

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; 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 capacities as Working Group on Arbitrary Detention; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30, 35/11, 31/16, 31/3 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 arbitrary detention, enforced disappearance and torture of 20 individuals convicted in a mass trial after they were accused of belonging to a terrorist organization.**

According to the information received:

The 20 individuals whose names are listed below, were convicted in a mass trial of 138 defendants in May 2018 for allegedly belonging to a terrorist organization, referred to as the "Zulfiqar Brigades". According to the same information, the trial did not meet the international standards of fair trial and due process. Furthermore, only one defendant was present in the courtroom at the time of the announcement of the verdict while the others were either represented by their lawyer or not represented at all. The sentences ranged from three years to life imprisonment. In June 2018, the 20 men were transferred to Jau Prison. Appeal hearings were scheduled for September 2018 but have been postponed on several occasions; the next hearing is now scheduled for 18 November 2018.

All the 20 individuals were arrested between March 2015 and June 2018, in most of the cases without a warrant by officers from the Criminal Investigations Directorate (CID) of the Ministry of Interior; the "riot police"; "commandos" (which typically refer to the Special Security Force Command); and/or the National Security Agency. Some of these officers could not be identified, as they wore plainclothes and sometimes masks.

At least 12 of them were subjected to enforced disappearance for a period ranging from a week to 35 days. In addition, at least 15 of them were tortured in various

locations, including the Criminal Investigations Directorate, the Dry Dock Detention Center, Building 15 of Jau Prison as well as other unidentified locations. At least 10 of them confessed or signed a statement under such treatment, the content of which was not disclosed to them. The acts of torture were said to be harsher if the detainees were of Shia confession. The officers from the Ministry of Interior (particularly from the CID), the National Security Agency, the Bahraini National Guard, and the Bahrain Defense Forces were identified as the perpetrators of these acts.

Additionally, detainees were prevented from practicing their religion while in custody.

Outlined below, are the facts as alleged concerning 20 of the individuals charged in this collective trial:

Mr. Abdulelah Sayed Ali Ahmed Ebrahim Ahmed

On 11 March 2015, Mr. Ahmed was arrested in his house without a warrant and later charged with joining a terrorist cell (the Zulfiqar Brigades). Mr. Ahmed was interrogated for a period of 22 days, and was subjected to torture resulting in a forced confession. During that period he had no access to his lawyer, and was denied medical care for a pre-existing medical condition. He was placed in solitary confinement. On 15 May 2018, Mr. Ahmed was denaturalized and sentenced to five years imprisonment.

Mr. Ali Ahmed Ali Abbas AlHalal

On 3 November 2015, Mr. AlHalal was arrested in his apartment, by officers of the National Security Agency in plainclothes who did not present an arrest warrant. Mr. AlHalal was forcibly disappeared for 23 days, during which time his family and lawyer had no information on his whereabouts. Throughout that period, he was subjected to severe torture, including beatings and electric shocks, as well as psychological abuse. On 26 November 2015, he was transferred to the Office of Public Prosecution after he had signed a pre-written confession, allegedly obtained through torture. In January 2016, Mr. AlHalal was examined at Salmaniya hospital, where he was diagnosed with several medical conditions, however he was denied medical treatment. On 15 May 2018, Mr. AlHalal was denaturalized and sentenced to life imprisonment on the charges of possession of explosive substances, and joining a terrorist organization (the Zulfiqar Brigades).

Mr. Ahmed Isa Ahmed Yahya Ali

On 3 November 2015, Mr. Ali was arrested from his house without a warrant by officers in plainclothes. While persons associated were informed that he was detained at the CID, Mr. Ali was actually held at the Jau Prison for 27 days, during which period he was interrogated and tortured by officers from the Ministry of

Interior and the National Guard. The authorities slapped him in the face, kicked him in the head and back with a black hose, beat him on the genitals, threatened to cut his genitals, subjected him to forced standing for at least 10 hours a day while blindfolded and handcuffed, stripped him of his clothes and threatened to rape him. Following this treatment, Mr. Ali bled from his nose for three consecutive days resulting in hearing impairment and fractures in his ankle. Mr. Ali did not receive proper medical attention following these incidents. He was sentenced to life imprisonment and denaturalized.

Mr. Husain Abdulla Salman Khalaf

On 3 November 2015, at approximately 2.00 a.m., Mr. Khalaf was arrested from his home without a warrant by men in plainclothes along with two female officers and officers from the Ministry of Interior. While Mr. Khalaf was taken to an undisclosed location, officers continued to search his house until approximately 8.00 a.m. Mr. Khalaf's house was damaged in the course of the search. He was subsequently taken to the CID, where he was forcibly disappeared for a period of 28 days. During this period he was subjected to torture for the purpose of extracting a confession. He was blindfolded for prolonged periods of time, resulting in his sight being adversely affected. Further, Mr. Khalaf was subjected to electric shocks, deprived of sleep and beaten, causing pain in his legs, back and teeth. The officers prevented Mr. Khalaf's lawyer from attending the interrogations. After 28 days, Mr. Khalaf was transferred to the Dry Dock Detention Center, after which he was charged with belonging to a terrorist cell; training in firearm and explosive device usage in foreign countries; and possessing explosives without a license. On 15 May 2018, Mr. Khalaf was denaturalized and sentenced to life imprisonment. He is currently held in Jau Prison.

Mr. Ahmed Abdul Hasan Habib Yusuf Husain

On 3 November 2015, Mr. Husain was arrested from his house without a warrant by masked officers in plainclothes. His location remained unknown until 4 December 2015, when he was presented to the Office of the Public Prosecutor before being transferred to the Dry Dock Detention Center. During the period of disappearance, Mr. Husain was tortured and forced to confess to charges levelled against him. He was deprived of sleep, forbidden to shower or pray, and threatened to rape his wife. As a result of the torture and the lack of medical care, Mr. Husain's hand is paralyzed and he suffered from urinary tract complications. Mr. Husain was not presented before a judge for several days after the arrest, and was not allowed access to his lawyer during the period of his detention. Mr. Husain was denaturalized and convicted and sentenced to five years imprisonment.

Mr. Mahmood Saeed Ahmed Isa Abdulla

On 3 November 2015, Mr. Abdulla was arrested from his house without a warrant by officers in plainclothes. He was beaten and taken to a "commando" car with a

gun to his head. Following his arrest, he was forcibly disappeared for a month. Mr. Abdulla was taken to the CID, where he was interrogated for 28 days, and later transferred to the investigation facility attached to Jau Prison. He was subjected to beatings, insults, electric shocks, psychological torture, and deprivation of food and water. Mr. Abdulla was ultimately forced to sign papers without knowing their content. He suffered from nose bleeds and ear pain resulting from the acts of torture, and was denied medical attention. Moreover, Mr. Abdulla was prevented from practicing religious rituals, especially during the months of Ramadan and Muharram. Further, he was punished for reading religious prayers, and denied visits and contact with his family. During the pre-trial detention, Mr. Abdulla was also denied access to his lawyer. He is currently detained at the New Dry Dock Detention Center. Prison staff have continue to threaten and insult him.

Mr. Ali Husain Ali Abdulla AlShaikh

On 3 November 2015, Mr. AlShaikh, a minor at the time, was arrested from his house without a warrant by officers in plainclothes. He was beaten on his head and pushed into a police car. He was taken to the Criminal Investigations Directorate and interrogated for a period of 27 days without access to his attorney. During the interrogation, Mr. AlShaikh was beaten on his head and genitals and subjected to forced nudity while the authorities threatened to rape him. He was ultimately forced into signing a 40-page confession. Mr. AlShaikh is currently detained at the New Dry Dock Detention Center.

Mr. Sayed Ahmed Ali Mohamed Ali Mohamed

On 3 November 2015, Mr. Mohamed was arrested from his apartment by officers in plainclothes and riot police without a warrant. He was then placed in a police vehicle where he was beaten and insulted. Following his arrest, Mr. Mohamed was transferred between Building 15 of Jau Prison and the Royal Academy of Police on a daily basis, where he was interrogated for 25 days without access to his attorney. During the interrogation, Mr. Mohamed was severely beaten, forced to strip and stand for long hours, he was subjected to sleep deprivation, received electric shocks on his genitals and was hung and handcuffed on an iron pole. Mr. Mohamed was also threatened with the arrest and rape of his family members and forbidden from praying for the entire period of interrogation. The acts of torture inflicted against Mr. Mohamed resulted in a forced confession. Mr. Mohamed was denaturalized and sentenced to life imprisonment.

Mr. Taha Sayed Amin Jawad Shubar

On 3 November 2015, Mr. Shubar was arrested by “commando” forces and officers in plainclothes without a warrant. He was then taken to Jau Prison, where he was subjected to torture allegedly carried out by officers from the Bahrain Defence Forces. He was also prevented from meeting his attorney on multiple instances. Subsequently, Mr. Shubar was denaturalized and sentenced to life imprisonment.

Mr. Ahmed Khalil Ebrahim Ali Ahmed

On 3 November 2015, Mr. Ahmed was arrested by masked officers in plainclothes without a warrant. He was forcibly disappeared for a period of three weeks and subjected to torture at the Criminal Investigations Directorate in order to coerce him into rendering a confession. In addition, Mr. Ahmed was denied access to his lawyer, held without charges for several months and sentenced *in absentia*.

Mr. Mahdi Ali Hasan Mahdi Khalaf

On 3 November 2015, Mr. Khalaf was arrested by officers in plainclothes and riot police. He was forcibly disappeared for a week, denied access to his attorney during the interrogation period of 26 days and subjected to torture at the Criminal Investigations Directorate. He was subsequently denaturalized and sentenced to life imprisonment.

Mr. Mohamed Jameel Abdulnabi Mansoor AlToblani

On 3 November 2015, Mr. AlToblani was arrested by masked officers in plainclothes and forcibly disappeared for a period of 28 days. He was allowed access to his attorney only one month after his arrest. Mr. Al Toblani was denaturalized and sentenced to life imprisonment.

Mr. Ali Isa Ali Al-Tajer

On 5 November 2015 Mr. Al-Tajer was arrested and held *incommunicado* for 23 days, during which time the authorities subjected him to beatings all over his body, tied a rope to his genitals and pulled forcefully, and threatened to subject him to electric shocks. Mr. Al-Tajer later underwent an interrogation by the Office of Public Prosecution, he was blindfolded and forced to sign a confession. Subsequently, he was denaturalized and sentenced to five years imprisonment

Mr. Salman Ali Salman Mohamed Saleh

On 5 November 2015, Mr. Saleh was also arrested without a warrant by officers in plainclothes and was forcibly disappeared until 1 December 2015. He was tortured in Jau Prison for a period of 23 days, where he was forced to confess to the charges against him despite denial of access to an attorney. Mr. Saleh was denaturalized and sentenced to 25 years imprisonment.

Mr. Husain Mohsen Salman Maki Ali Al Moftah

On 8 November 2015, Mr. Moftah was arrested from his house without a warrant by officers in plainclothes. He was forcibly disappeared for a period of 24 days.

During this time, he was subjected to torture, including physical beatings, threats of rape and harm to family members, forced standing while blindfolded, electric shocks, and pouring hot and cold water over his body. As a result of the torture, Mr. Moftah was forced to sign a confession and suffered from ear and nose injuries. He was also denied access to his lawyer.

Mr. Husain Abdulla Juma Maki Mohamed

On 10 November 2015 Mr. Mohamed was arrested without a warrant by forces of the Ministry of Interior. He was forcibly disappeared for a month and subjected to torture for two months at Jau Prison, during which time he was also denied access to his attorney. Mr. Mohamed was denaturalized and sentenced to life imprisonment.

Mr. Hasan Radhi Hasan Abdulla AlBaqali

Mr. AlBaqali was living in exile since 2012 due to charges raised against him for his alleged participation in the pro-democracy demonstrations of 2011 in Bahrain. Mr. AlBaqali has been convicted *in absentia* for crimes including disruption of peace, rioting, placement of objects resembling explosive devices, arson, possession and fabrication of combustible or explosive materials, possession of arms, traveling to foreign country to receive military training, and membership in a terrorist cell. He has cumulatively been sentenced to nearly 100 years in prison.

Mr. AlBaqali was arrested on 22 February 2016 at Muscat airport in Oman, based on Bahrain's allegation (via INTERPOL) that he was a fugitive from justice and was turned over to Bahraini security forces, who injected him with a drug that left him unconscious and forcibly returned him to Bahrain aboard a private plane. He was interrogated for a period of 15 days, subjected to beatings, electric shocks and sleep deprivation in order to obtain a forced confession. He was placed naked in extremely cold rooms and submerged in cold water and received death threats against his wife and him. In November 2016, Mr. AlBaqali was once again subjected to torture and was subsequently hospitalized; however, he was not allowed to complete his medical treatment. Throughout both interrogations, Mr. AlBaqali was neither allowed to receive visits from his family nor to have access to his lawyer. He was denaturalized and sentenced to seven years imprisonment.

Mr. Mohamed Abdulelah Abduljalil Ahmed

On 22 November 2016, Mr. Ahmed was arrested without a warrant and was subsequently denied access to his lawyer throughout the period of his detention. He was sentenced to life imprisonment and denaturalized.

Mr. Jasim Mohamed Abdulla Ebrahim

On 3 November 2017, Mr. Ebrahim was arrested without a warrant by riot police officers, and officers from the Criminal Investigations Directorate. He was forcibly disappeared for a period of 24 days, during which period he was subjected to torture in the Office of Public Prosecution by officers from the Criminal Investigations Directorate. Mr. Ebrahim was thus coerced into signing documents without knowing their content, following which he was denaturalized and sentenced to life imprisonment.

Mr. Hasan Mohamed Hasan Ahmed Qambar

On 12 June 2018, Mr. Qambar was arrested by officers in plainclothes. While Mr. Qambar was acquitted in the instant case, it is unclear whether his acquittal will be appealed. Moreover, persons associated to Mr. Qambar have expressed their concerns regarding his health while in detention.

While we do not prejudge the accuracy of the information we have received, we express grave concern at these allegations, if confirmed, would constitute acts of arbitrary detention, enforced disappearance, torture and convictions following trials that would not meet international standards of fair trial and due process, in contravention with articles 7, 9, 10, 14 and 18 of the International Covenant on Civil and Political Rights and articles 2, 15 and 16 of the Convention against Torture, which were ratified by the Kingdom of Bahrain on 20 September 2006 and 6 March 1998 respectively.

Our concern in this latter regard is particularly heightened since the forced confessions allegedly obtained under torture appear to have been used as evidence in court, thus forming the basis for their conviction, while their right to be assisted by a lawyer of their choosing was denied. Charges of the most serious crimes, including for “terrorism” do not release the State from its international obligations to prevent torture, disappearance, and to safeguard the due process rights of persons undergoing judicial proceedings. We express further concern that some individuals were prevented from practicing their religion while in custody and that others were further subjected to torture and ill treatment based on their belonging to the Shia branch of Islam.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.

2. Please provide information about the factual and legal grounds of the detention of these persons, as well as the trials which resulted in their conviction and sentencing.
3. Please provide the details and, where available, the results of any investigation, medical examinations, and judicial or other inquiries which may have been carried into the allegations that these individuals were detained incommunicado, in undisclosed detention facilities, for prolonged periods, during which they were allegedly tortured and forced to confess to the crimes imputed to them. If no inquiries have taken place, or if they have been inconclusive, please explain why, and how this is consistent with Bahrain's international human rights commitments under the conventions the Kingdom has ratified.
4. In connection with question 3 above, please provide information on the measures taken to prosecute any act of torture founded to have been perpetrated against any of these individuals. Has anyone been brought to justice or otherwise sanctioned?
5. Please explain how evidence obtained through torture or ill-treatment, particularly confessions, is qualified in domestic legislation and in cases where judges have indications of torture or ill-treatment, how is such evidence weighed, and if it is used as evidence, how this is compatible with Bahrain's international human rights obligations, in particular the CAT.
6. Please indicate why these individuals seem to have been tried in a group trial, and how this is compatible with the fundamental principle of individual responsibility which links an individual to a criminal offence that he/she is accused of.
7. Please provide detailed information about how your Excellency's Government's counter-terrorism efforts in this particular case, comply with the resolutions of the United Nations Security Council, the Human Rights Council and General Assembly, referred to in the Annex, in particular with international human rights law, refugee law, and humanitarian law.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from Your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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 for the alleged violations.

We would like to inform your Excellency's Government that after having transmitted an allegation letter 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 letters in no way prejudge any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information in our possession appears to be sufficiently reliable to indicate a matter warranting serious attention. We also believe that the wider public should be alerted to the potential human rights implications of these allegations. Any public expression of concern on our part will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question

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

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

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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

Annex
Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw attention of your Excellency's Government to the applicable international human rights norms and standards.

We would like to refer to Article 7 of the International Covenant on Civil and Political Rights (ICCPR) and Articles 2 and 16 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Bahrain acceded on 20 September 2006 and 6 March 1998, respectively. The aforementioned provisions establish the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment. Article 12 of the CAT specifically stipulates State Parties' obligation to conduct a prompt and impartial investigation wherever there are reasonable grounds to believe that an act of torture has been committed in any territory under their jurisdiction. In addition, Article 15 of the CAT and paragraph 7(c) of Human Rights Council Resolution 16/23 provide that evidence that has been obtained as a result of torture shall not be invoked as evidence in any proceedings.

We would like to draw the attention of your Excellency's Government to **paragraph 8a of Human Rights Council Resolution 16/23**, which reminds States that "Intimidation and coercion, as described in **article 1 of the Convention against Torture**, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture;"

In addition we would like to highlight **paragraph 27 of General Assembly Resolution 68/156 (February 2014)**, which, "[r]eminds all States that prolonged incommunicado detention or detention in secret places 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, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished"

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 their arrest, of the reasons behind such arrest and be brought promptly before a judge for the purpose of legal assessment of detention. Article 14 of the ICCPR stipulates that, in the determination of any criminal charge, everyone should have adequate time to communicate with a counsel of their 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 1, 7 and 8).

Furthermore, Article 18(1) of ICCPR ensures the right of everyone to have and manifest a religion or belief of one's choice. The freedom of religion or belief is part of the *forum internum*; it is a non-derogable right that allows no limitations under international law. The Human Rights Committee, in its General Comment No. 22, further establishes that "persons already subject to certain legitimate constraints, such as prisoners, continue to enjoy their rights to manifest their religion or belief to the fullest extent compatible with the specific nature of the constraint."

We would also like to refer your Excellency's Government to Article 12 of the ICCPR, which establishes that States Parties 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 like to further refer to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which sets out the necessary protections with respect to the responsibility of the State; in particular that no State shall practice, permit or tolerate enforced disappearances (Article 2), that any person deprived of liberty shall be held in an officially recognized place of detention (Article 10.1) and that an official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention (Article 10.3).

Lastly, we would like to bring to your Excellency's Government's attention that the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism urged States to ensure that all aspects of counter terrorism law and practice must be in compliance with international human rights law, including the right to a fair trial (A/63/223).

We respectfully remind your Excellency's Government of the relevant provisions of the United Nations Security Council resolutions 1373 (2001), 1456(2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180. All these resolutions require that States must ensure that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law.