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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Special Rapporteur on violence against women, its causes and consequences.

REFERENCE: AL G/SO 214 (67-17) G/SO 214 (53-24) G/SO 214 (89-15)
BHR 15/2011

05 August 2011

Dear Ms. Radhi,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/4, 16/23 and 16/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the case of Ms. **Nazeeha Saeed – the Bahrain correspondent of France 24 and Radio Monte Carlo Doualiya – who was allegedly tortured and ill-treated in the police station of Rifa'a.**

According to information received:

On 22 May 2011, Ms. Nazeeha Saeed was summoned by the police authority to a police station in the city of Rifa'a. She allegedly was first interrogated by a female officer who told her to admit her links with the Hezbollah TV station *Al-Manar* and the Iranian Arabic-language TV station *Al-Alam*. The female officer also accused her of lying in her reports and of "harming Bahrain's image".

It is further reported that one hour later, Ms Saeed was taken to another office. There, a female officer kept on screaming and insulting her. She reportedly grabbed her by the chin and slapped her with the other hand when she ignored her. Then she seized Ms Saeed by the hair and threw her to the ground. It is alleged that four police women proceeded to slap, punch and kick her repeatedly. One of the women allegedly took her shoe and forced it into her mouth.

According to information received, Ms Saeed was then dragged to another office where she was blindfolded. Then she was forced to kneel on a chair, facing the back of the chair, exposing her back and the soles of her feet, which were beaten repeatedly with a piece of flexible black plastic tubing.

After a while, she reportedly was taken back for another interrogation session. Still blindfolded, she was told to bray like a donkey and to walk like an animal. She was beaten again. At one point, a woman held a plastic bottle against her mouth. "Drink, it's urine", the woman cried, pressing her lips against the mouth of the bottle. Ms Saeed managed to knock the bottle out of the policewoman's hand, but the policewoman reportedly picked up and poured part of its contents over her face, inflaming her facial skin right away.

After more than twelve hours of interrogation, the blindfold was removed and Ms Saeed was reportedly forced to sign documents, without knowing any of the contents of these documents.

Then she was reportedly taken to see the head of the police station who told her that he was very surprised to find her there and pretended not to know she had been interrogated.

It is reported that subsequent to Ms Saeed's release, the Interior Ministry announced proceedings against those responsible for the mistreatment.

While we do not wish to prejudge the accuracy of these allegations we would like to stress that the 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, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this context, 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 also recall that paragraph 7c of this resolution 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".

Furthermore, we would like to draw the attention of your Excellency's Government to article 15 of the Convention against Torture (ratified by your Excellency's Government on 6 March 1998) 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 would furthermore like to draw the attention of your Excellency's Government to article 12 of the Convention Against Torture, 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 Convention Against Torture, which requires State parties to prosecute suspected perpetrators of torture. In this respect, we would also like to draw your Excellency's Government's attention to paragraph 7b of Human Rights Council Resolution 16/23, which urges States "To 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 like to draw the attention of your Excellency's Government to article 14 of the Convention Against Torture, which provides that victims of torture should have the right to redress and adequate compensation. In this regard, we would also like to remind you that paragraph 7e of Human Rights Council Resolution 16/23, which urges States "to ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation, and urges States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims of torture can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken."

We would also like to bring to your Excellency's Government's attention to Article 4 (b) of the United Nations Declaration on the Elimination of Violence against Women, which stipulates that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women. In that sense, we would also like to recall Article 4 (c & d) of the Declaration, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private

persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms.

We also wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women (ratified by your Excellency's Government on 18 June 2002), whether perpetrated by a State official or a private citizen, in public or private life. Thus, the Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes, including that of sexual violence perpetrated against women and girls, to punish perpetrators and to provide adequate compensation without delay. In general recommendation No. 19, the Committee sets out specific punitive, rehabilitative, preventive and protective measures States should introduce to fulfil this obligation; in paragraph 9, it makes clear that "under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation".

In this regard, we would like to recall the concern expressed by the Committee on the Rights of the Child in the context of the review of Bahrain's combined second and third report on the Convention on the Rights of the Child about reports according to which torture and other forms of ill-treatment were used during the recent political events (CRC/C/BHR/CO/2-3, para. 42). We wish to recall, in this regard, the Committee's recommendations to Bahrain to respect the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the prohibition of torture in Bahraini law as well as to promptly and properly investigate all allegations of torture and ill-treatment and prosecute perpetrators (CRC/C//BHR/CO/2-3, para. 43).

Given our concern that the alleged mistreatment of Ms. Saeed may be linked to her work as a journalist, we would 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 urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned person are respected and that accountability of any person guilty of the alleged violations is ensured. We also

request that your Excellency's Government adopts effective measures to prevent the recurrence of these acts.

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:

1. Are the facts alleged in the above summary of the case accurate?
2. Kindly provide detailed information on the proceedings into the case as reportedly announced by the Ministry of Interior. In particular, kindly provide information on any complaint lodged in relation to the case and the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If inquiries have been inconclusive, please explain why.
3. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken; Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please provide information on the measures undertaken to ensure that any statement or confession obtained under torture is excluded from judicial proceedings.
5. Please indicate whether compensation will be provided to Ms. Saeed.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Ms. Radhi, the assurances of our highest consideration.

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment

Rashida Manjoo
Special Rapporteur on violence against women, its causes and
consequences

Frank La Rue
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