

Mandates of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
UA BHR 7/2017

6 July 2017

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention and as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged torture and other ill-treatment of Mr. **Ali Mohamed Hakeem al-Arab** at the Criminal Investigation Directorate and the Dry Dock prison by the law enforcement authorities of Bahrain.

According to the information received:

On 9 February 2017, Mr. Ali Mohamed Hakeem al-Arab, a 23-year-old Bahraini student, was arrested in Manama by law enforcement agents and taken to the Criminal Investigations Directorate (CID). The family of Mr. al-Arab was not notified of his whereabouts until they received a phone call from him on 11 February 2017. Mr. al-Arab was detained at the CID for 26 days, during which he had no access to a lawyer and was never notified of the charges against him. He was allowed to make six phone calls to his family.

Mr. al-Arab was kept alone in a room where he was interrogated at length by law enforcement officers. During the interrogations, Mr. al-Arab was allegedly subjected to several forms of torture: he endured electric shocks, the removal of toenails and severe beatings. He was later forced to sign a confession, while blindfolded, by an officer of the Public Prosecution Office.

On 7 March 2017, Mr. al-Arab was transferred to the Dry Dock prison. Upon arrival, he was taken to the administration office of the prison and was ordered to kiss the boot of an officer. Having refused to do so, Mr. al-Arab was repeatedly beaten on his legs. Later that day, he was taken to the prison clinic in a wheelchair.

On 9 March 2017, the Ministry of Interior issued a statement identifying Mr. al-Arab as the main suspect in the killing of a police officer on 29 January 2017.

On 11 April 2017, Mr. al-Arab was taken from Dry Dock prison back to the CID where he reportedly remains at high risk of being tortured again.

While we do not wish to prejudice the accuracy of the information we received, grave concern is expressed at the alleged torture and other cruel, inhuman and degrading treatment of Mr. Ali Mohamed Hakeem al-Arab at the Criminal Investigation Directorate and the Dry Dock prison in Bahrain.

In this connection, we would like to draw the attention of your Excellency's Government to the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as enshrined in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Bahrain acceded on 6 March 1998, and article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded on 20 September 2006.

We would like to further draw the attention of your Excellency's Government to article 15 of the CAT, which provides that "[e]ach 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 also like to remind your Excellency's Government of the recommendations given by the Committee against Torture in its concluding observations on the initial report of Bahrain (CAT/C/CR/34/BHR). Particularly, we would like to recall recommendation (n), in which the Committee against Torture called your Excellency's Government to "[e]nsure that law enforcement, civil, military and medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual deprived of his/her liberty are trained to recognize the physical consequences of torture and respect the absolute prohibition of torture."

Without expressing at this stage an opinion on whether the detention of Mr. al-Arab is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of 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, and articles 9 and 14 of the ICCPR.

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 person 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 legal grounds for the arrest and detention of Mr. Ali al-Arab and explain how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the ICCPR.
3. Please provide information on any measures taken to ensure the physical and psychological integrity of Mr. Ali al-Arab.
4. Where available, please provide the details and the results of any investigation, and judicial or other inquiries carried out in relation to these allegations.

While awaiting a reply, we urge that all necessary interim measures be taken to ensure the physical and psychological integrity of the Mr. Ali al-Arab in accordance with international human rights norms and standards and that no evidence obtained through torture is admitted in cases against Mr. Ali al-Arab.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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 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.

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

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment