nabih Saleh on a charge, which he strongly denies, of kidnapping a policeman. According to information received he was subjected to ill-treatment while in detention in Qudhaybiya, Noaim and Dry Dock. He allegedly suffered beatings to his face, hands, head and abdomen and was subjected to insults.

On 8 May 2011, Mr. **Sheikh Yasser AlSaleh**, son of Sheikh Abdullah AlSaleh, the Vice-Secretary General of the Islamic Work Society, was reportedly arrested and is being detained at the prison of Dry Dock. Mr. Sheikh Abdullah AlSaleh is being tried in absentia on charges relating to overthrowing the regime through illegal methods and of inciting hatred against the regime. According to information received, the hearing which was postponed several times in June and July is due to take place in September 2011.

On 7 May 2011, riot police reportedly raided the home of Ms. **Zahra Atiya's** father, while she was at his house. Ms. Atiya is the wife of the aforementioned Mr. Sheikh Yasser AlSaleh and daughter-in-law of Mr. Sheikh Abdullah AlSaleh. Reportedly, during the raid, the police threw a sound bomb and broke into the house. Ms. Atiya was reportedly beaten and threatened with assault if she did not disclose the whereabouts of Sheikh Abdullah AlSaleh. Ms. Atiya was reportedly arrested without a warrant at approximately 11:00 p.m. and interrogated during several hours before being released without charge.

On 2 May 2011, Ms. **Khadija al-Musawi**, the wife of Mr. Abdulhadi Alkhawaja who on 22 June 2011 was sentenced to life imprisonment, was dismissed from her position as director at the School of Kanoo allegedly at the request of the Ministry of the Interior. On 2 June 2011, it is reported that his daughter Ms. **Zainab**

Alkhawaja was interrogated at the police station in Hooraa for several hours. It is also reported, that Mr. al-Musawi's two sons-in-law, Messrs. **Wafi Al Majid** and **Hussein Ahmed**, who were allegedly arrested on 9 April 2011, were finally taken to court on 23 August 2011. The family was not given access to the hearing. Mr. Al Majid was allegedly charged with eight charges including "participating in illegal gatherings in many places including at the roundabout and writing messages that spread hatred against the regime". Mr. Wafi also revealed that after his arrest, he was detained at the Ministry of Interior in Manama. He also allegedly stated that he was subjected to torture, and as result he was taken to hospital.

On 12 April 2011, Mr. **Ghazi Farhan**, son-in-law of Mr. Saeed Abdunabi Shebab, a human rights defender who was sentenced on 22 June 2011 to life imprisonment, was arrested at his office car park. It is reported that he was blindfolded, handcuffed and taken away by unidentified civilian-clothed men. He was reportedly held incommunicado in an unknown location for 48 days. He has been charged with participating in an illegal assembly and spreading false information on the internet. On 21 June 2011, he was sentenced to three years in prison.

On 5 April 2011, the 16 year old son of Mr. Akeel Ahmed Al Mafoodh, another human rights defender who on 22 June 2011 was sentenced in absentia to 15 years imprisonment, was arrested following a raid on his father's house. During the raid it is reported that doors were broken, and that clothes and papers were thrown around the house. It is alleged that the son of Mr. Al Mafoodh was beaten by security men before being taken with them. He was subsequently detained and held incommunicado until 22 May 2011, when he was released.

Human rights defenders have been also reportedly stigmatised through some media channels. According to information received, on 13 June 2011, the presenter of a television programme allegedly accused human rights activists Mr. **Mohammed Al-Masakati** and Mr. **Nabeel Rajab**, of incitement, sabotage and sectarianism. In May 2011, it is reported that an anonymous document allegedly used by some authorities abroad, attempted to stigmatise Mr. Rajab and Ms. **Maryam Alkhawaja**, daughter of the aforementioned Mr. Alkhawaja. The document includes accusations of accuses them of having committed 27 crimes including murder, enforced disappearance and torture.

Concern is expressed regarding the physical and psychological safety of the aforementioned human rights defenders and their relatives in light of the fact of the arrests, on-going detention, harassment and stigmatisation to which they have been subjected to in recent months. Further concern is expressed that the situation of the aforementioned human rights defenders and the acts of intimidation suffered by their families may be linked to their legitimate human rights work.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their 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).

We should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the cases of the persons named above. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

In this connection, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

We would like to draw the attention of your Excellency's Government to article 12 of the 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.

We wish to draw your Excellency's Government's attention to paragraph 7b of Human Rights Council Resolution 16/23, which urges States "(t)o take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment investigated promptly, effectively and impartially by an independent, competent domestic authority, as well as whenever there is reasonable ground to believe that such an act has been committed; to hold persons who encourage, order, tolerate or perpetrate such acts responsible, to have them brought to justice and punished in a manner commensurate with the gravity of the offence, including the officials in charge of the place of detention where the prohibited act is found to have been committed; and to take note, in this respect, of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the updated set of principles for the protection of human rights through action to combat impunity as a useful tool in efforts to prevent and combat torture."

We would also like to draw your Excellency's Government's attention to paragraph 7f of Human Rights Council Resolution 16/23 which urges States "(t)o ensure that all acts of torture are offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment."

We would like to draw the attention of your Excellency's Government to article 15 of the CAT, which provides that, "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

We also recall that paragraph 7c of Human Rights Council Resolution 16/23 urges States "To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;"

We would like to draw the attention of your Excellency's Government to paragraph 8a of Human Rights Council Resolution 16/23, which reminds States that "Intimidation and coercion, as described in article 1 of the Convention against Torture, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture;"

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

We would like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the ICCPR, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others."

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

We would like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.”

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5, points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations;
- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters;
- article 9, para. 1 which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights; and
- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence,

threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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 the above international instruments.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the cases accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide information concerning the legal grounds for the arrest and detention of Messrs. Hasan Abbas Al-Omran; Ibrahim Sharif; Abduljalil Al Singace; Abduljalil Mansoor Makk; Abdulhadi Alkhawaja; Abdulhadi Alkhawaja; Saeed Abdulnabi Shebab; and Akeel Ahmed Al Mafoodh and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
4. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.

5. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
6. Please provide information on the measures undertaken to ensure that any statements on confessions obtained under torture is excluded from judicial proceedings.
7. Please clarify how the physical and psychological integrity of the aforementioned human rights defenders and their relatives is protected and guaranteed by the Kingdom of Bahrain.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frank La Rue
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