

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights of persons with disabilities; 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

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the rights of persons with disabilities; 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 Human Rights Council resolutions 33/30, 26/20, 25/2, 32/32, 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 arbitrary arrest and detention of six individuals, including one person with an intellectual disability and two minors, for exercising their rights to freedom of peaceful assembly and freedom of expression. All individuals had participated in several peaceful pro-democratic protests that have emerged in Bahrain since the 2011 uprising.

Mr. **Ali Hassan Ali Matrouk Al Durazi** (علي حسن علي متروك الدرازي), 20-year old, Mr. [REDACTED] ([REDACTED]), 16-year old, Mr. [REDACTED] ([REDACTED]) 17-year old, Mr. **Nader Abdulkarim Ahmad Al Jamri** (نادر عبد الكريم احمد الجمري), 18-year old and Mr. **Ahmad Abdulkarim Ahmad Al Jamri** (احمد عبد الكريم احمد الجمري), 20-year old, are students and human rights defenders active in the promotion of democratic principles and human rights protection in Bahrain.

Mr. **Kumail Ahmad Youssef Hamida** (كميل احمد يوسف حميدة), 18-year old, is a young man with intellectual disabilities who cannot read or write.

According to the information received:

Situation of the five human rights defenders arrested between 5 and 6 December 2016

- Mr. [REDACTED] was arrested on 5 December 2016 at 2.00 a.m. at his home. He was charged with “vandalism.” He had previously been arrested at the beginning of 2016, found guilty of “participating in demonstrations” and sentenced to six months’ imprisonment.
- Mr. [REDACTED] was arrested on 5 December 2016 at 2.30 a.m. at his home. He was charged with “participating in protests”, “vandalism” and “assaulting State security officers.” This was his third arrest for participating in protests.
- Mr. Nader Abdulkarim Ahmad Al Jamri was arrested on 5 December 2016 at 2.45 a.m. at his home. He was charged with “participating in demonstrations” and “assaulting State security officers”. It is Mr. Ahmad Al Jamri’s third arrest: he was arrested in 2014 and sentenced to one year in prison for his participation in protests. He was also arrested in 2015 and detained five months without being brought before a court.
- Mr. Ahmad Al Jamri is Nader Al Jamri’s brother and was arrested with him on 5 December 2016. This constitutes his fourth arrest: he was arrested in 2013 and 2014 and charged with “participating in demonstrations”, sentenced to six months’ imprisonment in 2013 and to one year’s imprisonment in 2014. In 2015, he was arrested and detained for five months without appearing before a court.
- Mr. Ali Hassan Ali Matrouk Al Durazi was arrested on 6 December 2016 at 6.30 a.m. at his home. He was charged with “participating in demonstrations” and “vandalism”.

All five individuals were arrested by masked men in civilian clothing who reportedly belong to the Criminal Investigation Directorate (CID). They allegedly broke into and raided their homes without a warrant, and confiscated their cell phones.

On 7 December 2016, the five individuals were detained at the Al Badih Police Station and were presented to the Public Prosecutor, who extended their detention for 30 days without the presence of a lawyer. They were later transferred to the Dry Dock Detention Centre where they are still detained.

While in detention, the five detainees were allegedly forced to stand up for two consecutive days, were subjected to physical brutality in the form of excessive beating and forced to confess, allegedly under torture, of “participating in protests” and were later forced to sign written confessions which they could not

read. It has been reported that at least one of the students was detained in an exiguous and dark cell, being forced to stand up uninterruptedly for prolonged periods of time. The students have suffered from various injuries and food deprivation. No information is available as to whether any of them have had access to medical services.

Mr. Ahmad Al Jamri was brought before a Public Prosecutor and tried to retract his confession, allegedly obtained under torture. The Deputy Public Prosecutor allegedly beat him with a keypunch on his face and threatened him with being tortured again. All five human rights defenders allegedly remain detained at the time of drafting this letter and no further details about their respective situation are known.

Situation of Mr. Kumail Ahmad Youssef Hamida arrested on 13 December 2016

On 13 December 2016, masked men from the CID - all in civilian clothing - broke into Mr. Kumail Ahmad Youssef Hamida's house at 4.30 a.m. in the village of Al Sanabis. He was arrested and taken to the CID building where he was shackled.

On the same day, his family requested the Ombudsman's intervention in the case, but their petition was not registered. As visits to the CID place of detention were not allowed, and because CID authorities denied Mr. Kumail Ahmad Youssef Hamida's presence on their premises, the family had no reliable information regarding his whereabouts.

Around 15 December 2016, he was reportedly transferred to the Dry Dock detention centre. He was brought before the General Prosecutor and charged with "participating in demonstrations" and "filming the protests". His detention was extended for 15 days.

Mr. Kumail Ahmad Youssef Hamida was forced to confess, allegedly under torture, despite his inability to read or write. He has reportedly been repeatedly beaten by police officers since his arrival at the Dry Dock detention centre, particularly on his ears, and electrocuted on the soles of his feet and has had boiling water poured over his body. As a result, he is suffering from hearing loss and various injuries. He was allegedly transferred to the detention centre's infirmary.

On 21 December 2016, a judge extended his detention for an undetermined period of time. Since the beginning of his detention, he has not been provided access to a lawyer.

Despite the fact that his family had provided evidence confirming Mr. Kumail Ahmad Youssef Hamida was a person with an intellectual disability, he was not provided with any kind of accommodation or support for his disability-related needs at the detention centre.

We express grave concern at the allegations of torture and ill-treatment of the six aforementioned individuals while in police custody and in detention. We express equal concern at their alleged arbitrary arrest and detention, as well as the charges brought against them. Grave concern is moreover expressed at the physical and mental integrity of the six individuals, in particular considering the consequent deterioration of their health status while in detention, which may require access to specialized medical services. We are particularly concerned at Mr. Kumail Ahmad Youssef Hamida's situation and about the situation of the two minors, Mr. [REDACTED] and Mr. [REDACTED]. We are concerned that the measures taken by the authorities, as described above, appear to be directly related to their activities directed at the promotion of human rights and democratic principles in Bahrain and represent a criminalization of the exercise of the rights to freedom of peaceful assembly and freedom of expression. We are finally concerned that these allegations appear amid mounting pressure exerted over civil society actors and the general crackdown on protestors and dissidents in Bahrain.

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 the issues brought forth by the situation described above.

We would like to refer to articles 7 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Bahrain on 20 September 2006, which establishes that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and to article 16 the Convention Against Torture (CAT) which Bahrain ratified on 6 March 1998, providing that each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture. In addition, we would like to bring to your attention the article 15 of the Convention on the Rights of Persons with Disabilities, ratified by Bahrain on 22 September 2011, which compels States Parties to take all measures for the effective prevention of torture or cruel, inhuman or degrading treatment or punishment perpetrated against persons with disabilities.

With respect to the charges brought against the individuals, we would like to remind your Excellency's Government of the right to freedom of expression as guaranteed by articles 19 of the ICCPR and the right to freedom of peaceful assembly guaranteed by article 21 of the Covenant.

We would like to recall the right not to be deprived arbitrarily of liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the ICCPR as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR. Moreover, article 13(1) of the Convention on the Rights of Persons with Disabilities requires State Parties to ensure effective access to justice for persons with disabilities, including through the provision of procedural and age-appropriate accommodations, whereas article 14(2) of the Convention, provides that persons with disabilities who are deprived of their liberty through any process are entitled to reasonable accommodation for their disability related needs.

We would also like to refer you to article 12 of the ICCPR, which establishes that States have an obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services. (Para.34). In addition, we would like to refer to article 25 of the Convention on the Rights of Persons with Disabilities which provides that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. In particular, States Parties shall provide those health services needed by persons with disabilities, including to ensure access to appropriate and necessary medical care in detention.

We would finally 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, 5, 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 the above-mentioned persons 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 on the allegations of torture raised above and what measures have been taken to ensure that such practices are not

repeated. Please provide information on whether investigations have been undertaken and if any sanction has been taken against alleged perpetrators.

3. Please provide information concerning the legal grounds for the arrest and detention of the aforementioned individuals, and how these are compatible with Bahrain's international human rights obligations, in particular with the conditions set by international human rights standards on the rights to freedom of expression and freedom of peaceful assembly, as provided in article 19 and 21 of the International Covenant on Civil and Political Rights.
4. Please provide information concerning the measures taken to ensure that the aforementioned individuals could enjoy effective access to justice, including a description of the measures taken to ensure that Mr. Kumail Ahmad Youssef Hamida received appropriate accommodation and support to understand the information related to his detention.
5. Please provide information concerning any steps that have been taken by your Excellency's Government to ensure the physical and psychological well-being of the aforementioned individuals, in particular regarding access to adequate health care while in detention.
6. Please provide information about the legal basis for entering the home of the aforementioned individual's home without warrant and the confiscation of his electronic devices, and explain how these actions comply with international human rights norms and standards.
7. 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 threats or acts of intimidation and harassment of any sort.

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(s) responsible of the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals — which are of a purely humanitarian nature — in no way prejudice any opinion the Working

Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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 Antonio Guevara Bermúdez
Vice Chair of the Working Group on Arbitrary Detention

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