

Mandates of 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

REFERENCE:
UA BHR 8/2017

4 July 2017

Excellency,

We have the honour to address you in our capacity as 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 25/18 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of torture and other cruel, inhuman and degrading treatment inflicted on Ms. **Ebtesam Abdullhusain Ali Alsaegh**, by agents of the National Security Agency (NSA), in the Muharraq police station, Bahrain.

Ms. Alsaegh is a Bahraini human rights defender who works for the organization SALAM for Democracy and Human Rights (SALAM DHR), a non-governmental organisation that promotes democracy and human rights in Bahrain. Ms. Alsaegh was the subject of an earlier communication sent on 8 July 2016, case no. BHR 4/2016. We thank your Excellency's Government for the replies received on 16 August 2016 and 9 September 2016. However, new information was received indicating that Ms. Alsaegh was subjected to severe acts of brutality as reprisals for her human rights activities, and in particular her cooperation with the United Nations human rights mechanisms.

According to the information received:

On 20 March 2017, upon her arrival in Bahrain from the 34th session of the United Nations Human Rights Council, Ms. Alsaegh was detained for several hours at Bahrain International Airport, by agents of the NSA. She was interrogated at length about her participation to the 34th session of the United Nations Human Rights Council, thoroughly searched and threatened. Her passport was subsequently confiscated.

On 26 May 2017, Ms. Alsaegh presented herself to the building of the NSA office in Muharraq, following a summons she received the previous day. She was accompanied by her attorney who was, however, denied access to the interrogation room.

Throughout her seven-hour long interrogation, Ms. Alsaegh was kept blindfolded and forced to stand up, while reportedly being beaten all over her body. She was further subjected to verbal and sexual abuse by the interrogators, who threatened to rape her if she did not put an end to her human rights activities, and particularly her collaboration with the Human Rights Council and the Office of the UN High Commissioner for Human Rights. Ms. Alsaegh was also subjected to psychological pressure by agents of the NSA who threatened to target her husband and her children if she did not stop her human rights advocacy worldwide.

Ms. Alsaegh was released at 11.00 p.m., in a state of shock and unable to walk. She was immediately sent to the hospital where she was examined by a doctor who noticed the injuries on her head.

We express grave concern at the allegations of torture and ill-treatment of Ms. Alsaegh in an apparent reprisal for the legitimate exercise of her right to freedom of expression through her human rights work and her collaboration with the UN human rights mechanisms. Grave concern is further expressed for the physical and psychological integrity of Ms. Alsaegh and her family.

While we do not prejudge the accuracy of information we received, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment and punishment as codified 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 in article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded on 20 September 2006. We recall articles 7 and 12 of the CAT, which prescribe State parties' obligations to promptly and impartially investigate alleged acts of torture and to prosecute the perpetrators.

We reiterate our serious concerns regarding the wider context of general crackdown and mounting pressure exerted over civil society actors and dissidents in Bahrain, the ongoing prosecution and punishment of human rights defenders, and especially, intimidation and reprisal for their cooperation with the UN human rights mechanisms. In this regard, we emphasize that the 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. We also underline the Secretary-General's 2016 report on this issue (A/HRC/33/19), in which he 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 (paragraph 49).

In addition, we highlight 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 (the UN Declaration on Human Rights Defenders), articles 1,2, 5 and 12 of which provide for the right to promote and to strive for the protection and realization of human rights and fundamental freedoms, to communicate with non-governmental or intergovernmental organizations and to be protected against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

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(s) 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 indicate whether any complaint has been lodged in relation to the present case.
3. Where available, please provide the details and results of any investigation, and judicial or other inquiries carried out in relation to these allegations.
4. Please indicate measures taken to ensure the physical and psychological integrity of Ms. Alsaegh as well as other individuals who are under the custody of law enforcement agencies in Bahrain, especially the National Security Agency and the Criminal Investigations Directorate.
5. Please provide information on measures taken to ensure the non-recurrence of intimidation or reprisals against human rights defenders for their legitimate human rights work both on national and international levels.

While awaiting a reply, we urge your Excellency's Government to take all necessary measures to ensure the physical and psychology integrity, as well as the safety, of Ms. Alsaegh and her family members, and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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.

Michel Forst
Special Rapporteur on the situation of human rights defenders

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