

**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 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; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (53-24)
GBR 2/2014

21 May 2014

Excellency,

We have the honour to address you in our capacity as 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; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/2, 24/5, and 25/13.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **alleged imminent deportation of Mr. [REDACTED] to Bahrain.**

According to the information received:

Mr. [REDACTED] is a 19 years old Bahraini national. He has been detained by British immigration authorities for over three months on Fast Track Detention (FTD) at Harmondsworth Detention Centre in London. His application for asylum has been refused twice and a deportation order was issued for 22 May 2014.

Prior to his arrival in the United Kingdom, Mr. [REDACTED] was arrested on three occasions since 2011 by Bahraini authorities for his alleged participation in protests against the Bahraini Government.

He was first detained on 15 February 2013 during a peaceful protest, where he was allegedly subjected to physical abuse. In detention, he was allegedly punched, kicked, and beaten with batons and police helmets. Police officers also allegedly threatened to cut-off his genitals and to kill him. Following the third arrest, he fled his country and sought asylum in the United Kingdom.

Mr. [REDACTED] has been tried in three different cases in Bahrain and was sentenced to 5 years imprisonment in absentia by a Bahraini court on charges of "illegal gathering with the intention of inciting violence". Similar charges have been brought against hundreds of protestors in Bahrain since 2011.

Given the well-established pattern of torture and ill-treatment of suspected political opponents and protestors in Bahrain, feared that Mr. [REDACTED] faces a high risk of torture or ill-treatment in detention in case of forcible refoulement to Bahrain.

We are expressing serious concerns that should Mr. [REDACTED] be deported to Bahrain, he may face serious risk of being tortured or otherwise ill-treated in detention in connection with his alleged involvement in anti-Government protests. Over the past years, we have received numerous allegations of torture and ill-treatment of protestors in police and other state security agencies' custody or prisons. There is indeed a well-documented pattern of such treatment towards suspected political opponents as well as demonstrators in detention. We refer to the attached press release as the latest example of this trend and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment's annual observations on communications report, paras. 13-21 at <http://www.ohchr.org/en/issues/torture/srtorture/pages/srtortureindex.aspx>.

Without in any way implying any conclusions as to the facts of the case, we are respectfully seeking official clarification from Your Excellency's Government about the circumstances of the decision to order the deportation of Mr. [REDACTED]. In particular, we would like to draw your Excellency's Government's attention to its international human rights obligations under article 3 of the International Convention against Torture, which was ratified by the United Kingdom in 1988, which provides that no State party shall expel, return (refouler), or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. We are also referring to paragraph 9 of the General Comment No. 20 of the Human Rights Committee in this particular regard.

In addition, we would like to refer your Excellency's Government to articles 19 and 21 of the International Covenant on Civil and Political Rights, which guarantee respectively the rights to freedom of opinion and expression and freedom of peaceful assembly.

The full texts of the human rights instruments and standards referred to 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 fundamental human rights of this person in compliance with the international obligations of the Kingdom under the human rights conventions and treaties that it has ratified.

As it is our responsibility under the mandates provided to us by the Human Rights Council, we are seeking to clarify all cases brought to our attention and would be grateful for information on the following points:

1. Please provide any information and comment you may have on the above allegations;

2. Please provide full details of the legal basis for the deportation of Mr. [REDACTED], if this is to take place, and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR, the ICCPR and the CAT.

3. Please provide the results of any investigation or judicial inquiries which would be relevant to the case or any other case related to forcible refoulement of Bahraini nationals to Bahrain. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide information on arrangement in place to ensure that all countries, including European countries, are properly assessed as to safety for return and how these arrangements are in accordance with article 3 of the CAT.

5. Please provide information on what monitoring is conducted to ensure that Bahraini asylum seekers who have not been granted political asylum in the United Kingdom and have been returned to Bahrain have not been subject to arbitrary detention and/or torture or other ill-treatment since their return? Please provide information on any results of such monitoring.

6. Please provide information and where available statistics of allegations of torture of returnees, which your Excellency's Government may have received. Where allegations have been substantiated, how is that information communicated within Government, including to Embassies and High Commissions abroad?

7. Please provide information on steps taken to follow-up on such allegations by authorities in the United Kingdom and representatives of your Excellency's Government in Bahrain.

8. Please provide any other information which your Excellency's Government may deem relevant regarding the safety of returnees to Bahrain.

While awaiting a reply, we urge that all necessary interim measures be taken to suspend the deportation of Mr. [REDACTED] and to reconsider the case in the light of the United Kingdom's human rights obligations, including the Convention against Torture and the recommendations and queries detailed in this communication.

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.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of
association

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