



TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 2 March 2020

A/TO: His Excellency
Mr. Yusuf Abdulkarim Bucheeri
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Permanent Mission of the Kingdom of Bahrain
to the United Nations Office and other international organizations in Geneva

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PAGES: 12 (Y COMPRIS CETTE PAGE/INCLUDING THIS PAGE)

OBJET/SUBJECT: **JOINT COMMUNICATION FROM SPECIAL PROCEDURES**

Please find attached a joint communication sent by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

I would be grateful if this letter could be transmitted at your earliest convenience to His Excellency Shaikh Khalid Bin Ahmed Al-Khalifa, Minister for Foreign Affairs.



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Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

REFERENCE:
AL BHR 2/2020

2 March 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 34/19, 36/6, 40/10 and 40/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **Ali Ebrahim Mohamed Ameen Ebrahim AlArab, Husain Ali Redha Ebrahim Khamis Barbar, Isa Jaafar Isa Hasan AlAbd, Majeed Ahmed Habib Ahmed, Ali AbdulAziz Ali Husain Mohamed, Salah Saeed Saleh Ali Hasan AlHammar, Ali Hasan Ali Ashoor Ali, and Sadiq Jaafar Isa Abdulla Hasan AlAbd** who reportedly have been subjected to torture or other ill-treatment.

According to the information received:

Case of Ali Ebrahim Mohamed Ameen Ebrahim AlArab

Mr. AlArad, a 16 year old student from Bani Jamra was summoned to report to the Criminal Investigations Directorate (CID) on 30 April 2019 for questioning following a call by an investigator to his father. Mr. AlArab complied and was accompanied by his father to the CID. He was held for three days and was interrogated without the presence of a lawyer or a parent. After the three days, he

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His Excellency
Shaikh Khalid Bin Ahmed Al-Khalifa
Minister for Foreign Affairs

called his family to let them know that he was fine but had not yet been charged with a crime.

Mr. AlArab was held at the CID for two weeks, during which he was transferred to the Office of Public Prosecution (OPP) on two occasions, on 5 May and 14 May 2019. On 5 May 2019, he was charged with placing a false explosive and burning tires. On 14 May 2019, he was charged with placing a false explosive in AlBudai Street in March 2019. His detention was ordered for 30 days and he was transferred to Dry Dock Detention Center to await trial. His detention was renewed every 30 days until his conviction six months later. On 31 October 2019, he was sentenced to two years imprisonment. He is serving his sentence at Jau Prison, in the section reserved for individuals under the age of 21.

Mr. AlArab's further alleges that his telephone calls are monitored and that he is unable to speak freely to his family. During his imprisonment, the prison claimed that Mr. AlArab was tested positive for Hepatitis C and isolated him in a small cell with another affected person. Following many complaints, he was moved to a solitary cell where he was held for 23 hours a day for two weeks when blood test results showed that he did not suffer from Hepatitis C or any other medical condition.

Case of Husain Ali Redha Ebrahim Khamis Barbar

On 29 September 2014, around midnight, officers from the Ministry of Interior (MoI), including riot police, security police forces, and officers from the CID raided the Barbar household and arrested Mr. Barbar, then 18 years old, without a warrant or stated reason for his arrest.

The officers took Mr. Barbar to the CID, where he was interrogated for five days. The CID officers beat him repeatedly, doused him with cold water, and suspended him by the wrists from a ceiling fan, leaving him which provoked memory losses, recurring headaches, fainting spells and back pain.

Mr. Barbar was later transferred to the OPP where he refused to confess guilt. The prosecution authorities returned him to the CID where he was further tortured for another five days until he confessed. He was then transferred to Dry Dock Detention Center to await trial.

Mr. Barbar was charged with arson of a post office. Following a riot and protest in Jau Prison in 2015, he was charged with sabotage of government property, and the court convicted him on those respective charges on 23 November 2015 and on 25 January 2016. He was cumulatively sentenced to fifteen and a half years imprisonment.

Mr. Barbar who remains imprisoned at Jau Prison, was placed in solitary confinement on 3 July 2019 in a cell where he was tied to a metal bedframe for four days, denied food or access to the restroom and beaten.

Mr. Barbar was taken out of solitary confinement on 9 July 2019, the same day that the National Institution for Human Rights (NIHR) visited the prison. When staff from the NIHR questioned him about his head pain, he refused to say anything out of fear that he would be taken back to solitary confinement. Complaints filed to the Ministry of Interior (MoI) and Office of the Ombudsman about the solitary confinement did not yield any response.

On 8 September 2019, the police transferred him to the prison clinic and placed him on an IV drip after he fainted. After he received treatment, prison officials transferred him to the “isolation building”¹ where police abused, provoked, and ridiculed him. He reportedly continues to be arbitrarily held in solitary confinement and denied from making phone calls to his family.

Case of Jaafar Isa Hasan AlAbd

On 3 September 2016, the Bahraini authorities arrested Mr. AlAbd during a protest on a charge of illegal assembly, and sentenced him to one year in imprisonment on the basis of that charge. On 7 March 2017, Mr. AlAbd was released on medical grounds, as he had to undergo heart surgery at the time.

On 14 December 2018, Mr. AlAbd who was at the Bahrain International Airport on his way to a personal travel, was arrested by airport officials without a warrant or a stated reason and transferred to the CID. Upon arrival at the CID, the authorities allowed him to make a phone call to his home, after which he was forcibly disappeared for a week. Mr. AlAbd was charged with putting up pamphlets about political dissidents and when those charges proved unfounded, he was charged with participating in an illegal assembly.

Mr. AlAbd was interrogated and tortured into making a false confession. He was beaten, blindfolded and threatened to be subjected to electric shock. In July 2019, he was transferred to the clinic due to his deteriorated health and later transferred to Dry Dock Detention Center to await trial.

On 12 December Mr. AlArab appeared in court for a charge of joining a terrorist group from 2017 to 2018. He is awaiting sentencing.

¹ The “isolation building” refers to one of the buildings within Jau Prison where prisoners are detained in cells with other individuals with which they do not share a common culture, language, or religion. The prisoners held here refer to the practice as “isolation” and claim that this is a tactic used by the prison authorities to make these individuals feel isolated without formally holding them in solitary confinement.

Case of Sadiq Jaafar Isa Abdulla Hasan AlAbd

Mr. AlAbd is the brother of Mr. Isa Jaafar Isa Hasan AlAbd mentioned above. On 26 February 2018, riot police, officers from the MoI, along with plain cloth officers raided Mr. AlAbd's family home and arrested him. The officers did not provide a reason for his arrest, but told his family that they had a warrant; which they did not produce. During the raid and arrest, the officers beat and kicked Mr. AlAbd, including on the head.

Officers transferred him to the CID, he was further beaten in the vehicle during transport. He was held incommunicado for three days, after which he was allowed to call his family and simply inform them that he was under investigation. He was later transferred to an unknown location. Officers reportedly subjected Mr. Al Abd to torture for ten days in order to coerce a confession. They interrogated him while he was blindfolded, beat him on the head and body particularly targeting, "sensitive organs". He was subjected to sexual harassment, insults, and religious denigration. Mr. Al Abd denied the allegations against him, but eventually signed a prepared confession, out of fear that he would be subjected to more ill-treatment.

Mr. AlAbd was then transferred to the Dry Dock Detention Center to await trial approximately three weeks after his initial arrest. On 23 April 2018, he was transferred to the OPP and charged with harbouring fugitives. On 30 September 2018, he was convicted and sentenced to three years imprisonment. During his pre-trial detention, AlAbd was denied access to his lawyer. Following his conviction, Mr. AlAbd was transferred to Jau Prison, where he remains. His conviction and sentence were upheld on appeal on 29 January 2019.

Case of Majeed Ahmed Habib Ahmed

On 7 May 2013, at 4:00 a.m., officers in plain clothing raided Mr. Ahmed's house and took him without an arrest warrant claiming that he was being taken to CID for questioning for having attended a protest the previous day and would be returned after two days. However, Mr. Ahmed was disappeared for 15 days, during which time his family did not know any details about his whereabouts nor hear from him.

During his detention, Mr. Ahmed reportedly endured severe psychological and physical torture. Investigation officers blindfolded him, beat him, forced him to stand for long hours and deprived him from praying and having showers. Ahmed was stripped of his clothes and forced to dance and perform a chant in support of the royal family. In addition, threats were made to harm his family. He was also forced to wear wet clothes and stay in an extremely cold room with the air conditioner regulated on cold temperature for three days. Consequently, Mr. Ahmed suffered bleeding from his eyes and ear, and pain in his back, shoulder, and feet.

During the entire period of investigation, he was not permitted legal representation. He signed a pre-written confession without the presence of his lawyer and on 21 May 2013, Mr. Ahmed was transferred to the Dry Dock Detention Center. On 17 July 2014, he was sentenced to 15 years' imprisonment for the formation of a terrorist cell and attempted murder of a police officer.

Mr. Ahmed has allegedly been repeatedly subjected to arbitrary solitary confinement. In February 2014, he was in solitary confinement for four days and beaten for praying according to the Shia rites or beliefs. In July 2018, he was sent to solitary confinement for three days, shackled and handcuffed, because he requested to take a shower after a prolonged cut of water supply in Jau prison. In April 2019, Mr. Ahmed was again sent to solitary confinement for eleven days after allegedly being accused of attacking two foreign national inmates. Although Mr. Ahmed denied this accusation, he was placed in a tight room full of insects and his hands and feet were tied.

Case of Ali AbdulAziz Ali Husain Mohamed

On 19 July 2017, after midnight, MoI officers and officers in plain clothing raided Mr. Mohamed's house. Without producing an arrest warrant, the officers took him into a car and severely beat him all over his body enroute to the CID. For two weeks, the officers allegedly subjected him to electric shocks while he was blindfolded every few days, during interrogation. Mr. Mohammed was denied access to a lawyer and contact with his family during this time.

After the alleged coercive interrogation and ill-treatment, Mr. Mohamed confessed at the OPP, where he was then charged with illegal assembly and rioting, placing false explosives, manufacturing and possessing Molotov cocktails, and arson. The court used his coerced confession during his trial and convicted Mr. Mohamed on 28 February 2018 and sentenced him to five years imprisonment. At no point was Mr. Mohamed allowed to contact or meet with his attorney.

Mr. Mohamed remains imprisoned at Jau Prison in a section reserved for individuals under 21 years of age, where he recently suffered from scabies, reportedly exacerbated by medical neglect from the prison authorities.

Case of Salah Saeed Saleh Ali Hasan AlHammar

Mr. AlHammar, is serving a life sentence at Jau Prison for alleged involvement in the Sitra bombing after his conviction on 29 March 2017, upheld by the Court of Cassation on 29 October 2018.

On 26 July 2014, Mr. AlHammar was sentenced to 15 years imprisonment for his alleged involvement in the 'Barid' case, which involved the burning of mail.

Mr. AlHammar who at the time was not in custody had a warrant issued for his arrest, as such his house was raided many times during the day and night. On 26 July 2015, officers in plain clothing in pursuit of Mr. AlHammar in Sitra, shot at him but did not injure him. He was arrested and forcibly disappeared for four days. On the fourth day, Mr. AlHammar was permitted a phone call for mere seconds to inform his family that he was in custody.

On 28 July 2015, the officers accused Mr. AlHammar of helping to organize a bombing in Sitra that reportedly occurred two days after his arrest and was charged with receiving an explosive device to be implemented in a terrorist act. Additionally, he was charged with attacking a police officer and police station, manufacturing and possessing Molotov cocktails and arson. On 31 July 2015, he was transferred to the Dry Dock Detention Center where he was reportedly kept handcuffed at all times and refused to use the restroom for long periods to the extent that he started passing blood in his urine. It is reported that prison officials taunted him that he “deserved” to be tortured as a Shia Muslim and for his political opinions.

On 12 August 2015, the MoI published a statement which implicated Mr. AlHammar in the Sitra bombing. On 13 August 2015, the statement and a video of Mr. AlHammar among others, confessing to the planning and execution of the Sitra bombing was broadcasted on television. It is reported that Mr. AlHammar was coerced to confess to the bombing and that he was not fully conscious during the filming.

In April 2019, by royal order a group of named individuals including Mr. AlHammar, had their Bahraini nationality restored. In May 2019 Mr. AlHammar was transferred to the “isolation building” without a stated reason. On 15 August 2019, Mr. AlHammar participated in a hunger strike in protest of poor prison conditions. On 28 August 2019, he was transferred to solitary confinement and held incommunicado.

Case of Ali Hasan Ali Ashoor Ali

On 22 October 2012, police arrested Mr. Ali near AlKhawaja mosque in Manama at a protest. After posting bail, Mr. Ali was released but was subsequently charged with illegal assembly and sentenced to six months imprisonment. Mr. Ali did not surrender himself to the police but was arrested on 1 July 2015, following a raid of a house in Wadyan. On 4 July 2015, police transferred Mr. Ali to the OPP, where he was interrogated and reportedly beaten, he was not permitted to pray and continually beaten whenever he tried to go to the bathroom, which caused the victim to urinate blood. The police reportedly took photos and videos of him while he was naked and additionally photos of him carrying Molotov cocktails.

Mr. Ali was charged with attacking a police station, attacking a police officer, acquiring Molotov cocktails, illegal assembly and attacking the local market

place. He was reportedly forced to sign papers that he believes contained confessions to his charges after which he was transferred to the Dry Dock Detention Center. Mr. Ali was denied access to his lawyer and was not permitted a family visit until one month and a half after his detention.

Mr. Ali appeared in seven different trials but was not allowed to speak on his own behalf. Following the trials, the court sentenced Mr. Ali to a total of 27 years imprisonment. On appeal, several of his sentences have been reduced while some appeals were rejected. Mr. Ali now faces 23 years imprisonment and is currently detained at Jau Prison.

On 8 September 2018, Mr. Ali was diagnosed with an ear infection and an ear tube was placed into his ear. However, due to the torture by the prison officers, the ear tube later fell out of his ear and he is unable to hear well. Mr. Ali also suffers from digestive problems due to an operation on his appendix and hernia that occurred before he was arrested. As a result Mr. Ali requires a special diet which the prison officials have reportedly refused to accommodate.

While we do not wish to prejudge the accuracy of these allegations, we are expressing - and reiterating - our most serious concern at what appears to be a pattern of coercive abuse and treatment of detainees in CID custody during interrogation to force them to admit the crimes imputed to them, which may amount to torture and other cruel, inhuman or degrading treatment or punishment. Our related concern is that confessions of guilt extracted from these detainees under duress have been used by the Public Prosecution and other judicial authorities as evidence to convict them. We also express concern at persistent allegations of poor conditions of detention, patterns of short-term enforced disappearance, the use of solitary confinement, the denial of medical attention, of access to lawyers and to family visits. Should they be confirmed, the facts alleged would contravene, inter alia, articles 2, 7, 9, 10, 14, 18 of of the International Covenant on Civil and Political Rights, to which Bahrain is a party; as well as articles 2, 6, 12 and 15, among others, of the Convention against torture ratified by Bahrain. As your Excellency's Government knows very well, the prohibition of torture under international law is absolute and non-derogable whatever the circumstances are. This prohibition has become a norm of *jus cogens* which is reflected in numerous international human rights instruments and Human Rights Council and General Assembly Resolutions.

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.

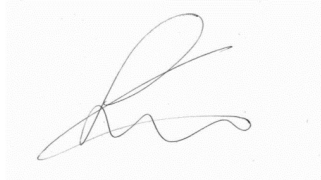
2. Please provide detailed information about the factual and legal grounds for the arrest and continued detention of the eight persons referred to in this letter;
3. Please provide detailed information about the reason and legal ground for what appears to be the frequent practice of detaining persons suspected of criminal offences incommunicado for prolonged periods, a practice which, under international human rights law, amounts to short-term enforced disappearance, and how this practice is consistent with Bahrain international human rights law obligations under ICCPR and CAT.
4. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to consistent allegations of torture and/or cruel, inhuman or degrading treatment of persons accused of criminal offences in the custody of the CID. If no investigation has been initiated, please explain why and how this is compatible with the international human rights obligations of Bahrain.
5. Please provide detailed information about existing laws and procedures in force in Bahrain, aimed at ensuring that statements obtained under torture or other ill-treatment from persons accused of criminal offences are not used in court as evidence against them. In this connection, please provide detailed information about the steps that judges are required to take by law when they hear allegations by defendants that they were tortured? How in practice these laws and procedures are implemented?
6. Please provide information on measures adopted by your Excellency's Government to ensure the right of persons to effective remedy for human rights violations, including enforced disappearances, arbitrary arrest and detention, torture and ill-treatment. If no such measures have been taken, please explain how this is compatible with the international human rights obligations of Bahrain.
7. Please indicate if there are guidelines or training provided to the prison authorities in relation to the treatment of prisoners and juveniles, including the principle of non-discrimination based on religion or belief and the reviewed Standard Minimum Rules for the Treatment of Prisoners (as amended and adopted by the UN General Assembly on 5 November 2015 and renamed the "Mandela Rules"); and if any protection measures against sexual harassment, torture and other cruel, inhuman or degrading treatment or punishment have been put in place especially in places of detention.

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.

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



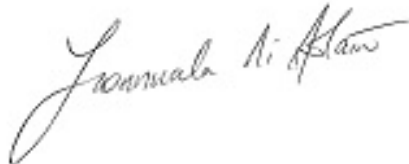
Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment



Luciano Hazan
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Ahmed Shaheed
Special Rapporteur on freedom of religion or belief



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

Annex

Reference to international human rights law

Under universally applicable human rights law, States have the obligation to protect the physical and mental integrity of all persons within their jurisdiction and, most notably, to prevent acts or omissions amounting to torture and other cruel, inhuman or degrading treatment or punishment. These fundamentally important obligations are reflected in the Universal Declaration of Human Rights (UDHR) and codified, inter alia, the International Covenant on Civil and Political Rights (ICCPR), to which the Bahrain acceded to on 20 September 2006, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the United Kingdom ratified on 6 March 1998.

With regards to the excessive use of force, we would like to draw the attention of your Excellency's Government to Principle 15 of the UN Basic Principles on the Use of Force and Firearms by Law Officials, which provides that, "(l)aw enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened." Furthermore, Principle 16 provides that, "Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention [...]" (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990). We would also like to recall the Special Rapporteur on Torture's report to the Human Rights Council, in which he stressed that "rape and other serious acts of sexual violence by officials in contexts of detention or control not only amount to torture or ill-treatment, but also constitute a particular egregious form of it, due to the stigmatization they carry" (A/HRC/7/3, para. 69).

On the allegation of incommunicado detention, we would like to draw the attention of your Excellency's Government to 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 like to draw the attention of your Excellency's Government to article 15 of the Convention against Torture, which provides that, "Each 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 also recall that paragraph 7c of Human Rights Council Resolution 16/23 urges States "To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against

a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.”

We would like your Excellency’s Government to take note in respect of allegations of torture, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the updated set of principles for the protection of human rights through action to combat impunity as a useful tool in efforts to prevent and combat torture” and “(t)o ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation.

We further would like to refer to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance and in particular article 2 which states that no State shall practice, permit or tolerate enforced disappearances and article 7 that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances. Further, the Declaration establishes that any person deprived of liberty shall be held in an officially recognised place of detention (article 10.1), 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).

On allegation of the treatment of the prisoners for belonging to Shia sect or for performing prayer according to Shia ritual, we would like to reiterate that Art. 2 (1) of the ICCPR stresses that each State Party of the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as [...] religion [...].

Human Rights Committee General Comment 22, in its paragraph 8 also clarifies 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. Moreover, rule 42 of the Standard Minimum Rules for the Treatment of Prisoners provided that “so far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life ...”