

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE:
UA BHR 9/2017

13 July 2017

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 33/30, 34/5, 34/19 and 32/19.

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 of a human rights defender, Ms. **Ebtesam Abdullhusain Ali Alsaegh**, in the Isa Town women's prison by agents of the National Security Agency (NSA), as well as the torture and ill-treatment she is at imminent risk of being subjected to.

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. She was the subject of previous communications: case no. BHR 4/2016, sent on 8 July 2016; case no. BHR 8/2017, sent on 4 July 2017. We thank your Excellency's Government for the replies to the first two communications. While awaiting a response to the last communication, we received new allegations reporting that Ms. Alsaegh was arbitrarily arrested and detained and may be subjected to torture and ill-treatment.

As indicated in previous communications, it was reported that on 20 March 2017, upon her arrival in Bahrain from the 34th session of the United Nations Human Rights Council, Ms. Alsaegh was detained at the Bahrain International Airport and interrogated by agents of the NSA for several hours. It was further reported that on 26 May 2017, Ms. Alsaegh was interrogated by agents of the NSA in Muharraq about her human rights activities and her cooperation with United Nations human rights mechanisms, and was subjected to acts of torture by the NSA agents, including beating, verbal and sexual abuse, threat of rape, and death threats against her and her family.

According to the information received:

On 4 July 2017, at approximately 12.45 a.m., a group of armed men, masked and plain clothed officers believed to belong to the NSA, raided Ms. Alsaegh's house in Jid Ali, south of Manama, Bahrain. Ms. Alsaegh was handcuffed and taken away without being informed of the reasons of her arrest and without a warrant. Her mobile phones and national identity card were further confiscated.

Following her arrest, Ms. Alsaegh was briefly seen by detainees in the morning of 4 July 2017, at the Isa Town women's prison, visibly in poor physical conditions before being taken away to an undisclosed location. According to her fellow inmates, Ms. Alsaegh exhibited signs of physical abuse.

Ms. Alsaegh's whereabouts were not disclosed to her family until she called them herself in the evening of 4 July 2017, from Isa Town women's prison, where she is currently being held in solitary confinement, outside of interrogation hours. After this call she had no opportunity to contact her family. At the time of the present communication, Ms. Alsaegh has had no access to a lawyer.

Every day, Ms. Alsaegh is reportedly transferred to an unknown location and interrogated from 10 a.m. to 2 a.m. by agents of the NSA. It was further reported that she was forced to sign false confessions. Inmates in Isa Town prison reported having heard Ms. Alsaegh scream and cry throughout the night of 9 July 2017.

Ms. Alsaegh reportedly started a hunger strike on 12 July 2017.

In view of the torture and severe ill-treatment allegedly suffered by Ms. Alsaegh on 26 May 2017, it is feared that she is at imminent risk of being further tortured, including sexually assaulted.

We wish to express our grave concern at the alleged arbitrary arrest and incommunicado detention of Ms. Alsaegh for her human rights activities, in an apparent reprisal for her cooperation with United Nations human rights mechanisms. Furthermore, we express our grave concern at the imminent risk of torture, including sexual violence, faced by Ms. Alsaegh.

Without prejudging the accuracy of information we received, we would like to remind your Excellency's Government of the right not to be deprived arbitrarily of liberty, the right to legal assistance, the right to a fair trial before an independent and impartial tribunal established by law and the right to freedom of opinion and expression, as set forth in articles 9, 14 and 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Bahrain acceded on 20 September 2006. We would like to draw the attention of your Excellency's Government that incommunicado detention can

facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.

We recall 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 ICCPR. We highlight that article 2 of the CAT specifically provides for the obligation of States parties to *prevent* acts of torture.

We would also like to draw your attention to General Assembly resolution 68/181 as well as Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. 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.

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 Ms. Alsaegh 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 concerning the factual and legal grounds for the arrest and solitary confinement of Ms. Alsaegh and how her deprivation of liberty is compatible with international human rights law, in particular with articles 9, 14 and 19 of the ICCPR.
3. Please provide information on measures taken to protect the life, and the physical and psychological integrity of persons under the custody of law enforcement agencies in Bahrain, including selection procedures for

agents, training, internal discipline mechanisms and independent judicial oversight. In particular, please provide information on any measures taken to ensure the physical and psychological integrity of Ms. Alsaegh since her arrest and throughout her detention.

4. Please provide details, and where available, the results of any investigation, medical examination, and judicial or other inquiries conducted into the allegations.
5. 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 appeal to your Excellency's Government to take all necessary measures to put an immediate halt to the alleged violations, to ensure the physical and psychological integrity of Ms. Alsaegh and to prevent their re-occurrence. 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.

Given the seriousness of the allegations, we intend to publicly express our concerns in the near future. Our public statement will indicate that we have sought your Excellency's Government's information to clarify the issue 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.

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

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

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences