

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 extrajudicial, summary or arbitrary executions; 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, 26/12, 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 alleged arbitrary arrest and detention, inhumane and degrading treatment, as well as treatment amounting to torture, of Mr. **Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei** and Ms. **Hajar Mansoor Hasan**, and death threats made against the former, as well as the arbitrary arrest, detention and ill-treatment of Mr. **Mahmood Marzooq Mansoor**.

Mr. **Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei** is an 18-year-old Bahraini citizen. He is the brother-in-law of human rights defender Mr. Sayed Ahmed Mustafa Mohamed al-Wadaei.

Mr. **Mahmood Marzooq Mansoor** is a 29-year-old Bahraini citizen. He is the cousin of Mr. Sayed Ahmed Mustafa Mohamed al-Wadaei.

Ms. **Hajar Mansoor Hasan** is a 48-year-old Bahraini citizen. She is the mother-in-law of Mr. Sayed Ahmed Mustafa Mohamed al-Wadaei.

Mr. **Sayed Ahmed Mustafa Mohamed al-Wadaei** is a prominent Bahraini human rights defender and the Director of the Bahrain Institute for Rights & Democracy. He and his family have reportedly faced continuous intimidation by the Bahraini authorities in relation to his work as a human rights defender. His Bahraini citizenship

was revoked in 2015. Mr. Al-Wadaei is currently residing outside the country from where he is continuing his activities directed at human rights protection in Bahrain.

According to the information received:

Concerning Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei:

On 2 March 2017, a group of unidentified security officers arrested Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei in Jid Ali, Bahrain, allegedly without a warrant. He was then transferred to Bahrain's Criminal Investigations Directorate (CID) where he was allegedly subjected to ill-treatment, beaten and deprived of sleep throughout the two days of his interrogation. He was threatened by officials that they would continue "to take revenge on him" for the activities of his sister's husband. Officials allegedly also tortured him to coerce him into implicating names of other family members involved in what they called 'wrongdoing'. He was reportedly threatened that if he did not sign the written confession presented to him, and if he did not confirm this confession at the office of the Public Prosecution, he would be killed.

Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei was held in detention at the CID for six days without official charge. This reportedly violates Bahrain's own laws on due process, specifically article 57 of Bahrain's Code of Criminal Procedure, which requires that individuals be presented with official charges by the Public Prosecution within 48 hours of their detention.

On 8 March 2017, Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei was presented with two terrorism-related charges, concerning two separate incidents that allegedly took place on 21 January 2017 and 28 January 2017 respectively.

The Public Prosecution accuses Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei of planting a fake explosive on 21 January 2017, on Zayed street in the village of Ali. The evidence presented by the Public Prosecution is allegedly limited to "confidential sources", the coerced confessions of himself and Ms. Hajar Mansoor Hasan, and the fake explosive which authorities claim to have found at the aforementioned location.

The Public Prosecution also accuses him of planting fake explosives on 28 January 2017, at Mayoof roundabout in the village of Ali. The evidence presented by the Public Prosecution on this charge is allegedly also based on "confidential sources", the coerced confessions of himself, Ms. Hajar Mansoor Hasan and Mr. Mahmood Marzooq Mansoor, and the reportedly fake explosive which authorities claim to have found at the aforementioned location.

After officially presenting Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei with the charges, the Public Prosecutor issued a 30-day detention order against him pending “further investigation”.

Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei was later transferred from the CID to Dry Dock Prison where he is currently detained.

Concerning Ms. Hajar Mansoor Hasan:

On 5 March 2017, Ms. Hajar Mansoor Hasan was summoned for interrogation to the CID. After some questioning, she was arrested by security officers.

On 6 March 2017, Ms. Hajar Mansoor Hasan was transferred to Isa Town police station. On the same day, her family attempted to visit her but their request was denied.

On 7 March 2017, Ms. Hajar Mansoor Hasan was transferred back to the CID.

Between 5 and 7 March 2017, Ms. Hajar Mansoor Hasan was interrogated three times for periods of around 11 hours each, allegedly in relation to her son-in-law. During the interrogation, she was allegedly forced to stand for extended periods of time, humiliated with abusive language, and threatened with the cancellation of commercial licenses, suspension of her husband’s pension payments and the possible arrest of her daughter, son-in-law, as well as her youngest son. Officials also asked Ms. Hajar Mansoor Hasan who, from her family, had made contact with the United States Embassy in October 2016, when her daughter, the wife of Mr. Sayed Ahmed Mustafa Mohamed al-Wadaei, and their infant son, an American citizen, were detained at Bahrain airport. Reportedly, due to this treatment, Ms. Hajar Mansoor Hasan collapsed and fainted during the interrogation, sustaining injuries to her hand and shoulder. As a result she had to be taken to hospital.

During her interrogation at the CID, Ms. Hajar Mansoor Hasan was allegedly not granted access to a lawyer nor presented with official charges by the Public Prosecution.

On 8 March 2017, she was taken to the office of the Public Prosecution. She was presented with two terrorism-related charges, concerning two separate incidents that allegedly took place on 21 January 2017 and 28 January 2017 respectively.

In the first case, the Public Prosecution accuses Ms. Hajar Mansoor Hasan of planting a fake explosive on 20 January 2017, at approximately 7.45pm on Zayed street in the village of Ali. She denied the accusation presented by the Public

Prosecutor, on record. The evidence presented by the Public Prosecution is limited to ‘confidential sources’, the coerced confessions of Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei and Ms. Hajar Mansoor Hasan, and the fake explosive which authorities claim to have found at the aforementioned location.

Ms. Hajar Mansoor Hasan denies the accusations and insists that her confession was a response to the “threats and coercion” exercised upon her by CID officials.

In the second case, the Public Prosecution accuses Ms. Hajar Mansoor Hasan of planting fake explosives on 28 January 2017 at Mayoof roundabout in the village of Ali. Ms. Hasan denied the accusation presented by the Public Prosecutor, on record. The evidence presented by the Public Prosecution on this charge is allegedly based on “confidential sources”, the coerced confessions of herself and Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei, as well as the reportedly fake explosive which authorities claim to have found at the aforementioned location.

After officially presenting Ms. Hasan with the charges, the Public Prosecutor issued a 30-day detention order against her pending “further investigation”.

On 13 March 2017, the Special Investigations Unit, a National Human Rights Institution mandated to investigate torture allegations in Bahrain, called Ms. Hajar Mansoor Hasan for an interview, following the filing of a complaint by her lawyer. Her lawyer was present throughout the interview.

Ms. Hajar Mansoor Hasan is currently being held at Isa Town Police Station, where she may be called for further investigations at the CID.

Ms. Hajar Mansoor Hasan has not been allowed to see her family since her detention. Likewise, authorities have allegedly refused to provide her with the medication she requires for a number of health conditions.

Concerning Mr. Mahmood Marzooq Mansoor:

On 2 March 2017, a group of unidentified security officers arrested Mr. Mahmood Marzooq Mansoor, in Jid Ali, Bahrain, allegedly without a warrant. He was taken to CID where he was held for six days without official charge.

During his interrogation at the CID, Mr. Mahmood Marzooq Mansoor was allegedly threatened, ill-treated and coerced to sign a false confession. No lawyer was present during the interrogation.

On 8 March 2017, Mr. Mahmood Marzooq Mansoor was presented to the Public Prosecution and charged with allegedly having planted fake explosives on 28 January 2017 at Mayoof roundabout in the village of Ali. He denied the accusation on record. The evidence presented by the Public Prosecution is allegedly based on “confidential sources”, the coerced confessions of himself, Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei and Ms. Hajar Mansoor Hasan, and the reportedly fake explosive which authorities claim to have found at the aforementioned location.

All three individuals are facing charges under Bahrain’s 2006 “Law of Protecting Society from Terrorist Acts”. In 2014, the law was amended to allow for authorities to hold individuals in pre-trial detention for up to six months. The law’s 2014 amendments enable courts to denaturalize individuals, even if it renders them stateless. In January 2017, following a seven year long de-facto moratorium on the death penalty, three other individuals sentenced under this counter-terrorism law, were executed in Bahrain by firing squad.

The timing of interrogations and the detention of the aforementioned three individuals coincide with Mr. Sayed Ahmed Mustafa Mohamed al-Wadaei’s attendance of the 34th session of the United Nations Human Rights Council, held in Geneva, Switzerland, from 27 February to 24 March 2017.

This is not the first time that family members of Mr. Sayed Ahmed Mustafa Mohamed al-Wadaei have been targeted, allegedly, in relation to his human rights activities.

On 27 October 2016, following Mr. Sayed Ahmed al-Wadaei’s participation in a peaceful protest against the visit of the King of Bahrain to the United Kingdom, authorities detained, for seven hours, and allegedly ill-treated his wife, Ms. Duaa Sayed Neama al-Wadaei, at the Manama airport of Bahrain. She was travelling with their 2-year-old son and checking in for a London-bound flight. She was reportedly questioned about her husband’s activities, threatened to revoke her family’s commercial licenses in Bahrain and informed that she was subject to a travel ban. She also received threats concerning her husband and other family members. Ms. Duaa Sayed Neama al-Wadaei missed her flight to London, but she was allowed to travel on 1 November 2016, following considerable international pressure. Upon arrival in the United Kingdom, Ms. Duaa Sayed Neama al-Wadaei discovered that she had arbitrarily been charged by Bahrain’s Public Prosecution for “assaulting a police officer”.

We express grave concern at the allegations of arbitrary arrest, torture and ill-treatment of Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei, Mr. Mahmood Marzooq Mansoor and Ms. Hajar Mansoor Hasan, and the lack of due process in the

criminal proceedings against them. We see significant grounds to assume that they may be subjected to further ill-treatment while in detention.

Grave concern is moreover expressed about the physical and mental integrity of the aforementioned individuals, in particular regarding the alleged death threats made against Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei, and the alleged deprivation of medication of Ms. Hajar Mansoor Hasan.

We are moreover concerned that these measures apparently aim to intimidate and impair the human rights activities of Mr. Sayed Ahmed Mustafa Mohamed al-Wadaei, and that they may have occurred, at least in part, in reprisal for Mr. Sayed Ahmed Mustafa Mohamed al-Wadaei's cooperation with the human rights mechanisms of the United Nations, in particular his attendance to the 34th session of the Human Rights Council.

We reiterate our serious concerns expressed previously regarding the wider context of general crackdown of and mounting pressure exerted over civil society actors, and dissidents in Bahrain, the ongoing prosecution of human rights defenders as well as the application of the Bahrain Citizenship Act or Protection of Society against Acts of Terror Law and its compliance with international human rights norms and standards.

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 article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded on 20 September 2006, which guarantees the inherent right to life of every individual and provide that this right shall be protected by law and that no one shall be arbitrarily deprived of his life.

The allegations also seem to contravene article 7 of the ICCPR and articles 1, 2 and 16 of the Convention Against Torture (CAT), to which Bahrain acceded on 6 March 1998, which establish the absolute prohibition of torture and the obligation of each State Party to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment which do not amount to torture.

We would also like to refer to the right not to be arbitrarily deprived of liberty and to fair proceedings before an independent and impartial tribunal, as set forth in articles 9 and 14 of the ICCPR. Article 9 establishes in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, and that anyone who is arrested shall be informed, at the time of arrest, of the reasons behind such arrest and be brought promptly before a judge for the

purpose of legal assessment of detention. Article 14 stipulates that, in the determination of any criminal charge, everyone should have adequate time to communicate with a counsel of choice, and that no one should be compelled to confess to guilt. The right to have access to a lawyer without delay and in full confidentiality is also enshrined in the Basic Principles on the Role of Lawyers (Principles 7 and 8).

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).

We would also bring the attention of your Excellency's Government to articles 19, 21 and 22 of the ICCPR, guaranteeing the right to freedom of opinion and expression, the right of peaceful assembly and the right to freedom of association, respectively. In this connection, we reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on (i) discussion of government policies and political debate; reporting on human rights; political activities; peaceful demonstrations, and expression of opinion and dissent.

In this context we also want to recall that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Principle 4), adopted by Economic and Social Council resolution 1989/65, establish the obligation of States to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions.

With respect to the use of national security charges against the aforementioned individuals, we underline that any restriction on expression justified on national security must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (E/CN.4/1996/39 of 1996).

We wish to underline that Human Rights Council resolutions 12/2 and 24/24 call on Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights. Moreover, in his 2016 report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/33/19), the Secretary-General reiterates his firm position that all such acts, no matter how seemingly subtle or explicit, are without exception unacceptable and must be halted immediately and unconditionally, effective remedies provided and preventive measures adopted and implemented to prevent reoccurrence. (para. 49).

We also wish to refer to Human Rights Council resolution 22/6, which calls States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights. (A/HRC/RES/22/6, para 10).

In this regard, we would like to bring to your Excellency's Government's attention that in his report to the General Assembly on impact of counter-terrorism measures on civil society, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism urged States to ensure that their counter-terrorism legislation is sufficiently precise to comply with the principle of legality, so as to prevent the possibility that it may be used to target civil society on political or other unjustified grounds. (A/70/371, para 46(c)).

We would finally 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, also known as the *UN Declaration on Human Rights Defenders* and in particular articles 1 and 2 which provide for the right to promote and to strive for the protection and realization of human rights and fundamental freedoms.

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 confirm the legal basis for the arrest and detention of Mr. Sayed Nazar, Mr. Mahmood Marzooq Mansoor and Ms. Hajar Mansoor and explain how these measures are compatible with international human rights standards.
3. Please provide information on the allegations of death threats against Mr. Sayed Nazar raised above. Please also provide information on

measures put in place by your Excellency's Government to ensure effective protection to those who receive death threats.

4. Please provide information on the allegations of inhumane and degrading treatment as well as of torture raised above. Similarly, please provide information on the safeguards adopted by your Excellency's Government to ensure that these acts do not take place in the future.
5. Please provide detailed information of the conditions under which Mr. Sayed Nazar, Mr. Mahmood Marzooq Mansoor and Ms. Hajar Mansoor are being detained, including their health condition, their ability to communicate with lawyers, and their access to family visits.
6. 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.
7. Please provide information about how the actions of the aforementioned individuals justify charges brought under the Law of Protecting Society from Terrorist Acts of 2006, and how this law and its implementation in this case are compatible with Bahrain's obligations under international human rights law.
8. Please provide information about how the evidence based on "confidential sources" applied against the three aforementioned individuals complies with the guarantees of due process and fair trial.
9. 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 directed against them or their family members and harassment of any sort.

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 urgent appeals 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

While awaiting a reply, we urge your Excellency's Government to take all necessary measures to ensure that the rights and freedoms of Mr. Sayed Nazar Naama Baqer Ali Yusuf al-Wadaei, Ms. Hajar Mansoor Hasan and Mr. Mahmood Marzooq Mansoor are fully respected, and that accountability by the responsible person(s) for these

actions is ensured. Further, we request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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.

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